

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

**Date:** Wednesday 28 September 2022  
**Time:** 4:00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## Council

# OPEN AGENDA

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### MEMBERSHIP

|                     |                          |
|---------------------|--------------------------|
| <b>Mayor</b>        | B P Wanden               |
| <b>Deputy Mayor</b> | Deputy Mayor J F G Mason |
| <b>Councillors</b>  | Cr D A Allan             |
|                     | Cr W E R Bishop          |
|                     | Cr R J Brannigan         |
|                     | Cr T N Isaacs            |
|                     | Cr S J R Jennings        |
|                     | Cr V M Kaye-Simmons      |
|                     | Cr R R Ketu              |
|                     | Cr C B Mitchell          |

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Full Agendas are available on Council's website  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

Full Agendas are also available to be collected from:  
Horowhenua District Council Service Centre, 126 Oxford Street, Levin  
Te Awahou Nieuwe Stroom, Foxton,  
Shannon Service Centre/Library, Plimmer Terrace, Shannon  
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin



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**1 Apologies**

An apology from Councillor Piri-Hira Tukapua has been received.

**2 Public Participation**

Notification of a request to speak is required by 12 noon on the day of the meeting by phoning 06 366 0999 or emailing [public.participation@horowhenua.govt.nz](mailto:public.participation@horowhenua.govt.nz).

**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 Declarations 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, 14 September 2022**

**5.2 Meeting minutes In Committee Meeting of Council, 14 September 2022**

**Recommendation**

5.1 That the meeting minutes of the Council meeting held on 14 September 2022 be accepted as a true and correct record.

5.2 That the meeting minutes of the In-Committee Council meeting held on 14 September 2022 be accepted as a true and correct record.

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

The following motion is submitted for consideration:

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

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

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

### C1 Proceedings of the Community Funding and Recognition Committee held on 8 September 2022

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

### C2 Proceedings of the Community Funding and Recognition Committee held on 20 September 2022

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

### C3 Proceedings of the Chief Executive Employment and Relationship Committee held on 21 September 2022

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

File No.: 22/539

## 7.1 Engagement of an Independent Hearings Commissioner

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### 1. Purpose

To advise the Council of a recent hearing where an Independent Hearings Commissioner was engaged to hear and decide on the outcome of an application for remission of the Development Contribution assessed for Land Use Consent 501/2021/295.

### 2. Recommendation

- 2.1 That Report entitled “Engagement of an Independent Hearings Commissioner” 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. Summary

- 3.1 Land Use consent 501/2021/295 was received by Council on 24 August 2021. The application was for a 52-unit social housing complex on a 9283m<sup>2</sup> site at 29A Hinemoa Street, Levin (Lot 3 DP 408900), and was granted on 26 April 2022 after a hearing.
- 3.2 As the application was received after 1 July 2021, it was subject to an assessment for Development Contributions in accordance with the Kaupapahere mō te Utu Whakawhanake 2021 Development Contributions Policy 2021 (DC Policy). A copy of the Development Contributions Assessment notice was provided with the approval via email on 26 April 2022.
- 3.3 A request for remission of the Development Contributions was received from Barry Judd, General Property Manager, Wayne Bishop Group Limited (WBG), on behalf of Wayne Bishop Investments Limited (WBI) via email on 26 April 2022. The remission was requested under Section 3.6.1.1(a) of the DC Policy, which allows for remission or reduction of a development contribution where it is expected to provide a significant community benefit. Section 3.6.3.4 of the policy required any such requests to be considered by the Council Hearings Committee.
- 3.4 Given the position of Wayne Bishop as a sitting Horowhenua District Councillor, as well as his role as the majority shareholder of WBI and WBG, it was not considered appropriate for the Council Hearings Committee to hear the request, due to the potential conflict of interest.
- 3.5 Section 3.6.3.4 did not allow for an alternative body/person to hear the request in situations such as this. It was also considered that point a) of 3.6.1.2 did not adequately provide for social housing as a reason for remission of contributions, rather the original wording appeared to conflate affordable housing with social housing and only appeared to allow for social housing where the intention was to sell the houses. Amendments to address this were resolved under Resolution Number CO/2022/32.
- 3.6 The amendments above allowed for an independent commissioner to hear the application. With the approval of the Chief Executive and the Chair of the Hearings Committee, Gina Sweetman, a certified Development Contributions Commissioner was engaged to hear the request for remission.
- 3.7 The hearing was held on Wednesday 7 September 2022. Prior to closing the hearing, Ms Sweetman requested Council officers to obtain a legal opinion to determine whether the

hearing could be held under the updated Development Contributions Policy, given that the Development Contributions assessment was issued and the original request for remission was received at the time the original version of the policy was current.

