

# Whangarei District Council

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## Notice of Meeting

A meeting of the Whangarei District Council will be held in the Council Chamber, Forum North, Whangarei on:

**Wednesday  
13 November 2013  
10.30 am**

## Committee

Her Worship the Mayor (Chairperson)  
Cr S J Bell  
Cr S J Bretherton  
Cr C B Christie  
Cr P A Cutforth  
Cr S J Deeming  
Cr S M Glen  
Cr C M Hermon  
Cr P R Halse  
Cr G C Innes  
Cr G M Martin  
Cr B L McLachlan  
Cr S L Morgan  
Cr J D T Williamson

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CONFIDENTIAL – not for publication

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Cr B L McLachlan

Cr S L Morgan

Cr J D T Williamson

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## OPEN MEETING

### APOLOGIES

### CONFLICTS OF INTEREST

Members are reminded to indicate any items in which they might have a conflict of interest.

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### **Local Government Act 2002 Amendment Act 2012**

*Full consideration has been given to the provisions of the Local Government Act 2002 Amendment Act 2012 in relation to decision making and in particular the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. Consideration has also been given to social, economic and cultural interests and the need to maintain and enhance the quality of the environment in taking a sustainable development approach.*

**Recommendations contained in the Council agenda are NOT Council decisions.  
Please refer to Council minutes for resolutions**

# 1. Minutes: Whangarei District Council Wednesday, 30 October 2013

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*Minutes of a meeting of the Whangarei District Council held in the Capitaine Bougainville Theatre on Wednesday 30 October 2013 at 10.00am and reconvened in the Council Chamber Forum North on Wednesday 30 October 2013 at 1.30pm*

**Present:**

Her Worship the Mayor (Chairperson)

Crs S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, P R Halse, C M Hermon, G C Innes, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

**In Attendance:**

Chief Executive Officer (M P Simpson), Group Manager Positive Growth (J Thompson), Group Manager District Living (P Dell), Group Manager Infrastructure and Services (S Weston), Media Relations Adviser (A Midson), Casual Communications Adviser (S Halliwell), Executive Assistant (D Taylor), Councillor Support (J Crocombe), Senior Meeting Co-ordinator (C Brindle)

**Declaration by Members**

Following the welcome by Kaumatua the Chief Executive Officer welcomed those present and declared the meeting open.

Her Worship the Mayor made and signed the declaration in terms of clause 14 of Schedule 7 of the Local Government Act 2002.

Councillors then made and signed the declarations before the Chief Executive Officer and Her Worship the Mayor.

**1. Statutory Declaration of Results of Election**

**Moved: Her Worship the Mayor**

**Seconded: Cr Morgan**

“That the declaration of the result of the Whangarei District Council Election including the earlier declaration of results as notified by public notice on the 21 August 2013 that Sharon Morgan was elected unopposed to the Maungatapere/Mangakahia Ward, be received.”

**CARRIED**

Procedural motion

**Moved: Her Worship the Mayor**

**Seconded: Cr Halse**

“That the meeting be adjourned and reconvene today at 1.30 pm in the Council Chambers.”

**CARRIED**

**THE MEETING ADJOURNED AT 11.50 AM TO BE RECONVENED AT 1.30 PM IN THE COUNCIL CHAMBERS, FORUM NORTH**

## MINUTES OF THE RECONVENED MEETING OF THE WHANGAREI DISTRICT COUNCIL HELD AT 1.30PM IN THE COUNCIL CHAMBERS, FORUM NORTH

### Present:

Her Worship the Mayor (Chairperson)

Crs S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, P R Halse, C M Hermon, G C Innes, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

### Also present:

John Scott (Director Audit New Zealand)

### In Attendance:

Chief Executive Officer (M P Simpson), Group Manager Positive Growth (J Thompson), Group Manager District Living (P Dell), Group Manager Infrastructure and Services (S Weston), Legal Counsel (G Mathias), Legal Adviser (K Candy), Governance Manager (D Kula), Property Manager (M Hibbert), Acting Financial Controller (F Ferrar), Finance Manager (D Muckle), Financial Accountant (K Welford), Maori Relationship Manager (S Tipene), Senior Communications Adviser (R Pascoe), Media Relations Adviser (A Midson), Casual Communications Adviser (S Halliwell), Governance Projects Planner (S Munday), Councillor Support (J Crocombe), Senior Meeting Co-ordinator (C Brindle)

## 2. Explanation of Statutes

G Mathias provided an overview of the key legislation outlined in Item 2.

**Moved: Cr Glen**

**Seconded: Cr Williamson**

“That the information be received.”

**CARRIED**

## 3. Adoption of Standing Orders

Item 3 was taken in parts.

### 1. Adoption of Standing Orders

**Moved: Cr Innes**

**Seconded: Cr McLachlan**

“That the Whangarei District Council adopts New Zealand Standard Model Standing orders (Standing orders) for Meetings of Local Authorities and Community Boards (NZS 9202:2003 incorporating Amendment No 1).”

**CARRIED**

### 2. Amendment to Standing Orders - Chairperson's Voting

**Moved: Cr Deeming**

**Seconded: Cr Morgan**

“That Standing Order 3.14.2(b) be amended to read:

“in the case of equality of votes, the chairperson has a casting vote.””

*On the motion being put Her Worship the Mayor called for a division:*

*For the motion:*

*Crs Morgan, Deeming, Williamson, Bretherton, Martin, Glen, Hermon, Halse, Christie, Innes and Her Worship the Mayor (11)*

*Against the motion:*

*Crs Bell, McLachlan and Cutforth (3)*

**CARRIED**

**3. Amendment to Standing Order to incorporate legislative changes**

**Moved: Cr Williamson**  
**Seconded: Cr Hermon**

“That the amendments to Standing orders as outlined in attachment one of the agenda item be adopted and incorporated in Standing Orders.”

*On the motion being put Her Worship the Mayor called for a division:*

*For the motion:*

*Crs Morgan, Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Hermon, Halse, Cutforth, Christie, Innes and Her Worship the Mayor (14)*

**CARRIED**  
**Unanimous**

**4. Amendment to Standing Orders – Appendix F - Public Forum**

**Moved: Cr Williamson**  
**Seconded: Cr McLachlan**

“That Appendix F – Public Forum in Standing Orders be replaced with the following standing order.

**APPENDIX F**

**Public Forum (Normative)**

**Public Forum**

A period of up to 15 minutes will be set aside for a public forum at the commencement of the monthly council meeting which is open to the public.

**Subjects of public forum**

The public forum (and those speaking during it) may address any subject which is within the Council’s terms of reference, provided the matter is not sub-judice.

*Note:*

*The public forum procedure does not apply in respect of any hearing, including the hearing of submissions where the local authority, committee or sub-committee sits in a quasi-judicial capacity.*

**Procedure for members of the public wishing to speak at the public forum**

The Chairperson may in their discretion refuse a public forum on any reasonable grounds including, but not limited to:

- insufficient time to hear the public forum at the meeting;
- the public forum would be more suitably heard at another meeting of council;
- the subject matter of the public forum is offensive or repetitious or vexatious or is considered likely to be so;
- the subject matter is insufficiently relevant to the business and legislative responsibilities of council;
- the subject matter is part of an ongoing issue that is being dealt with by staff;
- the previous disorderly or inappropriate behaviour of the applicant at council meetings.

