

Notice is hereby given that the inaugural meeting of the 2022-2025 Horowhenua District Council will be held on:

Date: Wednesday 26 October 2022
Time: 6.00pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council – Inauguration

Including swearing-in of Te Awahou Community Board Members

OPEN AGENDA

MEMBERSHIP

Mayor
Councillors

Bernie Wanden
Cr David Allan
Cr Mike Barker
Cr Rogan Boyle
Cr Ross Brannigan
Cr Clint Grimstone
Cr Nina Hori Te Pa
Cr Sam Jennings
Cr Paul Olsen
Cr Jonathan Procter
Cr Justin Tamihana
Cr Piri-Hira Tukapua
Cr Alan Young

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

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
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

ITEM	TABLE OF CONTENTS	PAGE
1	Mihi and Karakia	5
2	Apologies	5
3	Explanation of Legislation Relevant to Elected Members	5
	3.1: Report – Explanation of Legislation Relevant to Elected Members (2022 - 2025 Triennium)	6
4	Swearing-in of His Worship the Mayor	10
5	Appointment of Deputy Mayor	10
	4.1: Report – Appointment of Deputy Mayor	11
6	Swearing-in of Councillors	12
7	Mayoral Address	13
8	Setting date of First Meeting of Council	13
	7.1: Report – Setting Date of First Meeting of Council	14
9	Swearing-in of Te Awahou Foxton Community Board Members	15
10	Closing	

1 Apologies

2 Mihi and Karakia

Monique Davidson, Chief Executive of the Horowhenua District Council, presents a mihi to those assembled, followed by the karakia:

*Whakataka te hau ki te uru
Whakataka te hau ki te tonga
Kia mākinakina ki uta
Kia mātaratara ki tai
E hī ake ana te atākura
He tio, he huka, he hauhū
Tihei mauri ora!*

Waiata

3 Explanation of Legislation Relevant to Elected Members (2022-2025 Triennium)

The Chief Executive presents the report: Explanation of Legislation Relevant to Elected Members (2022 - 2025 Triennium).

The presentation of this report meets the requirements under Schedule 7, Section 21(5)(c) of the Local Government Act 2002 for the Chief Executive to give Elected Members a general explanation of laws relevant to their role.

3.1 Explanation of Legislation Relevant to Elected Members (2022 - 2025 Triennium)

File No.: 22/563

1. Purpose

Schedule 7, Section 21(5)(c) of the Local Government Act 2002 requires the Chief Executive, or her nominee, to give Elected Members a general explanation of laws relevant to their role.

2. Recommendation

- 2.1 That Council receive and note the Report Explanation of Legislation Relevant to Elected Members (2022 - 2025 Triennium).
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Background

The explanation pertains to relevant statutory obligations, which include the provisions relating to meetings and official information, members' financial interests and disclosure duties, and offences relating to corruption.

4. Legislation relevant to elected members

Local Government Official Information and Meetings Act 1987

This Act applies to every local authority in New Zealand and has two main aspects. The first concerns "Official Information", its availability and the means of making it available. The second aspect deals with meetings of local authorities and their committees and in particular the rights of the public to attend such meetings. The principles underpinning the Act include open government and accountability.

Official information which includes practically all information held by a local authority or by any of its members, or staff in their official capacities, should be made available unless there are good reasons for withholding it. Good reasons for withholding are detailed in the Act and can be summarised as follows:

- Providing the information would contravene legal requirements, including
 - Breaching legal privilege
 - Prejudicing the maintenance of the law; or
 - Endangering the health or safety of any persons;
- The need to protect the privacy of natural persons;
- To prevent material loss to members of the public or improper commercial exploitation of information held, whether related to the authority's activities or those of another party;
- To protect the public interest
- To enable a local authority to conduct its affairs effectively without improper pressure or harassment;
- The information requested is not available or is trivial;

- Substantial collation or research would be required to provide the information

The Ombudsman may review decisions made by the Council regarding withholding information. The Chief Executive is delegated the power relating to requests for Official or Personal Information (the latter is subject to the provisions of the Privacy Act 1993), as it would not be practical for Council to consider all such requests.

Meetings of Council, its Committees and Community Boards are open to the public and the Council must publish a list of all meetings, with times and venues, in advance, each month. Agendas must also be available to the public before the meetings. The public may on occasion be excluded from all or part of a meeting for reasons essentially the same as the ones for withholding official information, as summarised above.

Meetings are run according to Standing Orders and members must abide by these. The Chair is the presiding member and must ensure that order is maintained.

