

AGENDA



P O Box 747, Gisborne, Ph 06 867 2049 Fax 06 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara

COUNCIL/TE KAUNIHERA

DATE: Thursday 17 November 2022

TIME: 9:00AM

AT: Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne

AGENDA – OPEN SECTION

1. Apologies.....	4
2. Declarations of Interest.....	4
3. Confirmation of non-confidential Minutes 27 October 2022	5
3.1. Confirmation of non-confidential Minutes 27 October 2022.....	5
3.2. Action Sheet.....	8
3.3. Governance Work Plan.....	10
4. Leave of Absence	13
5. Acknowledgements and Tributes.....	13
6. Public Input and Petitions	13
7. Extraordinary Business.....	13
8. Notices of Motion	13
9. Adjourned Business.....	13

10. Committee Recommendations to Council.....	14
10.1. 22-245 Committee Recommendations to Council - September 2022.....	14
11. Reports of the Chief Executive and Staff for DECISION	17
11.1. 22-250 Adoption of Standing Orders.....	17
11.2. 22-249 Code of Conduct	90
11.3. 22-228 Committee Structures and Appointments	154
11.4. 22-251 Meeting Schedule 2022.....	166
11.5. 22-243 Temporary Alcohol Bans – December 2022 and January 2023	168
11.6. 22-242 Public Financial Report on Income and Expenses related to the Operation of the District Licensing Committee	188
12. Reports of the Chief Executive and Staff for INFORMATION	205
12.1. 22-231 Chief Executive Activity Report November 2022	205

Council

Chairperson:	Mayor Stoltz
Deputy Chairperson:	Cr Wharehinga
Membership:	Mayor and all Councillors
Quorum:	Half of the members when the number is even and a majority when the number is uneven
Meeting Frequency:	Six weekly (or as required)

Terms of Reference:

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

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
4. The power to adopt a Long Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement.
7. The power to adopt a remuneration and employment policy.
8. Committee Terms of Reference and Delegations for the 2019–2022 Triennium.
9. The power to approve or change a proposed policy statement or plan under clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA).
10. The power to approve or amend the Council's Standing Orders.
11. The power to approve or amend the Code of Conduct for elected members.
12. The power to appoint and discharge members of Committees.
13. The power to establish a joint committee with another local authority or other public body.

14. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
15. Make those decisions which are required by legislation to be made by resolution of the local authority that are not listed in 1-14 above.
16. Consider any matters referred to it from any of the Committees.
17. Authorise all expenditure not delegated to staff or other Committees.

Note: for 1-7 see clause 32(1) Schedule 7 Local Government Act 2002 and for 8-13 see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002 and section 34A of Resource Management Act 1991

3.1. Confirmation of non-confidential Minutes 27 October 2022

MINUTES

Draft & Unconfirmed



P O Box 747, Gisborne, Ph 867 2049 Fax 867 8076
Email service@gdc.govt.nz Web www.gdc.govt.nz

MEMBERSHIP: Her Worship the Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga
Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble and Nick Tupara.

MINUTES of the TWELFTH INAUGURAL MEETING of the GISBORNE DISTRICT COUNCIL

Held at Te Poho-o-Rawiri Marae, 24 Ranfurly Street, Inner Kaiti, Gisborne on Thursday 27 October 2022 at 11:00AM.

PRESENT:

Mayor Rehette Stoltz, Deputy Mayor Josh Wharehinga, Colin Alder, Andy Cranston, Larry Foster, Debbie Gregory, Ani Pahuru-Huriwai, Rawinia Parata, Aubrey Ria, Tony Robinson, Rob Telfer, Teddy Thompson, Rhonda Tibble, Nick Tupara and Josh Wharehinga.

IN ATTENDANCE:

Chief Executive Nedine Thatcher Swann, Director Lifelines David Wilson, Director Internal Partnerships James Baty, Director Liveable Communities Michele Frey, Director Environmental Services & Protection Helen Montgomery, Director Engagement & Maori Responsiveness Anita Reedy-Holthausen, Chief Financial Officer Pauline Foreman, Chief of Strategy & Science Jo Noble, Democracy & Support Services Manager Heather Kohn and Committee Secretary Jill Simpson.

1. Opening Prayer

Chief Executive Nedine Thatcher-Swann opened the meeting and acknowledged and congratulated the newly elected members and the Mayor and those from the previous triennium for taking on an important role for our district. I am proud to be welcoming our first Maori Ward Councillors. Nedine also acknowledged those who were unsuccessful in their election campaign as without the successful and unsuccessful candidates putting themselves forward for sometimes thankless tasks, win or lose we would not have democracy.

2. Apologies

There were no apologies.

3. Declaration of Election Results

4. Legislative Advice for the Incoming Council

4.1 22-232 Legislative Advice for the Incoming Council

Secretarial Note: The discussion on this report was held prior to the Councillors elect being sworn in, therefore there was no mover or seconder.

5. Declarations by Mayor and Councillors

6. Mayor's Acceptance Speech

It is an honour and a privilege to be able to share this very special day with all of you and thanked the Poho o Rawiri team for their warm welcome into their whare. Rehette acknowledged and welcomed kaumatua, leaders in our community and fellow Councillors along with Council staff. This is an exciting time as we welcome our new Maori Ward Councillors along with Councillors elected in our General Ward. We have a strong team and will work together to make our community proud.

It is an important time to reflect, look back and learn from our experiences but most importantly look forward to our shared future and our community aspirations. This will set us up to a path of success. I would also like to acknowledge my family and friends here in New Zealand and those family members who are watching via livestream in South Africa.

There is a lot of mahi in front of us. As a community there are several social, cultural, economic as well as environmental issues that need our urgent attention. How we prioritise these issues on behalf of our community will be decided by this new team of Councillors and look forward to us working closely with our community to ensure we carry their voices and their concerns with us to our decision-making table.

Thank you to our Chief Executive Nedine Thatcher-Swann and her team of Directors and staff for the Induction programme which will equip our Councillors moving forward.

7. Resolution of Thanks to Previous Councillors

Thank you on behalf of the community to our departing Councillors, Akuhata-Brown, Burdett, Dowsing, Faulkner, Hughes, Seymour, Sheldrake and Worsnop for their services and I wish them all the best for the future.

8. Matters to be Addressed at the First Meeting of the Local Authority for DECISION

8.1 22-230 Fixing of Date and Time of the First Ordinary Meeting of the Council

MOVED by Cr Foster, seconded by Cr Robinson

That the Council:

1. Holds the first ordinary meeting of Gisborne District Council on 17 November 2022 commencing at 9am at Te Ruma Kaunihera (Council Chambers), Awarua, Fitzherbert Street, Gisborne.

CARRIED

9. Matters to be Addressed at the First Meeting of the Local Authority for INFORMATION

9.1 22-229 Appointment of Deputy Mayor

MOVED by Cr Stoltz, seconded by Cr Cranston

That the Council:

1. Notes the contents of this report.

CARRIED

10. Close of Meeting

There being no further business, the meeting concluded at 1.40pm.

Rehette Stoltz

MAYOR

3.2. Action Sheet

Meeting Date	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date																																				
30/09/21	17.3	Additional Action Item	Completed	<p>Public Input and Petitions - Roger Tichborne, Darrell Naden & David Armstrong - Strip of Foreshore from Te Mawhai to Koutunui</p> <p>Report to be brought back to Council regarding the High Court proceedings. Arrange a meeting to discuss matters going forward.</p>	Te Rina Whaanga	<p>17/01/2022 Te Rina Whaanga</p> <p>High Court proceedings are not due to occur until October/November.</p>	08/11/22																																				
13/12/21	17.4	Additional Action Item	Completed	<p>Chief Executive's Activity Report:</p> <p>Provide an update report on play options for E-Tu Elgin following meetings with Sport Gisborne Tairāwhiti.</p>	Tyler Kirk	<p>04/09/2022 Tyler Kirk</p> <p>A report was presented to the Operations Committee on 15th of September 2022.</p>	19/07/22																																				
23/06/22	11.1	22-137 2022/23 Annual Plan	Completed	22-137 2022/23 Annual Plan - Provide Councillors with breakdown of township work for 2023 along with who will be carrying out the work.	Lillian Ward	<p>31/10/2022 Lillian Ward</p> <p>Tairāwhiti Rural Township Upgrades Schedule 2022 - 2026</p> <table border="1"> <thead> <tr> <th>Financial Year</th> <th>Township</th> <th>Funds Available</th> <th>Completion By</th> </tr> </thead> <tbody> <tr> <td>2022 - 2023</td> <td>Matawai & Motu</td> <td>\$350k</td> <td>June 2023</td> </tr> <tr> <td>2022 - 2023</td> <td>Ruatorea</td> <td>\$350k</td> <td>June 2023</td> </tr> <tr> <td>2023 - 2024</td> <td>Te Puia Springs & Waipiro Bay</td> <td>\$350k</td> <td>June 2024</td> </tr> <tr> <td>2023 - 2024</td> <td>Te Karaka</td> <td>\$350k</td> <td>June 2024</td> </tr> <tr> <td>2024 - 2025</td> <td>Uawa</td> <td>\$350k</td> <td>June 2025</td> </tr> <tr> <td>2024 - 2025</td> <td>Patutahi</td> <td>\$350k</td> <td>June 2025</td> </tr> <tr> <td>2025 - 2026</td> <td>Tokomaru Bay</td> <td>\$350k</td> <td>June 2026</td> </tr> <tr> <td>2025 - 2026</td> <td>Wharekahika</td> <td>\$350k</td> <td>June 2026</td> </tr> </tbody> </table>	Financial Year	Township	Funds Available	Completion By	2022 - 2023	Matawai & Motu	\$350k	June 2023	2022 - 2023	Ruatorea	\$350k	June 2023	2023 - 2024	Te Puia Springs & Waipiro Bay	\$350k	June 2024	2023 - 2024	Te Karaka	\$350k	June 2024	2024 - 2025	Uawa	\$350k	June 2025	2024 - 2025	Patutahi	\$350k	June 2025	2025 - 2026	Tokomaru Bay	\$350k	June 2026	2025 - 2026	Wharekahika	\$350k	June 2026	19/07/22
Financial Year	Township	Funds Available	Completion By																																								
2022 - 2023	Matawai & Motu	\$350k	June 2023																																								
2022 - 2023	Ruatorea	\$350k	June 2023																																								
2023 - 2024	Te Puia Springs & Waipiro Bay	\$350k	June 2024																																								
2023 - 2024	Te Karaka	\$350k	June 2024																																								
2024 - 2025	Uawa	\$350k	June 2025																																								
2024 - 2025	Patutahi	\$350k	June 2025																																								
2025 - 2026	Tokomaru Bay	\$350k	June 2026																																								
2025 - 2026	Wharekahika	\$350k	June 2026																																								

Meeting Date	Item No.	Item	Status	Action Required	Assignee/s	Action Taken	Due Date
11/08/22	12.1	22-160 Chief Executive Activity Report August 2022	Completed	22-160 Chief Executive Activity Report August 2022: Further clarification on the two new emerging plant species infestations on pg 113.	Michele Frey	15/09/2022 Michele Frey The infestation is climbing spindle berry at Te puia and Hangaroa.	10/09/22