**Application**

Members of the public who wish to participate should send a written application setting out the subject matter and the names of speakers to the Chief Executive Officer at least 10 working days before the day of the meeting.

Application forms are available on Council's website [www.wdc.govt.nz](http://www.wdc.govt.nz) or from Council Offices.

#### **Speakers during public forum**

The time allowed for each speaker is 5 minutes.

The Chairperson has the discretion to terminate the presentation at any time where:

- a speaker is repeating an earlier speaker at the same public forum. The speaker criticises elected members or staff. The presentation is repetitious, disrespectful or offensive

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers.

If permitted by the Chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

No debate will take place in regard to issues raised at public forums and no decisions will be made.

#### **Time extension**

Standing orders may be suspended on a vote of not less than 75% of those present to extend the period of public participation or the period any speaker is allowed to speak

#### **Cessation of public forum**

Public Forum will cease at the commencement of the pre election period prior to any local body elections."

*On the motion being put Her Worship the Mayor called for a division:*

*For the motion:*

*Crs Morgan, Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Hermon, Halse, Cutforth, Christie, Innes and Her Worship the Mayor (14)*

**CARRIED  
Unanimous**

## **4. Appointment of Deputy Mayor**

**Moved: Her Worship the Mayor**

**Seconded: Cr Williamson**

- "1. That the information be received.
2. That Councillor S L Morgans appointment as Deputy Mayor be received.

*On the motion being put Cr Martin called for a division:*

*For the motion:*

*Crs Bell, Deeming, Williamson, Bretherton, McLachlan, Martin, Glen, Hermon, Halse, Christie, Innes and Her Worship the Mayor (12)*

*Against the motion:*

*Cr Cutforth*

*Abstained:*

*Cr Morgan'*

**CARRIED**

## 5. First Meeting of Council

**Moved: Cr Martin**  
**Seconded: Cr Innes**

“That Council meet at 10.30am on Wednesday 13 November 2013 in the Council Chambers.”

**CARRIED**

## 6. Annual Report 2012-2013

**Moved: Cr Deeming**  
**Seconded: Cr McLachlan**

“That the Annual Report and Summary Annual Report for the year ending 30 June 2013 be approved for signing.”

**CARRIED**

*The Mayor, Deputy Mayor, Chief Executive and John Scott left the room to sign the Annual Report at 2.06pm and rejoined the meeting at 2.11pm*

**Moved: Cr Halse**  
**Seconded: Cr Glen**

- “1. That the Annual Report and Summary Annual Report for the year ending 30 June 2013 be adopted.
2. That Council authorises the Chief Executive Officer to make any minor amendments, typographical/formatting/editing changes if required.”

**CARRIED**

## 7. Appointment of Councillors to District Licensing Committee

**Moved: Cr Morgan**  
**Seconded: Cr McLachlan**

- “1. That the report be received.
2. That Councillor John Williamson be appointed Chair of the District Licensing Committee and Councillor Greg Innes as Deputy Chair.
3. That the District Licensing Authority be established with Councillors John Williamson (Chair), Greg Innes, Shelley Deeming and Sharon Morgan to hear any opposed applications until 18 December 2013.”

**CARRIED**

**The meeting closed at 2.17pm**

Confirmed this 13<sup>th</sup> day of November 2013

S L Mai (Chairperson)



## 2. Code of Conduct

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**Reporting officer** M P Simpson (Chief Executive Officer)

**Date of meeting** 13 November 2013

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement.*

### **Elected Member Code of Conduct**

Clause 15 of Schedule 7 of the Local Government Act 2002 provides that a local authority must adopt a code of conduct for members of the local authority. The current code of conduct requires that Council will formally review the code as soon as practicable after the beginning of each triennium.

Council staff have reviewed the code of conduct and have made only minor changes to the Code to reflect matters such as legislative change and standing orders. These minor changes can be seen in the attached document.

After adoption of the first code of conduct, an amendment of the code or the adoption of a new code requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

### **Recommendation**

That Council, having formally reviewed the Code of Conduct for elected members resolves to accept the amended code.

### **Attachment**

[Code of Conduct Elected Members](#)

# **Code of Conduct**

## **Elected Members**

Amended November 2013

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## Part 1 Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the mayor and elected members of Whangarei District Council. The code applies to elected members in their dealings with:

- each other
- the chief executive
- all staff employed by the chief executive on behalf of Council
- the media
- the general public.

The objective of the code is to enhance:

- the effectiveness of Council as the autonomous local authority with statutory responsibilities for the good local government of the Whangarei District
- the credibility and accountability of Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part 2 of the code)
- agreed general principles of conduct (recorded in Part 3 of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part [3](#) of the code).

Elected members are primarily accountable to the electors of the District through the democratic process. However members must note that the auditor-general may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest**

Members should serve only the interests of the District as a whole and should never improperly confer an advantage or disadvantage on any one person.

- **Honesty and integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity**

Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that once elected, their primary duty is to the interests of the entire District, not the ward that elected them.

- **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

- **Openness**

Members should be as open as possible about their actions and those of Council, and should be prepared to justify their actions.

- **Personal judgment**

Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

- **Respect for others**

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of Council staff.

- **Duty to uphold the law**

Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

- **Stewardship**

Members must ensure that Council uses resources prudently and for lawful purposes, and that Council maintains sufficient resources to meet its statutory obligations.

- **Leadership**

Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

## Part 2 Roles and responsibilities of elected members

Elected members, acting as Council, are responsible for:

- development and adoption of Council policy
- monitoring the performance of Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the chief executive
- representing the interests of the residents and ratepayers of [the Whangarei District Council](#). (On election, the members' first responsibility is to the District as a whole).

Unless otherwise provided in the Local Government Act 2002 or in standing orders, Council can act only by majority decisions at meetings ~~and e-~~Each member has one vote [\(unless where Council has resolved to give the Chairperson a casting vote\)](#). Any individual member (including the mayor) has no authority to act on behalf of Council unless Council has expressly delegated such authority.

## Part 3 Relationships and behaviours

This part of the code sets out Council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that Council has decided to include of its own initiative.

### Relationships with other members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct and language.

### Relationships with staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the chief executive is the employer (on behalf of Council) of all Council employees, and as such only the chief executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that Council and the chief executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the chief executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the chief executive, and concerns about the chief executive only with the mayor or the chief executive review committee.

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

### Relationships with the community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

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

Members should act in a manner that encourages and values community involvement in local democracy.

### Contact with the media

In dealings with the media, elected members must clarify whether or not they are communicating a Council or a committee view, or are expressing a personal view.

### Confidential information

In the course of their duties members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

## Conflicts of interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The [Local Authorities \(Members' Interests\) Act 1968 Act](#) provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year, unless prior approval has been obtained.

