

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

Date: Wednesday 2 November 2016

Time: 4.00 pm

Meeting Room: Council Chambers Venue: 126-148 Oxford St

Levin

# Council OPEN AGENDA

#### **MEMBERSHIP**

Mayor Mr M Feyen
Deputy Mayor Mr R H Campbell
Councillors Mr W E R Bishop

Mr R J Brannigan Mr N G Gimblett Mr B F Judd

Mrs V M Kaye-Simmons

Mrs J Mason Mrs C B Mitchell Ms P Tukapua Mr B P Wanden

**Reporting Officer** Mr D M Clapperton **Meeting Secretary** Mrs K J Corkill

leeting Secretary Mrs K J Corkill
Ms S Bowling

(Chief Executive)

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Full Agendas are available on Council's website www.horowhenua.govt.nz

Full Agendas are also available to be collected from:
Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Foxton Service Centre/Library, Clyde Street, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
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 <a href="https://www.horowhenua.govt.nz">www.horowhenua.govt.nz</a> 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 - 25 October 2016

- 6 Matters Arising
- 7 Leave of Absence
- 8 Announcements



# **September Quarter Financial Report**

File No.: 16/580

## 1. Purpose

The purpose of this report is to introduce the Horowhenua District Council September 2016 Quarter Financial Report

## 2. Recommendation

- 2.1 That Report 16/580 on September Quarter Financial Report 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. Background/Previous Council Decisions

- 3.1 Council Officers complete a financial report for every month of the year except July. These reports are primarily focused on financial performance against budget and policy bench marks.
- 3.2 However, quarterly reports go into detail on the activity groups and non-financial performance measures.
- 3.3 Non- financial performance measure (often referred to as Statements of Service performance (SSPs)), compare performance on levels of service against bench marks set by Council when adopting the Long Term Plan (LTP) or Annual Plan (AP).
- 3.4 Some of these SSPs are set by regulations from Central Government and are, therefore, measures that are used throughout New Zealand..

### 4. Issues for Consideration

- 4.1 Variances against budgets and performance are set out in detail in the report so will not be repeated here. However, at this early stage of the year Council is showing a surplus of \$305k against a budgeted year-to-date (YTD) deficit of \$572k.
- 4.2 All regulatory and financial bench marks are met.
- 4.3 At this early stage of the year it is difficult to establish any long lasting trends these become clearer as the year progresses.
- 4.4 Of note is that in July Council was able to secure a 10 year loan for \$7m at an interest rate of 3.37%. Refer to page 17 of the report.
- 4.5 This is a very good result and would not be achieved now with currently prevailing interest rates. Part of this loan was used to refinance a \$2m loan maturing on 16 August that had an interest rate of 6.275%.
- 4.6 This refinancing (along with interest resets on Floating Rate Notes (FRN)) has enabled to further reduce our weighted average interest rate to 4.45% from 4.61% as at 30 June 2016.

#### **Attachments**

No.	Title	Page
Α	September Quarter Financial Report	9



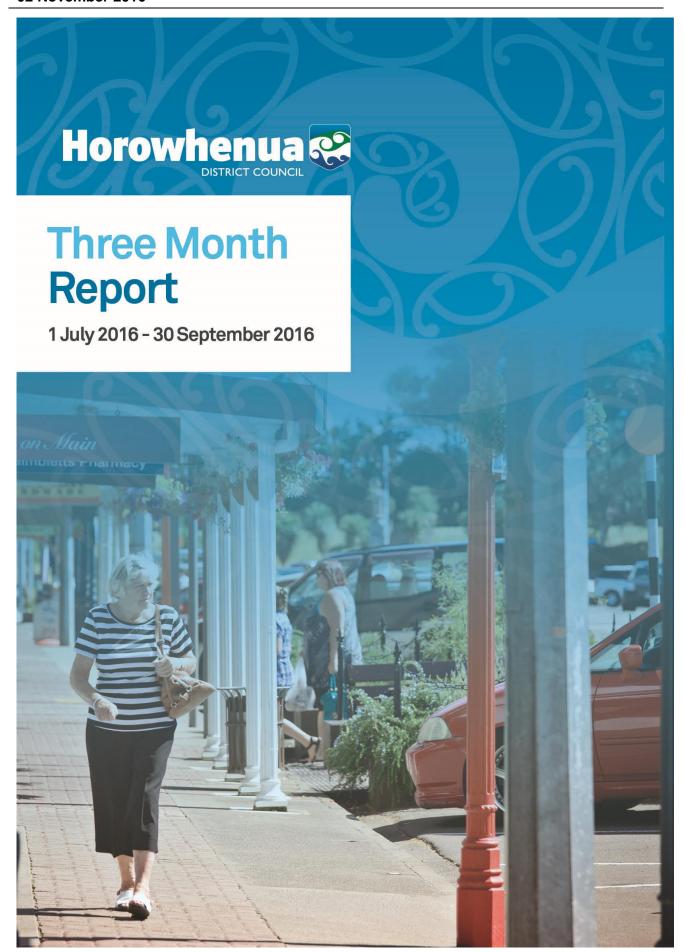
## **Confirmation of statutory compliance**

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)	Doug Law Chief Financial Officer	Jon
Approved by	David Clapperton Chief Executive	PM Clafferto.





## **Executive Summary**

A. All key Financial Sustainability key performance indicators are being met.

	Actual <u>30 June</u> <u>2017</u>	<u>Target</u>	
Balance Budget Ratio*	143%	100%	$\checkmark$
Essential Services Ratio*	94%	100%	X
Debt Affordability Ratio (Debt should be no more than 175% of projected revenue)**	140%	175%	✓
Interest to Rates Revenue**	7%	25%	$\checkmark$

\* Balance Budget ratio and Essential Services ratio should equal 100% or higher

## B. Full Year surplus/ (deficit)

Council has achieved a surplus of \$305K as at 30 September 2016 against a budgeted deficit of \$(\$572K).

Reasons for the variance:

- Planning and Regulatory has a variance of \$140K. This due to increased revenue in Building, Resource Consents and Land Information Memorandum activity and decreased expenditure across the activities.
- ii. Community Facilities and Services has a variance of \$125k. This is due to decreased income from the Levin Pool closure during redevelopment and budget phasing of expenditure across Community Hubs, Beautification and Reserves.
- iii. Representation and Community Leadership has a variance of \$83K. This is due to budget phasing of the Annual Report audit expense being reflected in September but not incurred.
- iv. Infrastructure Services has a variance of \$402K. This is due to decreased expenditure that budgeted in Land Transport with delayed works on Foxton Main Street and planned reseals.

**Sundry debtors**: The total Outstanding Debtors have decreased in the month. The total Outstanding Debtors is \$631K.

## Major variances

	30 June 2016	30 September 2016	Variance
On charges	\$126.614	\$168,251	\$168,251
Development Contribution	\$133,387	\$120,057	\$120,057
90 day outstanding	\$235,191	\$229,295	\$229,295

<sup>\*\*</sup> Debt Affordability Ratio and Interest to Rates Revenue Ratio should be less than 175%. Please note the Interest to Rates Revenue 25% covenant is set by the LGFA. Interest to Rates Revenue is projected to be 9% at 30 June 2017.



**Treasury**: Our weighted average interest rate has decreased to 4.45% at September 2016, decreasing from 4.62% from the previous month. This is a potential saving of \$884K in interest payable compared to the LTP interest rate assumption of 5.75% for 2016/17.

The weighted average rate of 4.45% is on all the loans HDC have. It is calculated by multiplying the opening loan balance by the interest rate for that loan and dividing the total interest payable for all loans by the total loans. It is recorded in bands as required under GAAP or IPSAS.

The current rate reflects the fact that HDC has managed to get some great low interest rates deals as shown in the Statement of Loans by Parcel Report

**Doug Law**Chief Financial Officer
28 October 2016



## SUSTAINABILITY

Rates to operating revenue	
Rates revenue	\$8.36 m
Operating revenue	\$12.36 m
68% of operating revenue is derived	from rates revenue

Balance budget ratioOperational revenue\$12.36 mOperational expenditure\$8.66 m

Operational revenue should be equal or more than operational expenditure. Year to date revenue is more than 43%

Essential services ratio 94%

Capital expenditure \$2.22 m

Depreciation \$2.35 m

Capital expenditure should be equal or more than depreciation for essential services, for year to date capex is 94% more than depreciation.

Debt affordability ratio - (LGFA Cov.) 140%

Total borrowing \$68.00 m

Total projected revenue \$48.42 m

With the total borrowing of \$68m we are still under the set limit of 175% of projected revenue

Debt to total assets - (LGFA Cov.) 14%

Total borrowing \$68.00 m

Total assets \$501.00 m

Net debt should not be more than 15% of total assets. With 68m we are still under the set limit

Interest to rates revenue (LGFA Cov.) 7%

Interest paid \$0.55 m

Rates revenue \$8.36 m

7% of rates revenue is paid in interest. Our set limit is 25% of of total rates revenue.

Interest cover ratio - (LGFA Cov.) 4%

Interest paid \$0.55 m

Operating revenue \$12.36 m

4% of operating revenue is paid in interest. Our set limit is 20% of operating revenue.

Available financial accommodation to external indebtedness - (LGFA Cov.)

Net debt \$60.00 m
Undrawn committed facilities \$10.00 m

Committed bank facility to enable us to borrow atleast 10% of our current external debt immediately, currently we can

September Quarter Financial Reported

## GOOD TO GREAT

In our story this month we would like to tell you about Local Government Funding Agency.

Local Government Funding Agency (LGFA): It was clearly recognised by both central and local government that infrastructure spending would need to increase significantly to maintain New Zealand's international competitiveness. Having a more efficient funding mechanism on hand would minimise the cost of borrowing. Almost three years of dedicated work by a large cast of committed stakeholders culminated in the incorporation of LGFA on 1 December 2011.

In this report we have five ratios for the LGFA Covenant:

- Debt affordability

68%

143%

- Debt to total assets
- Interest to rates revenue
- Interest cover
- Available financial accommodation to external indebtedness

Debt affordability: This is similar to our residential mortgage. When we go to the bank to arrange a mortagage, the bank assesses our loan servicing ability and typically uses our income as major factor to decide how much they are prepared to lend, similarly we have a limit on the amount we can borrow, which cannot exceed more than 175% of total revenue. By the end of this quarter our borrowing is 140% of total revenue which is under the set limit.

**Debt to total assets:** Another factor the bank uses when lending to us is the value of our total assets. In a financial crises banks can recover their loan by selling our assets. The borrowing limit we have against the total assets is 15%. By the end of this quarter our borrowing is 14% of the total assets.

Interest to rates revenue: 70% of our income is sourced from rates therefore, to pay interest on borrowing it is important to keep the percentage of interest well under the total rates income, currently the limit is 25% and thee total interest is only 7% of the rates revenue.

Interest cover: This is similar to the above ratio but compares against total operating revenue with the set limit is being 20%, currently at the end of the first quarter our total interest is 4% of total operating revenue.

Available financial accommodation to external indebtedness: At any particular time we should be able to borrow more to cover any unforeseen circumstances, ideally we should be able borrow at least 10% of our current debt. Currently we are able to borrow 17% more than our current debt.

These percentages confirm that we are finance 12 prudent and on the right track in the journey from GOOD TO GREAT.