3.3. Governance Work Plan

COUNCIL							Meeting Dates						
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	10-Mar	31-Mar	23-Jun	11-Aug	29-Sep	27-Oct	17-Nov	15-Dec
Community Lifelines	Journeys Infrastructure	Draft Changes to Speed Limit Bylaw 2013	The purpose of this report is to adopt the Statement of Proposal for the Draft Amended Speed Limit Bylaw 2013 for consultation.	Decision	Tina Middlemiss						INAUGURAL		
Community Lifelines	Journeys Infrastructure	22-79 Barton Street	The purpose of this report is to approve the transfer of 1,019m2 of land on Barton Street for educational purposes.	Decision	Dave Hadfield								
Community Lifelines	4 Waters Operations	Mangahauini River Erosion Protection Funding	This purpose of this report is to request approval to transfer the \$327,300 LTP Funding from Year 4 to Year 2 for this project and for \$250,000 of unbudgeted funding for the urgent repairs required.	Decision	Nick Gordon								
Environmental Services & Protection	Compliance & Enforcement	Appointment of Commissioner as Chair of the District Licensing Committee	Appoint a Commissioner as Chair of the District Licensing Committee under s193 of the Sale & Supply of Alcohol Act 2012.	Decision	Gary McKenzie								
Environmental Services & Protection	Compliance & Enforcement	Temporary Alcohol Bans - March and April 2022	Report seeks approval for four temporary alcohol bans during the R&V at Easter Weekend this year and the Music & Arts Festival planned for early March as requested by the NZ Police.	Decision	Julie Lloyd (Went to 27 Jan Cttee)								
Finance & Affordability	Financial Services	Rates setting report for 2022/23	Set Rate for 2022/23, Approve Rates Resolution after Annual Plan for 2022/23 approved.	Decision	Fiona Scragg								
Finance & Affordability	Planning & Performance	Chief Executive Activity Report		Information	Joy Benioni								
Finance & Affordability	Planning & Performance	Annual Report and Summary		Decision	Tim Breese								

COUNCIL						Meeting Dates							
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	10-Mar	31-Mar	23-Jun	11-Aug	29-Sep	27-Oct	17-Nov	15-Dec
Internal partnerships	Democracy & Support Services	Declaration by Mayor & Councillors		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Trust Tairāwhiti Trustee Appointment		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Elected Members Remuneration (June Every Year)		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Declaration of Election Results		Information	Heather Kohn								
Internal partnerships	Democracy & Support Services	Code of Conduct		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Adoption of Meeting Schedule		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Committee Structures and Appointments		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	Adoption of Standing Orders		Information	Heather Kohn								
Internal partnerships	Democracy & Support Services	Gisborne Holding Limited Annual general meeting and proxy appointment		Information	Heather Kohn								
Internal partnerships	Democracy & Support Services	Transition to a new Council following elections		Decision	Heather Kohn								
Internal partnerships	Democracy & Support Services	LGNZ Annual Conference Attendees		Decision	Heather Kohn								

COUNCIL							Meeting Dates						
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	10-Mar	31-Mar	23-Jun	11-Aug	29-Sep	27-Oct	17-Nov	15-Dec
Internal partnerships	Legal	Update of Council Delegations	The purpose of this report is to seek amendments to the Council's statutory delegations to staff under the Local Government (Rating) Act 2022, the Resource Management Act 1991 and the delegated authority held by Sustainable Tairāwhiti.	Decision	Jacinta Bowe								
Liveable communities	Liveable Spaces	Lease Hearing - Alfred Cox Pump Track	Summarise the written submissions and seek decision on the lease following the hearing.	Decision	Tyler Kirk								
Liveable communities	Community Projects	KIWA POOLS - Fees and Charges		Decision	Michele Frey								
Liveable communities	Community Projects	Change of Bright Street (Stopped Road) to Recreation Reserve	Request a decision to declare the stopped road at the Waikanae Stream end of Bright Street as a recreation reserve and a party of Alfred Cox Park.	Decision	Abbe Banks								
Liveable communities	Principal Scientist	Reinstatement of Access to Bush Intake Above the Te Arai Landslide	Seek approval for unbudgeted expenditure of \$515,000, including a contingency to reinstate access to the Bush Intake area above the major landslide located approximately one kilometre above the water treatment plan in the Te Arai Catchment.	Information	Dr Murry Cave								
Strategy & Science	Strategy and Science	Support for Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill	Detail support of the Bill.	Information	Charlotte Knight								
Strategy & Science	Policy	Psychoactive Substances Policy report	To seek readoption of Council's Psychoactive Substances (Local Approved Products) 2104 Policy.	Decision	Makarand Rodge /Chris Gilmore								

COUNCIL							Meeting Dates						
Group Activity	Activity	Name of agenda item	Purpose	Report type	Owner	10-Mar	31-Mar	23-Jun	11-Aug	29-Sep	27-Oct	17-Nov	15-Dec
Strategy & Science	Strategy	Tairāwhiti Regional Housing Strategy 2022-2027	To provide information to Council on the Regional Housing Strategy 2022 to 2027.	Information	Jo Noble								
Strategy & Science	TRMP - FDS	Sign off on FDS for public notification		Decision	Shane McGhie								
Strategy & Science	Strategy	Update on Resource Management Reform (Report timing to be confirmed pending Ministerial announcement)	To provide an update on the RM Reform.	Information	Paula Hansen/Fazilat Tooranian								
Strategy & Science	TRMP	TRMP to be included as part of induction of new Councillors	To introduce new members to the TRMP Programme.	Information	Dr Graeme Card								
Strategy & Science	Climate Change	Report on Council's Emissions Reduction Plan	Update to the ERP and MyImprint report, highlighting the cost implications to ratepayers when setting a 2030 net zero target.	Information	Dr Magnus Abraham-Dukuma								
Strategy & Science	Bylaw	Keeping of Animals Bee's and Poultry Bylaw	Adoption of SOP for Consultation.	Decision	Abi Wiseman								
Strategy & Science	Strategy & Science	Climate Change Update Report	Update on progress to date.	Information	Dr Magnus Abraham-Dukuma								
Strategy & Science	Bylaw	Navigation & Safety Bylaw	Adoption of SOP for Consultation.	Decision	Abi Wiseman								
Strategy & Science	Bylaw	Dog Control Policy & Bylaw	Adoption of SOP for Consultation.	Decision	Makarand Rodge								

10. Committee Recommendations to Council



22-245

Title: 22-245 Committee Recommendations to Council - September 2022
Section: Democracy & Support Services
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 17 November 2022

Legal: No

Financial: Yes

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is for Council to approve the recommendation from the Audit & Risk Committee from the 21 September 2022 meeting.

SUMMARY - HE WHAKARĀPOPOTOTANGA

By way of background the Audit & Risk Committee in the last triennium consisted of an independent Chairperson, Bruce Robertson, the Mayor and Deputy Mayor and the Chairs of the Committees. All elected members receive all Committee agendas.

When a Committee wishes to make a recommendation that isn't within their Terms of Reference or they wish to raise awareness with other elected members not present at the meeting of a recommendation, the recommendation comes to Council for adoption, hence the format of this report.

Given the fact that it is now a new triennium details of the report can be found [here](#) and the appropriate section of the minutes are **attached**.

AUDIT & RISK Committee 21 September 2022

22-219 Insurance Renewal

1. Recommends that Council:
 - a. Notes the position reached with Council's insurance brokers regarding insurance arrangements for wrecks and covering our responsibilities.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. **Adopts the recommendation from the Audit & Risk Committee:**
 - a. **Notes the position reached with Council's insurance brokers regarding insurance arrangements for wrecks and covering our responsibilities.**

Authorised by:

James Baty - Director Internal Partnerships

Keywords: Audit & Risk, Committee, recommendation, insurance, wrecks

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Audit & Risk 21 September 2022 [**10.1.1** - 1 page]

10.4 22-219 Insurance Renewal

Discussions included:

- Insurance Strategy actions for this year includes the use of appropriate asset valuation for insurance purposes. These valuations have been completed.
- The second insurance strategy action for this year, is undertaking an earthquake probable loss assessment for Four water assets. This is underway but is unlikely to be completed in time for 2022/23 insurance policy renewals.
- Waingake native forest project is insured under our Public Liability Cover. The cover is not for reinstatement of the forest, but more for any liability that may arise due to Council action that caused damage to a neighbouring property.

MOVED by Bruce Robertson, seconded by Cr Seymour

That the Audit & Risk Committee:

1. Recommends that Council:
 - a. Notes the position reached with Council's insurance brokers regarding insurance arrangements for wrecks and covering our responsibilities.

CARRIED

11. Reports of the Chief Executive and Staff for DECISION



22-250

Title: 22-250 Adoption of Standing Orders
Section: Democracy & Support Services
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 17 November 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to adopt the current Standing Orders (**Attachment 1**) until a thorough review is completed in 2023. This review will have an in-depth Treaty Compass lens incorporated into it.

SUMMARY - HE WHAKARĀPOPOTOTANGA

Council is obliged under Clause 27, Schedule 7 of the Local Government Act 2002, to adopt a set of Standing Orders.

The 2019 Standing Orders are based on the Local Government New Zealand template which encapsulates the mandatory rules set out in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. Council may adopt additional rules or extend existing rules for clarification or local emphasis within the scope of the Acts.

The passing of Standing Orders and any amendments require a 75% majority.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the 2019 Gisborne District Council Standing Orders until a review has been completed in 2023.**

Authorised by:

James Baty - Director Internal Partnerships

Keywords: standing orders, adoption of standing orders, LGNZ template, general business of Council, system of voting

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Standing Orders - adopted 2019-11-18 [**22-250.1** - 71 pages]



Standing Orders

19 December 2019

A1640747

Preface

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

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

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

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

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

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

[Local Government New Zealand has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it].

Contents

1. Introduction	10
Principles.....	10
Statutory references	11
Acronyms and Abbreviations.....	11
Application.....	11
2. Definitions	11
Part 1 - General Matters	16
3. Standing Orders.....	16
3.1 Obligation to adopt standing orders	16
3.2 Process for adoption and alteration of standing orders	16
3.3 Members must obey standing orders	16
3.4 Application of standing orders	16
3.5 Temporary suspension of standing orders.....	16
3.6 Quasi-judicial proceedings	16
3.7 Physical address of members	17
4. Meetings.....	17
4.1 Legal requirement to hold meetings.....	17
4.2 Meeting duration	17
4.3 Language	17
4.4 Webcasting meetings	17
4.5 First meeting (inaugural)	18
4.6 Requirements for the first meeting.....	18
5. Appointments and Elections	18
5.1 Mayoral appointment of deputy mayor, committee chairs and members	18
5.2 Council discharge of a mayoral appointment	19
5.3 Establishment of committees by the mayor	19
5.4 Elections of deputy mayors and deputy chairpersons	19
5.5 Removal of a deputy mayor	19
5.6 Voting system for deputy mayors, committee chairs and deputy chairs	19
6. Delegations	20
6.1 Limits on delegations.....	20
6.2 Committees may delegate	20
6.3 Use of delegated powers.....	20
6.4 Decisions made under delegated authority cannot be rescinded or amended.....	21
6.5 Committees and subcommittees subject to the direction of the local authority.....	21