Additionally, elected members are prohibited from participating 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. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Whangarei District
- the address of any land where the landlord is Whangarei District Council and:
  - 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, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- 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 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 immediately seek guidance from the chief executive.

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

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be disqualified from office.



## Standing orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

## Ethics

Whangarei District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the member, or the member's family or business interests
- not use Council resources for personal business (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the chief executive if any gifts are accepted
- where a gift to the value of \$500 or more is offered to a member, immediately disclose this to the chief executive for inclusion in the publicly available register of interests.

## Disqualification of members from office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Whangarei District Council requires elected members who are declared bankrupt to notify the chief executive as soon as practicable after being declared bankrupt.

## Part 4 Compliance and review

### Compliance

The elected members must note that they must comply with the provisions of this code of conduct (Local Government Act 2002, schedule 7, section 15(4)).

Compliance will be monitored by the chief executive and all alleged breaches of the code will be reported to the chief executive. Any allegation of a breach of a code of conduct must be in writing, be specific, and provide corroborating evidence.

The chief executive will investigate the alleged breach, obtain independent legal advice if required, and make a decision regarding whether the alleged breach requires further investigation. Before beginning any investigation, the chief executive will notify the elected member(s) in writing of the complaint, explaining when and how they will get the opportunity to put their version of events. Where, in the opinion of the chief executive, the alleged breach is not proven or of a minor or frivolous nature, the chief executive may take any action deemed necessary to deal with the matter. If, in the opinion of the chief executive, the alleged breach is more than minor, then the chief executive will have prepared a report for the consideration of Council.

If, in the opinion of two thirds of the elected members of the Whangarei District Council, an elected member has breached this code of conduct, the matter shall be resolved in an open meeting of Council.

### Responses to breaches of the code by Council

The exact nature of the action Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- 1 Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Members' Interests) Act 1968.
- 2 Breaches which result in Council suffering financial loss or damage may be reported on by the auditor-general under the Local Government Act 2002, which may result in the member having to make good the loss or damage.
- 3 Breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, Council may take the following action:

- 1 Censure.
- 2 Removal of the elected member from Council committees and/or other representative type bodies.
- 3 Dismissal of the elected member from a position as deputy mayor or chair of a committee.

A decision to apply one or more of these actions requires a Council resolution to that effect.

### Review

Once adopted, a code of conduct continues in force until amended by Council. The code can be amended at any time but cannot be revoked unless Council replaces it with another code. Once adopted, amendments to the code of the conduct require a resolution supported by 75 per cent or more of the members of Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

## Appendix to the code

### Legislation bearing on the role and conduct of elected members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in Council's library or in the office of the chief executive.

#### Local Authority (Members' Interests) Act 1968

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

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

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

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

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

#### Local Government Official Information and Meetings Act 1987

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

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

#### Secret Commissions Act 1910

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

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

#### Crimes Act 1961

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

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

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

## **Securities Act 1978**

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

### 3. Establishment of Council Committees and Subcommittees

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**Reporting officer** M P Simpson (Chief Executive Officer)

**Date of meeting** 13 November 2013

***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement.*

#### **Introduction**

Council needs to provide for an appropriate governance structure that will enable it to effectively discharge its responsibilities in accordance with the principles defined in section 39 of the Local Government Act 2002 ("the Act").

#### **Background**

Under the Act, Council is empowered to set up subordinate bodies, including committees to make decisions. The bodies are set up to assist Council to conduct its business efficiently and effectively. Council may create as many or as few committees as it wishes during its term.

With recent changes to the Act through the Local Government Act 2002 Amendment Act 2012 which introduced a new section 41A, the Mayor also now has the following roles and powers with respect to committees:

- Power to establish council committees
- Power to appoint chairs to council committees and;
- Is a member of each committee of Council.

The Mayor has chosen to exercise the powers in section 41A of the Act to establish the Committees and appoint the Committee Chairs.

Section 41A (4) also provides that a committee established by a mayor may be discharged, or that a chairperson appointed by the mayor may be removed, by council resolution at a later date.

#### **Principles of delegation**

- (1) The Committees and Subcommittees of council are delegated all statutory powers necessary for them to fulfil their Terms of Reference, except those powers that cannot be delegated;

The following matters cannot legally be delegated to Committees, Subcommittees, Boards, Officers or any other subordinate decision making body (Clause 32(1) of Schedule 7

- (a) the power to make a rate;
- (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) The power to adopt a remuneration and employment policy.

When an Act or Regulation empowers "the Council" to carry out a decision making function, that decision must be made by way of resolution of the full Council unless the Act or Regulation, permits delegation to a Committee, Subcommittee or Officer.

- (2) Nothing restricts the power of a local authority to delegate to a committee or other subordinate decision making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in (a) – (g) above.

- (3) A committee, subcommittee, other subordinate decision making body, community board or 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 local authority or by the committee or body or person that makes the original delegation.

#### *Use of delegated powers*

A 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 or duties are delegated may, without confirmation by the local authority or 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.

### **Establishment of Council Committees**

The Mayor's decision on the Committees and Subcommittees and their respective Chairpersons and membership is:

<b>Standing Committees</b>	<b>Chairperson</b>	<b>Membership</b>
Finance Committee	Councillor S J Deeming	All Councillors
Infrastructure Committee	Councillor G M Martin	All Councillors
Planning Committee	Councillor G C Innes	All Councillors
<b>Committees</b>	<b>Chairperson</b>	<b>Membership</b>
CEO Review Committee	Her Worship the Mayor	Councillors S J Deeming, G C Innes, G M Martin and S L Morgan
Civic Honours Selection Committee	Councillor C B Christie	Councillors S M Glen and S J Bretherton
20/20 Inner City Revitalisation Committee	Councillor P R Halse	Councillors S J Bell, C M Hermon, G C Innes and B L McLachlan
<b>Subcommittees of the Planning Committee</b>	<b>Chairperson</b>	<b>Membership</b>
Exemptions and Objections Subcommittee	Councillor G C Innes	Councillor J D T Williamson (Deputy Chairperson) Councillors S M Glen and S J Deeming
Community Funding Subcommittee	Councillor S J Deeming	Councillors S M Glen, G M Martin and B L McLachlan
<p><b>District Licensing Committee</b></p> <p>On 18 December 2013 the Sale and Supply of Alcohol Act 2012 will come into full effect and District Licensing Committees will make decisions on all licenses and associated certificates. On 30 October 2013 Council appointed Councillor J D T Williamson as Chair of the District Licensing Committee and Councillor G C Innes as Deputy Chair. The Deputy Chair will only sit on the Committee in the Chair's absence. The reason for the early appointments was to allow the members to attend training.</p> <p>The Committee will consist of the chairman and at any time two list members from an approved list. The appointment of the list members will be considered in a separate report.</p> <p>The Terms of Reference of the District Licensing Committee are attached.</p>		

## **Amendment to Standing Orders – Quorum for Committees**

Standing Orders provide that a quorum for council meetings comprises the majority of Councillors (7) *but only requires that two or more* members are sufficient to allow a committee meeting to proceed. Standing Order 2.4.4 permits the council or committee to specify a greater number than that.