# **Organisation Summary**

Operational revenue
\$12.36m
is 3% more than the total budget of \$12.01m

Operational expenditure \$8.66m

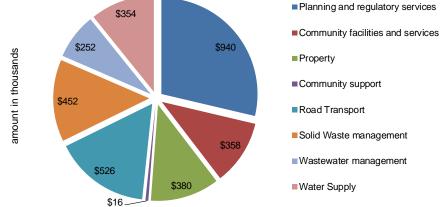
is 4% more than the total budget

of \$9.03m

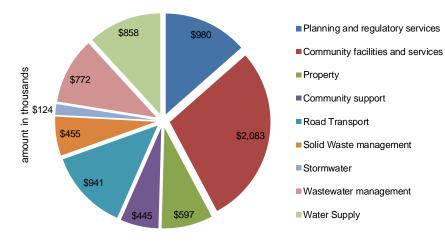
Operationa surplus/(deficit) \$3.69m

is 24% more than the total budgeted surplus of \$2.99m

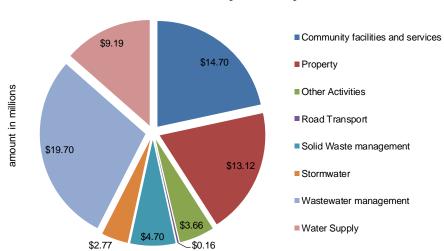
# Operational revenue



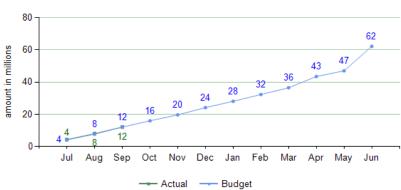
## **Operational expenditure**



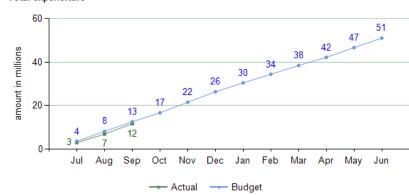
# Loans by activity



#### Total revenue



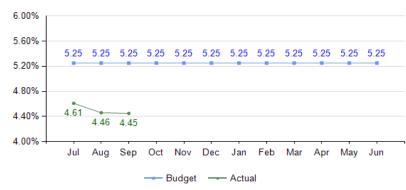
#### Total expenditure



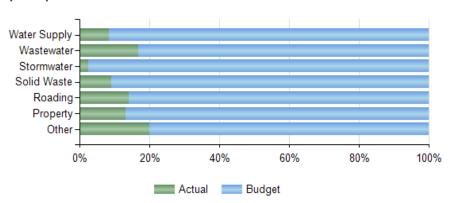
#### Total capital expenditure



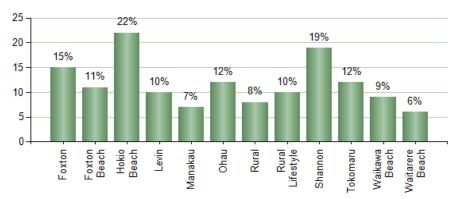
#### Interest rate movement



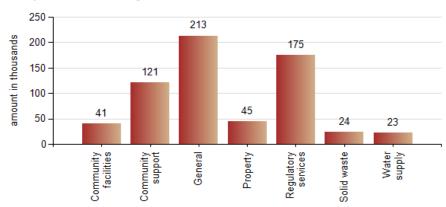
#### Capital expenditure



#### Rates debtors % with arrears



#### Sundry debtors outstanding balances



September Quarter Financial Report



# **Operational Cost of Service Statement by Activity**

Group of activities		YE	AR TO F	ATF - O	PERATIN	NG REVEN	JUF			YEAR TO	DATE	- OPER	ATING	FXPEND	ITURF		OPERATING	SURPLUS/(DE	FICIT
Activities	Rates		Grants and	Fees and	Other	Total	Total	Revenue	Employee M	Maintenance		Other	Utilities	Total		Expenditure	Actual		Variance
	revenue	revenue	subsidies	charges	revenue	actual	budget	variance	benefits a	nd materials	grants	expenses		actual	budget	variance			
Planning and regulatory services		_	_	_					_										
Animal Control	0	0	0	0	347,295	347,295	349,152	(1,857)	0	2,819	0	186,906	560	190,690	201,903	11,214	156,605	147,249	9,357
Building Consents	0	0	0	0	337,138	337,138	219,900	117,240	0	3,515	0	283,797	0	300,993	338,287	37,294	36,145	(118,387)	154,534
Liquor Licences	0	0	0	0	27,013	27,013	10,633	16,380	0	0	0	54,531	0	54,531	58,798	4,266	(27,518)	(48,165)	20,646
Parking	0	0	0	0	70,620	70,620	195,642	(125,022)		2,565	0	67,213	0	84,099	114,750	30,651	(13,479)	80,892	(94,371)
Planning Policy	0	0	0	0	2,250	2,250	0	2,250	0	0	0	102,248	0	109,274	127,418	18,144	(107,024)	(127,418)	20,394
Resource Consents	0	0	0	0	152,502	152,502	71,280	81,221		0	0	101,910	0	175,452	131,833	(43,618)	(22,950)	(60,553)	37,603
Safety Licencing	0	0	0	3,027	0	3,027	820	2,207	1,300	0	0	47,839	0	65,012	55,107	(9,906)	(61,985)	(54,287)	(7,699)
Total planning and regulatory services	0	0	0	3,027	936,818	939,846	847,427	92,419	1,600	8,899	0	844,445	560	980,051	1,028,096	48,045	(40,206)	(180,669)	140,464
Community facilities and services																			
Aquatic Centres	0	0	0	30,070	10,831	40,901	117,285	(76,384)	196,295	62,846	0	215,678	31,514	518,171	538,405	20,234	(477,270)	(421,120)	(56,150)
Beautification	0	0	0	0	0	0	515	(515)	0	97,564	0	36,867	0	134,431	164,478	30,046	(134,431)	(163,963)	29,531
Cemeteries	0	0	0	55,890	196	56,086	50,406	5,681	0	75,768	0	13,518	0	91,186	75,438	(15,747)	(35,100)	(25,032)	(10,066)
Community Hubs	0	0	41,000	98,200	0	139,200	135,861	3,339	1,573	195	0	22,003	0	40,576	247,080	206,506	98,624	(111,219)	209,845
Halls	0	0	0	6,188	1,531	7,719	3,185	4,535	0	17,813	0	24,715	852	43,694	41,834	(1,860)	(35,975)	(38,649)	2,675
Libraries & Community Services	0	0	30,750	58,714	0	89,464	100,503	(11,038)	311,805	44,938	0	143,183	16,518	520,341	485,369	(34,971)	(430,877)	(384,866)	(46,009)
Public Toilets	0	0	0	0	0	0	0	0	0	45,542	0	19,545	861	66,473	70,204	3,733	(66,473)	(70,204)	3,733
Reserves	0	0	0	18,186	0	18,186	19,456	(1,270)	0	216,900	0	88,548	9,572	334,868	367,573	32,707	(316,682)	(348,117)	31,437
Sportsgrounds	0	0	0	7,061	(292)	6,769	4,227	2,542	0	189,106	0	50,615	4,852	245,186	228,060	(17,128)	(238,417)	(223,833)	(14,586)
Urban Cleasing	0	0	0	0	0	0	0	0	0	85,677	0	2,407	0	88,084	63,408	(24,676)	(88,084)	(63,408)	(24,676)
Total community facilities and services	0	0	71,750	274,309	12,266	358,325	431,438	(73,110)	509,673	836,349	0	617,080	64,169	2,083,010	2,281,849	198,844	(1,724,685)	(1,850,411)	125,734
Property																			
Camp Grounds	0	0	0	5,773	0	5,773	6,050	(277)	0	0	0	312	0	312	1,311	999	5,461	4,739	722
Properties	0	0	0	367,759	5,997	373,757	382,667	(8,909)	0	156,596	0	394,140	32,184	596,833	547,469	(49,373)	(223,076)	(164,802)	(58,282)
Total property	0	0	0	373,532	5,997	379,530	388,717	(9,186)	0	156,596	0	394,452	32,184	597,145	548,780	(48,374)	(217,615)	(160,063)	(57,560)
Representation and community leadership																			
Council Management	8,535,147	8,871	3,398	0	513,158	9,060,574	8,628,125	432,449	2,211,085	7,383	30,750	(2,202,312)	0	553,441	153,729	(399,712)	8,507,133	8,474,396	32,737
Governance and Democratic Services	0	0	0	0	14,508	14,508	0	14,508	2,866	0	0	709,594	0	852,759	889,336	36,574	(838,251)	(889,336)	51,082
Total representation and community leadership	8,535,147	8,871	3,398	0	527,666	9,075,082	8,628,125	446,957	2,213,950	7,383	30,750	(1,492,719)	0	1,406,200	1,043,065	(363,138)	7,668,882	7,585,060	83,819
Community support																			
Community Grants & Funding	0	0	13,534	0	383	13,917	13,838	79	0	0	12,843	18,550	0	31,393	19,809	(11,583)	(17,477)	(5,971)	(11,504)
Community Development	0	0	0	0	0	0	1,284	(1,284)	0	2,341	0	60,850	0	63,191	75,226	12,035	(63,191)	(73,942)	10,751
District Communication & Marketing	0	0	0	0	0	0	0	0	0	3,111	0	54,293	0	57,683	53,655	(4,029)	(57,683)	(53,655)	(4,029)
Economic Development & Visitor Information	0	0	0	0	1,290	1,290	31,251	(29,961)	0	0	54,914	143,786	0	210,702	212,311	1,607	(209,412)	(181,060)	(28,354)
Emergency Management	0	0	0	0	715	715	0	715	0	0	0	53,003	0	53,003	72,589	19,588	(52,288)	(72,589)	20,303
Rural Fire	0	0	0	0	0	0	0	0	0	0	0	27,861	454	28,840	56,277	27,437	(28,840)	(56,277)	27,437
Total community support	0	0	13,534	0	2,388	15,922	46,373	(30,451)	0	5,452	67,758	358,342	454	444,813	489,867	45,055	(428,891)	(443,494)	14,604
Infrastructure services																			
Road Transport	0	0	464,770	0	63,978	528,748	663,117	(134,369)	0	710,438	0	230,672	0	941,110	1,524,599	583,488 🕕	(412,362)	(861,482)	449,119
Solid Waste Management	0	0	0	451,245	823	452,068	446,286	5,782	0	226,559	0	148,472	927	454,532	461,508	6,974	(2,464)	(15,222)	12,756
Stormwater	0	0	0	0	0	0	0	0	0	11,337	0	62,490	3,061	124,471	119,115	(5,357)	(124,471)	(119,115)	(5,357)
Wastewater Management	0	0	0	233,896	18,550	252,446	257,597	(5,151)	0	302,637	0	337,868	77,455	772,145	794,981	22,834	(519,700)	(537,384)	17,683
Water Supply	307,615	0	0	46,568	174	354,358	303,687	50,671	0	318,523	0	447,931	58,881	857,956	735,381	(122,570)	(503,599)	(431,694)	(71,899)
Total infrastructure services	307,615	0	464,770	731,709	83,525	1,587,619	1,670,687	(83,067)	0	1,569,494	0	1,227,433	140,324	3,150,215	3,635,584	485,369	(1,562,595)	(1,964,897)	402,302
Total	8,842,763	8,871	553,452	1,382,578	1,568,660	12,356,324	12,012,767	343,562	2,725,223	2,584,172	98,508	1,949,032	237,691	8,661,434	9,027,241	365,801	3,694,890	2,985,526	709,363

Where income is under budget and expenses are over budget

Where income is over budget and expenses are under budget

September Quarter Financial Report



## **Notes**

## **Revenue Variances**

**Building Consents** - the revenue received is above budget due to higher than anticipated levels of building activity.

**Liquor –** the revenue received is above budget due to a higher than anticipated number of new applications received.

Parking - the revenue received is below budget due (a) forecast included income from when paid parking was proposed for Levin Mall car park and couldn't be adjusted for this year; (b) – reduction in staff numbers and introduction of electronic ticketing which for a period of time reduced the number of tickets being issued during the transition (this has now been reversed and ticket numbers returned to normal output); (c) parking income also includes a debit to the income account that continually increases based on the value of tickets progressively processed to the Courts for collection – when the income is received from the court then the income account is once again credited; (d) the value of tickets remitted is also debited to the income account. It is anticipated that income will be \$600,000 for the year.

**Resource Consents** - the revenue received is above budget due to increased development activity and more complex consent applications being processed than anticipated.

**Aquatic Centres** – the revenue received is below budget due to closure of Levin Pool during redevelopment.

**Council Management** – the revenue received is above budget due to additional rates and internal recoveries collected than budgeted.

**Economic Development & Visitor Information -** the revenue received is below budget due to incorrect budget phasing.

**Road Transport** – the revenue received is below budget due to delay of works for Foxton Main Street and pavement reseals. Claim can only be made to NZTA for revenue once works have been completed.

#### **Expenditure Variances**

Parking – this is below budget due to lower internal chargers incurred than budgeted.

**Resource Consents -** this is over budget due to outsourcing consent processing and the use of consultant planners to assist with current workloads while recruiting for resource management planner roles.

**Safety Licensing** - this is over budget due a timing issue with the legal expenses associated with 2015/16 for the Public Places bylaw not being processed until 2016/17 year.

**Beautification** – this budget is currently underspent in general contract works, vandalism garden maintenance and track works. This is in line with the focus moving from unprogrammed works in winter (July/August) which were less than anticipated to programmed works (including grass cutting) in spring.



**Cemeteries** – – this is over budget as (a) mowing costs in cemeteries increased as a direct result of correcting an initial error in the priced bill of quantities which has resulted in apportioning costs more accurately to the activity. There is as a result a corresponding decrease in the cost of mowing on Reserves. Overall mowing costs across the activities (Reserves, Cemeteries, Urban Cleansing, and Sportsgrounds) are cost neutral. (b) Internment costs are up because more people have been interred to this point than anticipated.

**Reserves** – this budget is under budget as (a) mowing costs are under budget for the reason identified above in cemeteries i.e. a reapportionment of costs to rectify an initial error. Overall mowing costs across all activities are cost neutral; (b) general contract works have been less than anticipated as focus moves to programmed works.

**Sportsgrounds** – this budget is over budget. Refurbishment of playing fields occurs twice annually once in spring in preparation for summer sports (completed) and once in autumn for winter sports. The spring refurbishment was completed earlier (in August/September) which is why maintenance costs are higher at this juncture.

**Community Hubs** – this is under budget due to incorrect phasing of expenses.

**Urban Cleansing** – this budget is over budget as (a) Solid Waste have started to make an internal charge for green waste tipping since the parks function moved out of infrastructure. Previously no charge was made and consequently no budget for tipping fees has been provided for in the urban cleansing budget; (b) the cost of roadside rubbish bin collection has increased because bins are being emptied more frequently to maintain Level of Service; (c). mowing costs have increased in line with the reapportionment of costs as above in Cemeteries. Mowing costs on reserve have decreased to reflect this. Overall changes across all activities remain cost neutral. The budget for weed control and spraying has been reduced from 78k to 60k between 15-16 and 16-17.

**Properties** – This budget is over budget as (a) Officers engaged a consultant to undertake condition surveys on its property for the purpose of establishing an asset database – this has been done and the information obtained will be used to generate a renewals program – proactive asset management. (b) It is understood some properties were unrated historically and Finance have now begun rating those properties.

**Council Management** – this is over budget with increased rates remissions processed under our policy than budgeted and unbudgeted costs associated with Growth Response and Community Housing Review. Budget phasing issues have also been identified which are being rectified.

**Governance and Democratic Services** – this is below budget due to the phasing of costs from Audit New Zealand in September. It is anticipated that these costs will be incurred in October.

Community Grants and Funding - this is over budget due to incorrect budget phasing.

**Emergency Management** - this is below budget due to the quarterly invoices not being raised by Horizons as anticipated. This will be corrected going forward.

**Rural Fire** - this is below budget due to the quarterly invoices not being raised by Horizons as anticipated. This will be corrected going forward.

**Road Transport** - this is below budget with the delay of subsidised capital works for Foxton Main Street and planned reseals being completed in October rather than September where they had been budgeted to occur.

**Water Supply** – this is over budget with increased expenditure on Foxton Water Supply maintenance than budgeted.



# Statement of Income and Expenditure

	Year to date				
Percentage of year completed: 25.00%	Actual	Budget	Variance in \$	Variance in %	
	Α	В	C = B-A	D = C/B	
Operating revenue					
Rates revenue					
General rates	2,166,304	2,161,041	5,263	0%	
Rates penalties	173,944	270,500	(96,556)	(36%)	
Targeted rates	6,502,515	6,455,184	47,331	1%	
Interest revenue	8,871	38,439	(29,568)	(77%)	
Grants and subsidies					
Capital grants	117,710	321,296	(203,586)	(63%)	
Operating grants	435,742	411,757	23,985	6%	
Fees and charges					
Rental income	442,751	420,891	21,860	5%	
User charges	939,827	991,945	(52,118)	(5%)	
Other revenue					
Infringements and fines	44,701	89,070	(44,369)	(50%)	
Miscellaneous	350,421	0	350,421	100%	
Petrol tax	50,259	47,500	2,759	6%	
Regulatory revenue	853,977	676,639	177,338	26%	
Rendering of services	269,302	128,505	140,797	110%	
Total operating revenue	12,356,324	12,012,767	343,557	(3%)	
Non-operating revenue					
Vested assets	5,508	0	5,508	100%	
Development contribution	0	512	(512)	(100%)	
Gains	53,056	45,000	8,056	18%	
Total non-operating revenue	58,563	45,512	13,051	(29%)	
Total revenue	12,414,887	12,058,279	356,608	(3%)	

Rates penalites – the penalties are under budget with reduction in prior years arrears debt.

**Interest Revenue-** due to lower interest rates in the market, it is aniticapted the total interest recieved for the year is to be \$40K.

**Grants and Subsidies** –Subsidised Roading Capital Project Foxotn Main Street delay and Library Grants yet to be received subject to conditions

**Infringement Fines** - Parking revenue received is below budget due to the timing of our tickets issued to court and recovery for the fines from the courts.

Rendering of Services – Business Services recieved unbudgeted income for Business Advistory (\$120k), Aquatics recieved funding from Kapiti Distict council for lifeguards (\$11K), Governance funds for NZTA (\$14K), People & Capailtily funds for HDC staff working for other Councils (40K), Resource Planning (\$25K) and Wastewater (19K) for miscellaneous services.



# Statement of Income and Expenditure (continued....)

	Year to date						
Percentage of year completed: 25.00%	Actual	Budget	Variance in \$	Variance in %			
	Α	В	C = B-A	D = C/B			
Operating expenditure							
Employee benefit expenses	2,725,223	2,824,030	98,807	3%			
Other operating expenses							
Asset maintenance contract expenditure	2,584,391	3,412,313	827,922	24%			
General grants	98,508	29,425	(69,083)	(235%)			
Other expenses	1,949,735	1,596,589	(353,146)	(22%)			
Professional services	1,066,807	905,549	(161,258)	(18%)			
Utilities	237,691	259,335	21,644	8%			
Total operating expenditure	8,662,357	9,027,241	364,884	4%			
Non-operating expenditure							
Depreciation and amortisation	2,883,131	2,913,799	30,668	1%			
Loss on sale	14,467	0	(14,467)	100%			
Finance costs	549,584	689,421	139,837	20%			
Total non-operating expenditure	3,447,182	3,603,220	156,038	4%			
Total expenditure	12,109,538	12,630,461	520,923	4%			
Total surplus/(deficit)	305,349	(572,182)	877,531	(153%)			
Summary							
Operating revenue	12,356,324	12,012,767	343,557	(3%)			
Operating expenditure	8,662,357	9,027,241	364,884	4%			
Operating surplus/(deficit)	3,693,967	2,985,526	708,441	24%			
Non-operating revenue	58,563	45,512	13,051	(29%)			
Non-operating expenditure	3,447,182	3,603,220	156,038	4%			
Non-operating surplus/(deficit)	(3,388,618)	(3,557,708)	169,090	(5%)			

305,349

(572,182)

877,531

(153%)

General Grants - Grants paid to the community earlier than budgeted.