7.	Committees.....	21
7.1	Appointment of committees and subcommittees	21
7.2	Discharge or reconstitution of committees and subcommittees.....	21
7.3	Appointment or discharge of committee members and subcommittee members.....	21
7.4	Elected members on committees and subcommittees	22
7.5	Local authority may replace members if committee not discharged	22
7.6	Membership of mayor.....	22
7.7	Decision not invalid despite irregularity in membership	22
7.8	Appointment of joint committees.....	22
7.9	Status of joint committees	23
7.10	Power to appoint or discharge individual members of a joint committee	23
	Part 2 - Pre-meeting Procedures	24
8.	Giving Notice.....	24
8.1	Public notice – ordinary meetings.....	24
8.2	Notice to members - ordinary meetings	24
8.3	Extraordinary meeting may be called	24
8.4	Notice to members – extraordinary meetings	24
8.5	Emergency meetings may be called	24
8.6	Process for calling an emergency meeting.....	25
8.7	Public notice – emergency and extraordinary meetings.....	25
8.8	Meetings not invalid.....	25
8.9	Resolutions passed at an extraordinary meeting.....	25
8.10	Meeting schedules	26
8.11	Non-receipt of notice to members.....	26
8.12	Meeting cancellations	26
9.	Meeting Agenda.....	26
9.1	Preparation of the agenda	26
9.2	Process for raising matters for a decision	26
9.3	Chief executive may delay or refuse request.....	26
9.4	Order of business	27
9.5	Chairperson’s recommendation.....	27
9.6	Chairperson’s report.....	27
9.7	Public availability of the agenda.....	27
9.8	Public inspection of agenda	27
9.9	Withdrawal of agenda items	27
9.10	Distribution of the agenda	28
9.11	Status of agenda.....	28
9.12	Items of business not on the agenda which cannot be delayed	28
9.13	Discussion of minor matters not on the agenda.....	28
9.14	Public excluded business on the agenda.....	28
9.15	Qualified privilege relating to agenda and minutes	28

Part 3 - Meeting Procedures	29
10. Opening and Closing	29
11. Quorum	29
11.1 Council meetings	29
11.2 Committees and subcommittee meetings	29
11.3 Joint committees	29
11.4 Requirement for a quorum	29
11.5 Meeting lapses where no quorum	30
11.6 Business from lapsed meetings	30
12. Public Access and Recording	30
12.1 Meetings open to the public	30
12.2 Grounds for removing the public	30
12.3 Local authority may record meetings.....	30
12.4 Public may record meetings.....	30
13. Attendance	30
13.1 Members right to attend meetings	30
13.2 Attendance when a committee is performing judicial or quasi-judicial functions	31
13.3 Leave of absence	31
13.4 Apologies	31
13.5 Recording apologies	31
13.6 Absent without leave	31
13.7 Right to attend by audio or audio-visual link	32
13.8 Member's status: quorum.....	32
13.9 Member's status: voting.....	32
13.10 Chairperson's duties.....	32
13.11 Conditions for attending by audio or audio-visual link	32
13.12 Request to attend by audio or audio-visual link	32
13.13 Chairperson may terminate link.....	33
13.14 Giving or showing a document.....	33
13.15 Link failure	33
13.16 Confidentiality	33
14. Chairperson's role in meetings.....	33
14.1 Council meetings	33
14.2 Other meetings.....	34
14.3 Addressing the chairperson.....	34
14.4 Chairperson's rulings	34
14.5 Chairperson standing	34
14.6 Member's right to speak	34
14.7 Chairperson may prioritise speakers.....	34

15. Public Forums.....	34
15.1 Time limits	35
15.2 Restrictions.....	35
15.3 Questions at public forums	35
15.4 No resolutions	35
16. Deputations	35
16.1 Time limits	35
16.2 Restrictions.....	36
16.3 Questions of a deputation.....	36
16.4 Resolutions	36
17. Petitions.....	36
17.1 Form of petitions	36
17.2 Petition presented by petitioner	36
17.3 Petition presented by member	37
18. Exclusion of public.....	37
18.1 Motions and resolutions to exclude the public.....	37
18.2 Specified people may remain	37
18.3 Public excluded items.....	37
18.4 Non-disclosure of information	37
18.5 Release of information from public excluded session	38
19. Voting.....	38
19.1 Decisions by majority vote	38
19.2 Open voting	38
19.3 Chairperson has a casting vote.....	38
19.4 Method of voting.....	38
19.5 Calling for a division	38
19.6 Request to have votes recorded	39
19.7 Members may abstain.....	39
20. Conduct	39
20.1 Calling to order	39
20.2 Behaviour consistent with Code of Conduct.....	39
20.3 Retractions and apologies	39
20.4 Disorderly conduct	39
20.5 Contempt.....	39
20.6 Removal from meeting.....	39
20.7 Financial conflicts of interests	40
20.8 Non-financial conflicts of interests.....	40
20.9 Qualified privilege for meeting proceedings.....	40
20.10 Qualified privilege additional to any other provisions	40
20.11 Electronic devices at meetings	40

21. General Rules of Debate	41
21.1 Chairperson may exercise discretion	41
21.2 Time limits on speakers	41
21.3 Questions to staff	41
21.4 Questions of clarification	41
21.5 Members may speak only once.....	41
21.6 Limits on number of speakers	41
21.7 Secunder may reserve speech.....	41
21.8 Speaking only to relevant matters	41
21.9 Restating motions.....	42
21.10 Criticism of resolutions.....	42
21.11 Objecting to words	42
21.12 Right of reply	42
21.13 No other member may speak.....	42
21.14 Adjournment motions	42
21.15 Chairperson’s acceptance of closure motions	42
22. General Procedures for Speaking and Moving Motions.....	43
22.1 Options for speaking and moving.....	43
22.2 Option A.....	43
22.3 Option B.....	43
22.4 Option C.....	44
22.5 Procedure if no resolution reached.....	44
23. Motions and amendments.....	44
23.1 Proposing and seconding motions	44
23.2 Motions in writing	44
23.3 Motions expressed in parts	44
23.4 Substituted motion.....	44
23.5 Amendments to be relevant and not direct negatives	44
23.6 Chairperson may recommend amendment	45
23.7 Foreshadowed amendments.....	45
23.8 Lost amendments.....	45
23.9 Carried amendments.....	45
23.10 Where a motion is lost	45
23.11 Withdrawal of motions and amendments	45
23.12 No speakers after reply or motion has been put	45
24. Revocation or alteration of resolutions	45
24.1 Member may move revocation of a decision.....	45
24.2 Revocation must be made by the body responsible for the decision.....	46
24.3 Requirement to give notice.....	46
24.4 Restrictions on actions under the affected resolution.....	46
24.5 Revocation or alteration by resolution at same meeting	46
24.6 Revocation or alteration by recommendation in report.....	47

25. Procedural Motions	47
25.1 Procedural motions must be taken immediately	47
25.2 Procedural motions to close or adjourn a debate	47
25.3 Voting on procedural motions	47
25.4 Debate on adjourned items	47
25.5 Remaining business at adjourned meetings	47
25.6 Business referred to the council or committee	48
25.7 Other types of procedural motions	48
26. Points of order	48
26.1 Members may raise points of order	48
26.2 Subjects for points of order	48
26.3 Contradictions	48
26.4 Point of order during division	48
26.5 Chairperson's decision on points of order	48
27. Notices of Motion	49
27.1 Notice of intended motion to be in writing	49
27.2 Refusal of notice of motion	49
27.3 Mover of notice of motion	49
27.4 Alteration of notice of motion	49
27.5 When notices of motion lapse	49
27.6 Referral of notices of motion	49
27.7 Repeat notices of motion	50
28. Minutes	50
28.1 Minutes to be evidence of proceedings	50
28.2 Matters recorded in minutes	50
28.3 No discussion on minutes	51
28.4 Minutes of last meeting before election	51
29. Keeping a Record	51
29.1 Maintaining accurate records	51
29.2 Method for maintaining records	51
29.3 Inspection	51
29.4 Inspection of public excluded matters	51

30. Referenced Documents.....	52
Appendix 1: Additional Provisions for Tāngata Whenua	53
Appendix 2: Grounds to Exclude the Public.....	54
Appendix 3: Sample Resolution to Exclude the Public	56
Appendix 4: Motions and Amendments (Option A)	58
Appendix 5: Motions and Amendments (Option B)	59
Appendix 6: Motions and Amendments (Option C)	60
Appendix 7: Table of Procedural Motions	61
Appendix 8: Webcasting Protocols	63
Appendix 9: Powers of a Chairperson.....	64
Appendix 10: Mayor’s Powers to Appoint Under s 41A	67
Appendix 11: Process for Removing a Chairperson or Deputy Mayor from Office	68
Appendix 12: Workshops	69
Appendix 13: Sample order of business	70
Appendix 14: Process for raising matters for a decision	71

1. Introduction

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

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

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

The **Appendices**, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75 per cent of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

Principles

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

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 LGA 2002; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open, and transparent" (s 39 LGA 2002).

Statutory references

The standing orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented, the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the standing orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

Acronyms and Abbreviations

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authorities (Members' Interests) Act 1968
sch	schedule
s	section
ss	sections
cl	clause
cls	clauses

Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working groups, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change or proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority appointed under s 42 LGA 2002, and includes, for the purposes of these standing orders, any other officer authorised by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under cl 30A sch 7 LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s 49 LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the chairperson and which may be made in English, te reo Maori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Emergency meeting has the same meaning as defined in cl 22A sch 7 LGA 2002.

Extraordinary meeting has the same meaning as defined in cl 22 sch 7 LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with cl 30A sch 7 LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a territorial authority, as defined in s 5 LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with ss 46(1) and (2) LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a karanga from the tangata whenua (the home people) followed by formal speech making. A powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in Standing Orders 24.1–24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and has not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on members by ss 52 and 53 LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion.

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

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

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

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

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

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between 20 December and 10 January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

Part 1 - General Matters

3. Standing Orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Standing orders must not contravene any Act.

cls 27(1) & (2) sch 7 LGA 2002

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 per cent of the members present.

cl 27(3) sch 7 LGA 2002

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders.

cl 16(1) sch 7 LGA 2002

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl 27(4) sch 7 LGA 2002

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority may amend meeting procedures. For example, committees hearing applications under the RMA have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within five working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. Meetings must be called and conducted in accordance with:

- a) Schedule 7 of the LGA 2002;
- b) Part 7 of the LGOIMA; and
- c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Maori or New Zealand Sign Language. A chairperson may require that a speech is translated and printed in English or te reo Maori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Maori when the normal business of the meeting is conducted in English, they must give prior notice to the chairperson not less than two working days before the meeting.

Where the normal business of the meeting is conducted in te reo Maori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than two working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in *Appendix 8*.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than seven days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cls 21(1)–(4) sch 7 LGA 2002

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the chairperson has made an oral declaration and attested the declaration.

cl 21(4) sch 7 LGA 2002

The business to be conducted at the first meeting following a general election must include the following:

- a) The making and attesting of the declarations required of the mayor (if any) and members under cl 14 sch 7 LGA 2002;
- b) The election of the chairperson (if any) and the making and attesting of the declaration required of the chairperson under cl 14 sch 7 LGA 2002;
- c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members' Interests) Act 1968; and ss 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- e) The election of the deputy mayor or deputy chairperson in accordance with cl 17 sch 7 LGA 2002.

cl 21(5) sch 7 LGA 2002

It is common for councils to adopt standing orders at the first meeting. However, this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the mayor has already made the appointment under s 41A (3)(a) LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy mayor from office in accordance with cl 18 sch 7 LGA 2002.

5. Appointments and Elections

5.1 Mayoral appointment of deputy mayor, committee chairs and members

A mayor may appoint the deputy mayor, the chairperson and the members of each committee of the territorial authority. The names of any appointments made by the mayor must be tabled at the first meeting of the council after the appointments are made. The mayor may also appoint him or herself.

s 41A (3) LGA 2002

5.2 Council discharge of a mayoral appointment

Nothing, however, limits or prevents a territorial authority from discharging a deputy mayor, a chairperson or a member of a committee appointed by the mayor. Any decision by the territorial authority to discharge a deputy mayor shall follow the procedure in standing order 5.5.