As the membership of the Planning, Finance and Infrastructure Committees now includes all elected members, it is recommended that the requirements for a quorum are aligned with those of the full Council.

An amendment of the standing orders requires a vote of not less than 75% of the members present.

## **Recommendation**

1. That the report be received.
2. That Council notes the establishment of the Committees, Subcommittees and the Committee and Subcommittee terms of reference and membership (as attached to this report) as determined by the Mayor in accordance with section 41A of the Local Government Act 2002.

3. **Amendment to Standing Orders – Definition of a quorum for committee meetings**

That pursuant to Standing Order 2.4.4, a quorum for meetings of the three Standing Committees of Council; Planning, Finance and Infrastructure, shall be:

- Half of the members if the number of members, including vacancies is even, or,
- A majority of members including vacancies, if the number of members is odd.

## **Attachments**

Terms of Reference:

1. [Finance Committee](#)
2. [Infrastructure Committee](#)
3. [Planning Committee](#)
4. [Civic Honours Committee](#)
5. [20/20 Inner City Revitalisation Committee](#)
6. [Exemptions and Objections Subcommittee](#)
7. [Community Funding Subcommittee](#)
8. [District Licensing Committee](#)
9. [CEO Review Committee](#)

# Finance Committee

## Terms of Reference

### Chairperson

Councillor S J Deeming

### Members

#### Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority

Councillors S J Bell, S J Bretherton, C B Christie, P A Cutforth, S M Glen, C M Hermon, P R Halse, G C Innes, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

### Attendance at Meetings

The Chief Executive Officer, Group Managers, Department Managers and such other Council Officers as deemed necessary, may attend Committee meetings.

### Quorum

A quorum for a meeting of this Committee shall be:

- half of the members if the number of members, including vacancies, is even or,
- a majority of members, including vacancies, if the number of members is odd.

### Delegated Authority

1. Does not have the powers of Council to act in the following instances as specified by Clause (32) Schedule 7 of the Local Government Act 2002:
  - 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) the power to adopt a remuneration and employment policy.
2. Does have the power of Council to enter into contracts up to a value of \$3 million + GST, provided such contracts are in accordance with the Long Term Plan.
3. Does have the ability to appoint Sub-committees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters and provided the



Sub-committee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstances.

4. Does have the ability to make decisions in accordance with the Terms of Reference.

### **Terms of Reference**

- To review, consider, consult, advise and instruct Management on matters relating to the areas of responsibility of the Finance Committee.
- To ensure that Council finances are well managed.
- To ensure the provision of administrative services to Council, its Committees and Departments.
- To ensure the fulfilment of Council's legal obligations and responsibilities, including compliance with legal and regulatory matters.
- To ensure the preparation of Council's Long Term Plan, Annual Plan and Annual Report.
- To oversee the management of Council's commercial property portfolio including acquisitions and disposals within its financial delegation.
- To ensure Council develops strategies for identifying and managing risk and being satisfied risks are being properly managed (operational, financial and compliance risks).
- To perform the role of the Audit Committee unless Council approves otherwise.

### **Areas of Responsibility**

- Financial/Planning and Control
- Insurances
- Corporate Accounting Services
- Treasury Management
- Loans
- Annual Plan
- Internal and External audit
- Administrative Services
- Legal Issues
- Civic Ceremonies
- Democracy Services
- Information Systems
- Customer Services
- Business Excellence
- Communications
- Human Resources
- Commercial property
- Pensioner housing

- General housing
- Forum North
- Marinas
- Airport
- Forestry
- Whangarei Information Centre
- Whangarei Tourism Trust
- Economic Development
- Venues and Events
- Such other functions as may be delegated by Council from time to time.

### **Specific Matters**

- Finance
  - Critique and recommend to Council the annual budget
  - Review monthly variance accounting reports and budget re-forecasts
  - Provide advice on financial policies
  - Ensure appropriate delegations are in place.
- Audit
  - Agree audit scope with Management
  - Provide direct input on audit scope to the external auditor
  - Consider auditor management report, taking appropriate action
  - Consider any internal audit needs, including probity, waste and performance
  - Hold a confidential meeting with the external auditors at least once every year.
- General
  - Consider such other matters as referred to the Committee by the Council or Management from time to time.
- Make recommendations to Council where appropriate.
- Facilitate a process for Councillors to formally review their performance and conduct self evaluations.

# Infrastructure Committee

## Terms of Reference

### Chairperson

Councillor G M Martin

### Members

#### Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority.

Councillors S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, C M Hermon, P R Halse, G C Innes, B L McLachlan, S L Morgan and J D T Williamson

### Attendance at Meetings

The Chief Executive Officer, Group Managers, Department Managers and such other Council Officers as deemed necessary may attend committee meetings.

### Quorum

A quorum for a meeting of this Committee shall be:

- half of the members if the number of members, including vacancies, is even or,
- a majority of members including vacancies, if the number of members is odd.

### Delegated Authority

1. Does not have the powers of Council to act in the following instances as specified by Clause (32) Schedule 7 of the Local Government Act 2002:
  - 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 annual 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) the power to adopt a remuneration and employment policy.
2. Does have the power of Council to enter into contracts up to a value of \$10 million + GST, provided that such contracts are in accordance with the Long Term Plan.
3. Does have the ability to appoint Sub-committees to deal with any matters of responsibility within the Committee's terms of reference and areas of responsibility and to make recommendations to the Committee on such matters and provided that the Sub-committee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstances
4. Does have the ability to make decisions in accordance with the Terms of Reference.

## Terms of Reference

The provision of engineering and non engineering services to maintain and improve environmental health, safety and quality.

The determination and implementation of policies in respect to the delivery of services to the community.

To liaise with, and assist local communities to achieve their services objectives within Council's legislative responsibilities.

To assist the community in the maintenance and improvement of amenities and the environment.

## Areas of Responsibility

Services including the provision and maintenance of:

- Roads
- Footpaths
- Traffic Signals
- Signs/Bridges/Lights
- Parking and Traffic Planning
- Major Projects
- Provision of Potable Water and Reticulation System
- Water Reservoirs/Dams
- Treatment Plants/Pumping Stations
- Monitoring of Quality of Drinking Water Standards
- Wastewater Treatment and Disposal
- Stormwater Management
- Public Toilets
- Solid Waste Disposal/Landfills
- Litter/Rubbish Collection
- Hikurangi Swamp Management
- Civil Defence/Rural Fire
- Libraries
- Parks & Reserves
- Swimming Pools
- Cemetery and Crematorium
- Conservatory and Fernery
- Sportsfields
- Garden and Road Reserve maintenance
- Trees, Plants and Landscaping
- Reserve Management Plans
- Coastal/Esplanade Reserve management
- Development Contributions/Subdivision requirements
- Such other functions as may be delegated by Council from time to time.

# Planning Committee

## Terms of Reference

### Chairperson

Councillor G C Innes

### Members

#### Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority

Councillors S J Bell, S J Bretherton, C B Christie, P A Cutforth, S J Deeming, S M Glen, C M Hermon, P R Halse, G M Martin, B L McLachlan, S L Morgan and J D T Williamson

### Attendance at Meetings

The Chief Executive Officer, Group Managers, Department Managers and such other Council Officers as deemed necessary may attend committee meetings.