**Other Expenses -** Insurance paid for LAPP with the main budget for other insurances being November. HDC Property rates, Landfill consent fees, and increase in Rates remissions expenditure more than anticipated.

Loss on Sale - Endowment property sold with sale price being less than asset book value.

Total surplus/(deficit)



Statement of Financial Position as at 30 September 2016

	Last year YTD Fu				
	Actual	Actual	Full year Budget		
	\$000	\$000	\$000		
Assets					
Current assets					
Cash and cash equivalents	7,400	7,581	6,064		
Debtors and other receivables	5,960	8,425	5,381		
Other financial assets	350	350	475		
Assets held for sale	285	285	470		
Total current assets	13,995	16,641	12,390		
Non-current assets					
Operational assets	43,397	44,021	48,572		
Infrastructural assets	394,713	394,487	419,894		
Restricted assets	38,664	39,279	43,786		
Intangible assets	1,718	1,792	1,543		
Forestry assets	952	952	973		
Commercial property	5,926	5,926	3,831		
Council Controlled Organisations	1,836	1,916	2,190		
Total non-current assets	487,206	488,374	520,789		
Total assets	501,201	505,015	533,179		
Liabilities					
Current liabilities					
Creditors and other payables	11,779	12,650	9,704		
Provisions	940	940	1,003		
Employee entitlements	920	560	997		
Borrowings	16,000	14,000	2,000		
Total current liabilities	29,639	28,150	13,704		
Non-current liabilities					
Provisions	2,240	2,240	2,151		
Employee entitlements	161	161	178		
Borrowings	49,000	54,000	84,000		
Other	2,419	2,419	0		
Total non-current liabilities	53,820	58,820	86,329		
Total liabilities	83,459	86,970	100,033		
Net assets	417,742	418,045	433,146		
Equity	,		, - 10		
Retained earnings	263,345	263,650	267,710		
Revaluation reserves	147,449	147,449	158,438		
Other reserves	6,948	6,948	6,998		
Total equity	417,742	418,047	433,146		
Total equity attributable to:					
Horowhenua District Council	417,733	418,047	433,146		
			100,110		



#### **Notes**

A breakdown of Current Sundry Debtors is shown on the Statement of Sundry Debtors. Debtors and other receivables:

Sundry Debtors \$ 630K

Rates \$4,856K Water Billing \$330K Infringements &Other \$2,609K \$8,425K

Non-current liabilities – Other: includes LGFA Amortisation Reserve and Development Contributions of \$250,088 for 15 properties. Section 197A of the Local Government Act 2002 enables territorial authorities to recover a contribution for developments to fund infrastructure required due to growth. Council made the decision not to collect any further Development Contributions effective from 1 Jul 2016, therefore we will transfer this balance of \$250,088 from non-current liability to the revenue account when we:

- Collect the debt we have already invoiced for and
- Complete the relevant capital work

Please note that developers had arrangements with the council for a couple of historical developments and the contributions will be made upon selling the properties.



# **Statement of Capital Expenditure – Major Projects over \$50,000**

			Full year		Project cost y	ear to date	
Group of activities	Work Order	Description	Budget	Actual	Budget	Variance in \$	Variance in %
Land Transport	8512	Foxton Townscape Main Street Upgrade	1,390,000	28,728	120,000	91,272	76%
	8626	Footpath Renewal	400,000	67,574	60,000	(7,574)	(13%)
	8627	New Footpaths	100,000	73,092	0	(73,092)	0%
		Total Land Transport	1,890,000	169,395	180,000	10,605	6%
Stormwater	8472	District Wide Reticulation - Unplanned Renewals	51,900	0	15,570	15,570	100%
	8475	Levin Queen Street	200,000	0	2,000	2,000	100%
	8477	Levin Catchment Management Plan	83,040	0	20,760	20,760	100%
	8478	Foxton Beach Catchment Management Plan	83,040	0	0	0	0%
	8480	Improvements NE Levin	3,781,000	31,267	169,700	138,433	82%
	8714	Shannon Catchment Management Plan	83,040	0	26,296	26,296	100%
	8715	Development Planning Foxton Beach	155,700	0	6,000	6,000	100%
	8754	Foxton Catchment Management Plan	83,040	0	593	593	100%
		Total Stormwater	4,520,760	31,267	240,919	209,652	87%
Water Supply	8456	Levin Reticulation- RENEWAL	830,400	315	15,000	14,685	98%
	8459	Foxton Beach Edingburg Terrace Bore- RENEWAL	150,000	0	30,000	30,000	100%
	8464	Levin Treatment Plant - Renewals	51,900	0	0	0	0%
	8466	Levin Clarifier Installation	1,000,000	234	207,417	207,183	100%
	8468	Reactive renew als - District Wide	155,700	0	10,000	10,000	100%
	8470	Shannon reservoir structural w ork	50,000	0	2,000	2,000	100%
	8717	Foxton Consents- RENEWAL	51,900	0	21,900	21,900	100%
	8718	Foxton Beach Development plan	99,648	0	4,648	4,648	100%
	8719	Levin treatment plant upgrade	3,736,800	0	775,077	775,077	100%
		Total Water Supply	6,126,348	549	1,066,042	1,065,493	100%



# **Statement of Capital Expenditure – Major Projects (continued...)**

	-		Full year	•	Project cost ye	ear to date	
Group of activities	Work Order	Description	Budget	Actual	Budget	Variance in \$	Variance in %
Wastewater	8483	Foxton Wastew ater Treatment Plant - Strategic Upgrade	3,914,388	0	460,000	460,000	100%
	8491	Tokomaru Wastew ater Treatment Plant - Consent	101,900	0	3,000	3,000	100%
	8494	Waitarere Wastew ater Treatment Plant - Planned	77,850	0	0	0	0%
	8498	Foxton Wastewater Reticulation - Renewals	131,094	0	0	0	0%
	8499	Levin Wastew ater Reticulation - Renew als	536,352	340	15,000	14,660	98%
	8500	Districtwide - Reticulation Unplanned Renewals	197,223	8,824	49,306	40,482	82%
	8501	Levin Wastew ater Treatment Plant - Planned Renew als	1,933,923	275,061	440,000	164,939	37%
	8502	Levin Wastew ater Treatment Plant - Strategic Upgrade	446,340	51,949	140,000	88,051	63%
	8503	Levin Wastew ater Treatment Plant - Unplanned	91,840	6,816	22,960	16,144	70%
	8505	Levin WW Tararua Industrial Development	100,000	0	5,000	5,000	100%
	8720	Waitarere Wastew ater Treatment Plant - Strategic	51,900	0	11,678	11,678	100%
	8722	Development Planning Foxton Beach	155,700	0	5,000	5,000	100%
		Total Wastewater	7,738,510	342,989	1,151,944	808,955	70%
Solid Waste	8518	Landfill Development	214,360	15,623	142,906	127,283	89%
	8519	Landfill Leachate Pre treatment	60,000	8,334	0	(8,334)	0%
	8520	Levin Landfill Energy Recovery / Flare	150,000	11,907	50,000	38,093	76%
		Total Solid Waste	424,360	35,864	192,906	157,042	81%
Property	8521	Thompson House Interior Refurbishment, Including	80,000	63,934	40,000	(23,934)	(60%)
	8523	Thompson House Exterior Renew & Paint	54,350	1,200	27,175	25,975	96%
	8528	Focal Point Cinema Air Conditioning	197,340	70,008	0	(70,008)	0%
	8535	General Property Renewals	286,925	14,487	0	(14,487)	0%
	8651	Tararua Industrial Development	501,760	0	12,000	12,000	100%
	8704	Levin Depot Pole Shed Reroof	51,200	0	0	0	0%
	8705	Levin Depot New sewer connection	57,569	0	0	0	0%
		Total Property	1,229,144	149,629	79,175	(70,454)	(89%)



# **Statement of Capital Expenditure – Major Projects (continued...)**

			Full year		Project cost ye	ear to date	
Group of activities	Work Order	Description	Budget	Actual	Budget	Variance in \$	Variance in %
Community Facilities	8527	Shannon Memorial Hall - Accesbile Facility`s Upgrade	50,000	0	0	0	0%
and Services	8543	Foxton Aquatic Centre Plan Renew als	120,480	0	0	0	0%
	8551	Waitarere Dune management Dune management -	102,900	0	0	0	0%
	8561	Reserves Renewals	61,164	0	0	0	0%
	8566	Levin Domain Pathways Resurface	298,780	0	0	0	0%
	8579	Te Aw ahou	4,884,556	303,499	732,684	429,185	59%
	8625	Levin disable facilities upgrade, hydrotherapy pool	1,651,528	1,058,622	1,286,483	227,861	18%
	8692	Cemetery - Foxton Land Development	148,480	0	0	0	0%
	8699	Levin UV disinfection investigation, and installation Pool	51,200	0	51,200	51,200	100%
	8700	Levin Install Centaman - online booking Pool 20	56,320	0	45,000	45,000	100%
	8706	Halls Renewals	447,160	0	0	0	0%
	8753	Purchase of Library Books	166,148	18,270	41,534	23,264	56%
		Total Community Facilities and Services	8,038,716	1,380,392	2,156,901	776,509	36%
<b>Business Services</b>	8690	EDRMS Upgrade	102,500	8,908	45,000	36,092	80%
_		Total Support Services	102,500	8,908	45,000	36,092	80%



# **Statement of Rates Debtors**

Area	Total	Assessments	% with	Total	Year to date	Instalment	Penalties	Prior year
	assessments	with arrears	arrears	arrears	arrears	one arrears	arrears	arrears
F - Foxton	1275	192	15%	273,573	91,241	75,648	15,525	182,333
FB - Foxton Beach	1583	171	11%	152,856	79,313	68,539	10,526	73,543
HB - Hokio Beach	199	43	22%	751,184	11,122	9,161	1,954	740,061
L - Levin	7390	729	10%	800,676	366,568	311,630	54,403	434,108
MK - Manakau	86	6	7%	2,137	1,763	1,631	131	374
NR - Non Rateable	127	12	9%	4,885	2,995	2,357	397	1,890
OH - Ohau	150	18	12%	15,882	9,013	7,805	1,204	6,869
R - Rural	2393	192	8%	524,197	84,113	63,452	22,068	440,084
RL - Rural Lifestyle	2476	236	10%	245,564	97,173	80,459	16,712	148,390
S - Shannon	674	126	19%	207,550	67,023	50,008	16,931	140,527
TK - Tokomaru	164	20	12%	15,365	9,798	8,665	1,135	5,567
UT - Utilities	16	0	0%	0	0	0	0	0
WB - Waitarere Beach	948	86	9%	67,671	36,945	32,313	4,639	30,726
WK - Waikawa Beach	231	14	6%	7,269	5,705	5,078	624	1,564
Total as at 30 September 2016	17,712	1,845	10%	3,068,809	862,772	716,521	146,251	2,206,037
Total as at 30 September 2015	17,778	1,776	10%	3,055,486	445,205	185,118	260,087	2,610,281



**Statement of Sundry Debtors** 

Category	Total Outstanding	Current Outstanding	31 - 60 days Outstanding	61 - 90 days Outstanding	Over 90 days Outstanding	Notes
Aquatic Centre	248	0	64	0	184	
Building Consents	67,992	44,728	6,102	0	17,161	2
Builiding Fee - BWOF	2,600	2,210	260	0	130	
Cemeteries	40,252	29,797	10,455	0	0	
Dev Cont New Policy	59,267	0	0	0	59,267	1
Develop Cont Old Policy	60,790	0	0	0	60,790	1
Dogs	612	0	0	0	612	
Dogs - Debt Collection	8,527	0	0	0	8,527	
Dogs Arrange to pay	572	225	110	112	125	
Fines	2,109	550	0	0	1,558	
Fire Hazard	631	0	0	0	631	
General	16,437	10,600	5,777	0	59	5
Health Accreditation Renewals	3,398	2,380	409	0	610	
Hire	16,603	6,371	6,140	1,603	2,490	
On Charges	168,251	117,865	44,109	225	6,052	3
Pension Housing	793	793	0	0	0	
Rental Income Monthly	43,773	7,581	1,127	0	35,065	
Resource Consent Fees	89,139	59,135	8,940	0	21,064	4
Rubbish Bags	20,520	11,400	9,120	0	0	
Staff Account	2,794	1,747	500	0	547	
Waste Transfer Station	2,998	2,496	177	110	215	
Water & Trade Waste	19,474	30	288	5,620	13,537	
Water Septage - Septic Tank Disposal	3,155	991	1,420	74	671	
Total as at 30 Spetember 2016	630,934	298,898	94,997	7,744	229,295	6
Total as at 30 September 2015	694,479	188,921	3,597	35,830	466,130	

#### **Notes and Comments**

- 1. These Development Contribution debtors are being actively pursued. The batch of debt letters sent had a positive effect with several payments being made. Most of the Development Contributions Old Policy are with the Debt Collection Agency, with the balance of them either being paid off or having an arrangement to pay when the sections sell.
- 2. Amongst the Building Consents category, there are some damage deposit bonds in here, as well as extensions of time for a number of the older aged consents.
- In the On Charges category, the majority of the 90+ Days debtors have been provided for as Doubtful Debts.
- Amongst the Resource Consent category, there are some land use bonds. The debtors in this
  category are being actively pursued, and some of the 90+ Days debtors have been provided for
  as Doubtful Debts.
- 5. In this category there are charges for grazing leases, new connections, car access way, HR charges and THT charges.
- 6. Out of the \$229K owing +90 Days, \$140k is provided for in the Doubtful Debts Provision.