If the mayor declines to appoint a deputy mayor or committee chairpersons in accordance with s 41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4. *cl 31 sch 7 LGA 2002*

5.3 Establishment of committees by the mayor

The mayor may establish committees of the territorial authority. Where a mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the council. Should the mayor decline to establish committees under s 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl 30 sch 7 LGA 2002, a committee established by the mayor or appointing, more committees in addition to any established by the mayor.

Please note that a mayor is a member of every committee unless specific legislation provides otherwise, for example a committee established under s 189 of the Sale and Supply of Alcohol Act 2012. *ss 41A (3) and (4) LGA 2002*

5.4 Elections of deputy mayors and deputy chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see Standing Order 5.6) when electing people to the following positions:

- deputy mayor;
- chairperson and deputy chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s 41A to appoint a deputy mayor or committee chairs. See *Appendix 9*. *cl 25 sch 7 LGA 2002*

5.5 Removal of a deputy mayor

A deputy mayor, whether appointed by the mayor under Standing Order 5.1 or elected by the council, can only be removed in accordance with cl 18 sch 7 LGA 2002. See *Appendix 10*. *cl 18 sch 7 LGA 2002*

5.6 Voting system for deputy mayors, committee chairs and deputy chairs

When electing a deputy mayor, a committee chair or a deputy chair, the local authority must resolve to use one of the following two voting systems.

- System A:** The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:
- (a) There is a first round of voting for all candidates;

- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round and, if necessary, subsequent rounds of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

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

cl 32 (1) sch 7 LGA 2002

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cls (2) & (3) sch 7 LGA 2002

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cls 32(2) & (3)(4) sch 7 LGA 2002

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. *cl 30 (6) sch 7 LGA 2002*

6.5 Committees and subcommittees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them. *cls 30 (3) & (4) sch 7 LGA 2002*

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cls 30(1) & (2) sch 7 LGA 2002

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office. *cls 30 (5) & (7) sch 7 LGA 2002*

Please note: Section 12 (2) of the Civil Defence Emergency Management Act 2002 states that a Civil Defence Emergency Management Group is not deemed to be discharged following a triennial election. This may also apply to District Licensing Committees (see Guide to Standing Orders).

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cls 31 (1) & (2) sch 7 LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl 31(4) sch 7 LGA 2002

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl 30 (7) sch 7 LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl 31(5) sch 7 LGA 2002

7.6 Membership of mayor

The mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s 189 of the Sale and Supply of Alcohol Act 2012.

s 41A (5) LGA 2002

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority committee is not invalidated if:

- a) There is a vacancy in the membership of the local authority committee at the time of the decision; or
- b) Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl 29 sch 7 LGA 2002

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- a) The number of members each party may appoint;
- b) How the chairperson and deputy chairperson are to be appointed;
- c) The terms of reference of the committee;
- d) What responsibilities, if any, are to be delegated to the committee by each party; and
- e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cls 30A (1) & (2) Sch 7 LGA 2002

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl 30A (5) sch 7 LGA 2002

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl 30A (6)(a) sch 7 LGA 2002

Part 2 - Pre-meeting Procedures

8. Giving Notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than five days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than ten nor less than five working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information). *s 46 LGOIMA*

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule. *cl 19 (5) sch 7 LGA 2002*

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- a) Resolution of the council, or
- b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The mayor; or
 - ii. Not less than one-third of the total membership of the council (including vacancies).

cl 22 (1) sch 7 LGA 2002

8.4 Notice to members – extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under Standing Order 8.3, as well as the general nature of business to be considered to each member of the council at least three working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl 22 (3) sch 7 LGA 2002

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- a) The mayor; or
- b) If the mayor is unavailable, the chief executive.

cl 22A(1) sch 7 LGA 2002

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl 22A (2) sch 7 LGA 2002

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- a) To be publicly notified as soon as practicable before the meeting is to be held; or
- b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s 46 (3) LGOIMA

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s 46 (6) LGOIMA

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- b) The extraordinary meeting was publicly notified at least five working days before the day on which the meeting was held.

s 51A LGOIMA

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl 19 (6) sch 7 LGA 2002

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cls 20 (1) & (2) sch 7 LGA 2002

8.12 Meeting cancellations

The chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting Agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, or subordinate decision-making body, and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in *Appendix 14*.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in *Appendix 13*.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

ss 5 & 46A LGOIMA

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least two working days before a meeting, all agendas and associated reports circulated to members of the local authority relating to that meeting. The agenda:

- a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s 46A (1) LGOIMA

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.5).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the chairperson provides the following information during the public part of the meeting:

- a) The reason the item is not on the agenda; and
- b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s 46A (7) LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the chairperson.

Please note: Nothing in this standing order removes the requirement to meet the provisions of Part 6 LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s 46A (7A) LGOIMA

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. However, the chief executive may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s 46A (9) LGOIMA

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s 52 LGOIMA

Part 3 - Meeting Procedures

10. Opening and Closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakataau.

Options for opening a meeting could include a karakia timitanga, mihi whakataau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- a) Half of the members physically present, where the number of members (including vacancies) is even; and
- b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl 23 (3)(a) sch 7 LGA 2002

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also Standing Order 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council. the relevant board.

cl 23 (3)(b) sch 7 LGA 2002

11.3 Joint committees

The quorum at a meeting of a joint committee must be consistent with standing order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl 30A (6)(c) sch 7 LGA 2002

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cls 23(1) & (2) sch 7 LGA 2002

11.5 Meeting lapses where no quorum

A meeting must lapse, and the chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the chairperson sets an earlier meeting and this is notified by the chief executive.

12. Public Access and Recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees and subcommittees must be open to the public. *ss 47 & 49(a) LGOIMA*

12.2 Grounds for removing the public

The chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require, the chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl 19(2) sch 7 LGA 2002

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public, any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: This section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The mayor may approve a member's application, and the Council may approve an application from the mayor. The mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined, and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council without leave of absence or an apology being accepted (not including extraordinary or emergency meetings), the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl 5 (d) sch 7 LGA 2002

13.7 Right to attend by audio or audio-visual link

Provided the conditions in Standing Orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

cl 25A (4) sch 7 LGA 2002

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the chairperson must ensure that:

- a) The technology for the link is available and of suitable quality; and
- b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of the LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl 25A (3) sch 7 LGA 2002

13.11 Conditions for attending by audio or audio-visual link

Noting Standing Order 13.7, the chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- b) Where a member is unwell; and
- c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio-visual link

Where possible, a member will give the chairperson and the chief executive at least two working days' notice when they want to attend a meeting by audio or audio-visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The chairperson may direct that an electronic link should be terminated where:

- a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- c) It is distracting to the members who are physically present at the meeting; and
- d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- a) Transmitting it electronically;
- b) Using the audio-visual link; or
- c) Any other manner that the chairperson thinks fit.

cl 25(A) (6) sch 7 LGA 2002

13.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Council meetings

The mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy mayor is also absent the local authority members who are present must elect a member to be the chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the mayor for that meeting.

cls 26(1), (5) & (6) sch 7 LGA 2002

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the chairperson is absent from a meeting or vacates the chair, the deputy chairperson (if any) will act as chairperson. If the deputy chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as chairperson. This person may exercise the meeting responsibilities, duties and powers of the chairperson.

cls 26(2), (5) & (6) sch 7 LGA 2002

14.3 Addressing the chairperson

Members will address the chairperson in a manner that the chairperson has determined.

14.4 Chairperson's rulings

The chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the chairperson when speaking. They may not leave their place while speaking unless they have the leave of the chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- b) Move a motion to terminate or adjourn the debate; and/or
- c) Make a point of explanation; and/or
- d) Request the chairperson to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

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

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this requirement may be waived by the chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

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

15.2 Restrictions

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

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

15.3 Questions at public forums

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

15.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The chairperson has the discretion to decline to hear or terminate a deputation at any time where:

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

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least five working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see Standing Order 20.9 on qualified privilege). They may be written in English or te reo Maori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least five working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- a) The petition;
- b) The petitioners' statement; and
- c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in s 48 LGOIMA (see Appendix 2).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in sch 2A LGOIMA (see Appendix 3). The resolution must state:

- a) The general subject of each matter to be excluded;
- b) The reason for passing the resolution in relation to that matter; and
- c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s 48 LGOIMA

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s 48 (6) LGOIMA

18.3 Public excluded items

The chief executive must place in the public excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

S 46A (8) LGOIMA

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- a) There are no grounds under LGOIMA for withholding the information; and
- b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution what, if any, information will be released to the public. In addition, the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting. *cl 24 (1) sch 7 LGA 2002*

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting. *cl 24 (3) sch 7 LGA 2002*

19.3 Chairperson has a casting vote

The mayor, chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote. *cl 24 (2) sch 7 LGA 2002*

19.4 Method of voting

The method of voting must be as follows:

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

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters, e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with the Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the Council's Code of Conduct, the chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting minutes.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s 6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s 6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

ss 6 & 7 LAMIA

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s 53 LGOIMA

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s 53 LGOIMA

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chairperson. A chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General Rules of Debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chairperson can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- a) Movers of motions when speaking to the motion – not more than 5 minutes;
- b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the chairperson and how the question should be dealt with is at the chairperson's discretion.

21.4 Questions of clarification

At any point of a debate a member may ask the chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Seconder may reserve speech

A member may second a motion or amendment without speaking to it reserving the right to speak later in the debate.

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the chairperson restate a motion and any amendments but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- a) After the mover has started their reply;
- b) After the mover has indicated that they want to forego this right; and
- c) Where the mover has spoken to an amendment to the original motion and the chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the chairperson considers it reasonable to do so.

However, the chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the chairperson puts the motion or amendment to the vote.

22. General Procedures for Speaking and Moving Motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- a) The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- b) Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- c) The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- d) Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- e) The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- a) The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- b) Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- c) The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- d) Members can speak to any amendment.
- e) The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- a) The mover and seconder of a motion can move or second an amendment.
- b) Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- c) The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- d) Members can speak to any amendment.
- e) The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

23.2 Motions in writing

The chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

23.3 Motions expressed in parts

The chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6 LGA 2002.

23.6 Chairperson may recommend amendment

A chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council, can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

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

23.8 Lost amendments

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

23.9 Carried amendments

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

23.10 Where a motion is lost

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

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- a) The mover has started their right of reply in relation to the motion; and
- b) The chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council and subordinate body. The notice must set out:

- a) The resolution or part of the resolution which the member proposes to revoke or alter;
- b) The meeting date when the resolution was passed;
- c) The motion, if any, which the member proposes to replace it with; and
- d) Sufficient information to satisfy the decision-making provisions of ss 77–82 LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body.

cl 30 (6) sch 7 LGA 2002

24.3 Requirement to give notice

A member must give notice to the chief executive at least five working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one-third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next 12 months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the chairperson:

- a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the chairperson, chief executive, or any committee or subcommittee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl 30 (6) sch 7 LGA 2002

25. Procedural Motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- b) that the motion under debate should now be put (a closure motion);
- c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- e) That the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council or committee

Where an item of business is referred (or referred back) to council or a committee, the council or committee will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- a) Disorder – to bring disorder to the attention of the chairperson;
- b) Language – to highlight use of disrespectful, offensive or malicious language;
- c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the chairperson.

26.5 Chairperson's decision on points of order

The chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of Motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least five clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least two clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- a) Is disrespectful or which contains offensive language or statements made with malice; or
- b) Is not related to the role or functions of the local authority or meeting concerned; or
- c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive may make; or
- d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- e) Fails to include sufficient information as to satisfy the decision-making provisions of ss 77–82 LGA 2002; or
- f) Concerns a matter where decision-making authority has been delegated to a subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the chairperson must lapse.