### Quorum

A quorum for a meeting of this Committee shall be:

- half of the members if the number of members, including vacancies, is even or,
- a majority of members, including vacancies, if the number of members is odd.

### Delegated Authority

1. Does not have the powers of Council to act in the following instances as specified by Clause (32) Schedule 7 of the Local Government Act 2002:
  - 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 annual 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) the power to adopt a remuneration and employment policy.
2. Does have the power of Council to enter into contracts up to a value of \$3 million + GST, provided that such contracts are in accordance with the Long Term Plan and Annual Plan.
3. Does have the ability to appoint Sub-committees to deal with any matters of responsibility within the Committee's terms of reference and areas of responsibility and to make recommendations to the Committee on such matters and provided that the Sub-committee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstances.

4. Does have the ability to make decisions in accordance with the Terms of Reference.
5. The powers and functions of council to act in respect of the following:
  - Local Government Act 1974 and Local Government Act 2002
  - Health Act 1956 and Regulations
  - Hazardous Substances and New Organisms Act 1996
  - Dog Control Act 1996
  - Fencing of Swimming Pools Act 1987
  - Building Act 2004
  - Council Bylaws
  - Resource Management Act 1991
  - Food Act 1981
  - Such other legislation relevant to the committee's terms of reference.

### **Terms of Reference**

The determination and implementation of policies in respect of the regulatory functions and responsibilities of Council.

The approval for public notification of proposed reviews, designations, removal of designations and changes to the District Plan.

To hear and determine objections, appeals and applications as required in respect of the regulatory functions and responsibilities of Council (sub-delegated to the Exemptions and Objections Committee).

### **Areas of Responsibility**

- Environmental Health
- Building Control (including Property Information and Land Information Memoranda)
- Subdivision, Land Use and Development Control
- District Plan Changes
- District Plan Administration
- Village Planning
- General Bylaw Administration
- Animal (dog and stock control)
- Hazardous Substances and New Organisms Control
- Parking Enforcement
- Noise Control
- Food Act
- Submissions on relevant legislation
- Strategic Planning and Policy related to the issues listed above
- Community sector liaison and support
- Community Safety, City Safe, CCTV
- Community Funding
- Community Halls
- Museum/Art Museum liaison
- Heritage, Culture, Arts and Creative Industries sector liaison
- Such other functions as may be delegated by Council from time to time.

## **Civic Honours Selection Committee Terms of Reference**

A committee of Council

### **Chairperson**

Councillor C B Christie

### **Members**

#### **Mayor**

Section 41A(5) of the Local Government Act 2002 provides that the mayor is a member of each committee of the territorial authority.

Councillors S J Bretherton and S M Glen

#### **Terms of Reference**

To consider all nominations received, in accordance with the Civic Honours Policy and to make recommendations on honour recipients to Council.

#### **Delegated Responsibilities, Duties and Powers**

To refer the recommended nominees to Council for consideration and adoption.

## 20/20 Inner City Revitalisation Committee Terms of Reference

A Committee of Council

### **Chairperson**

Councillor P R Halse

### **Members**

#### **Mayor**

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority.

Councillors S J Bell, C M Hermon, G C Innes and B L McLachlan

### **Terms of Reference**

1. To research and co-ordinate plans for the revitalisation of the Inner City and Town Basin.
2. To oversee implementation of the Cycleways and Walkways strategy.
3. To oversee specific Sense of Place projects.
4. To oversee dredging programmes.
5. To report to Council as required.



## Exemptions and Objections Subcommittee Terms of Reference

A Subcommittee of the Planning Committee

### Chairperson

Councillor G C Innes

### Deputy Chair

Councillor J D T Williamson

### Members

#### Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority.

Councillors S M Glen and S J Deeming

#### Attendance at Meetings

All councillors have the right to attend this committee's meetings. Only committee members have speaking and voting rights.

The Chief Executive Officer, Group Managers, Department Managers and such other Council officers as deemed necessary may attend committee meetings.

#### Terms of Reference

1. To hear and decide s357 objections under the Resource Management Act where staff recommend decline.
2. To determine and grant of Territorial Authority consents under S100 of the Gambling Act 2003 (as it relates to Class 4 Gambling Venues) and s65C of the Racing Act 2003 (as it relates to Board Venues).
3. To determine applications for exemptions under the Fencing of Swimming Pools Act 1987.
4. To consider objections relating to the classification of any dog as a dangerous dog under the Dog Control Act 1996.
5. Power to consider an objection to classification as a menacing dog under s33A and s33C of the Dog Control Act 1996.
6. Power to consider and determine an objection to any notice issued requiring abatement of a barking dog nuisance under s55 of the Dog Control Act 1996.
7. To hear and determine appeals in respect of an invoice under Council's Development Contribution Policy (no ability to waiver).
8. To hear and determine objections in respect to s120 of the Reserves Act 1977.
9. To hear and determine statutory appeals or objections in respect to any matter where no specific delegation applies.

**Delegated Authority**

To make decisions in accordance with the Terms of Reference.

This committee has the delegated authority to make decisions on matters where authority to make decisions has been delegated (in accordance with the Terms of Reference)

All other decisions must be in the form of recommendations to the Planning Committee or, where appropriate, Council.

**Meeting Date and Time**

The committee shall meet when required.

The relevant legislative notification requirements shall be taken into consideration when setting meeting dates.

## Community Funding Sub-Committee Terms of Reference

A sub-committee of the Planning Committee.

### Chairperson

Councillor S J Deeming

### Members

#### Mayor

Section 41A(5) of the Local Government Act 2002 provides that the Mayor is a member of each committee of the territorial authority.

Councillors S M Glen, G M Martin and B L McLachlan

### Attendance at Meetings

The Chief Executive Officer, Group Managers, Department Managers and such other Council Officers as deemed necessary may attend committee meetings.

### Definitions

**Contestable funding** includes one off payments, funding contracts and community loans. Funding relates particularly to those funds available to community groups and organisations.

### Context

Relevant legislation includes:

- The Local Government Act 2002
- Reserves Act 1977
- Resource Management Act 1991

Relevant Council documents include:

- Funding and Grants Policy
- Funding and Grants Administration Policy
- Standing Orders
- Delegations Manual

### Terms of Reference

1. To carry out the contestable funding process in accordance with the Whangarei District Council Funding Policy in an objective, fair and transparent way.
2. To assess applications for contestable funding in a consistent way with a view to:
  - Balanced application of the funding policies and guidelines
  - Maximising benefits from the funds available
  - Obtaining the most benefit for the District and sectors within the District
  - Balancing short term and long term outcomes
3. To ensure that information regarding funding decisions and recommendations are conveyed to all stakeholders.
4. To advocate for best practice community funding in the context of Whangarei District Council priorities.

### Delegated Responsibilities, Duties and Powers

Delegated Authority to approve payment of grants and funding to the value of \$15,000 or less and make recommendations on grants or loans over \$15,001.