- 3.8 The legal opinion was provided to Ms Sweetman on 13 September 2022. The legal opinion confirmed that the request for remission could be considered under the amended policy,
- 3.9 Ms Sweetman provided her final decision to Council on 16 September 2022, which was to grant full remission of the Development Contributions as assessed in this case. The applicant was notified and provided a copy of the decision on 17 September 2022.



#### **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 advantages and disadvantages, 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.

## **4. Appendices**

There are no attachments for this report.

|             |  |   |
|-------------|--|---|
| Author(s)   | Lisa Poynton<br><b>Senior Policy Planner</b>                       |   |
| Approved by | David McCorkindale<br><b>Group Manager - Vision &amp; Delivery</b> |   |
|             | Monique Davidson<br><b>Chief Executive Officer</b>                 |  |



File No.: 22/543

## 7.2 Appointment of Commissioners - District Licensing Committee

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### 1. Purpose

The purpose of this Report is to propose the appointment of Commissioners to the District Licensing Committee until 28 February 2023 or until such time as the Council resolves otherwise.

### 2. Executive Summary

- 2.1 Councillors Ross Brannigan and Sam Jennings were appointed by Council as the Chairperson and Deputy Chairperson respectively when the Local Government Statement was adopted by Council on 12 February 2020.
- 2.2 It is proposed that Councillors Ross Brannigan and Sam Jennings be appointed as Commissioners to the Horowhenua District Licensing Committee to ensure that this Committee is able to operate until new Councillor appointments are confirmed by Council following the October election.

### 3. Recommendation

- 3.1 That Report 22/531 Appointment of Commissioners - District Licensing Committee be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council appoints current Councillors Ross Brannigan and Sam Jennings as Commissioners to the Horowhenua District Licensing Committee until 28 February 2023 or until such time as new Councillor appointments are confirmed by Council following the 2022 local elections.

### 4. Background / Previous Council Decisions

Councillors Ross Brannigan and Sam Jennings were appointed as Chairperson and Deputy Chairperson respectively to the District Licensing Committee in February 2017 as allowed by section 189 of the Sale & Supply of Alcohol Act 2012.

### 5. Discussion

- 5.1 Section 186 of the Sale and Supply of Alcohol Act 2012 requires a territorial authority (TA) to appoint one or more licensing committees (DLC) for the district; and section 189(2) requires the DLC to appoint a Chairperson who is either an elected member of a TA or an appointed Commissioner.
- 5.2 There are currently no Commissioners appointed to the Horowhenua DLC.
- 5.3 A Chairperson who is an elected member ceases to be qualified to be a Chairperson if they cease to be an elected member.
- 5.4 It is the Chairperson of the District Licensing Committee who makes decisions on uncontested applications received, including applications for special licenses for events.

- 5.5 It is therefore necessary to appoint Commissioners to the DLC to ensure that transitional arrangements are in place to facilitate the continuation of the business of the Licensing Committee.

## 6. Options

- 6.1 Option 1. To not endorse the recommendation 3.3 and therefore Licensing Committee decisions, including those of a routine nature, will be held in abeyance until such time as Councillor Representatives are appointed to the District Licensing Committee.
- 6.2 Option 2. Resolve the recommendation 3.3 therefore ensuring the continuing function of the District Licensing Committee.
- 6.3 Preferred Option. The preferred option is Option 1 for the reasons stated.

### 6.4 Cost

Not applicable to this report.

#### 6.4.1 Rate Impact

Not applicable to this report.

### 6.5 Community Wellbeing

There are no negative impacts on Community Wellbeing arising.

### 6.6 Consenting Issues

There are no consents required or consenting issues arising.