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority must be referred to that committee by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the chairperson, may be accepted within the next 12 months, unless signed by not less than one-third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees and subcommittees, must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl 28 sch 7 LGA 2002

28.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- a) The date, time and venue of the meeting;
- b) The names of the members present;
- c) The chairperson;
- d) Any apologies or leaves of absences;
- e) The arrival and departure times of members;
- f) Any failure of a quorum;
- g) A list of any external speakers and the topics they addressed;
- h) A list of the items considered;
- i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- j) The names of all movers, and seconders;
- k) Any objections made to words used;
- l) All divisions taken and, if taken, a record of each members' vote;
- m) The names of any members requesting that their vote or abstention be recorded;
- n) Any declarations of financial or non-financial conflicts of interest;
- o) The contempt, censure and removal of any members;
- p) Any resolutions to exclude members of the public;
- q) The time at which the meeting concludes or adjourns; and
- r) The names of people permitted to stay in public excluded.

Please note: Hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority before the next election of members.

29. Keeping a Record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form so as to be able to be used for subsequent reference. *s 17 Public Records Act 2005*

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- b) The information is readily accessible so as to be usable for subsequent reference.

s 229(1) Contract and Commercial Law Act 2017

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public. *s 51 LGOIMA*

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

30. Referenced Documents

- Civil Defence Emergency Management Act 2002
- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Commercial Law Act 2017
- Dog Control Act 1996
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Official Information Act 1982
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978
- Standing Orders Guidelines 2019

Appendix 1: Additional Provisions for Tāngata Whenua

1. Tāngata Whenua representation at meetings

Where representatives of the Tāngata Whenua identify any item on the agenda for a meeting of a local authority, committee or subcommittee which the Tāngata Whenua wish to discuss, they may attend the meeting for that purpose. These provisions do not apply to any meeting of a local authority committee or subcommittee which is sitting in a quasi-judicial capacity in respect of any matter to be heard.

2. Speaking rights in addition to public forum

The right to speak at meetings of the local authority conferred by these provisions are in addition to and separate from those rights of a public forum as outlined in cl 15.

3. Tāngata Whenua representation at committees and subcommittees

Where representatives of the Tāngata Whenua have, in accordance with cl 15.1, identified items they wish to discuss at a meeting, they may be represented by such number of representatives as is equal to the number of permanent members of that committee or subcommittee who are present at that meeting.

4. Tāngata Whenua speaking time

Representatives of the Tāngata Whenua shall have the right to address any meeting of the local authority, committee or subcommittee for a period of 15 minutes in total on any item or issue which has been identified or initiated by the Tāngata Whenua and listed for consideration at a meeting.

5. Questions of speakers during Tāngata Whenua participation

With the permission of the chairperson, members may ask questions of representatives of the Tāngata Whenua. If permitted by the chairperson, questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

NOTE: The term "Tāngata Whenua" is not mentioned in the Local Government Act 2002. The Act refers to "Maori".

Appendix 2: Grounds to Exclude the Public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Maori, or to avoid the disclosure of the location of waahi tapu; or
 - c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest.
 - d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - f) Maintain the effective conduct of public affairs through— the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - g) Maintain legal professional privilege; or
 - h) Enable any council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - i) Enable any council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
 - j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s 7 LGOIMA 1987

Where A2 of this appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- a) Be contrary to the provisions of a specified enactment; or
 - b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that council by an Ombudsman under s 30(1) or s 38(3) of this Act (in the case of a council named or specified in sch 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the council to deliberate in private on its decision or recommendation in:
- a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

s 48 LGOIMA

Appendix 3: Sample Resolution to Exclude the Public

In accordance with s 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by s 6 or s 7 of that Act (or ss 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1. That the public is excluded from:
 - The whole of the proceedings of this meeting; *(delete if not applicable)*
 - The following parts of the proceedings of this meeting, namely: *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

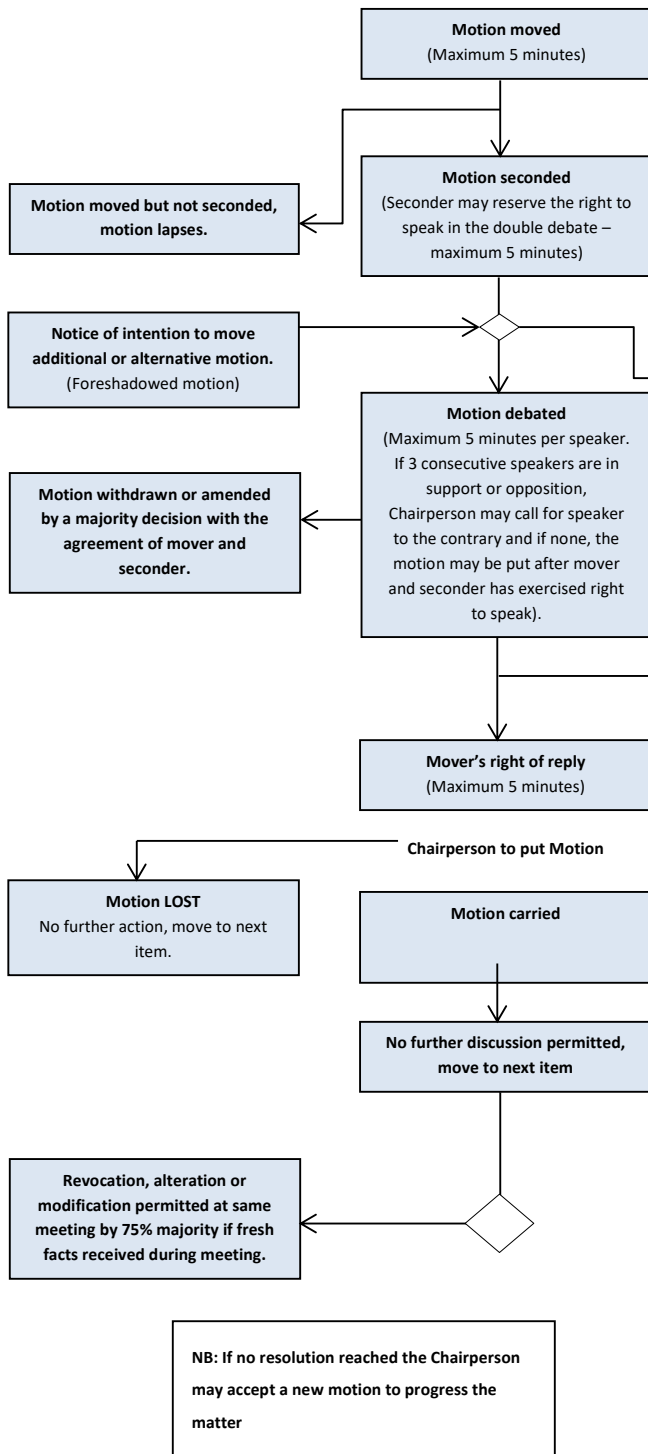
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ol style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s 48(1)(b)).
		To consider a recommendation made by an Ombudsman (s 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ol style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s 48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s 48(1)(d)).
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure or use of official information for improper gain or advantage (s 7(2)(j)).
		To protect information which if public would; <ul style="list-style-type: none"> i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Maori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for: <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or b • an heritage order (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: <ul style="list-style-type: none"> i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the Council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

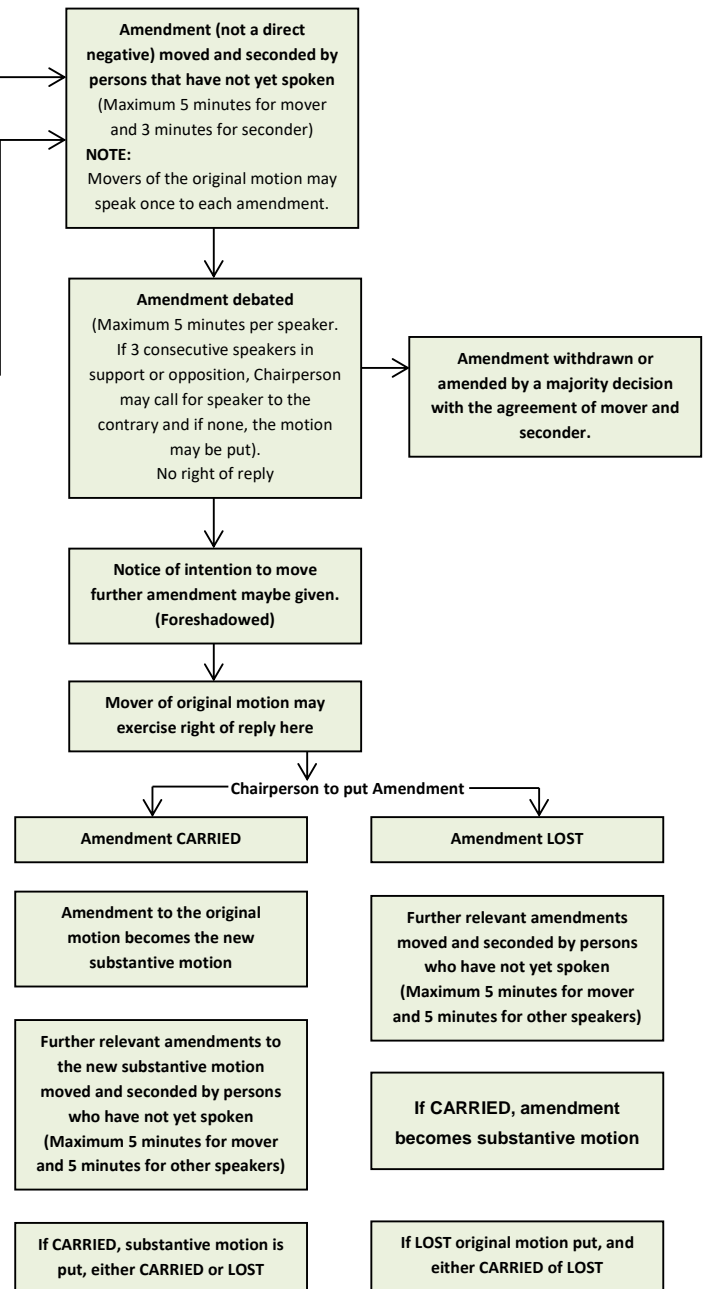
2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 4: Motions and Amendments (Option A)