### Meeting Date and Time

This Subcommittee shall meet at 8.30am on the 2<sup>nd</sup> Wednesday of the months of February, March, April, May, September and November (and at such other times as may be necessary).

# District Licensing Committee Terms of Reference

A committee of council

## **Chairperson**

Councillor J D T Williamson

## **Deputy Chairperson**

Councillor G C Innes

Section 189(3) of the Sale and Supply of Alcohol Act 2012 provides that the Deputy Chairperson will act in place of the Chairperson or if the Chairperson is unable to act because of illness or absence from New Zealand or for other sufficient reason.

## **Members**

### **Mayor**

The Mayor is a list member of the District Licensing Committee.

Two additional members to be appointed from the territorial authority list maintained under section 192 of the Sale and Supply of Alcohol Act 2012.

## **Functions of the Committee (Sale and Supply of Alcohol Act 2012)**

A licensing committees functions are:

- a) to consider and determine applications for licenses and manager's certificates; and
- b) to consider and determine applications for renewal of licences and manager's certificate; and
- c) to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
- d) to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- e) to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and
- f) with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- g) to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175; and
- h) any other functions conferred on Licensing Committees by or under this Act or any other enactment.

## **Delegated authority**

Authority to make decisions under the legislation.

## **CEO Review Committee Terms of Reference**

A Committee of Council

### **Chairperson**

Her Worship the Mayor S L Mai

### **Members**

Councillors S J Deeming, G C Innes, G M Martin and S L Morgan

### **Terms of Reference**

- 1 To manage the employment of the chief Executive Officer in accordance with section 42 and clauses 34 to 35 of Schedule 7 of the Local Government Act 2002 on behalf of Council including:
  - a Establishing performance goals
  - b Monitoring performance
  - c Reporting on performance annually.
- 2 To report to Council as required.

### **Delegated Responsibilities, Duties and Powers**

To make recommendations to Council for approval in accordance with the Terms of Reference.

## 4. Meetings of Council

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**Reporting officer** C Brindle (Senior Meeting Co ordinator)

**Date of meeting** 13 November 2013

### ***Vision, mission and values***

*This item is in accord with Council's vision, mission and values statement.*

### **Meeting Dates**

Clause 21(d) of Schedule 7 of the Local Government Act 2002 (LGA) provides that council must adopt a schedule of ordinary meetings.

If a local authority adopts a schedule of meetings,

- a) the schedule may cover any future period that the local authority considers appropriate and may be amended; and
- b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment. (clause 19(5), Schedule 7 LGA)

Attached is a schedule for the remainder of 2013 and for the 2014 year.

It is to be noted that there are no meetings scheduled for the month of January.

### **Recommendation**

1. That the meetings schedule be as follows:

#### **Second Wednesday of every month**

8.30am Community Funding Subcommittee (specified dates)

9.00am Infrastructure Committee

10.00am Planning Committee

#### **Fourth Wednesday of every month**

9.00am Finance Committee

10.00am Council.

2. That the meeting schedules as attached be adopted.

### **Attachments**

1. Meeting Calendar 2013
2. [Meeting Calendar 2014](#)

## 36 MEETING CALENDAR 2014 COUNCIL AND COMMITTEES

COMMITTEE	DAY	TIME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Community Funding Sub-Committee	2 <sup>nd</sup> Wednesday (specified dates)	8.30am		12	12	19	14				10			
Infrastructure Committee	2 <sup>nd</sup> Wednesday	9.00 am	-	12	12	9	14	11	9	13	10	8	12	10
Planning Committee	2 <sup>nd</sup> Wednesday	10.00 am	-	12	12	9	14	11	9	13	10	8	12	10
Finance Committee	4 <sup>th</sup> Wednesday	9.00 am	-	26	26	23	28	25	23	27	24	22	26	*17
Council	4 <sup>th</sup> Wednesday	10.00 am	-	26	26	23	28	25	23	27	24	22	26	*17

*\*\*meeting date earlier due to Public Holiday*

## 5. Te Kārearea Strategic Partnership Forum

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**Reporting officer** Jude Thompson (Group Manager Positive Growth)

**Date** 31 October 2013

### ***Vision, mission and values:***

*This item is in accord with Council's vision, mission and values statement as it contributes to the decision-making processes of Council by bringing a hapū Māori perspective to both the governance and operational arms of the Council.*

### **Te Kārearea Strategic Partnership Forum**

It is proposed that Council continue to participate in the Te Kārearea Strategic Partnership Forum, a partnership between Whangarei District Council and Te Huinga - mandated representatives of hapū of Whangārei.

The current Terms of Reference for this Partnership Forum are attached and will require an update and review by the Forum.

It is proposed that Council representation on this Partnership Forum be eight elected members to include Her Worship the Mayor, Deputy Mayor and Councillors Bell, Christie, Deeming, Innes, Martin and Williamson and that Council appoint Her Worship the Mayor Sheryl Mai as Councils Co-Chairperson for the Forum.

Te Huinga is a group of mandated hapū of Whangārei representatives who meet regularly to develop 'kaupapa hapū'. When Council and Te Huinga come together, the group is known as "Te Kārearea.

The group is named after the Kārearea bird, the native falcon, which has a very large wing span, an ability to see and hunt from great heights and is bold and assertive. The analogy is that this group will have a high and wide strategic view yet be able to focus in on issues while being bold and courageous.

### **Purpose**

Whangarei District Council and Te Huinga, agreed in 2012 to develop a strategic partnership, Te Kārearea, to achieve an agreed vision "He Whenua Rangatira – Whangārei, a district of prosperity and empowered communities" (attached). The Terms of Reference outlined the understandings around the strategic partnership and relationship, and a vision, mission and principles confirmed. The Forum provides a platform for high level strategic discussions that will enable self determination and self reliance to flourish.

While Te Kārearea was in its initial stages as a Partnership Forum last term, the vision is to continue to build the relationship incrementally and to develop more robust partnership arrangements over time through learning conversations.

### **Background**

In the last 10 years, Council adopted a number of Māori advisory models which sought to meet the needs of Council and Māori at the time.

In the first instance, a Kaumātua Council comprising of leading kaumātua in the district, would meet when required to provide advice to Council on largely cultural issues. Independent support was also provided to previous Mayors by ranking kaumātua who were called in to provide cultural advice and support on critical issues and protocols.

The demands for more formal representation later moved the Council to establish the first Māori Liaison Committee. This committee operated for a short time but then went into recess and was eventually disbanded.

In 2008, the Te Kārearea Māori Liaison Committee was introduced and was operational up to the Triennial Elections held in October 2010. It was one of nine committees identified as specialist committees in the Long Term Council Community Plan 2009 – 2016.



Following the 2010 elections, the former members of this committee held meetings with Council representatives (His Worship the Mayor Cutforth, elected members and staff) to discuss future engagement models that could be considered by the Whangārei District Council. Those former hapū representative members of the Te Kārearea/Māori Liaison Committee also continued to meet to progress their input into this proposed model.