**Statement of Loans by Parcel** 

Statement of Loans b	y i di oci					
Loan parcels	Maturity	Interest	Opening balance	Raised	Repaid	Closing balance
Due within a year						
Stock	16 Aug 16	6.2750%	2,000,000		2,000,000	0
Stock	15 Mar 17	5.0550%	3,000,000			3,000,000
Stock	23 May 17	4.3900%	4,000,000			4,000,000
LGFA Short term	12 Dec 16	2.0405%	7,000,000			7,000,000
Total due within a year						14,000,000
Due within 2 - 5 years						
LGFA FRN	15 Dec 17	3.2563%	2,000,000			2,000,000
Stock	15 Nov 18	5.5950%	2,000,000			2,000,000
LGFA Bond	15 Mar 19	4.4500%	4,000,000			4,000,000
LGFA Bond	15 Mar 19	4.7064%	5,000,000			5,000,000
LGFA FRN	15 Mar 19	3.1463%	3,000,000			3,000,000
LGFA FRN	17 May 21	3.4454%	4,000,000			4,000,000
LGFA Bond	15 May 21	4.5650%	5,000,000			5,000,000
LGFA Bond	15 May 21	5.9852%	5,000,000			5,000,000
LGFA Bond	15 May 21	5.8516%	5,000,000			5,000,000
Total due within 2 - 5 years						35,000,000
Due after 5 years						
LGFA Bond	15 Apr 23	5.1336%	4,000,000			4,000,000
LGFA FRN	18 May 22	3.0250%	3,000,000			3,000,000
LGFA FRN	19 May 25	3.0900%	7,000,000			7,000,000
LGFA FRN	15 Jul 26	3.3700%		5,000,000		5,000,000
Total due after 5 years						19,000,000
Total			65,000,000	5,000,000	2,000,000	68,000,000



**Statement of External Loans and Interest by Activity** 

Statement of External Loans at	iu iiileiesi	Dy Activity	<u> </u>
Activity	Loans as at 30 Jun 2016	Loans as at 30 Sep 2016	Year to date Finance costs
Land Transport	100,000	160,000	1,293
Stormwater	2,750,000	2,770,000	22,387
Water supply			
Water Levin	4,950,000	6,220,000	50,271
Water Shannon	1,300,000	1,370,000	11,073
Water Foxton	900,000	920,000	7,436
Water Foxton beach	300,000	300,000	2,425
Water Tokomaru	350,000	380,000	3,071
Total for water supply	7,800,000	9,190,000	74,275
Wastewater Disposal			
Wastewater Levin	7,750,000	7,770,000	62,798
Wastewater Shannon	7,850,000	8,800,000	71,123
Wastewater Foxton	2,300,000	2,300,000	18,589
Wastewater Foxton Beach	200,000	260,000	2,101
Wastewater Tokomaru	500,000	520,000	4,203
Wastewater Waitarere	0	50,000	404
Total for wastewater disposal	18,600,000	19,700,000	159,218
Solid Waste	4,550,000	4,700,000	37,986
Community Facilities & Services			
Libraries	7,950,000	7,970,000	64,414
Pools	3,100,000	3,100,000	25,055
Reserves	1,300,000	1,320,000	10,668
Sports grounds	1,400,000	1,460,000	11,800
Halls	250,000	250,000	2,021
Toilets	500,000	500,000	4,041
Cemeteries	100,000	100,000	808
Total for Community Facilities & Services	14,600,000	14,700,000	118,807
Properties			
General properties	700,000	720,000	5,819
Council building	6,200,000	6,200,000	50,109
Commercial properties	1,100,000	1,150,000	9,294
Residential housing	5,000,000	5,050,000	40,815
Total for Properties	13,000,000	13,120,000	106,037
Other activities			
Information technology	1,400,000	1,460,000	11,800
District plan	2,200,000	2,200,000	17,781
Total for other	3,600,000	3,660,000	29,581
Total	65,000,000	68,000,000	549,584



Statement of Internal Loans and Interest by Activity

Statement of Internal Loans and	i iliterest i	by Activity	
Activity	Loans as at 30 Jun 2016	Loans as at 30 Sep 2016	Year to date Finance costs
Land Transport	71,273	11,273	127
Stormwater	98,187	28,187	317
Water supply			
Water Levin	1,234,719	14,719	166
Water Shannon	89,345	19,345	218
Water Foxton	35,153	15,153	170
Water Foxton beach	25,147	25,147	283
Water Tokomaru	47,456	17,456	196
Total for water supply	1,431,820	91,820	1,033
Wastewater Disposal			
Wastewater Levin	33,095	13,095	147
Wastewater Shannon	999,165	49,165	553
Wastewater Foxton	24,609	24,609	277
Wastewater Foxton Beach	84,469	24,469	275
Wastewater Tokomaru	44,895	24,895	280
Wastewater Waitarere	69,022	19,022	214
Total for wastewater disposal	1,255,255	155,255	1,747
Solid Waste	197,365	47,365	352
Community Facilties & Services			
Libraries	40,559	20,559	231
Pools	19,022	19,022	214
Reserves	35,113	15,113	170
Sports grounds	73,142	13,142	148
Halls	17,937	17,937	202
Toilets	27,569	27,569	310
Cemeteries	9,742	9,742	110
Beautification	22,153	22,153	249
Total for Community Facilties & Services	245,237	145,237	1,634
Properties			
Commercial properties	65,821	15,821	178
General properties	30,068	10,068	113
Residential housing	69,818	19,818	223
Council building	12,030	12,030	135
Total for properties	177,737	57,737	650
Other activities			
Information technology	82,876	22,876	257
District plan	26,107	26,107	294
Total for other	108,983	48,983	551
Total	3,585,857	585,857	6,410



# LAND TRANSPORT (ROADS) – Performance Measures – LTP/Annual Plan

Service	How will we measure our performance	Target (16/17)	Actual Performance
A safe road network.	The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network.*	0 change or less over a 5 year average.	Unable To Report  The number of fatalities and serious injury crashes on the local road network is calculated utilising data from the crash analysis system (CAS) database. It compares one year with the next and as such it will be reported on at the end of the 2016/17 year.
Roads in good condition.	The average quality of ride on a sealed local road network measured by smooth travel exposure.*	Minimum 85%	Unable To Report The Annual Roughness Survey for 2016/17 will be completed later in the Financial Year and reported on once completed.
Roads that are maintained well.	The percentage of the sealed local road network that is resurfaced annually.*	Minimum of 5% of total area	Unable To Report  The Reseal Programme for 2016/17 is confirmed with a total of 28.31km which equates to 185,025 m2. This represents 5.4% of the total sealed local road network.  The actual amount sealed will be reported on following the completion of the reseal season which is at the end of June 2017



# LAND TRANSPORT (FOOTPATHS) – Performance Measures – LTP/Annual Plan

Service	How will we measure our performance	Target (16/17)	Actual Performance
Footpaths are in an acceptable condition.	Target footpath condition rating (% compliant with Councils standards).*	Minimum 30% in excellent condition.  Maximum 10% in poor condition.	Unable To Report  The system for assessing footpath condition is currently under review and will be based on a 5 year cycle as reported last month. Once the review is complete the rating survey is anticipated to commence for 'Year 1' in the next couple of months.
Good response to service requests.	The percentage of customer service requests relating to roads and footpaths to which Council responds within 15 working days.*	>95%	Achieved For the period July 1 <sup>st</sup> to September 30 <sup>th</sup> 594 CRMs were received with all requests responded to within 15 working days.



# 1. STORMWATER – Performance Measures – LTP/Annual Plan

Service	How will we measure our performance	Target (16/17)	Actual Performance
An adequate stormwater system.	Number of flooding events that occur in the District.*	<5 per year	On Track For the period 1 <sup>st</sup> July to 30 September 2016 there has been no reported flooding events.
	For each flooding event the number of habitable floors affected per 1000 connections to Council's stormwater networks.*	2 or less	On Track  For the period 1 <sup>st</sup> July – 30 <sup>th</sup> September 2106 there has been no flooding events and hence no habitable floors affected.
Response to faults.	The median response time to attend a flooding event, measured from the time that Council receives notification to the time that service personnel reach the site.*	1 hour	Unable To Report  For the period 1 <sup>st</sup> July – 30 <sup>th</sup> September 2016 there has been no flooding events.
Customer satisfaction.	The number of complaints received by Council about the performance of its stormwater system expressed per 1000 properties connected to the system.*	<10 per year	On Track In the month of September 2016 there was one (1) complaint received. This equates to 0.08 complaints per 1,000 connections.  YTD: 1 equates to 0.08 per 1,000 connections



	Percentage of customers satisfied with the stormwater service. As per the Annual Resident Satisfaction Survey.	80%	Unable to Report  A Customer satisfaction survey is yet to be conducted for the 16/17 financial year.  The results from the 158/16 Customer Satisfaction Survey are shown below:						
					Total %	Kere Kere %	Levin %	Miranui %	Waiopehu %
				Very Satisfied	4.35	2.65	6.46	0.00	3.52
				Satisfied	22.16	20.35	24.31	25.00	16.20
				Neither Satisfied nor Dissatisfied	27.35	28.32	28.92	18.75	26.06
				Dissatisfied	19.92	17.70	20.00	22.92	19.01
				Very Dissatisfied	13.88	23.01	12.31	16.67	9.86
A sustainable stormwater	The number of Abatement Notices,	number of Abatement Notices, 0 Achieved		hieved					
service.	Infringement Notices, Enforcement Orders, and convictions received by the Council in relation to Horizons Regional Council resource consents.*		For the period 1st July to 30th September 20 has not received any of the listed Notices, Or Convictions in relation to the Regional Counc consents for discharge from its Stormwater s					Orders o ncil's res	r source



# **WATER SUPPLY – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
Safe water supply.	Percentage in which the local authority's drinking water supply complies with: (a) part 4 of the Drinking Water Standards (bacteria compliance criteria) in Levin, Shannon, Foxton, Foxton Beach, Tokomaru.	100%	Achieved  100% compliance For the period 1 <sup>st</sup> July – 30 <sup>th</sup> September 2016 approximately 329 samples were collected of which 328 were analysed. All analysed samples complied with the New Zealand Drinking Water Standards (NZDWS) requirements of <1 E.coli.  The 1 sample that was not analysed was reported as Zero Status, meaning it was not received at the lab.
	(b) part 5 of the Drinking Water Standards (protozoa compliance criteria) in: Levin Shannon Foxton Foxton Beach Tokomaru	100% 100% 100% 100% 100%	<ul> <li>Not Achieved  Target will not be achieved fully until June 2017  Levin: 0% - there is no treatment in place for protozoa.  Treatment will be installed by June 2017.</li> <li>Shannon: 100% based on the Membrane Integrity Test (MIT) carried out. This is a measure of the membrane efficiency/effectiveness.</li> <li>Foxton: 100%</li> <li>Foxton Beach: 100%</li> <li>Tokomaru: 100%</li> </ul>
Drinking water that tastes and looks satisfactory.	The total number of complaints received about any of the following (expressed per 1000 connections):  1. Drinking water clarity 2. Drinking water taste 3. Drinking water pressure or flow 4. Continuity of supply; and 5. The Council's response to any of these issues.	G <sub>1</sub>	<ul> <li>Achieved</li> <li>1.8 (# connections 12,773 as of Aug 2016)</li> <li>For the period 1<sup>st</sup> July to 30<sup>th</sup> September 2016 a total of 18 complaints have been received and are broken down as follows: <ul> <li>Clarity and Taste – 11 complaints</li> <li>Pressure or flow and continuity of supply – 12 complaints</li> <li>Council's response – 0 complaints</li> </ul> </li> </ul>



# **WATER SUPPLY – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actu	al Perform	ance			
Response to faults.	The median time from the time that Council received notification to the time that service personnel:			Achieved t 30 Septer	nber 201	6:		
						YTD		Sept
	a) reach the site for urgent call-outs	a) 1 hour	Item	Median Time for	Result 0hr 20mins	Comment Received 6 urgent call	Result 1hr 8mins	Comment Received 3 and attended
	b) confirm resolution of the fault or interruption of urgent call-outs	b) 8 hours	a)	attending Urgent Call out		outs and attended to 4 within 1 hour or less		to all 3 within 1 hour or less.
	c) reach the site for non-urgent call- outs	c) 3 days	b)	Median Time for resolving Urgent Call out	0hr 49mins	Received 6 urgent call outs and resolved 5x within 8 hours or less	0hr 38mins	Received 3 and resolved 3 within 8 hours or less.
	d) confirm resolution of the fault or interruption of non-urgent callouts	d) 3 days	c)	The median time for attending non urgent callouts	3hrs 29mins	Received 132 non urgent call outs and attended to 121 within 3 days or less.	3hrs 17mins	Received 53 non urgent call outs and attended to 48 within 3 days or less.
			d)	The median time for resolving non urgent callouts	6hrs 7mins	Received 132 non urgent call outs and resolved 122 in 3 days or less.	4hrs 56mins	Received 53 and resolved 48 non urgent call outs in 3 days or less.
						The 11 complaints that were not responded to		The 5 complaints that were not responded to within the



				within the timeframe can be main attributed to the fact that these were incorrectly categorized at the time they were logged.		timeframe can be mainly attributed to the fact that these were incorrectly categorized at the time they were logged.
Water supply is continual.	Total number of unplanned water shut downs.*	30 per year	Achieved  14 for the period 1 <sup>st</sup> July to 3 for breakdown:	30 <sup>th</sup> September 2016 .See table below		
			Result		YTD	Sept 2016
			Total shutdowns reported		23	3
			Total unplanned shut downs		14	2
			Average unplanned shutdov in hours	wn length	4.0	3.0
			Reasons for shutdown (mos	st of)	Split Pipe	Burst Pipe
			Average # of homes affecte	d	19	15



## **WATER SUPPLY – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance		
Firefighting needs are met.	Percentage of the network where firefighting flows in urban residential areas meet the NZ Fire Service firefighting water supplies Code of Practice SZ 4509:2008.	76%	Unable To Report  The last assessment was conducted in October 2015, the next assessment is due in Nov 2016. It is not expected that the results form 2015 will change significantly as there has been no major changes within the network.		
Water supply has adequate flow and pressure.	Percentage of the network where supply pressure at the property boundary is not less than 250kPa for on demand connections and 150kPa for restricted flow connections.	100%	Unable To Report  This will also be carried out when the fire fighting assessment is carried out. The last assessment was conducted in October 2015; the next assessment is due in Nov 2016. It is not expected that the results form 2015 will change significantly as there has been no major changes within the networks  Note - for properties connected as a restricted connection, a certain pressure is required for those properties to be able to get there required number of units. With no complaints about reduction in units it implies that the required pressures are being achieved at the boundaries of properties served by restrictors.		
Consent conditions are met.	Compliance with all water take limits of resource consents.	100%	Achieved As at 30 September 2016, 100% of all water takes complied with consent limits.		
Water supply is sustainable.	Average consumption of drinking water per day per resident within the water supply areas (target based on One Plan Section 5.4.3.1).	300lt per day	Not Achieved  377l/per/day for the period 1 <sup>st</sup> July to 30 <sup>th</sup> September 2016.  Individual supplies are shown in table below.		



			SUPPLY	YTD	SEPT 2016
			FOXTON	434	435
			FOXTON BEACH	268	278
			LEVIN	387	388
			SHANNON/MANGAORE	360	353
			TOKOMARU	177	219
Minimal water losses.	Percentage of real water loss from the network as measured by the standard Infrastructure Leakage Index method.*	15%	Unable To Report  This will be reported on once co	mplete.	
Provide water conservation education to the public.	As provided in the Water Demand Management Plan 2014.	Achieved	Unable To Report  This will be reported on once co	mplete.	