Motions **without** amendments

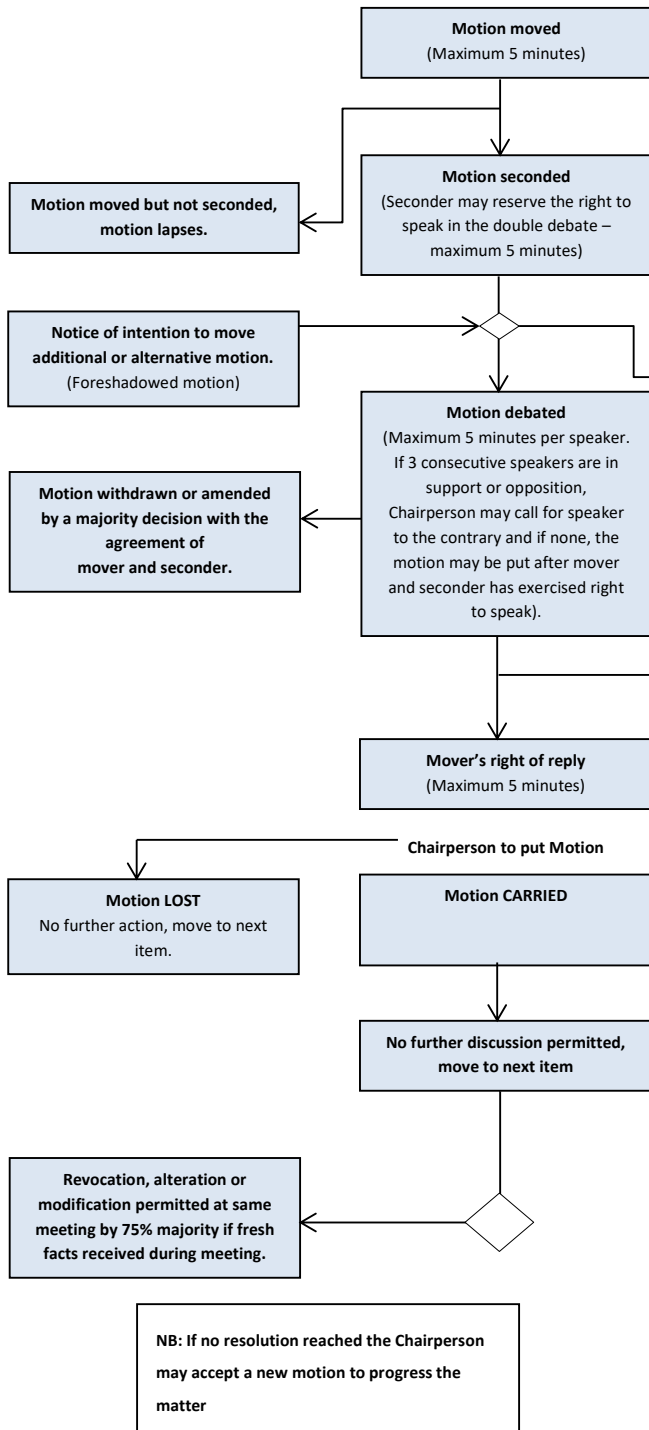


Motions **with** amendments

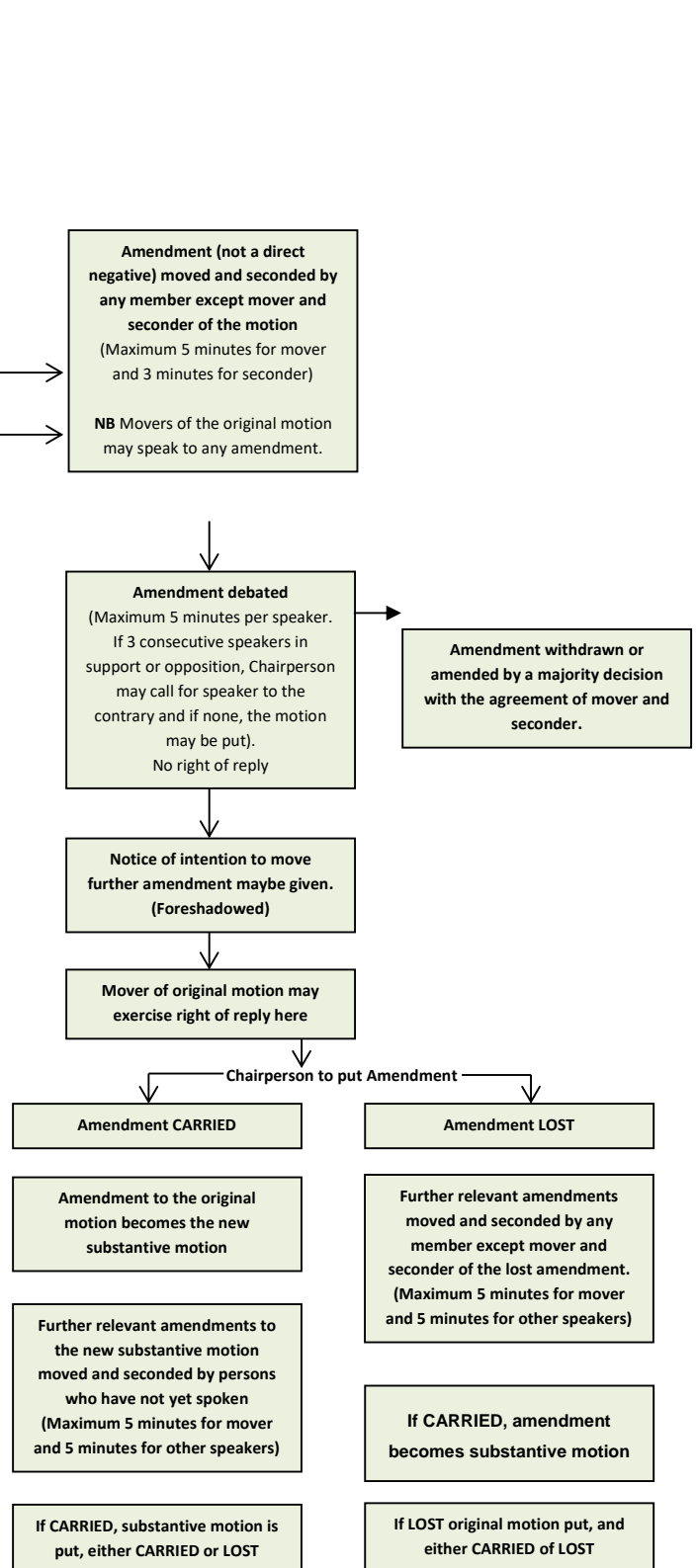


Appendix 5: Motions and Amendments (Option B)

Motions **without** amendments

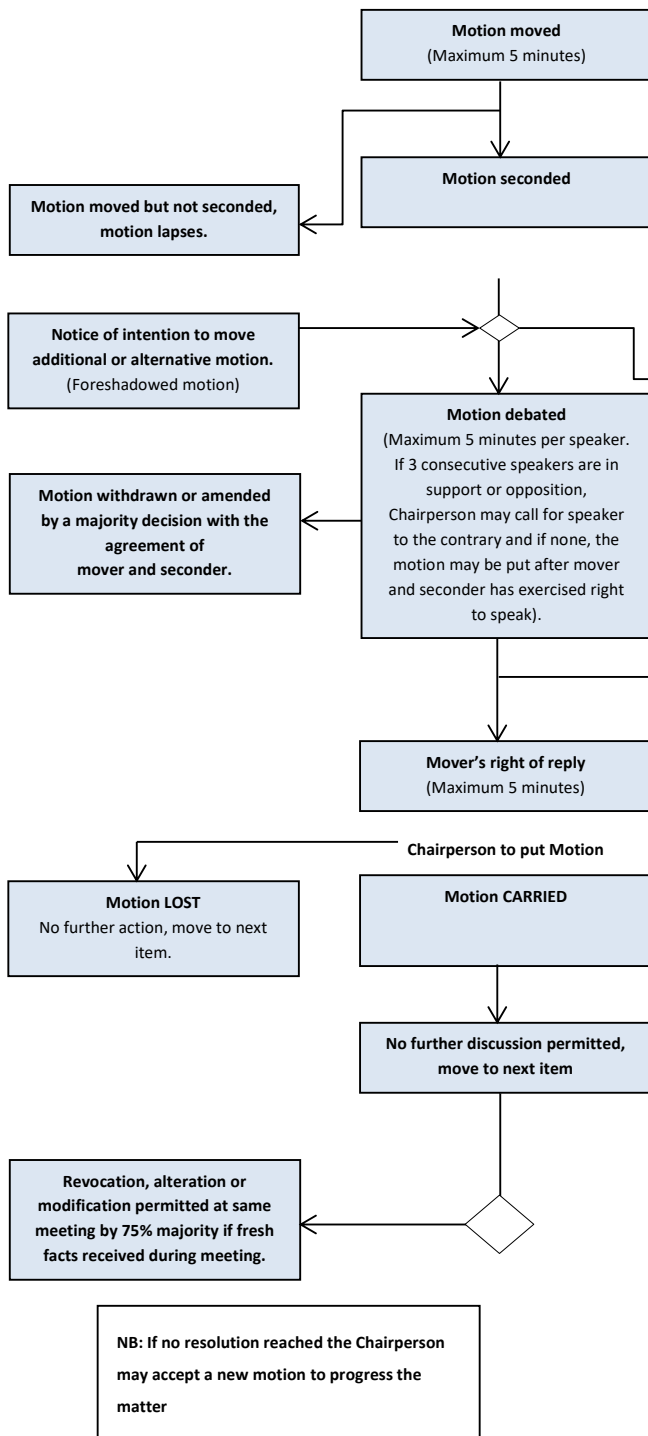


Motions **with** amendments

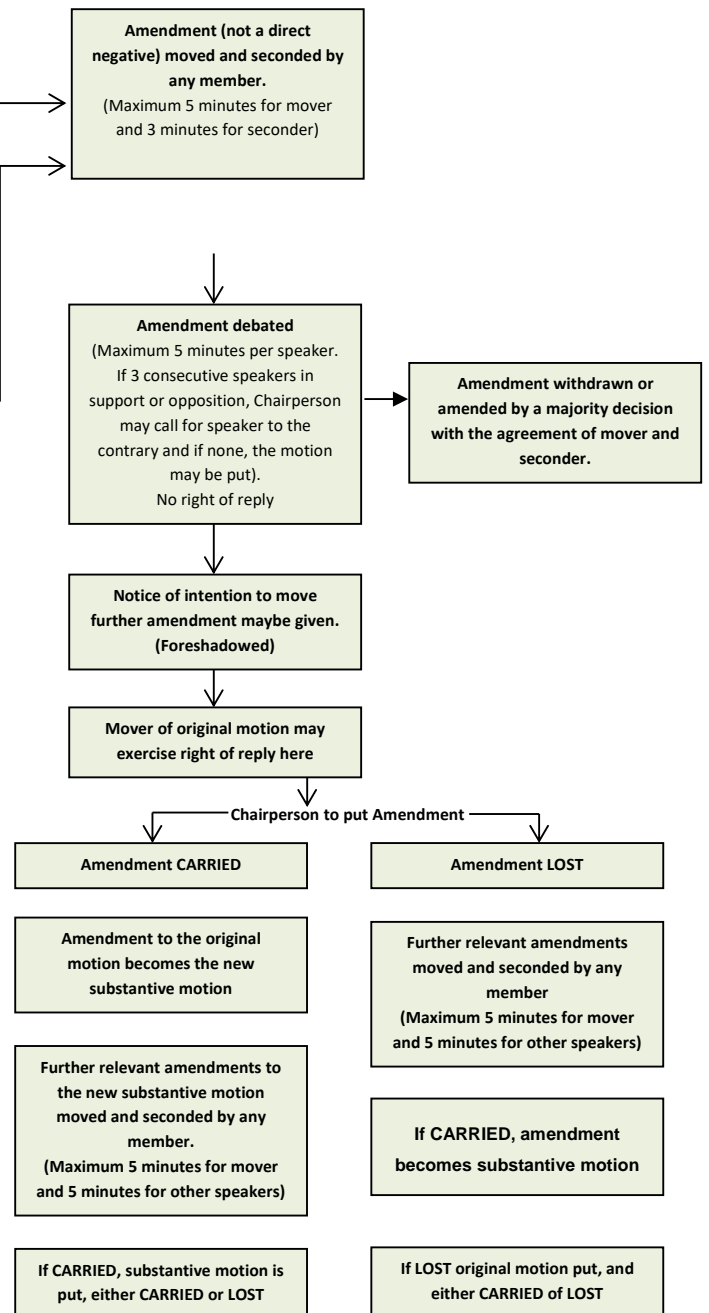


Appendix 6: Motions and Amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 7: Table of Procedural Motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment is adjourned	If carried, debate on the original motion and procedural motion is adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again.
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put.
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment is adjourned	If carried, debate on the original motion and procedural motion is adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 8: Webcasting Protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However, if the chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being webcast.