Due to a number of circumstances including the former Mayors ill health early in the term, the committee remained unformed throughout 2011.

In 2012 it was proposed that the new engagement model should be a strategic partnership between Whangārei District Council (elected member representatives) and representatives of hapū of Whangārei which would become known as Te Huinga.

The Terms of Reference (attached) outlining the functions and powers of Te Kārearea including setting the purpose and Statement of Principles each partner brings to the partnership were attached to the report of the 22 August 2012 meeting of Council.

This new model was known as Te Kārearea Strategic Partnership Forum and sat outside of the formal committee structures of Council. It is recommended this model be continued in this term 2013 - 2016.

It should be noted that the Te Kārearea Strategic Partnership Forum does not preclude individuals, whanau, hapū or iwi working on matters of their own concern directly with Council.

### **Te Huinga Representation and Mandate**

Initial representation on Te Huinga consisted of seven hapū members: Pita Tipene (co-Chair), Deborah Harding, Te Warihi Hetaraka, Mike Kake, Pereri Mahanga, Taipari Munro and Richard Shepherd. It was agreed those members would sit on Te Kārearea until such time as consultation with local hapū and an open and transparent mandate process was completed. Following a number of information hui lead by Te Huinga from July through to September this year, at marae right across the District, the mandate process is now complete. Each hui supported the motion "That Te Huinga be endorsed as the Whangārei Hapū representative body to engage with Whangarei District Council through Te Kārearea Strategic Partnership Forum". The result of the process saw eight representatives being mandated to participate in Te Kārearea. Those representatives are Pita Tipene (co-Chair), Deborah Harding, Te Warihi Hetaraka, Mike Kake, Pereri Mahanga, Taipari Munro, Richard Shepherd and Kaile Nahi-Taihia.

### **Summary**

Whangārei District Council willingly acknowledges that it wishes to continue to engage with hapū Māori through Te Kārearea, to continue to build the relationship incrementally and to develop more robust partnership arrangements over time through learning conversations.

## **Recommendation:**

1. That the report be received.
2. That Council continue to participate in Te Kārearea Strategic Partnership Forum between Whangarei District Council and Te Huinga.
3. That Her Worship the Mayor S L Mai, Deputy Mayor S L Morgan and the following six elected members Councillors S J Bell, C B Christie, S J Deeming, G C Innes, G M Martin and J D T Williamson be appointed as Councils representatives on the Te Kārearea Strategic Partnership Forum.
4. That Council appoint Her Worship the Mayor S L Mai as Councils Co-Chairperson on Te Kārearea Strategic Partnership Forum.
5. That following a review of the Terms of Reference by Te Kārearea the Terms of Reference are reported back to Council for information.
6. That the first meeting of Te Kārearea Strategic Partnership Forum be held on December 4<sup>th</sup>, 2013.
7. That the 2014 meeting schedule be as follows:

### **Third Wednesday of every month**

9.00am Te Kārearea Strategic Partnership Forum

8. That the meeting schedule as attached be received.

**Attachments:**

1. [Te Kārearea – Vision/Te Pae Tawhiti](#)
2. [Terms of Reference – Te Kārearea Strategic Partnership/Te Kaupapa a Te Kārearea - August 2012](#)
3. [2014 Te Karearea Strategic Partnership forum Meeting Schedule](#)

# Te Kārearea



## Te Pae Tawhiti/Vision:

“He Whenua Rangatira”

“Whangarei, a district of prosperity, wellbeing and empowered communities.”

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## Te Kaupapa/Mission:

“Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa”

“Local Government that works through effective partnership and provides practical solutions”

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## Ngā Tikanga/Principles:

- He kitenga mutunga kore, mahi tahi, mahi pono – Strategic partnership working collaboratively and in good faith
  - Kia Māia – Providing leadership through courage
  - Te Manawatōpu – Of one heart and mind. We are stronger working together
  - Anga mua – Progressive and proactive
  - Me kōrero tika, tau noa ngā take – Open and frank mutually agreed outcomes
-

# **Terms of Reference**

## **Te Karearea Strategic Partnership Te Kaupapa a Te Karearea**

August 2012

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## 1 Purpose

Whangarei District Council and the hapū of Whangarei, through Te Huinga, agree to develop a strategic partnership, Te Karearea, to achieve an agreed vision. This Terms of Reference outlines the understandings around the strategic partnership and relationship.

While Te Karearea is currently in its initial stages as a partnership forum, the vision is to build the relationship incrementally and to develop more robust partnership arrangements over time through learning conversations.

## 2 Background

Whereas Central Government is recognised as The Treaty of Waitangi partner, it is acknowledged that partnership must also happen at a local level where local decisions are made.

New Zealand/Aotearoa is moving inexorably towards a new sense of nationhood and these partnership arrangements at a local level will further define a distinct society in a national and global setting, built on mutual respect, trust and advantage.

This proposed partnership forum provides a starting point for Māori representation and participation in Council decision making processes.

The strategic partnership shall be between Whangarei District Council (elected member representatives) and Te Huinga ( hapū representatives of Whangarei). This strategic partnership will be known as Te Karearea. Refer Diagram 1.

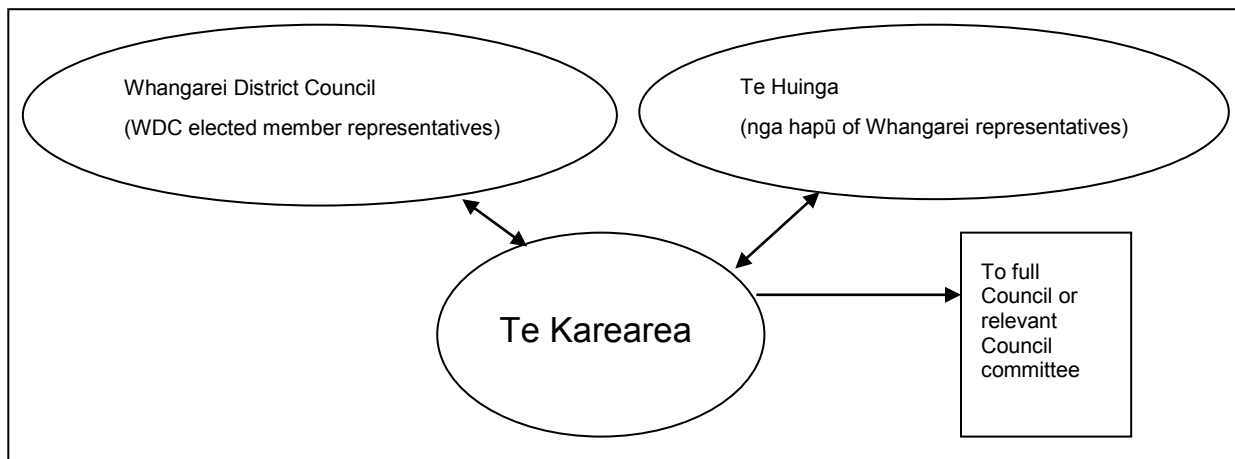


Diagram 1

## 3 Te Huinga Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangarei as the relationship develops with the Whangarei District Council.