The Local Authorities' (Members' Interests) Act 1968

The significant sections of this Act relate to Contracting and Pecuniary Interests, and Conflicts of Interest. It is important to note that these provisions also relate to a member's spouse or civil partner. The Office of the Auditor-General's has a publication called "Guidance for members of local authorities about the law on conflicts of interest" available through their website.

Section 5 of the Act disqualifies a person from being elected or appointed to membership of a Council or Committee if they have an interest in contracts to be let by that Council or Committee above \$25,000 in any one year, without the approval of the Audit Office.

Regarding discussing and voting, an Elected Member or appointed member may not take part in discussions, or vote on any matter if they have a direct or indirect financial interest. (An indirect financial interest could be one held by an elected member's spouse or partner.) Failure to observe this requirement is considered an offence and conviction would lead to disqualification from office. Members should declare any interests to the meeting (without being required to specify what the interest is) and it is the member's responsibility to act on this matter.

Situations sometimes arise (particularly in a small community) where an Elected Member does not have a pecuniary interest but does have an interest greater than the public at large, for example, as an office-holder in a community organisation seeking funding from Council.

A Register of Members' Interests is held at Council (updating is coordinated through the Democracy Services team) and members will be asked to declare any interests every six months. The Register is made available on the Council website.

Sections 99, 105, and 105A of the Crimes Act 1961

These sections make it a crime for any official to corruptly accept or obtain any bribe for themselves or another person for doing, or failing to do, an action within in their official capacity; or to corruptly use, for their own gain, information obtained in their official role. A breach of these provisions carries a penalty of a term of imprisonment, not exceeding seven years.

The Secret Commissions Act 1910

Under this Act, it is an offence for an elected member to accept or attempt to obtain for himself or herself (or any other person) a gift, inducement or reward for doing or not doing something. A breach of these provisions carries a penalty of a term of imprisonment, not exceeding seven years.

The Financial Markets Conduct Act 2013

This Act promotes informed participation in the financial markets, facilitating the development of fair, efficient and transparent financial markets. It replaces a number of outdated pieces of legislation, including the Securities Act 1978 and also details how offences and misconduct around financial products or services would be dealt with.

The Act essentially places Elected Members in the same position as company directors if the Council ever offered stock to the public (which the Council's current Treasury Management Policy expressly bans). Elected members may be personally liable if investment documents such as a prospectus contained untrue statements.

The Health and Safety at Work Act 2015

This Act allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure, as far as reasonably practicable the safety of workers and others who may be impacted by the work the business undertakes. One of the significant changes is the introduction of the term 'Officer' who is any person occupying a position in the business or undertaking who exercises significant influence over the management of the business or undertaking. The roles of Chief Executive, the Mayor and Elected Members are deemed to be Officers under the Act.

Officers have obligations of due diligence to ensure that the organisation meets its health and safety obligations:

- a. to acquire, and keep up-to-date, knowledge of work health and safety matters; and
- b. to gain an understanding of the nature of the operations of the business or undertaking and generally of the hazards and risks associated with those operations; and
- c. to ensure that the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work;
- d. To ensure that the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards, and risks for responding in a timely way to that information; and
- e. to ensure that the business or undertaking has and implements processes for complying with any duty of organisation under his Act; and
- f. to verify the provision and use of the resources and processes referred to in paras (c) to (e).

Elected members are exempt from prosecution for failure to comply with the duty of officers when acting in their capacity as an Officer, however they are still required to exercise due diligence when carrying out their duties. The role of the Chief Executive is not exempt from prosecution.

Local Government Act 2002

Under Schedule 7 of the Local Government Act 2002 an elected member may be ousted from office if, while in office, that person is convicted of an offence punishable by a term of imprisonment of two years or more.

Public Records Act 2005

This Act's purpose is to provide a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible. The definition of a record includes information, whether in its original form or otherwise, and is not limited to just written information. It includes a signature, a seal, text, images, sound, speech, or data in any medium and recorded or stored by any electronic device or process. In the conduct of their affairs elected members should be mindful of the parameters of this Act, especially in respect of storage and archiving of emails.

Attachments


There are no attachments for this report.

Confirmation of statutory compliance

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

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

Signatories

Author(s)	Monique Davidson Chief Executive Officer	
-----------	--	---

Approved by	Monique Davidson Chief Executive Officer	
-------------	--	---

4 Swearing-in of His Worship the Mayor

The Chief Executive invites the Mayor-elect to come forward and, having had a korowai draped across his shoulders, makes the declaration required by law, as follows:

I, Bernard Phillip WANDEN declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Horowhenua District, the powers, authorities, and duties vested in, or imposed upon, me as Mayor, of the Horowhenua District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and any other Act

Ko ahau, ko Bernard Phillip WANDEN, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Kaunihera ā – Rohe o Horowhenua, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

Have made and signed the declaration, the Mayor assumes the chair for the remainder of the meeting.