Appendix 9: Powers of a Chairperson

This appendix sets out the specific powers given to the chairperson contained in various parts of these standing orders.

Chairperson to decide all questions: The chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The chairperson's ruling is final and not open to debate.

Chairperson to decide points of order: The chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the chairperson.

Items not on the agenda: Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report: The chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation: The chairperson of any meeting may include on the agenda for that meeting a chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting: The chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing: The chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts: The chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion: The chairperson may direct the chief executive to refuse to accept any notice of motion which:

- a) Is disrespectful or which contains offensive language or statements made with malice; or
- b) Is not within the scope of the role or functions of the local authority; or
- c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer: Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions: If, in the opinion of the chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion: If in the opinion of the chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one-third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution: A chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting: The chairperson:

- a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum if such business cannot be delayed until the next meeting; and
- b) May requisition an extra meeting to be held at a specified time and place in order to conduct specified business.

Irrelevant matter and needless repetition: The chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words: The chairperson may order words used and objected to by any member to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations: The chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising: Whenever the chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places: The chairperson may permit members to leave their place while speaking.

Priority of speakers: The chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes: The chairperson is to sign the minutes and proceedings of every meeting once confirmed. The chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers: The chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions: The chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the chairperson, can be directed to withdraw from the meeting for a time specified by the chairperson.

Chairperson's rulings: Any member who refuses to accept a ruling of the chairperson may be required by the chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour: The chairperson may:

- a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance to withdraw immediately from the meeting for a time specified by the chairperson.
- b) Ask the meeting to hold in contempt any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt that resolution must be recorded in the minutes.

Failure to leave meeting: If a member or member of the public who is required, in accordance with a chairperson's ruling to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the chairperson, any member of the police or officer or employee of the local authority may, at the chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance: Where the technology is available and a member is attending a meeting by audio or audio-visual link, the chairperson must ensure that:

- a) The technology for the link is available and of suitable quality; and
- b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

Appendix 10: Mayor's Powers to Appoint Under s 41A

The role of a mayor is:

- a) To provide leadership to councillors and the people of the city or district.
- b) To lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The mayor has authority to:

- a) Appoint the deputy mayor.
- b) Establish council committees, their terms of reference, appoint the chairperson of each of those committees and the members.
- c) Appoint themselves as the chairperson of a committee.
- d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- a) Remove a deputy mayor appointed by the mayor.
- b) Discharge or reconstitute a committee established by the mayor.
- c) Discharge a committee chairperson who has been appointed by the mayor.

The mayor is a member of each committee of the Council.

Appendix 11: Process for Removing a Chairperson or Deputy Mayor from Office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its chairperson, deputy chairperson, or deputy mayor from office.
2. If a chairperson, deputy chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new chairperson, deputy chairperson, or deputy mayor at that meeting.
3. A meeting to remove a chairperson, deputy chairperson, or deputy mayor may be called by:
 - a) A resolution of the territorial authority or regional council; or
 - b) A requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - a) Specify the day, time and place at which the meeting is to be held and the business to be considered at the meeting; and
 - b) Indicate whether or not, if the chairperson, deputy chairperson, or deputy mayor is removed from office, a new chairperson, deputy chairperson, or deputy mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a chairperson, deputy chairperson, or deputy mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl 18 sch 7 LGA 2002

Appendix 12: Workshops

1. Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

2. Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

3. Calling a workshop

Workshops, briefings and working parties may be called by:

- a) a resolution of the local authority or its committees
- b) the mayor
- c) a committee chairperson; or
- d) the chief executive.

4. Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- a) state that the meeting is a workshop
- b) advise the date, time and place; and
- c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

5. Record of workshop

A written record of the workshop should be kept and include:

- a) time, date, location and duration of workshop
- b) persons present; and
- c) general subject matters covered.

Appendix 13: Sample order of business

Open section

1. Apologies
2. Declarations of interest
3. Confirmation of non-confidential minutes
4. Leave of absence
5. Acknowledgements and tributes
6. Public input and petitions
7. Extraordinary business
8. Notices of motion
9. Adjourned business
10. Reports of the chief executive and staff for decision
11. Reports of the chief executive and staff for information
12. Mayor, deputy mayor and elected members' reports (information)
13. Public excluded business

Public excluded section

1. Apologies
2. Declarations of interest
3. Conformation of confidential minutes
13. Public excluded business

Appendix 14: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive
- Report of a chairperson
- Report of a committee; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chairperson.

Title: 22-249 Code of Conduct
Section: Democracy & Support Services
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 17 November 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to adopt a Ngā Tikanga Arataki – Ethics and Values for Elected Members - Code of Conduct (**Attachment 1**) until a thorough review is completed in 2023. This review will incorporate feedback from a report to the Minister of Local Government from the Local Government Commission in September 2021 (**Attachment 2**). It will also have an in-depth Treaty Compass lens incorporated into the review.

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Local Government Act 2002 requires a Local Authority to adopt a Code of Conduct for elected members. The purpose of the Code of Conduct is to provide guidance on the standards of behaviour expected from the Mayor and elected members of the Gisborne District Council.

This Code of Conduct applies to:

- All elected members of Council
- All persons (including non-elected members) appointed to a committee or subcommittee of Council.

The Code of Conduct is a legislative requirement under the Local Government Act 2002 (Clause 15, Schedule 7). The Act requires that where an amendment to the Code of Conduct has occurred (by means of a review or otherwise), a vote in support of the amendment should not be less than 75% of the members present.

The Code of Conduct was last reviewed in 2020 and adopted in March 2021, the review was undertaken by a Code of Conduct Review Committee appointed by the Mayor, the membership was Councillors Wharehinga, Faulkner and Sheldrake, supported by the Director of Internal Partnerships James Baty, Democracy Support Manager Heather Kohn, and Governance Officer Coral Dunn. The Committee was chaired by the Deputy Mayor.

The Nga Tikanga Arataki – Ethics and Values for Elected Members (Code of Conduct) was broadly based on Local Government New Zealand (LGNZ) template initially developed in 2015 and fine-tuned for subsequent triennium.

Changes adopted by Council included the addition of a value recognising the need for elected members to acknowledge and learn from Tikanga Maori. In addition, there was also the introduction of a new section on the personal use of social media.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the Code of Conduct until the full review is completed in 2023 subject to any amendments as required by Council.**

Authorised by:

James Baty - Director Internal Partnerships

Keywords: code of conduct, declaration, amendments, adoption of a code of conduct, Local Government Act

ATTACHMENTS - NGĀ MAHI E WHAI AKE

1. Attachment 1 - FINAL Gisborne District Council Nga Tikanga Arataki Ethics and Values for Elected Members 2021 [**22-249.1** - 35 pages]
2. Attachment 2 - Local Government Codes of Conduct Report [**22-249.2** - 27 pages]

Nga Tikanga Arataki - Ethics and Values for Elected Members

Code of Conduct

Te Kaunihera o Te Tairāwhiti
GISBORNE DISTRICT COUNCIL

January 2021



Contents

1.	INTRODUCTION / WHAKATAKINGA.....	1
2.	SCOPE / TE HŌKAITANGA.....	1
3.	VALUES / NGĀ UARA.....	2
4.	ROLE AND RESPONSIBILITIES / TE MAHI ME NGĀ TAKOHANGA.....	4
4.1	ELECTED MEMBERS	4
4.2	CHIEF EXECUTIVE	4
5.	RELATIONSHIPS / WHAKAWHANAUNGTANGA	5
5.1	RELATIONSHIPS BETWEEN ELECTED MEMBERS	5
5.2	RELATIONSHIPS WITH STAFF	5
5.3	RELATIONSHIP WITH MEMBERS OF THE PUBLIC	6
6.	CONTACT WITH THE MEDIA / TE WHAKAPĀ ATU KI TE HUNGA PĀPĀHO	7
6.1	MEDIA CONTACT ON BEHALF OF THE COUNCIL	7
6.2	MEDIA COMMENT ON AN ELECTED MEMBER’S OWN BEHALF	7
6.3	PERSONAL USE OF SOCIAL MEDIA	8
7.	INFORMATION / HE WHAKAMĀRAMA.....	9
7.1	CONFIDENTIAL INFORMATION	9
7.2	INFORMATION RECEIVED IN CAPACITY AS AN ELECTED MEMBER.....	9
8.	CONFLICTS OF INTEREST / HE RARUNGA TIROHANGA	10
9.	REGISTER OF INTERESTS / HE RĒHITA ĀHUATANGA.....	11
10.	ETHICAL BEHAVIOUR / NGĀ ĀHUATANGA MATATIKA	12
10.1	UNDISCHARGED BANKRUPT	12
10.2	DISQUALIFICATION FROM OFFICE.....	12
11.	CREATING A SUPPORTIVE AND INCLUSIVE ENVIRONMENT / TE HANGA I TE TAI AO TAUTOKO ME TE WHAKAKOTAHĪ HOKI.....	13
12.	BREACHES OF THE CODE / NGĀ TAKAHANGA TIKANGA.....	14
12.1	PRINCIPLES:	14
12.2	COMPLAINTS.....	14
12.3	INVESTIGATION, ADVICE AND DECISION	14
12.4	MATERIALITY	15
13.	PENALTIES AND ACTIONS / NGĀ HĀMENE ME NGĀ TŪTAKINGA	16
13.1	MATERIAL BREACHES	16
13.2	STATUTORY BREACHES	17
13.3	NON-MATERIAL BREACHES	17



**Nga Tikanga Arataki - Ethics and Values
for Elected Members - Code of Conduct**

14. REVIEW / AROTAKENGA.....	18
APPENDIX A: LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS / ĀPITIHINGA A: NGĀ TURE E PĀ ANA KI TE TŪRANGA ME NGĀ WHAKAHAERE O NGĀ MEMA PŌTITIA	19
THE LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968	19
DETERMINING WHETHER A PECUNIARY INTEREST EXISTS	19
LAMIA – SECTION 6	20
THE CONTRACTING RULE	21
NON-PECUNIARY CONFLICTS OF INTEREST	21
LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987	22
SECRET COMMISSIONS ACT 1910	22
CRIMES ACT 1961	22
FINANCIAL MARKETS CONDUCT ACT 2013	22
THE LOCAL GOVERNMENT ACT 2002	22
PERSONAL LIABILITY OF ELECTED MEMBERS	23
APPENDIX B: PROCESS FOR DETERMINATION AND INVESTIGATION OF COMPLAINTS / ĀPITIHINGA B: NGĀ TUKANGA HEI ĀTA TIROHIA ME TE KETUKETUTANGA O NGĀ AMUAMU	24
STEP 1: CHIEF EXECUTIVE RECEIVES COMPLAINT	24
STEP 2: CHIEF EXECUTIVE AND MAYOR UNDERTAKES PRELIMINARY ASSESSMENT	24
STEP 3: NON-MATERIAL BREACH	24
STEP 4: COMPLAINT IS REDIRECTED.....	25
STEP 5: MATERIAL ALLEGATION/COMPLAINT: CODE OF CONDUCT COMMITTEE OVERSEES INVESTIGATION	25
STEP 6: ACTIONS WHERE A BREACH IS FOUND TO BE MATERIAL.....	26
APPENDIX C: GUIDELINES ON THE PERSONAL USE OF SOCIAL MEDIA /.....	27
ĀPITIHINGA C: NGĀ ARATOHU WHAKAHAERE PAE PĀPĀHO PĀPORI MATAWHAIARO.....	27
APPENDIX D: DECLARATIONS BY MAYOR AND COUNCILLORS /.....	28
ĀPITIHINGA D: TE WHAKAPUAKITANGA O TE KOROMATUA RAUA KO TE WHAKAPUAKITANGA.....	28

1. Introduction / Whakatakinga

The Code of Conduct (the Code) sets out the standards of behavior expected from elected members in the exercise of their duties. Its purpose is to:

- Enhance the effectiveness of the local authority and the provision of good local government of the community and district;
- Promote effective decision-making and community engagement;
- Enhance the credibility and accountability of the local authority to its communities; and
- Develop a culture of mutual trust, respect and tolerance between the members of the local authority and between the members and management.