## **WASTEWATER DISPOSAL – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Perfor	mance			
Reliable Wastewater collection and disposal.	The number of dry weather overflows from the wastewater system per 1,000 connections.*	<2	weather overflo	eriod 1 <sup>st</sup> Jul ws ( based	y to 30 <sup>th</sup> Septem on 12,204 of cor	ber there ha	as been 3 dry of Aug
Council provides a good response to	The median time (hrs) from the time that Council receives a notification, to the time	<1 hour	2016) Achieved				
faults reported.	that services personnel reach the site in				YTD	Se	ot 2016
	responding to an overflow or wastewater			Result	Comment	Result	Comment
	blockage.*  The median time responding an overflow or	responding to an overflow	Ohrs 36mins	Overflows only	1hr 22mins	Overflows only	
			wastewater	0hrs 24mins	For overflows and blockages	0hrs 45mins	For overflows and blockages
	The median time (hrs) from the time that Council receives a notification, to the time	12 hours	Achieved				
	that services personnel confirm a				YTD	Sep	ot 2016
	resolution of a blockage or other fault			Result	Comment	Result	Comment
within	within the wastewater system.*		The median time for resolution of blockage or other fault within the	2hrs 7mins	For overflows only	3hrs 37mins	For overflows only
			wastewater system	1hr 45mins	overflows, blockages and other	2hrs 0mins	For overflows,



							faults		blockages and other
The service is satisfactory.	The total number of complaints received			Achi	eved				
Salisiaciory.	tory. (expressed per 1,000 connections to the wastewater system) regarding:						YTD		ept 2016
	wastewater system) regarding.					Result	Comment	Result	Comment
	a) Wastewater odour;			a)	Odour	0.08	1 complaint	0.08	1 complaints
		a)	<8	b)	System Faults	1.07	13 complaints	0.41	5 complaints
	b) Wastewater systems faults;			c)	System blockages	1.56	19 complaints	0.49	6 complaints
		b)	<8	d)	Councils response	0.08	1 complaint	0.08	1 complaint
	c) Wastewater system blockages	c)	<8	Tota		2.79	34 complaints	1.07	13 complaints
	d) The Council's response to issues	,			Total #	of conne	ctions as of Au	ig 2016 = 1	2,204
with its wastewater system.	d)	8							



## **WASTEWATER DISPOSAL – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
The service is satisfactory.	Total number of complaints received about any of the above.*	<32	See table above
	Percentage of customers satisfied with the service, based on the Annual Resident Satisfaction Survey.	82%	Unable To Report  A Customer satisfaction survey is yet to be conducted for the 16/17 financial year.
Safe disposal of wastewater.	The number of Abatement Notices, Infringement Notices, Enforcement Orders, and convictions received by the Council in relation to Horizons Regional Council resource consents.*	0	Achieved  For the period 1 <sup>st</sup> July to 30 <sup>th</sup> September we have not received any notices as per the measure.



## **SOLID WASTE – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
Waste Transfer Stations are available at convenient times.	Transfer Stations are available on agreed days at agreed times.	Achieved	Not Achieved  One early closure occurred in Shannon on 11 <sup>th</sup> September due to the fact that the bins were full.
Solid Waste Activities are undertaken in a healthy and safe manner.	No reported incidences of injury or illness attributable to use of the Council's Waste Transfer or Recycling Station facilities.	Achieved	Achieved
Waste Transfer and Recycling Stations have a minimal impact on the immediate and surrounding environment.	No. odour complaints and minimal reports of solid waste in or around:  • Waste Transfer Stations; and  • Recycling Stations	3 per month 3 per month	Achieved As at 30th September 2016 no odour complaints or reports of solid waste in or around waste transfer/recycling stations had been received.
Response to service requests regarding Council's Solid Waste Activities is timely.	Time that all requests are responded to within.	3 days	Not Achieved 75% - As at 30th September 2016 we have received 60 service requests 45 of these were responded to within 1 -3 days. 10 requests were responded to (closed out) between 4 and 13 days. And there are 5 requests that have no close out date.  It must be noted that despite the fact that some CRMs do not have a close out date or have been closed out well outside the 3 day period this does not mean that the requests were not responded to within the 3 day timeframe.  The above has not taken into account 8 odour complaints reported for the landfill 7 of which were responded to the same



			day.
Levin landfill.	Conditions of resource consents are met.	100%	Not Achieved
			40% - Since the start of the financial year we have only received 1 report from Horizons for the month of August. In this report a total of 5 consent conditions were monitored across 2 consents. Of the 5 conditions monitored 3 were graded as non-complying. We have not received a monitoring report for the month of September.
Kerbside recycling	Percentage of serviceable households		Achieved.
and refuse collection service is available.	that kerbside recycling shall be offered to.	91%	95% - As at 30th September 2016
			We are currently servicing approximately 95% of households based on the serviceable areas within the District.
Recycling and	Number of complaints about non		Achieved.
refuse is collected on time and in a	collection of:		3.7 – For the period 1 <sup>st</sup> July to 30 <sup>th</sup> September we have had 11
sanitary manner.	Karbaida masualia r	5 per month	complaints 3 of which were reported in the month of September 2 – For the period 1 <sup>st</sup> July to 30 <sup>th</sup> September we have had 6
	<ul><li>Kerbside recycling</li><li>Kerbside refuse</li></ul>	5 per month	complaints 3 of which were reported in the month of September.
Recycling stations	Recycling stations are available at the	Achieved	Achieved.
are available and accessible in urban centres in Summer.	agreed locations on the agreed days and times.		As at 30th September 2016 recycling stations are available at all agreeable locations
Information on	Up-to-date brochures will be available at	Achieved	Not Achieved
Council's recycling and refuse services is available from service centres and on the website.	all offices and on the HDC website.		Council is utilising other communication mediums as brochures are not proving to be an effective method of information dissemination. This performance measure will be reviewed as part of the 2017/18 Exceptions Annual Plan process as it is no longer considered appropriate.
Affordable recycling	No user charge set.	Achieved	Achieved
service is available.			As at 30th September 2016
Customers are	Measured via the Annual Resident	75%	Unable To Report

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content with Council's transfer stations, recycling collection, and refuse collection services offered.	Satisfaction Survey.		A Customer satisfaction survey is yet to be conducted for the 16/17 financial year.
Customers are educated on waste minimisation practices.	Education services provided in local schools.	Achieved	Unable To Report  Will be reported upon once programme is complete.



## **REGULATORY SERVICES – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
District Planning			
Processing of applications under the Resource Management Act (RMA).	Applications under the RMA will be processed within statutory timeframes.	100% compliance with relevant statutory timeframes.	Achieved As at 30 September 2016, 50 applications have been received YTD. 33 applications were approved and processed within statutory timeframes (100%), and 17 consents are still currently being processed.
Monitoring of District Plan requirements, resource consent compliance and complaints.	Known and reported instances of non- compliance with the District Plan and any resource consents will be responded to and appropriate action will be taken.	100% responded to within 2 working days	Achieved As at 30 September 2016, 11 complaints have been received and responded to within 2 working days (100%).
	Resource consents are monitored for compliance with conditions.	100%	Unable To Report As at 30 September 2016, 4 consents have been monitored, 1 was compliant and 3 were not.  Currently we cannot state the number of consents that are required to be monitored, however we expect this information should be available by 31 October 2016.
The District Plan provides for a balanced regulatory framework that protects important community and environmental values.	Percent of non-complying resource consents approved as a proportion of all approved consents.	<10%	Achieved As at 30 September 2016 there has been no non-complying resource consents approved.
<b>Building Control</b>			
Carry out Building Consent Authority	Percent of building consent applications granted within 20 working	100% of applications	Not Achieved As at 30 September 2016, of the 187 consents granted for

CO	uncii		
02	November	201	6

accreditation functions including enforcement of	days or less.		the year, 143 (76%) have been granted in 20 days or less due to higher than expected consent levels.
legislation relating to construction of buildings	Consent applications for new residential dwellings are processed in	95% of applications	Not Achieved As at 30 September 2016, of the 57 new residential dwelling
and structures.	18 days or less.	арривально	consents granted, 52 (91%) have been within 18 days due to higher than expected consent levels.
	Reported cases of illegal building	100% of cases	Achieved
	work will be responded to within 3 working days.		As at 30 September 2016, there have been no reported instances.
	Percent of private swimming pools on	33% of private	On Track
	register inspected annually for compliance.	swimming pools are inspected.	As at 30 September 2016, there are 210 pools on the register, 1/3rd = 70 inspections to be conducted before 30 June 2017. Nineteen (19) have been completed year-to-date.
<b>Building Control</b>			
Carry out Building	Council will maintain its accredited	Accreditation	Achieved
Consent Authority accreditation functions including enforcement of legislation relating to construction of buildings and structures.	status as a Building Consent Authority.	maintained	Council is an accredited BCA. The latest assessment was held 28-30 April 2015 and the BCA received re-accreditation without receiving any Corrective Action Requirements. The next assessment is scheduled for 2017.
<b>Environmental Health</b>	– Food Safety		
Food Safety – Food	Food businesses operating under the	100%	On Track
businesses are monitored to ensure compliance with legislation	compliance with Regulations 2015		As at 30 September 2016, we have 56 premises operating under the Food Act 2014, of which 15 have been verified year-to-date.
			The other 41 premises will be verified at the frequency required by the Food Regulations.



	Food premises operating under the Food Hygiene Regulations 1974 are inspected.	100%	On Track As at 30 September 2016, there are 93 operating under the Food Hygiene Regulations, of which 18 have been inspected year-to-date.  All will be inspected by 30 June 2017.
Food Safety – Existing food businesses are provided with assistance to transition onto the requirements of the Food Act 2014.	Food businesses are provided with written material about the Food Act 2014 and have opportunities to attend training sessions/seminars	100% of businesses required to transition in Year 1 of the Act (by 30 June 2017) are provided with written information and access to training/mentoring activities.	On Track As at 30 September 2016, it is estimated that there are 13 food businesses and 18 Clubs with Liquor Licences that need to transition by 30 June 2017.  All (100%) of Clubs with liquor licences have received written information. It is anticipated that the 13 businesses will have been provided information and registered by 31 March 2017.
Liquor Licensing			
Monitoring of licensed premises to ensure compliance with relevant legislation.	Percent of premises that are inspected annually to check for compliance with their licence conditions.	100% of premises are inspected.	On Track As at 30 September 2016, there are 71 licensed premises holding 74 operative licences – none have been inspected during this year yet but all will be inspected before 30 June 2017.
	Percent of applications for a licence that will be forwarded to Public Health and the Police for comment.	100% of licence applications	Achieved As at 30 September 2016, 66 licence applications were received and forwarded as required (100%).



## **REGULATORY SERVICES – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
Animal Control			
Reported instances of non-compliance and dog nuisance will be responded to.	Percent of reported instances of non- compliance and dog nuisance will be responded to.	100%	Achieved As at 30 September 2016, there had been 229 complaints received and all (100%) were responded to.
responded to.	An after-hours emergency response will be continuously provided.	Achieved	Achieved The service is provided by staff on a weekly roster.
Registration and classification of all known dogs within the District.	Percent of known dogs that will be registered or accounted for annually by 31 October.	100%	On Track As at 30 September 2016, 5,613 dogs have been registered and 730 remain unregistered. Infringement notices are currently being sent to dog owners on our database that show as having an unregistered dog.
Parking Enforcement			
All parking restricted areas Levin will be enforced und the provisions of Council's Bylaw and the Transport Regulations.	er working day.	Achieved	Achieved Enforcement has been conducted each working day.
General Regulatory Serv	ices		
Noise complaints response service will be provided.	Noise complaints services are provided all year round and 90% of complaints will be responded to within 60 minutes.	Achieved	Achieved The service is provided by way of Contract. As at 30 September 2016 there had been 417 complaints and all (100%) were responded to within 60 minutes.
Public safety bylaws and other legislation will be enforced.	Percent of reported non compliances and complaints that are responded to within 5 working days.	100%	Achieved As at 30 September 2016, there had been 14 smoke complaints, 19 abandoned vehicle reports (8 impounded), 4 Litter Notices, and 15 environmental health nuisance complaints that were responded to all within 5 working days.



COMMUNITY FACILITIES AND SERVICES – Performance Measures – LTP/Annual Plan (Reserves, Public Halls, Sports Grounds, Cemeteries and Beautification)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Reserves			
Reserves are available for community use.	Sufficient space is available (ha/1000 population).	1	Achieved As at 30 September 2016 there are over 100 hectares of
			public open space managed/maintained by Horowhenua District Council.
Community Halls			
Community Halls are	Number of uses per fortnight for the	10	Achieved
available for public use.	Levin, Foxton and Shannon Halls.		Usage as at 30 September 2016:
			Levin Memorial Hall = 44 times
			Shannon Memorial Hall = 4 times
			Foxton Memorial Hall = 5 times
			Total = 53 times (an average of 24.65 times per fortnig
Sports Grounds			
Sports grounds are	Percent of time that sport grounds are	95%	Achieved
available for community use.	available for use during their opening hours.		As at 30 September 2016, sports grounds were open for a minimum of 95% of the scheduled opening times.
Playgrounds			
Playgrounds are safe for	Playground facilities comply with	100%	Achieved
users. relevant star	relevant standards.		As at 30 September 2016, all surfaces complied.
Cemeteries Managemen	t		
Cemeteries are	Meet needs according to legal	Meet	Achieved
managed and maintained to an appropriate standard.	requirements.		As at 30 September 2016, there was no legal or regulatory non-compliance.

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Cemeteries			
Cemeteries operate to an acceptable level.	All arrangements and internments at Council cemeteries are made satisfactorily before 24 hours from internment.	Achieved	Achieved As at 30 September 2016, all interment arrangements were completed satisfactorily within the required timeframe.
Safe aquatic facilities are operating in the District.	Compliance with relevant standards including Pool Safe Accreditation.	100% compliant	Achieved As at 30 September 2016, the Levin and Foxton Pool are both 100% water compliant. Both pools have received "Pool Safe" accreditation during March 2016 until April 2017.



# **COMMUNITY FACILITIES AND SERVICES – Performance Measures – LTP/Annual Plan** (Reserves, Public Halls, Sports Grounds, Cemeteries and Beautification)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Aquatic Centres meet customer needs.	Percent of customer satisfaction, based on the Annual Customer Satisfaction Survey.	90% Satisfied*	Unable To Report A customer satisfaction survey is yet to be conducted for the 16/17 financial year.  The most recent comprehensive Annual Resident Satisfaction Survey conducted in May 2016:
			Swimming Pools  12.86  This result could be a reflection of the shutdown period as a result of the Levin Aquatics Centre Redevelopment.
A high quality Swim School operates at the Levin and Foxton Aquatic Centres.	Number of participants in Learn to Swim classes.	400 per term	On Track As at 30 September 2016, there are 289 participants enrolled for Term 4 at the Levin Aquatic Centre, which is expected to increase for the 10 October 2016 programme start date. The Foxton Heated pool ended term 3 on 23 September with 147 participants.
Local clubs are supported to deliver their own events.	Number of events per year held by clubs - clubs growing and taking ownership of their own events and future.	5 per year	On Track  The following Aquatics User Clubs/School events have taken place this month where the whole pool is booked:  Special Olympics – 10 September Special Olympics – 11 September Canoe Polo U14 event – 25 September  The following events are planned:

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			○ Special Olympics NZ Swim Meet – 26 October
Growing existing events and developing new ones for the following areas; children, general public, and retirees.	Number of events per year for children, general public, and retirees.	3 events per group each year	On Track The following events have been completed:  Opening Community Fun Day – 24 September – over 1,000 attendees  The following events have been scheduled:  Aquathon (Aquacise classes 2hrs every day) – 10-14 October  Go Active Kids TRYathlon – 11 March 2017 – Shannon  Go Active Kids TRYathlon – 18 March 2017 – Foxton  Go Active Kids TRYathlon – 25 March 2017 – Levin



**COMMUNITY FACILITIES AND SERVICES – Performance Measures – LTP/Annual Plan** (Community Centres and Libraries)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council provides Community facilities for residents, ratepayers,	Communities with library and community facilities providing an integrated and District wider service.	Levin, Foxton, and Shannon	Achieved Library Services are delivered in in Levin, Shannon and Foxton.
and visitors to access community services including library services.	Percent of residents and non- residents satisfied with library and community services.	>85%	Achieved The most recent Annual Resident Satisfaction Survey conducted in May 2016 showed customer satisfaction of these facilities at 93.53%. This is down from 94.56% from last year.
	Number of booking counts for community facilities.	380	On Track In September 2016: 127 This is down slightly from September 2015 where there were 141 bookings. Over-all September was really busy, with 13 new client bookings this month. A highlight was yet again another amazing Orchid Show held over the weekend of September, this pulled in a lot of people to Te Takere.  YTD: 366
	Number of visitor counts* to Te Takere, Foxton Library & Service Centre and Shannon Library.	650,000 people across all sites annually	On Track 57,511 in September 2016, a decrease of 4% across the district compared with 59,773 in September 2015. YTD: 177,045
Customers have access to a range of current information in both print and digital format.	Number of items loaned from the Library across District, including books, magazines etc.	350,000	On Track Total number of issues year-to-date: 82,112 September 2016: Levin – 24,131 Foxton – 1,472 Shannon – 817 Digital – 168**

Co	uncil		
02	<b>November</b>	201	6



It is helpful to keep track of our digital issues which are not limited to any branch.
** The ebook platform had technical problems for the
majority of September.