### 6.7 LTP Integration

There is no LTP programme related to the options or proposals in this Report, nor are there any Special Consultative Processes required.

## 7. Consultation

There was no consultation required to be undertaken. This matter is purely a decision for Council.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the proposal.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

There are no other considerations. The purpose of this report is purely to put interim steps in place that allow for the continuing function of the District Licensing Committee following the local body elections until such time as the incoming Council has had the opportunity to make appointments to this committee.

## 11. Next Steps

If the recommendation 3.3 is accepted it will be “business as usual” for the District Licensing Committee; if the recommendation is not accepted the decision making process by the Committee will cease until such time as persons are appointed.

**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 advantages and disadvantages, 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.

**12. Appendices**

There are no appendices for this report

|           |   |   |
|-----------|---|---|
| Author(s) | Grayson Rowse<br><b>Principal Advisor - Democracy</b> |  |
|-----------|---|---|

|             |  |   |
|-------------|--|---|
| Approved by | Monique Davidson<br><b>Chief Executive Officer</b> |  |
|-------------|--|---|



File No.: 22/542

## 7.3 Delegations to the Chief Executive during Interim Election Period and Discharging Committees

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### 1. Purpose

To request Council to delegate to the Chief Executive during the interim election period the responsibilities, duties and powers of the Council, except for certain powers set down in the legislation that cannot be delegated.

### 2. Executive Summary

- 2.1 The Council may wish to consider arrangements to ensure the effective and efficient conduct of the Council's business during the period from the day after the declaration of the electoral result until the new Council is sworn in at the Inaugural meeting. Until the new members' declarations are taken at the Inaugural meeting, neither the outgoing nor the incoming elected members can act in their capacity as members of the Council.
- 2.2 It is recommended that the Council delegate its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration until the swearing in of the new Council, except for those set out in Schedule 7, Clause 32(1) of the Local Government Act 2002 (LGA). It is recommended that the Council discharge all its Committees and therefore no resolution is required under Clause 30 (7) of Schedule 7 of the LGA. Two Committees continue to operate following the elections; the District Licensing Committee and the Civil Defence and Emergency Management Group and these do not require a resolution of the Council to do so.

### 3. Recommendation

- 3.1 That Report 22/542 Delegations to the Chief Executive during Interim Election Period and Discharging Committees be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That subject to the limitations set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002, the Council delegates all of its responsibilities, duties, and powers to the Chief Executive for the period from the day after the declaration of the election results until the swearing in of the new Council, subject to a requirement that the Chief Executive may only exercise this delegation after the following:
  - (a) consultation with the person elected to the position of Mayor,
  - (b) may only attend to those matters that cannot reasonably wait until the first meeting of the new Council and;
  - (c) shall be reported to the first meeting of the new Council.

### 4. Background / Previous Council Decisions

#### Members Coming in and Out of Office

- 4.1 It is prudent for Council to consider arrangements to ensure the effective and efficient conduct of the Council's business during the period from the day after the declaration of the

electoral result (13 October or as soon as practicable thereafter), until the new Council is sworn in at the Inaugural meeting, scheduled for Wednesday, 26 October 2022.

- 4.2 Clause 14 of Schedule 7 of the Local Government Act 2002 (refer to Appendix 1) provides that a person newly elected to Council may not act until they have made the necessary declaration at the Inaugural meeting. This provision combines with sections 86, 115 and 116 of the Local Electoral Act 2001 (refer to Appendix 1) to the effect that, from the day after the declaration of election results, until the new members' declarations are taken at the Inaugural Council meeting, neither the outgoing nor the incoming elected members can act in their capacity as members of the Council.
- 4.3 While the official results will likely be known on Thursday, 13 October 2022 (or as soon as practicable thereafter), and placed on the Council's website, in terms of the LEA sections 86 and 115, the public notice is deemed to be by way of a public notice in a local newspaper.

## 5. Discussion

- 5.1 To ensure the effective and efficient conduct of Council's affairs during the interim election period, Council may wish to consider delegating to the Chief Executive all of its responsibilities, duties, and powers for the period in question except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the Local Government Act 2002 (refer to Appendix 1).