Te Huinga will work towards achieving the strategic intent.

### *Strategic Intent*

- Vision/Te Pae Tawhiti: ‘Ma nga hapū ano nga hapū e korero’ - ‘Hapū self reliance and prosperity’
- Mission/Te Kaupapa: ‘Achieving hapū aspirations through effective and enduring relationships’
- Whangarei - Māori Community Outcomes:
  - a A rohe with a vibrant Māori culture
  - b A Māori community which is healthy and highly educated
  - c A society that protects and cares for all its members
  - d A rohe with a flourishing Māori economy
  - e A society that appreciates and cares for its natural environment

- Nga tikanga – Values
  - a Whanau – the extended family is the social unit that Māori identify with.
  - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
  - c Mana Motuhake – self determination, self reliance and self sustainability.
  - d Whakarite – Invest time and energy in building decision-making capacity and capability.
  - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
  - f Kia maia – Providing leadership through courage.

## 4 Whangarei District Council Statement of Principles

In order to improve and enhance current and future relationships with Māori, Council acknowledge a strategic platform is required upon which to build strong relationships going forward. Council has undertaken as part of the Whangarei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. This collaboration acknowledges that Māori are part of the social fabric of Whangarei and are represented at every level of the community. Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangarei District Council willingly acknowledges it wishes to engage with Māori hapū and to recognize the Treaty of Waitangi.

The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

### Local Government Act 2002

#### Section 4 (LGA)

##### *“Treaty of Waitangi*

*In order to recognize and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”*

#### Part 2 (LGA)

##### Section 14(1)(d)

*“A local authority should provide opportunities for Māori to contribute to its decision-making processes.”*

#### Part 6 (LGA)

##### Section 81

### Contributions to decision-making processes by Māori

- 1 A local authority must -
  - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
  - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
  - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to –
  - (a) the role of the local authority, as set out in section 11; and
  - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

## Section 82(2) (LGA)

*“A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))”*

The Resource Management Act 1981 also places Treaty obligations on local authorities.

### Part 2 – 6 (RMA)

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahitapu and other taonga*
- (f) *the protection of historic heritage from inappropriate subdivision, use and development*
- (g) *the protection of recognized customary activities.*

### Part 2 – 7 (RMA)

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

- (a) *Kaitiakitanga*
- (aa) *the ethic of stewardship*

### Part 2 – 8 (RMA)

Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Both the Resource Management Act 1991 (RMA), and more recently the Local Government Act 2002 (LGA), require Council to establish more formal, meaningful and sustainable relationships with Māori. These relationships, guided by the Treaty of Waitangi principles, are intended to foster:

- opportunities for Māori to contribute to the decision-making processes of Council
- the development of Māori capacity to contribute to the decision-making processes of Council
- the provision of information to Māori so they are enabled to contribute to the decision-making processes of Council
- improved consultation with Māori.

## 5 Te Karearea - Terms of Reference Objective

As a partnership forum Te Karearea will work towards achieving its vision and broad objectives. It will provide a platform for high level, strategic discussions that will enable self determination and self reliance to flourish. Both Whangarei District Council and Te Huinga will consider matters and issues and bring them to Te Karearea for consideration.

### Functions and powers

- (a) The partners, Whangarei District Council and Te Huinga, to identify and develop their respective schedules of ‘issues of significance’ to hapū. To then work together through Te Karearea to collectively discuss and prioritise the issues, and develop one agreed schedule.

“Issues of significance” may be addressed as an;

- ‘A list’ - the generic type items similar to those set out in the Auckland Independent Māori Statutory Board (IMSB) Schedule of Issues of Significance publication;
- ‘B list’- being the day to day issues that will arise between Whangarei District Council and Māori



- (b) To actively work together over the schedule of issues and determine how they will be addressed.
- (c) To work together on other matters mutually agreed upon.
- (d) To work together to ensure Council's legislative obligations to Māori are met.
- (e) To work together to build local Māori capacity and capability that will contribute to Councils decision-making processes.

## **6 Working Relationship**

- (a) A letter shall be completed between Whangarei District Council and Te Huinga covering operating protocols, agreed agenda-setting process, confidentiality issues, and press/publicity matters. It is important that the relationship be one of a strategic partnership.
- (b) Formal meetings of Te Karearea shall be held monthly until such times as agreed to be held bi-monthly. A meeting with the full Whangarei District Council shall be held at least twice per annum.
- (c) Te Karearea will be co-chaired by one elected member representative from Whangarei District Council and one from Te Huinga.
- (d) Whangarei District Council will nominate its Senior Management and staff to work with Te Huinga.
- (e) The strategic partnership Te Karearea will undertake an annual self-review process and a three-year review consistent with the Long Term Plan (LTP) cycle.
- (f) The Te Karearea strategic partnership does not preclude individual hapū working on matters of their own concern with Council.

## **7 Funding**

Council will bulk fund Te Karearea to give effect to its kaupapa. This will be negotiated and agreed annually in advance.

## **8 Te Huinga Representation and Mandate**

At present there are seven members: Deborah Harding, Te Warihi Hetaraka, Mike Kake, Pereri Mahanga, Taipari Munro, Richard Shepherd and Pita Tipene.

Discussion will be had with the respective hapū within the Whangarei rohe to decide on how representation will be configured on Te Huinga.

These seven members currently represent Te Huinga and will sit on Te Karearea until such time as the consultation with local hapū is completed and an open and transparent process is implemented in which to elect members, who will then continue to progress the work as per this terms of reference.

## **9 Whangarei District Council Representation and Mandate**

Council representation on Te Karearea shall be His Worship the Mayor, Deputy Mayor plus five elected members as appointed by Council.

## **10 Te Karearea Consultation**

To achieve its purpose, the Partners will each develop a schedule of 'issues of significance' that are significant to Māori hapū in the Whangarei District and bring them to Te Karearea.

The issues will be ranked by priority and the list kept up to date by Te Karearea. The priority list of issues will guide Te Karearea in developing a work programme. The list will be reviewed annually.

The Te Karearea partners will engage in ongoing meaningful consultation with the wider Māori community to ensure that it maintains an awareness of the issues of significance to Māori in the community.

## **11 Review of Terms of Reference**

The representatives on the Te Karearea Partnership Forum will accept responsibility for reviewing the Terms of Reference and recommending updates of the criteria when and where appropriate.

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**Te Kārearea Strategic Partnership Forum**  
**Meeting Calendar November 2013 – November 2014**

Proposed Dates			NOV 2013	DEC 2013	FEB 2014	MAR 2014	APR 2014	MAY 2014	JUN 2014	JUL 2014	AUG 2014	SEP 2014	OCT 2014	NOV 2014
Te Kārearea Strategic Partnership Forum	3 <sup>rd</sup> Wednesday	9.00am – 12pm		<b>4*</b>	<b>19</b>	<b>19</b>	<b>16</b>	<b>14</b>	<b>18</b>	<b>16</b>	<b>13</b>	<b>17</b>	<b>15</b>	<b>19</b>

\* Meeting date held earlier due to Tribunal Hearings and public holidays