5 Appointment of Deputy Mayor

The Mayor presents the report: Appointment of Deputy Mayor, requesting Councillors to note his choice for appointment as Deputy Mayor.

5.1 Appointment of Deputy Mayor

File No.: 22/566

1. Purpose

The purpose of this report is for Council to note the appointment by the Mayor of Horowhenua Council's Deputy Mayor for the 2022 – 2025 Triennium.

2. Recommendation

- 2.1 That Council notes the appointment by the Mayor of Councillor _____ as Deputy Mayor.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Discussion

Clause 21 of Schedule 7 of the Local Government Act 2002 requires a Deputy Mayor to be appointed as part of its business of its inaugural meeting of a new Triennium.

Under Section 41A(3)(a) of the Act, the Mayor has the power to appoint the Deputy Mayor.

Section 41A(4) of the Act does provide for the Council to overturn the Deputy Mayor appointed by the Mayor, however the Council must follow a process set out under Clause 18 of Schedule 7.

Attachments



There are no attachments for this report.

Confirmation of statutory compliance

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

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

Signatories

Author(s)		
	Monique Davidson Chief Executive Officer	
Approved by	Monique Davidson Chief Executive Officer	

6 Swearing-in of Councillors

The Mayor invites the councillors-elect to come forward in alphabetical order, and, having had a korowai draped across their shoulders, make the declaration required by law, as follows:

I, [_____] declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Horowhenua District, the powers, authorities, and duties vested in, or imposed upon, me as Councillor, of the Horowhenua District Council, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and any other Act.

Ko ahau, ko [_____], e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Kaunihera ā – Rohe o Horowhenua, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

The Councillors-elect are:

Cr David Allan
Cr Mike Barker
Cr Rogan Boyle
Cr Ross Brannigan
Cr Clint Grimstone
Cr Nina Hori Te Pa
Cr Sam Jennings
Cr Paul Olsen
Cr Jonathan Procter
Cr Justin Tamihana
Cr Piri-Hira Tukapua
Cr Alan Young

Having made and signed the declaration, the Councillor returns to their seat

7 Mayoral Address

The Mayor addresses Councillors highlighting the challenges and opportunities ahead.

8 Setting of Date of First Meeting of Council

The Mayor presents a report seeking agreement to set a date for the first Council meeting following the inauguration.

8.1 Setting of Date and Time of Next Meeting

File No.: 22/567

1. Purpose

The purpose of this report is to obtain a decision from Council on setting a date and time for the first meeting of the Horowhenua District Council.

2. Recommendation

- 2.1 That the first meeting of the Horowhenua District Council be held on Wednesday 16 November 2022 at 1.00pm.
- 2.2 That a report setting out a meeting schedule for the remainder of the 2022-2025 Council triennium be brought to that Council meeting for consideration.
- 2.3 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

3. Background

In accordance with Schedule 7 Clause 21(5) of the Local Government Act 2002 the first meeting of the local authority or the adoption of a schedule of meetings must be included at the Inaugural Meeting of Council.

4. Discussion



It is recommended that the first meeting of Council be held on Wednesday 16 November 2022, and that a meeting schedule for the remainder of the Council triennium be brought to that Council meeting for consideration.

Confirmation of statutory compliance

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

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

Signatories

Author(s)	Monique Davidson Chief Executive Officer	
Approved by	Monique Davidson Chief Executive Officer	

9 Swearing-in of Te Awahou Foxton Community Board Members

The Mayor invites the Te Awahou Foxton Community Board Members-elect to come forward, in alphabetical order, and, having had a korowai draped across their shoulders, make the declaration required by law, as follows:

I, [_____] declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Horowhenua District, the powers, authorities, and duties vested in, or imposed upon, me as a Member, of the Te Awahou Foxton Community Board, by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, and any other Act.

Ko ahau, ko [_____], e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Te Poari hapori o Te Awahou, e ai hoki ki te Ture Kāwanatanga-ā-Taiao 2002, ki te Ture Kāwanatanga-ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei.

The Te Awahou Foxton Community Board Members-elect are:

Trevor CHAMBERS
Nola FOX
John GIRLING
David ROACHE
Brett RUSSELL

Having made and signed the declaration, the Community Board Member returns to their seat.

10 Closing

Closing remarks by the Mayor

Karakia

National Anthem

All are invited to remain for light refreshments at the conclusion of the meeting.