- 5.2 For the avoidance of doubt those powers excluded from the delegation are as follows:

*Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*

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

- 5.3 This delegation would be for the limited time period between the declaration of the election result and the first meeting of the new Council. This is anticipated to be twelve days as the public notice of the declaration of the result is expected on 14 October 2022 and the Inaugural Council meeting is expected to be held on 26 October 2022.

The delegation period is therefore between the 15 October 2022 and the 26 October 2022 inclusive. However, these dates may be subject to change, depending on the timing of the declaration and whether there is a challenge to the election result.

- 5.4 It is also recommended that the delegation is subject to a number of requirements. Firstly that the Chief Executive may only act after consultation with the Mayor Elect. Secondly that the Chief Executive may only attend to those matters that cannot reasonably wait until the first meeting of the new Council and thirdly that the Chief Executive is required to report any decisions to the first meeting of the new Council.

### Discharging Committees

- 5.5 Pursuant to Schedule 7, Clause 30(7) a committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be

discharged on the coming into office of the members of the local authority elected following the 2022 election. It is recommended that all the Council's Committees be discharged and therefore no resolution under Clause 30 (7) is required.

5.6 There are two Committees which continue to operate following the election in October 2022 and do not require a Council resolution to do so:

- The District Licensing Committee set up under the Sale and Supply of Alcohol Act 2012 to make decisions on all licences and managers certificates. The current Chairperson and Deputy Chairperson are elected members. Their qualification to continue in those roles cease should they not be re-elected. Therefore a report is included in this Agenda in respect of the appointment of temporary Commissioners for an interim period.
- The Civil Defence and Emergency Management Group (CDEMG). Amendments to section 12(2) of the Civil Defence Emergency Management Act 2002 (CDEMA) provide that the CDEMG is not deemed to be discharged following a triennial election. However, during the period between the declaration of results on 14 October 2022 and the swearing in on 26 October 2022, the Mayor-elect does not have the power to act under CDEMA. During this period the power to declare a state of emergency or give notice of a local transition period rests with the Minister for Emergency Management. A process exists for the CDEM Group's Regional Emergency Management Advisor to link the Council with the Director of Civil Defence Emergency Management and Minister's office as needed.

## 6. Options

### **Option 1 – Grant Delegated Authority to the Chief Executive during the Interim Election Period**

The Council has the option of delegating to the Chief Executive all of its responsibilities, duties, and powers for the period in question except those set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the Local Government Act 2002, subject to the three requirements set out in section 3.

The risks involved in delegating to the Chief Executive include the Council not agreeing with the decisions made and overturning decisions at a later date. However, the limited time period and the fact that any decision by the Chief Executive is required to be made in consultation with the Mayor-elect and that it would only be pressing matters that must be attended to and reported on at the first meeting of the incoming Council, does provide a degree of comfort to elected members that decisions will not be made unless required for the smooth running of the Council.

### **Option 2 – Not delegate to the Chief Executive during the Interim Election Period**

The Council has the option of not delegating to the Chief Executive all of its responsibilities, duties, and powers for the period in question except those powers that cannot be delegated out (these are set out in paragraphs (a) to (h) of clause 32(1) of Schedule 7 of the Local Government Act 2002 in Appendix 1), which are the powers of the Council subject to the three requirements set out in section 3.

The risks of not delegating would be the risk of the Council not being able to undertake its business during the period from the declaration of the election result until the first meeting of the new Council.

There is a relatively low risk involved in this option.

### **Option 3 – Grant delegated authority to a Council Committee**

A further alternative available is that the Council may now, under Clause 30 (7) of Schedule 7 of the Local Government Act 2002, (see Appendix 1) resolve before the election that its committees or some of them are not discharged and continue following that election.

If the Council did pass a resolution under Clause 30 (7) not to discharge some or all of its committees then the membership of its committees may continue after the election because of Clause 31 (5) (see Appendix 1) which states that the Council can replace the members of the committee that are not discharged after the election.

The Council is not required to replace the membership and if the Council takes no action members already appointed to the Council committees will continue to be members of those committees. The effect of this clause is that those members who have not been re-elected would seem to continue to be members of the committees (until they go out of office) as well as those members who have been re-elected. If all the members cease to be members, the Committee will cease to be able to comply with clause 31(4) (a) which requires that at least 1 member of a committee must be an elected member of the local authority. Members who have been re-elected will not be able to act as members until they have taken their declarations.