# **COMMUNITY FACILITIES AND SERVICES – Performance Measures – LTP/Annual Plan** (Community Centres and Libraries)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Customers have access to a range of current information in both print and digital format.	Percent of increase in use of website.	+>1%	On Track Total year-to-date (unique users): 32,738 September 2015: 13,895 September 2016: 10,455  Decrease of 25% unique users.  Total year-to-date (number of sessions): 52,502 September 2015: 20,535 September 2016: 16,674  Decrease of 19% sessions.
Customers have access to programmes and initiatives that enhance the wellbeing of the District.	Number of programmes delivered.	100	On Track Total year-to-date: 80 (Community) and 74 (Learning) September 2016: Te Takere – 15 (Community), 17 (Learning) Foxton – 2 (Community), 7 (Learning) Shannon – 11 (Community), 5 (Learning) Limitation – programming may not differentiate between ongoing and new programmes in quarterly reporting format.



## **PROPERTY – Performance Measures – LTP/Annual Plan**

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council operated	Facilities availability (hrs) and hire	8 hrs per day and	Achieved
facilities are available for public hire.	charges by annual review.	review annually	All District Memorial Halls were available for hire for at least eight (8) hours per day.
Residential housing is	Occupancy Rate (Percent)	95% occupied	Achieved
provided for the elderly			As at 30 September 2016, there has been 98.92% occupancy.
Endowment property is	Number of sections available for sale.	20 sections	Not Achieved
appropriately managed.			As at 30 September 2016, there are 15 sections available for sale. There has been an increase in the sales of sites. There is a need to revise this Performance Measure down or to put additional sections on the market.
Council's properties will	All buildings with compliance	Achieved	Achieved
comply with relevant legislation.	schedules will have current building WOF.		All buildings with Compliance Schedules have current BWOF's. All specified systems including fire alarms have been maintained and inspected in accordance with the compliance schedule. This meets the requirement of the Building Act 2004.
Commercial property is	Rent is within a percentage range of	10%	Achieved
appropriately managed.	current market rentals at time of review/renewal.		Current commercial leases are within 10% of the market rate.



## REPRESENTATION AND COMMUNITY LEADERSHIP – Performance Measures – LTP/Annual Plan

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council provides open,	ssible processes to compliance with relevant legislation. measured in	` ,	Achieved
accessible processes to local government.		Local body elections were held in October 2013. The next Local Body Elections will be held in October 2016.	
	Number of complaints upheld against	0	Achieved
	the election process.		Zero (0) complaints were upheld following the October 2013 election.
Council supports residents and ratepayers to have their views heard and considered in Council decision making.	Percent of residential and non- residential ratepayers who are satisfied with the way the Council involves the public in its decision making.	>50%	We did not ask this question in the 2015-2016 resident satisfaction survey. We will need to include it in the 2016-2017 survey.
	Council's Community Engagement	90% of Annual	Achieved
	Strategy * is implemented and reviewed every 3 years.	Work Plan is completed	Councils Community Engagement Strategy is in the implementation phase. It will be reviewed again in 2017.
Council's planning	The LTP is completed within the	Adopted before	Achieved
documents meet statutory requirements and meet Audit NZ standards.	statutory timeframe, including a Financial Strategy which meets the new requirements of the Local Government Act.	30 June (every 3	Council adopted the Long Term Plan and Financial Strategy on 24 June 2015.
	The Annual Plan will be adopted	Achieved	Achieved
	before 30 June, annually**.		Council's Long term Plan 2015-2025 was adopted at a Council meeting held on 24 June 2015.
	The Annual Report will include an	Achieved	Achieved
	unqualified audit opinion.		The annual report received an unmodified audit opinion.



COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan

Service	How will we measure our performance	Target (16/17)	Actual Performance
Community awareness is promoted and encouraged.	5 media messages promoting preparedness for an emergency will be made to residents and ratepayers annually.	Achieved	On Track  Total number of media releases / public advertising year-to-date: 4  Number for September 2016: 1  Horowhenua DC CDEM Advertising in Manawatu/Horowhenua Builders & Contractors Wall Planner 2016/17.
			Total number of promotions year-to-date (e.g. ShakeOut, Get Ready, Exercise Tangaroa): 3
			Number for September 2016: 1 Participated successfully in Phase 2 of Exercise Tangaroa on 14 September via the Local Welfare Committee which was well attended by the Council Welfare Team, Emergency Services, and agencies from Emergency Management and Local Welfare Committees.
		We are now planning for Phase 3 of Exercise Tangaroa which we are participating in on 4 October 2016, looking at Recovery.	
			Total number of community presentations year-to-date: 2
			Number for September 2016: 1 Spoke to the annual Waitarere Beach Wardens get-together on 20 September regarding the Beach Wardens role in emergency incidents in the area and how they can assist their community under Civil Defence coordination.
		Total number of Civil Defence Emergency Management Committee meetings year-to-date: 1	
		Number for September 2016: Nil Activity to Report	
			Total number of Civil Defence Welfare Committee meetings year-to-date: 2 Number for September 2016: 1 There was a meeting held on 28 September at Horowhenua District Council.



**COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan** (Emergency Management and Rural Fire)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council maintains a functional EOC and trained staff.	Civil Defence and Emergency Management assessment of readiness and capability.	95% of Council staff	On Track  EMIS TRAINING (Emergency Management Information Systems)
			EMIS Training delivered in September 2016: Nil Activity to Report.
			Number of HDC staff who participated: Nil
			Number of external agency staff who participated: Nil
			Total number of HDC staff who have participated in <u>EMIS</u> training year-to-date: 84 current staff members are trained to at least the Foundation level of EMIS.
			Total number of external agency staff who have participated in EMIS training year-to-date: 2
			ITF TRAINING ( Integrated Training Framework )
			ITF Training delivered in September 2016: Nil Activity to Report.
			Number of HDC staff who participated: 0
			Number of external agency staff who participated: 0
			Total number of HDC staff who have participated in <a href="ITF">ITF</a> training year-to-date: 32 current staff members are trained to the Foundational level of EMIS.
			3 staff members are trained to the Intermediate level.
			Total number of external agency staff who have participated in ITF training year-to-date: Nil local at this time.
			OTHER CIVIL DEFENCE AND EMERGENCY



MANAGEMENT TRAINING  Other CDEM Training delivered in September 2016: Nil Activity to Report  Number of HDC staff who participated: 0  Number of external agency staff who participated: 0
Total number of HDC staff who have participated in <a href="https://ocentro.org/ncm/">ocher</a> CDEM Training year-to-date: Exercise Tangaroa – number to be confirmed.  Total number of external agency staff who have participated in <a href="https://ocentro.org/">other CDEM Training</a> year-to-date: Exercise Tangaroa – 12.



COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan

(Emergency Management and Rural Fire)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Rural Fire services are provided.	Percentage of call outs that are responded to.	100% of call outs	Total Rural Fire Service Callouts year-to-date: 30  All fires were responded to in a timely manner. Nil claims on the National Rural Fire Fighting Fund have been made over the reporting period.  Rural Fire Activity for September 2016: Structure – Nil YTD: 5 Vegetation – 3 YTD: 9 Vehicle – 3 YTD: 6 Rubbish – Nil YTD: 6 False Alarm – Nil YTD: 2 Other – 2 YTD: 2  HDC Permits issued: 8 HDC Horo VRFF: Nil HDC Tanker: 3



COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan

(Community Engagement)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council provides effective leadership in advocating, coordinating and facilitating on behalf of community needs.	Number of Community Wellbeing Executive meetings per year. ( <b>Note:</b> the schedule for 2015 onwards has changed from 6 weekly to bi-monthly).	5	On Track The 20 September meeting was cancelled by the Chairperson due to key member apologies. The Education Action Plan was endorsed via email. A Discussion Document regarding membership and meeting structure is to be distributed in October.
Council supports the vision that young people in the Horowhenua live in a safe and supportive	Number of Youth Voice meetings per year.	8	On Track In September 2016 there was one (1) Youth Voice meeting Three (3) meetings have been held year-to-date.
environment, which empowers them to make positive life choices.	Number of Programmes or projects implemented by Youth Voice.	4	On Track Youth Voice have implemented: 1. Young Leaders Day in August 2016 2. Canteen Fundraising in September 2016 And are currently working on: 3. Reverse Colour Run 4. Youth in Civil Defence Project.
	Number of Youth Network meetings per year. ( <b>Note:</b> the schedule for 2015 onwards has changed from monthly to bi-monthly).	6	On Track. Year-to-date there has been two (2) Youth Network meetings. The next meeting is scheduled for 25 October 2016.
Council supports the vision that Horowhenua residents are	Number of Older Person Network meetings per year.	10	On Track Year-to-date there has been three (3) meetings of the Older Persons Network.
empowered to make choices enabling them to live a satisfying and	Number of Elder Berries Magazine Publications annually.	4	On Track The latest issue can be found at: <a href="http://www.horowhenua.govt.nz/Community/Positive-">http://www.horowhenua.govt.nz/Community/Positive-</a>



healthy lifestyle.			Ageing/Elderberries
Council supports the vision that Horowhenua is a vibrant, creative and friendly community with an abundance of art, rich cultures and a strong sense of heritage.	Number of Creative Communities funding rounds per year.	2	On Track The Creative Communities Grant Committee met mid- September: \$11,048.65 was awarded and \$2,451.35 was left in the kitty for the next funding round. Applicants can begin uplifting funding in October 2016.
Council supports the vision that Horowhenua is New Zealand's foremost region in taking joint responsibility for the success of our community through education.	Number of Education Horowhenua meetings per year. ( <b>Note:</b> the schedule for 2015 onwards has changed from ad-hoc to quarterly).	4	On Track Year-to-date there has been two (2) meetings of Education Horowhenua.
Council supports the vision that the Horowhenua is fully accessible to all people.	Number of Disability Leadership Forums per year.	4	On Track Year-to-date there has been one (1) meeting of the Disability Leadership Forum.
Council promotes community empowerment and provides opportunities for community driven initiatives and projects.	Percent of funds distributed through contestable Community Grants and Funding schemes that comply with grant criteria.	100%	On Track The Community Grants and Funding Subcommittee met in September: \$44,564.67 was awarded via the Community Development and Community Consultation Grants (55.7% YTD). Applicants can begin uplifting funding in October 2016.
Council promotes community group empowerment, and provides opportunity for community groups to	Number of Community Capacity and Capability Building Programme workshops or trainings offered.	10	On Track Year-to-date there have been two (2) Community Capacity and Capability Building Programmes. There is one (1) planned for October and another two (2) planned for November.

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grow and develop.	Percent of satisfaction with Capacity and Capability Building Programme workshops or training.	80%	Achieved Over 90% of respondents indicated that they would be likely or highly likely to recommend Horowhenua Community Capacity Building Programme workshops to other people.
	Number of individuals participating in Capacity and Capability Building Programme workshops or training over the year.	100	Unable To Report To be confirmed as the programme workshops/training is held throughout the 16/17 year



# **COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan** (Community Engagement)

Service	How will we measure our performance	Target (16/17)	Actual Per	rformance				
Council supports beach safety initiatives within communities by providing financial support.	Number of weeks Council funded surf lifesaving service is provided at Foxton and Waitarere Beaches.	6	Club.				itarere Surf Life re as follows.	esaving
				Rescues	First Aid	Search	Preventative Actions	Public inv.
			Waitarere	5	4	0	127	635
			Foxton	4	19	1	256	1,083
Council effectively communicates with its ratepayers and residents.	Number of Council "Community Connections" Newsletters published annually.	10	On Track The July, August and September copies of the community connection can be found at: <a href="http://www.horowhenua.govt.nz/Community/Community-Engagement/Community-Connection">http://www.horowhenua.govt.nz/Community/Community-Engagement/Community-Connection</a>			,		
	Number of media releases published annually.	100	Releases a	nd handled :	29 media	enquiries	sent out 11 Med In sent out this	
	Council provides a 24/7 telephone contact centre operation for people to phone.	100%	Achieved Council's 06	6 366 0999 t	elephone	e number i	s operational 2	4/7.



**COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan** (Visitor Information)

Service	How will we measure our performance	Target (16/17)	Actual Performance
Council supports the	Communities with Visitor Information	Levin, Foxton and	Achieved
promotion of Horowhenua as a tourism destination.	financially supported.	lly supported. Foxton Beach, Shannon	Levin: A Visitor information service is provided through Te Takere o Kura–Hau–Po (Te Takere).
		Foxton and Shannon: A contract has been established with De Molen Foxton and Shannon Progressive Association to deliver Visitor Information in Foxton and Shannon.	
	Percent of key performance indicators	>85%	On Track
	achieved by providers of Visitor Information as set out in annual service level agreement.		Key Performance Indicators are being delivered as required.
			Total number of enquiries for September 2016 at Te Takere – 964
			New Packages/Products:
			25 Things to Do in Horowhenua Brochure
			Promotion for Library/Pool and Theatre Concession
			<ul> <li>Promotion of Early-bird International Fares commenced in September 2016.</li> </ul>
	Percent of key performance indicators	>85%	Achieved
achieved by Destination Manawatu (Regional Tourism Organisation) as set out in annual service level agreement.	Destination Manawatu has been assisting with the following projects; Main Street Foxton, Community Signage, Experience Horowhenua forum, Summer Promotion, Cycleway and walkways promotion.		
			85% of performance measures have been achieved.



**COMMUNITY SUPPORT – Performance Measures – LTP/Annual Plan** (Economic Development)

Service	How will we measure our performance	Target (16/17)	Actual Performance		
Council provides strategic leadership in coordinating Economic Development activities across the District.	Councils Economic Development function will meet performance indicators and objectives as defined in the Horowhenua Economic Development Strategy*.	90% of annual work plan is completed	On Track The Economic Development Unit of the objectives of the Horowhenua Estrategy. The District's economic is track upwards, while significant into reducing the District's unemployment.	Economic Developr ndicators continue oads have been ma	ment to
	Number of Economic Development Board meetings held per year.	10	On Track A full day workshop was held in Ju meetings in August, September an		t
Council provides opportunities for businesses to collaborate and network resulting in a stronger business sector.	Number of Business networking meetings held per year.	10	On Track A number of networking meetings I Electra Business After 5 events, De Meeting, and a Business Breakfast Bennett and Nathan Guy.	eveloper Network	
Council advocates for and facilitates business development and new business investment in the Horowhenua.	Percent of the District's business community that are satisfied or more than satisfied with the Council's overall performance in the Economic Development Activity.	>75%	Unable To Report  A Customer satisfaction survey is yet to be conducted for the 16/17 financial year.  The 15/16 Annual Resident Satisfaction Survey results as follows:		
			Very Satisfied Satisfied Neither satisfied nor Dissatisfied	6.66% 26.63% 26.77%	
			Dissatisfied Very Dissatisfied	17.61% 6.66%	



### **APPENDIX**

Asset maintenance contract	General contract works, repairs, planned and unplanned maintenance, materials and consumables, cleaning and hygiene, inspections and reporting.
Finance cost	Interest on borrowings and interest on swaps.
Gains	Fair value revaluation gain and gain on sale.
General grants	Grants given to various organisations and individuals like Creative NZ, neighbourhood support, beach wardens, community development and youth scholarships.
Grants and subsidies	Grants and subsidies received from government and other organisations for roading, library, community hubs, cemetaries and acquatic centres.
Infringements and fines	Parking tickets, Prosecutions on WOFs and unregistered vehicles.
Employee benefits	Salaries and wages, training costs, FBT and ACC levies, superannuation, and staff recognition.
Other expenses	Printing, publication, postage, stationery, advertising, food and catering, photocopying, internet and communication and any other office expenses.
Professional services	Consultants, contractors, membership fees, legal fees, lab services, audit fees or any other professional services charges.
Regulatory revenue	Planning fees, building fees, animal fees, liquor fees and health fees.
Rendering of services	Commissions, car income, and any other income received for rendering services.
Rental income	Rent from Halls, residential and commercial properties, grazing land, reserves and other lease income.
Targeted rates	Rates for roading, waste management, representation and governance, stormwater, wastewater, water by meter and water supply.
User charges	Revenue received from addmission, shop sale, Cemetery fees, trade waste, utility connection, events and exhibitions.
Utilities	Water use, electricity and gas charges



# Notices of Motion: Pensioner Housing; Council Building and Council Finances

File No.: 16/585

### 1. Purpose

In accordance with Standing Order 3.10.1, the Chief Executive has received three Notices of Motion from Cr Bishop, seconded by Cr Judd, with the request that they be placed on the agenda for the 2 November 2016 Council meeting.

#### 2. Recommendation

- 2.1 That Report 16/585 Notices of Motion: Pensioner Housing; Council Building and Council Finances be received.
- 2.2 That the Horowhenua District Council endorses the decision of the previous Council:

THAT the Horowhenua District Council no longer provides Pensioner Housing as a core Council Service.

THAT Horowhenua District Council seeks expressions of interest from Community Housing Providers for the stock transfer of Council's Pensioner Housing Portfolio including those land parcels tagged for future Pensioner Housing.

THAT Horowhenua continues to take a leadership role in advocating and facilitating for wider community issues with regard to accessibility and affordability of quality housing.

- 2.3 THAT the Horowhenua District Council supports the two independent reports that have stated the Council building is safe for occupancy and that no further ratepayers' resources are to be invested in this matter.
- 2.4 THAT Council endorses the role of Audit NZ which is commissioned to complete an audit of Horowhenua District Council's finances annually

#### AND FURTHER

THAT Council does not support the intention of Mayor Feyen for the books to be opened as they already are open, and encourage people to read the 2015/2016 Annual Report for facts regarding Horowhenua District Council's financial position.

### 3. Background

- 3.1 Councillors Bishop and Judd have requested that Council consider three notices of motion (Appendix A).
- 3.2 The <u>first notice of motion</u> requests that Council endorses the decision made in April 2016 with regard to Council's pensioner housing portfolio.
- 3.3 In late 2015 and early 2016 Council undertook a review of its community/pensioner housing portfolio, which included extensive consultation with Council's pensioner housing tenants. During that review it was found that tenants would not be disadvantaged by any change in housing provider, and in some cases tenants would in fact be better off.
- 3.4 At an Extraordinary Council meeting held on 13 April 2016 it was therefore resolved:
  - THAT the Horowhenua District Council no longer provides Pensioner Housing as a core Council Service.



THAT Horowhenua District Council seeks expressions of interest from Community Housing Providers for the stock transfer of Council's Pensioner Housing Portfolio including those land parcels tagged for future Pensioner Housing.

THAT Horowhenua continues to take a leadership role in advocating and facilitating for wider community issues with regard to accessibility and affordability of quality housing.

- 3.5 The second notice of motion is in relation to the safety of the Council building.
- 3.6 Two independent reviews have confirmed the structural integrity and safety of the building. These two reports can be viewed on Council's website:

  <a href="http://www.horowhenua.govt.nz/News/CEOs-reassurance-about-Council-building%E2%80%99s-structural-integrity">http://www.horowhenua.govt.nz/News/CEOs-reassurance-about-Council-building%E2%80%99s-structural-integrity</a>
- 3.7 Crs Bishop and Judd are therefore requesting:

THAT the Horowhenua District Council supports the two independent reports that have stated the Council building is safe for occupancy and that no further ratepayers' resources are to be invested in this matter.

3.8 The <u>third notice of motion</u> is relation to Council's finances. Crs Bishop and Judd have requested the following resolution:

THAT Council endorses the role of Audit NZ which is commissioned to complete an audit of Horowhenua District Council's finances annually

#### AND FURTHER

THAT Council does not support the intention of Mayor Feyen for the books to be opened as they already are open, and encourage people to read the 2015/2016 Annual Report for facts regarding Horowhenua District Council's financial position.

- 3.9 With regard to the third notice of motion it is noted:
  - Council's annual audit by Audit New Zealand is independent. It involves a team of auditors from Audit NZ being on site for approximately five weeks during the year. The audit includes both financial and non-financial matters. The auditors have access to all Council's financial records and also consult Council's Minutes – both Open and In Committee.
  - Council has received unmodified audit opinions yearly for the past triennium, which is a
    great achievement.
  - The Public Audit Act 2001 states in Section 14 "The Auditor-General is the auditor of every public entity". Public Entities are defined in s5 and refers to Schedule 1 which has this definition for public entities contained within it. "Local authorities means local authorities as defined in section 5(1) of the Local Government Act 2002." Therefore, legislatively, only entities authorised by the Auditor-General can audit a Council's books.
  - Council's finances are also monitored monthly by the Finance, Audit and Risk Subcommittee (FARS). Agendas for these meetings are publicly available with hard copies available from Libraries and Council's Customer Service Centre, and the Agenda is also available on Council's website.
  - All elected members, whether appointed to the FARS Subcommittee or not (and the
    general public), are able to attend these meetings and also to ask questions of Finance
    staff who are in attendance. Queries raised that are not able to be answered directly by
    Finance officers are placed on a Monitoring Report that is updated monthly.
  - Any issues that the Auditors have raised during the yearly audit that require attention are also included on a Monitoring Report which is updated monthly.
  - The Audit Director appointed to Council by Audit New Zealand attends Finance, Audit & Risk Subcommittee meetings at least twice a year (as well as Council meetings) and



FARS members have the opportunity to meet with the Audit Director without Council staff present if they so wish.

- Since January 2014 the Finance Audit & Risk Subcommittee has had the benefit of having Mr Bryan Jackson as an independent member. Mr Jackson has significant expertise in the financial area and his input for the triennium has been of much value.
- Council also has regular internal audits undertaken through its association with MWLass. The most recent audit was a Procurement Review to 30 June 2016 and a report on that review was included in the August FARS Agenda and was available to be read by all elected members and the public.

#### **Attachments**

No.	Title	Page
Α	Notice of Motion - 26 October 2016 - Cr Bishop	72

### 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	DM Clafferton.
Approved by	David Clapperton Chief Executive	PM Clafferton.



Wednesday 26th October 2016

As per Standing Orders 3.10.1 I herby declare that:

I Councillor Wayne Bishop, Seconded by Councillor Barry Judd request that the following three notice of motions be put on the agenda for the Horowhenua District Council ordinary Council meeting dated 2 November 2016.

1. That Council endorses the decision of the previous Council:

THAT Horowhenua District Council no longer provides Pensioner Housing as a core Council Service.

THAT Horowhenua District Council seeks expressions of interest from Community Housing Providers for the stock transfer of Council's Pensioner Housing Portfolio including those land parcels tagged for future Pensioner Housing.

THAT Horowhenua District Council continues to take a leadership role in advocating and facilitating for wider community issues with regard to accessibility and affordability of quality housing.

2.

THAT Council supports the two independent reports that have stated the Council building is safe for occupancy and THAT no further ratepayers resources are to be invested in this matter.

3.

THAT Council endorses the role of Audit NZ who are commissioned to complete an audit of Horowhenua District Councils finances annually and further THAT Council does not support the intention of Mayor Feyen for the books to be opened as they already are open, and encourage people to read the 2015/2016 Annual Report for facts regarding Horowhenua District Councils financial position

Signed Wayne Bishop Signed Barry Judd



# **Monitoring Report to 2 November 2016**

File No.: 16/573

# 1. Purpose

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

#### 2. Recommendation

- 2.1 That Report 16/573 Monitoring Report to 2 November 2016 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
А	Horowhenua District Council Monitoring Report from 2012	74

# **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	PM Clafferto.
Approved by	David Clapperton Chief Executive	PM Clafferto.



Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
4 Jul 2012		North Eastern Quadrant Stormwater	THAT the stormwater review is progressed in 2012 – 2014.	G O'Neill	April 2015	Progressing and on track	This is a multi-year project through to the next LTP. Draft Scope and pricing has been developed and presented to council in a workshop on 16 March 2016  The project expected completion date is June 2017
4 Ma 2016	y 16/221	North East Levin Stormwater Improvement Project	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.				Key stakeholders and affected residents updated on project progress May 2016.
3 Augus 2015	st		active district plans				Since Aug 2015 HDC has held discussions with affected farmers to understand any concerns they may have. Modelling has been



Meeting Date	g	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
								undertaken on the Koputaroa Stream. A report on the outcomes of this modelling work is expected from the consultant mid- November. Tender documentation is being prepared for the work on Fairfield Road and also for work on the Kennedy Drive rising main. Construction is expected to commence in the New Year. A pre consent meeting was held in September 2016 between HDC and HRC. HDC intend to lodge a consent application with HRC to increase the discharge to the stream before the end of 2016.
2 2014	July	14/585	District Plan: Plan Change Timing	THAT the preparation and processing by officers of the following plan changes	D McCorkindale	July 2015		Officers are working with Heritage experts to assess the nominated



Meeting	Item	Item Description	Resolved	Responsible	Date to	Date	Officer Comment
Date	No.	item bescription	Resolved	Officer			Officer Comment
6 July 2016	No.		to the District Plan be postponed from the 2014/15 financial year and be undertaken within 2015/16 financial year:    Sites of Cultural Significance   Historic Heritage   Dunefields Assessment   Coastal Hazards.  Inclusion of the Shannon Conscientious Objectors' Camps	Officer	Action by	Completed	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.  Research is continuing on the Sites of Cultural Significance.  A Dunefields Assessment has been undertaken.  Consideration is being given to the most appropriate District Plan response to the assessment findings.  The Whitaunui Military Defaulter's Camp was
			Assessment Coastal Hazards.  Inclusion of the Shannon Conscientious Objectors'				propose to include additional building structures and site the District Plan H Schedule. Research is conting on the Sites of Cu Significance. A Dunefields Assessment has bundertaken. Consideration is bugiven to the most appropriate District response to the assessment finding



Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
5 Oct 2016							heritage assessment is currently being undertaken.  Historic Heritage Plan Change report withdrawn. Report is anticipated to
							be presented to Council late 2016 or early 2017 following a workshop with the new Council.
3 Dec 2014	14/890	Extension of N5 Part B Water and Wastewater Services Contract	THAT the Horowhenua District Council accepts the proposal from Downer to extend the current contract for another 24 months;	P Gaydon	1 July 2015	Ongoing	Downer have accepted to extend the contract for another 24 months  Discussions with Downer continuing.
			- During this period (24 months) review the existing work schedule and				Looking at differing options e.g.  • Alliance • Performance based
			- Develop a new contract arrangement with a duration of 8 years with a 4 year plus a 2 x 2 year				contract.  Bring in-house  Other contractors



Meeti Date	ng	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
Date		NO.		extension  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.	Officer	Action by	Completed	
4 2015	Nov	15/.648	Finance, Audit & Risk Subcommittee	THAT the Finance, Audit and Risk Subcommittee charter be reviewed after the 2016 triennial election.	D Clapperton	November 2016		This will be completed post the election.
6 2016	July	16/342	Adoption of Growth Targets	THAT the Horowhenua District Council utilises the following growth assumptions from 1 July 2016 in informing and setting a platform for future work programmes, planning, evaluation and analysis leading towards the updating of the 2018- 2028 Long Term Plan: 2016-2036 Growth	S Grainger	Ongoing		Officers are utilising the targets to inform Council's Growth Response programme.



Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			Forecasts: Population + 8,600 Households + 4,900 Jobs + 3,000				
			THAT the Horowhenua District Council endorses the full pursuit of the following actions to realise and maximise the projected growth assumptions:				
			A. Strengthening and leveraging the District's competitive advantage platform, including:				
			(i) Comparatively low cost land (residential and industrial) (ii) Comparatively low cost operating/low cost living environment				
			(iii) Greater business productivity through proximity to Wellington (including				



Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			customers, infrastructure, and labour market reach).			•	
			B. Ensuring infrastructure, policy provision and planning is in place to enable the District to fully leverage its competitive and comparative advantages.				
			C. Attracting business investment and new industry to drive job growth and to broaden the economic base of the District.				
			D. Fostering more intensive co-operation with neighbouring districts.				
			E. Lifting firms' and				



Meeting Date	Item No.	Item Description	Resolved	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			households' openness to change and development.				
5 Oc 2016	t 15/665	Adoption of Annual Report for the year ended 30 June 2016	Executive be authorised to		Completed		



# Chief Executive's Report to 2 November 2016

File No.: 16/543

# 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 16/543 Chief Executive's Report to 2 November 2016 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 Councillor Neville Gimblett is Council's representative on the Foxton Community Board from 25 October 2016 until 24 April 2018 and Councillor Ross Brannigan is Council's representative on the Foxton Community Board from 25 April 2018 until the October 2019 Local Government Elections.

# 3. Chief Executive Updates

#### 3.1 Foxton Community Board - Council Representative

A slight amendment is proposed to the resolution passed at the Inaugural Council Meeting as the dates advised at that meeting did not quite reflect the proposed 18 month representation. The proposed new resolution is:

That Councillor Neville Gimblett is Council's representative on the Foxton Community Board from 25 October 2016 until 24 April 2018 and Councillor Ross Brannigan is Council's representative on the Foxton Community Board from 25 April 2018 until the October 2019 Local Government Elections.

# 3.2 Annual Plan 2017 - Time Line

For information and prior to Council adopting its meeting schedule for 2017, the following time line is proposed for the 2017 Annual Plan:

Council Meeting – Annual Plan Process	7 December 2017
Council Briefing – Annual Plan #1	25 January 2017
Council Briefing – Annual Plan #2	8 February 2017
Adoption by Council of the Consultation Document for the 'Draft Annual Plan'	1 March 2017
Consultation and Submission Period	10 March - 11 April 2017
Annual Plan Hearings	3-4 May 2017
Annual Plan Deliberations	24 May 2017 (Extraordinary Council Meeting)
Adoption of Final Annual Plan	21 June 2017 (Extraordinary Council Meeting)



#### 3.3 Long Term Plan 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
Α	Long Term Plan 2015-2025 - Monitoring Report - October 2016 Update	85

#### 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**

orginatoric	3	
Author(s)	David Clapperton Chief Executive	PM Clafferto.
Approved by	David Clapperton Chief Executive	DM Clafferto.