These provisions are confusing and untested and there is some doubt about how they would work out in practice. Accordingly it is not recommended that the Council follow this option.

## 6.1 Cost

There are no cost implications.

### 6.1.1 Rate Impact

There will be no rating impact.

## 6.2 Community Wellbeing

There will be no adverse impact on community wellbeing.

## 6.3 Consenting Issues

There are no consenting issues.

## 6.4 LTP Integration

There is no LTP implications.

## 7. Consultation

Consultation is not required.

## 8. Legal Considerations

Council has the authority to make this decision.

## 9. Financial Considerations

This decision is not inconsistent with the provisions of the Local Government Act 2002.

## 10. Other Considerations

There are no other considerations.

### **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 advantages and disadvantages, 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.

## 11. Appendices

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| B   | Excerpts from the Local Electoral Act 2002  | 20   |

|             |   |   |
|-------------|---|---|
| Author(s)   | Grayson Rowse<br><b>Principal Advisor - Democracy</b> |    |
|             | Monique Davidson<br><b>Chief Executive Officer</b>    |    |
| Approved by | Monique Davidson<br><b>Chief Executive Officer</b>    |  |

## Excerpts from the Local Government Act 2002

### Schedule 7

#### Local authorities, local boards, community boards, and their members

...

#### 14 Declaration by member

- (1) A person may not act as a member of a local authority until—
- (a) that person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and
  - (b) a written version of the declaration has been attested as provided under subclause (2).
- (2) The written declaration must be signed by the member and witnessed by—
- (a) the chairperson; or
  - (b) the mayor; or
  - (c) a member of the local authority; or
  - (d) the chief executive of the local authority; or
  - (e) in the absence of the chief executive, some other officer appointed by the chief executive.
- (3) The form of the declaration must consist of the following elements:

##### ***Declaration by mayor or chairperson or member***

*"I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [region or district], the powers, authorities, and duties vested in, or imposed upon, me as [mayor or chairperson or member] of the [local authority] by virtue of the Local Government Act 2002, the [Local Government Official Information and Meetings Act 1987](#), or any other Act*

*Dated at: [place, date]*

*Signature:*

*Signed in the presence of:*

*CD, [mayor or chairperson or member or chief executive of local authority]"*.

#### *Subordinate decision-making structures*

#### 30 Power to appoint committees, subcommittees, other subordinate decision-making bodies, and joint committees

...

- (7) A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body.

#### 31 Membership of committees and subcommittees

...

- (4) Despite subclause (3),—
- (a) at least 1 member of a committee must be an elected member of the local authority; and

- (b) an employee of a local authority acting in the course of his or her employment may not act as a member of any committee unless that committee is a subcommittee.
- (5) If a local authority resolves that a committee, subcommittee, or other decision-making body is not to be discharged under [clause 30\(7\)](#), the local authority may replace the members of that committee, subcommittee, or other subordinate decision-making body after the next triennial general election of members.

## Excerpts from the Local Electoral Act 2002

### **86 Declaration of result**

The electoral officer conducting an election or poll must give public notice declaring the official result of the election or poll in the prescribed manner as soon as practicable after—

- (a) *[Repealed]*
- (b) the validity of all special votes has been determined; and
- (c) all valid votes have been counted.

### **115 When members come into office**

- (1) A candidate who is declared to be elected comes into office on the day after the day on which the official result of the election is declared by public notice under [section 86](#).
- (2) *[Repealed]*
- (3) A person appointed to fill an extraordinary vacancy comes into office at the time of his or her appointment.

### **116 When members leave office**

- (1) Every member of a local authority or local board or community board, unless vacating office sooner, vacates office,—
  - (a) in a case where the member's office is the subject of an election, when the members elected at the next election come into office;
  - (b) in a case where provision is made by any enactment to fill a vacancy by appointment, when the member's successor comes into office.
- (2) Despite subsection (1)(a), if a member's office is the subject of an election, and neither the member nor any other person is elected at the election to that office, the member vacates office at the same time as any other member of the local authority who is not re-elected at the election.