	_	ONITORING REF g Term Plan 20	_		
Item	Resolved	Responsible Officer	Action Date	Statu s	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	31 Mar		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 has been put into the 2017/18 Minor Improvement programme. Design work is currently underway.
18.	THAT the programme of works for roading as identified in the infrastructure Strategy be implemented and that that Council bring forward the programme of works for Kent/Gloucester Road upgrade planned for 2018 to 2015/2016.	Kevin Peel	30 May		Completed
22.	THAT the programme of works for roading as identified in the Infrastructure Strategy be implemented and that	Kevin Peel	Ongoing		The RoNS work will be ongoing for several years.



		NITORING REF g Term Plan 20			
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
	officers continue to work closely with NZTA on the RONS project to ensure the best outcome for the Horowhenua community.				
26.	THAT the programme of 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.	Kevin Peel	30 June		The Foxton Main Street Project has started and the southern end following hold-ups at the northern end.
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 on completion of land accretion process to enable the designation to be given effect.
34.	THAT Council adopt the draft Horowhenua Smokefree Environment Policy with an amendment to include the addition of: all Early Childhood Centres, Primary and Secondary schools, including all associated public outdoor areas and the footpath directly in front of the property boundary and all Health Centres, including all associated public outdoor areas.	Monique Davidson	1 Jul 2015		Smokefree Policy has been reviewed and no further review planned for 3 years. Active promotion being planned for summer.
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.



	_	ONITORING REF g Term Plan 201	_		
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
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 Review not yet completed. Current policy is mainly focused on shade provision and other options are being explored.
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		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	Anna Wood	Ongoing		A draft Investment Plan has been prepared, based



			NITORING REF g Term Plan 20			
Iter	m	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
		towards parks and reserves in Foxton Beach over 2015-2025.				upon the ideas and aspiration of the local community. The draft Plan was presented to the previous Community Board, for sign-off before being released for community feedback. However, following the recent election, the new Community Board will be briefed on the project shortly, before considering/confirming next steps.
	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 provision during the 2015/2016 financial year.	Arthur Nelson	1 Jul 2015		Sports field review has commenced but will require additional work in 2016-2017.
	60.	THAT Council acknowledges the submission from Mr Orpin and will further investigate the options to establish a disc golf facility at Kowhai Park or some other appropriate location subject to consultation with users.	Arthur Nelson	1 Mar 2015		Complete – insufficient evidence has been supplied by the enquirer to facilitate installation of a disc golf circuit. Should subsequent information be provided that would qualify the installation of such a facility the decision will be reviewed.
	67.	THAT Council officers review the existing Reserve Management Plan for Waitarere Beach foreshore reserve as a priority with a view to identifying a current	Arthur Nelson	1 Nov 2015		The RMP is being drafted



	_	ONITORING REF			
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
	and integrated approach to management of the area.				
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
70.	THAT Council Officers will look at options for resealing discrete areas of tarmac close to the BBQ area in the Waitarere Domain.	Arthur Nelson	1 Nov 2015		Physical works have been completed
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 stopover 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 zoned for commercial or industrial development unless on a temporary basis.	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.



		ONITORING REF ng Term Plan 20	_		
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
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		No update at this stage.
8	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 application in process for physical works
84		Monique Davidson	1 Mar 2016		Initial meetings have been held with Sport Manawatu
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.
Property 8.	THAT Council Officers continue to develop a Property Strategy and will liaise with the Waitarere Beach Progressive Ratepayers Association on this matter.	Arthur Nelson	1 Dec 2015		Property Strategy adopted. Regular liaison ongoing with the Progressive Association
99	THAT Officers will continue	David			Initial meetings with



		_	ONITORING REF g Term Plan 20	_		
It	em	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
		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.	McCorkindale			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.
Economic Development	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 and increase community awareness of disasters.
	107	THAT Council accepts in principle the proposed to introduce the use of water tanks for new urban residential homes.	Gallo Saidy	30 Nov		Report completed and Council was Briefed in March 2016 meeting. Report is not yet ready for adoption



	MONITORING REPORT Long Term Plan 2015 - 25							
lt	em	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment		
Emergency Management & Rural Fire	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.		
Emergency Man	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		
	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.		
ers	119	THAT Officers provide submitters of the proposed funding for Waitarere Beach Stormwater works.	Gallo Saidy	30 Oct 2015		Funding allocation of \$30,000 is provided for these works. Complete		
Three Waters	120	THAT Officers liaise and work with Horizons' officers in the implementation of	Gallo Saidy	Ongoing		Liaise with Horizons on implementation of		



		NITORING REF g Term Plan 201			
Item	Resolved	Responsible Officer	Action Date	Statu s	Officer Comment
	stormwater projects to get the best value from both Councils' projects.				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
129	THAT the programme of works in the Infrastructure Strategy be implemented inclusive of the increase to the Footpath Upgrade programme from \$50,000 to \$100,000 per year, and the bringing forward of the programme of works for Kent/Gloucester Road upgrade planned for 2018 to 2015/2016.	Kevin Peel	June 2016		Footpath budget was increased. Park/Kent project completed
130	THAT the Council retains the Financial Strategy and its objectives of:	Doug Law	1 Jul		Ongoing - this requires constant monitoring and reporting to ensure
	<ol> <li>balancing the budget in three years;</li> <li>ensuring that debt is used solely to fund -level of service and growth</li> </ol>				we remain on track



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



File No.: 16/569

# **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 November 2016-2019.
- 3.4. That on adoption the Code of Conduct November 2016-2019 be 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 November 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

No.	Title	Page
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Author(s)	David Clapperton Chief Executive	DM Clafferton.
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Approved by	David Clapperton Chief Executive	0
		PM Clafferto.





# **Code of Conduct**

Adopted on ...... November 2016

# **02 November 2016**



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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 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:

- 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.
- 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 disclosure 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.<sup>1</sup>
- 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 5, s. 14(4)). Any member, or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

#### 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:
  - o have a right to know that an investigation process is underway:
  - o are given due notice and are provided with an opportunity to be heard;
  - o 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.<sup>2</sup>

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.

<sup>&</sup>lt;sup>2</sup> On behalf of the Council the Chief Executive will, as required, prepare 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.



#### 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:

- 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.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

#### 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:

1. "...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 \$1000. 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
- 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;
- 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.



File No.: 16/570

## **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 Council agree to amend the draft Standing Orders (section 14) to include one of the following options:
  - A) Public Forum
  - B) Public Participation
  - C) Public Forum and Public Participation
  - D) None of the above
- 3.4 That the Council agree to amend the draft Standing Orders (section 18.3) to include one of the following options:
  - A) Chairperson does have a casting vote
  - B) Chairperson does not have a casting vote
- 3.5 That in accordance with clause 27, Schedule 7 of the Local Government Act 2002, with effect from 3 November 2016 the Horowhenua District Council, its Committees and Subcommittees adopts the **attached** Standing Orders as amended.

## 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 his deputy have expressed an interest in having a discussion around meeting etiquette and Council may wish to consider further amendment to the Standing Orders to have such considerations recorded in a formal manner. Examples raised by His Worship the Mayor and his deputy include dress code (suggested tidy/business casual), a preference for no use of cell phones (calls and texting) during Council meetings and a desire to 'live stream' Council meetings over the internet.
- 5.5 Further to 5.4 above there are two specific issues requiring direction from Council. The first is the matter of Public Forum and/or Public Participation in Council Meetings. Section 14 of the attached draft Standing Orders provides wording for both options for Council's consideration. Traditionally Council has not used Public Forum, but has allowed members of the public to speak to items on the Agenda.
- 5.6 The second issue requiring Council direction is the matter of whether or not the Mayor or chairperson is to have a casting vote. The default position under clause 24(2), Schedule 7 of the Local Government Act 2002 is that the Mayor or chairperson does not have a casting vote and that in the case of an equality of votes the act or question is defeated and the status quo is preserved.
- 5.7 Clause 24(4)(b), Schedule 7 of the Local Government Act 2002 however, does enable the Mayor or chairperson a casting vote, if Council expressly provides for such in its adopted standing orders. Section 18 of the attached draft Standing Orders provides wording for both options for Council's consideration. Traditionally Council has provided the Mayor with a casting vote.
- 5.8 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

Not applicable.

## 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 6 November 2016 the Horowhenua District Council, its Committees and Subcommittees will operate under the Standing Orders **attached** to this report..

## 12. Appendices

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Approved by	David Clapperton Chief Executive	PM Clafferto.





# **Standing Orders**

Adopted ..... November 2016



## **Preface**

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

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

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

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

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

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

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

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## 1. Introduction

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

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

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

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

## 1.1 Principles

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

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

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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.)

**Seconder** means the member who seconds a motion.

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

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

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

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

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

Working day means any day of the week other than:

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

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

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**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) Schedule7, 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
- 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), Schedule7, 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), Schedule7, 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), Schedule7 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 -



- 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**

- 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:

- 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 Forums

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

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

#### 14.14 Time limits

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

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

#### 14.15 Restrictions

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

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

#### 14.16 Questions at public forums

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



#### 14.17 No resolutions

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

#### **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 <a href="mailto:public.participation@horowhenua.govt.nz">public.participation@horowhenua.govt.nz</a> 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 does not have a casting vote

The Mayor, Chairperson or any other person presiding at a meeting –

- (a) has a deliberative vote
- (b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

OR



#### 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.

## Method of voting

The method of voting must be as follows:

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

# 18.4 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 Seconder 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. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

#### 22.6 Foreshadowed amendments

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

#### 22.7 Lost amendments

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



#### 22.8 Carried amendments

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

#### 22.9 Where a motion is lost

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

#### 22.10 Withdrawal of motions and amendments

Once a motion or amendment which 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;
- 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;
- (I) 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

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#### 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 i, 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
    - 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	Put in name of report	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)



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.  OR To enable the Committee to consider the objection to fees and charges.  OR To enable the Committee to.  UR  To enable the Committee to.  OR  To enable the Committee to.  OR  To enable the Committee to.  OR  To enable the Committee to.  UR  To enable the Committee to.  OR  To enable the Committee to.  OR  To enable the Committee to.  OR  To enable the Committee to.  In the 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:  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.  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).
This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information

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 Motion moved (Maximum 5 minutes) Motion seconded (Seconder may reserve the right to Motion moved but not seconded, speak in the double debate motion lapses. maximum 5 minutes) Amendment (not a direct Notice of intention to move negative) moved and seconded by additional or alternative motion. persons that have not yet spoken (Foreshadowed motion) (Maximum 5 minutes for mover Motion debated and 3 minutes for seconder) (Maximum 5 minutes per speaker. NOTE: If 3 consecutive speakers are in Movers of the original motion may support or opposition, Motion withdrawn by a majority speak once to each amendment. Chairperson may call for speaker decision or by agreement of to the contrary and if none, the mover and seconder. motion may be put after mover and seconder has exercised right Amendment debated to speak). (Maximum 5 minutes per speaker. If 3 consecutive speakers in Amendment withdrawn by a support or opposition, Chairperson majority decision or by agreement may call for speaker to the of mover and seconder. contrary and if none, the motion may be put). Mover's right of reply No right of reply (Maximum 5 minutes) Chairperson to put Motion Notice of intention to move further amendment maybe given. **Motion LOST** Motion carried (Foreshadowed) No further action, move to next item Mover of original motion may exercise right of reply here No further discussion permitted, move to next item Chairperson to put Amendment Amendment CARRIED Amendment LOST Revocation, alteration or modification permitted at same Amendment to the original **Further relevant amendments** meeting by 75% majority if fresh motion becomes the new moved and seconded by person facts received during meeting. substantive motion who have not yet spoken (Maximum 5 minutes for mover and 5 minutes for other speakers) Further relevant amendments to the new substantive motion moved and seconded by persons If CARRIED, amendment become substantive motion who have not yet spoken (Maximum 5 minutes for mover and 5 minutes for other speakers) Page 186 Adoption of Standing Orders If LOST original motion put, and If CARRIED, substantive motion is put, either CARRIED or LOST either CARRIED of LOST



# Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	ls seconder required?	Is discussion in order?	Are amendments in order?	Is mover or procedural motion entitled to reply?	participants in debate entitled to move this	speaker be interrupted by the mover of this	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	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate ion the original	If carried, debate on the original	

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being discussed be adjourned to a stated time and		motion an amendme are adjourned	ent procedural motion are	
place"				

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Motion	Has the Chair discretion to refuse this Motion?	ls seconder required?	Is discussion in order?	Are amendments in order?	Is mover or procedural motion entitled to reply?	participants in debate entitled to move this	speaker be interrupted by the mover of this	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discusse d does lie on the table and not be discusse d 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 discusse d be referred (or referred back) to the local authority or to the relevant committe e"	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	

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(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperso n	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14
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### **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 –

(a) has a deliberative vote



(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved).

#### OR

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

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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.

# Council 02 November 2016



#### **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 10: 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.



# **Documents Executed and Electronic Transactions Authorities Signed**

File No.: 16/544

## 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 16/544 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) Electronic Transaction Authority relating to sale of 31 Hartley Street, Foxton Beach to Ian John Petersen and Graham John Petersen, contained in Certificate of Title WN7A/629.
  - (b) Electronic Transaction Authority relating to removal of easement on Title WN15D/9, 31 Rimu Street, Levin.
  - (c) Electronic Transaction Authority relating to sale of 7 Forbes Road, Foxton Beach to Norman Derek Cooper and Gwenda Judith Cooper, contained in Certificate of Title 399453.
  - (d) 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.

#### 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.

The following are contract document details:

#### Contract No 16/01 – Wastewater Reticulation Renewals 2016/17

The tender from Tatana Contracting Ltd. was accepted for this contract. Two tenders were received for this contract ranging from \$600,000.00 to \$747,283.00.

#### **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)	David Clapperton Chief Executive	PM Clafferton.
Approved by	David Clapperton Chief Executive	DM Clafferton.



# Planning Services Matters Considered Under Delegated Authority

File No.: 16/545

## 1. Purpose

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

#### 2. Recommendation

- 2.1 That Report 16/545 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.
- 2.3 That the matters decided under delegated authority (s104 of the Resource Management Act) as listed, be received:

# All <u>Subdivision</u> Resource Consents Granted Under Delegated Authority 21/09/16 to 18/10/16

<b>Approved Date</b>	File Ref	Applicant	Address
23.09.2016	SUB/3814	Richard Trevethick	437 Tararua Road Levin Rural
26.09.2016	SUB/3812	Brett Flanagan	679C State Highway 1 Levin Rural
30.09.2016	SUB/3784	Logan Tidey	37A Fairfield Road Levin Rural
10.10.2016	SUB/3818	Kevin Lobb	149 McDonald Road Levin Rural

# All <u>Land Use</u> Resource Consents Granted Under Delegated Authority 21/09/16 to 18/10/16

Approved Date	File Ref	Applicant	Address
26.09.2016	LUC/3815	Christopher Hathaway	119 Engles Road Tokomaru Rural
30.09.2016	LUC/3816	Murray Georgel	7 Somerset Grove Waitarere Beach
10.10.2016	LUC/3831	Graham Pilling	3 Takapu Road Levin Rural

#### 3. Issues for Consideration

That the Subdivision and Land Use Resource Consents, as listed, be received.

#### **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	All Alle
Approved by	Mike Lepper Customer and Regulatory Services Manager	All Allie