This purpose is given effect through the values, roles, responsibilities and specific behaviors agreed in the code.

2. Scope / Te Hōkaitanga

The Code has been adopted in accordance with clause 15(1) of Schedule 7 of the Local Government Act 2002 (LGA 2002) and applies to all members, including the members of any local boards as well as the members of any community boards that have agreed to adopt it. The Code is designed to deal with the behaviour of members towards:

- each other;
- the Chief Executive and staff;
- the media; and
- the general public.

It is also concerned with the disclosure of information that members receive in their capacity as elected members and information which impacts on the ability of the local authority to give effect to its statutory responsibilities.

The Code can only be amended (or substituted by a replacement Code) by a vote of at least 75 per cent of members present at a meeting when amendment to the Code is being considered. The Code should be read in conjunction with the Council's Standing Orders.

3. Values / Ngā Uara

The Code is designed to give effect to the following values:

1. An elected member will act in the public interest: elected members will serve the best interests of the people within their community, district or region and discharge their duties conscientiously, to the best of their ability.
2. An elected member will build public trust: elected members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. An elected member will behave ethically: elected members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of such behavior.
4. An elected member will consider matters objectively: elected members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. An elected member will show respect for others: will treat people, including other elected members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. This also includes sexual, racial or other harassment; or bullying, intimidation or unwelcome behavior towards employees, customers or members of the community.
6. Elected members will respect the impartiality and integrity of Gisborne District council staff.
7. An elected member will make equitable contribution: elected members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. An elected member will demonstrate leadership: elected members will actively promote and support these values and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

9. An elected member will acknowledge and learn from Tikanga Maori: elected members will ensure Tikanga Maori is reflected in their roles. Tikanga derives from the word 'tika' meaning 'right' or 'correct'. Tikanga Maori describes the way things are done in a Maori context and provides behavioural guidelines for living and interacting with others. It embraces the acknowledgement and recognition of all, if not some, of the following principles:
- Culture, Custom and Lore
 - Ethics and Etiquette
 - Formality, Protocol and Manner
 - Meaning
 - Mechanism
 - Method and Style

These values complement, and work in conjunction with, the principles of s14 of the LGA 2002 and the governance principles of s39 of the LGA 2002.

4. Role and responsibilities / Te Mahi me ngā Takohanga

Good governance requires clarity of roles and respect between those charged with responsibility for leadership of the Council and those responsible for advice and the implementation of Council decisions. The key roles are:

4.1 Elected Members

The role of the governing body includes:

- representing the interests of the people of the district;
- developing and adopting plans, policies and budgets;
- monitoring the performance of the Council against stated goals and objectives set out in its long term plan;
- providing prudent stewardship of the Council's resources;
- employing and monitoring the performance of the Chief Executive;
- ensuring the Council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015; and
- ensuring that the Principles, Values and Behaviours described in this Code are embodied in all interactions.

4.2 Chief Executive

The role of the Chief Executive includes:

- providing policy advice to the Council and implementing the decisions of the Council;
- ensuring that all responsibilities delegated to the Chief Executive are properly performed or exercised;
- ensuring the effective and efficient management of the activities of the local authority;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority;
- providing leadership for the staff of the Council; and
- employing staff on behalf of the Council (including negotiation of the terms of employment for those staff).

Under s.42 of the LGA 2002 the Chief Executive is the only person directly employed by the Council itself. All concerns about the performance of an individual member of staff must, in the first instance, be referred to the Chief Executive.

5. Relationships / Whakawhanaungatanga

This section of the Code sets out agreed standards of behaviour between elected members; elected members and staff; and elected members and the public.

5.1 Relationships between elected members

Given the importance of relationships to the effective performance of the Council, elected members will conduct their dealings with each other in a manner that:

- maintains public confidence;
- is open, honest and courteous;
- is focused on issues rather than personalities;
- avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
- avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language; and
- avoid any form of bullying or sexual harassment.

Any failure by elected members to act in the manner described above represents a breach of this Code.

Please note, nothing in this section of the Code is intended to limit robust debate within the Council as long as it is conducted in a respectful and insightful manner.

5.2 Relationships with staff

An important element of good governance involves the relationship between a Council and its Chief Executive. Elected members will respect arrangements put in place to facilitate this relationship, and:

- raise any concerns about employees, officers or contracted officials with the Chief Executive;
- raise any concerns about the performance or behaviour of the Chief Executive with the Mayor or the chairperson of the Chief Executive performance review committee (however described);
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe these requirements at all times, such as the duty to be a good employer;
- treat all employees with courtesy and respect and avoid publicly criticising any employee;
- avoid any form of bullying or sexual harassment;
- observe any protocols put in place by the Chief Executive concerning contact between elected members and employees; and
- avoid doing anything which might compromise, or could be seen as compromising the impartiality of an employee.

Any failure by elected members to act in the manner described above represents a breach of this Code.

Please note: Elected members should be aware that failure to observe this portion of the Code may compromise the Council's obligations to be a good employer and consequently expose the Council to civil litigation or affect the risk assessment of Council's management and governance control processes undertaken as part of the Council's annual audit.

5.3 Relationship with members of the public

Given that the performance of the Council requires the vital respect and trust of individual citizens elected members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to citizens' concerns;
- consider all points of view or interests of members of the public when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local community.

Any failure by elected members to act in the manner described above represents a breach of this Code.

6. Contact with the media / Te Whakapā atu ki te Hunga Pāpāho

The media play an important part in the operation and efficacy of local democracy. In order to fulfil this role the media needs access to accurate and timely information about the affairs of Council.

From time to time individual elected members will be approached to comment on a particular issue either on behalf of the Council, or as an elected member in their own right. When responding to the media elected members must be mindful that operational questions should be referred to the Chief Executive and policy related questions referred to the Mayor or the member with the appropriate delegated authority ie. portfolio holder or chair of Standing Committee.

When speaking to the media more generally elected members will abide by following provisions:

6.1 Media contact on behalf of the Council

- the Mayor is the first point of contact for an official view on any issue, unless delegations state otherwise. Where the Mayor is absent requests for comment will be referred to the Deputy Mayor or relevant standing committee chairperson or portfolio holder;
- the Mayor may refer any matter to the relevant committee chairperson, portfolio holder, community board chairperson or to the Chief executive for their comment; and
- no other elected member may comment on behalf of the Council without having first obtained the approval of the Mayor, or his/her delegate.

6.2 Media comment on an elected member's own behalf

Elected members are free to express a personal view in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the view of the Council;
- media comments which are contrary to a Council decision or policy must clearly state that they do not represent the view of the majority of elected members;
- media comments must observe the other requirements of the Code, for example, comments should not disclose confidential information, criticise or compromise the impartiality of staff; and
- media comments must not be misleading and should be accurate within the bounds of reasonableness.

6.3 Personal Use of Social Media

Elected members are responsible for their actions, therefore sound judgement and common sense must be exercised when participating in social media. The following principles are designed to help when engaging in personal or unofficial online communications that may also refer to Gisborne District Council:

1. **Adhere to the Code of Conduct and other applicable policies.**
2. **You are responsible for your actions.**
3. **Let the subject matter experts respond to negative posts.**
4. **Take care mixing your political (Council) and personal lives.**
5. **Never post sensitive and confidential information.**
6. **Elected Members' social media pages should be open and transparent.**

Any failure by elected members to meet the standards set out above represents a breach of this Code.

7. Information / He Whakamārama

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

7.1 Confidential information

In the course of their duties elected members will occasionally receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation. Accordingly, elected members agree not to use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the member.

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

7.2 Information received in capacity as an elected member

Elected members will disclose to other elected members and, where appropriate the Chief Executive, any information received in their capacity as an elected member that concerns the Council's ability to give effect to its responsibilities.

Elected members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

Any failure by elected members to act in the manner described above represents a breach of this Code.

Please note: Failure to observe these provisions may impede the performance of the Council by inhibiting information flows and undermining public confidence. It may also expose the Council to prosecution under the Privacy Act and/or civil litigation.

8. Conflicts of Interest / He Rarunga Tirohanga

Elected members will maintain a clear separation between their personal interests and their duties as elected members in order to ensure that they are free from bias (whether real or perceived). Elected members therefore must familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 (LAMIA).

Elected members will not participate in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. This rule also applies where the member's spouse/partner contracts with the authority or has a pecuniary interest. Elected members shall make a declaration of interest as soon as practicable after becoming aware of any such interests.

If a member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately. Elected members may also contact the Office of the Auditor General for guidance as to whether they have a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote.

Please note: Failure to observe the requirements of the LAMIA could potentially invalidate the decision made, or the action taken, by the Council. Failure to observe these requirements could also leave the elected member open to prosecution (**see Appendix A**). In the event of a conviction, elected members can be ousted from office.

If elected members have a non-pecuniary interest in a matter for decision and for which a member of the public may perceive bias this should be carefully considered by the member as to whether it should also be declared. (**See Appendix A for a further explanation**).

9. Register of Interests / He Rēhita Āhuatanga

Elected members will be requested to make a bi-annual declaration of interest at the ordinary Council meeting held in June and December each year. These declarations are recorded in a Register of Interests maintained by the Council and listed on the Council website. The declaration must include information on the nature and extent of any interest, including:

- a) any employment, trade or profession carried on by the elected member or the members' spouse/partner for profit or gain;
- b) any company, trust, partnership etc for which the member or their spouse/partner is a director, partner or trustee;
- c) the address of any land in which the member has a beneficial interest within the jurisdiction of the local authority; and
- d) the address of any land owned by the local authority in which the member or their spouse/partner is:
 - a tenant; or
 - the land is tenanted by a firm in which the member or spouse/partner is a partner, a company of which the member or spouse/partner is a director, or a trust of which the member or spouse/partner is a trustee;
- e) any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member (if the member is in any doubt on this, the member should seek guidance from the Chief Executive)

Please note: Where a member's circumstances change they must ensure that the Register of Interests is updated as soon as practicable by notifying the Governance Manager.

10. Ethical behaviour / Ngā Āhukatanga Matatika

Elected Members will seek to promote the highest standards of ethical and respectful conduct. Accordingly elected members will:

- claim only for legitimate expenses as determined by the Remuneration Authority and any lawful policy of the Council developed in accordance with that determination;
- not influence, or attempt to influence, any Council employee, officer or member in order to benefit their own, or families personal or business interests;
- only use the Council resources (such as facilities, staff, equipment and supplies) in the course of their duties and not in connection with any election campaign or personal interests; and not solicit, demand, or request any gift, reward or benefit by virtue of their position and notify the Chief Executive if any such gifts are accepted. Where a gift to the value of \$100 or more is accepted by a member, that member must immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Any failure by elected members to comply with the provisions set out in this section represents a breach of this Code.

10.1 Undischarged bankrupt

In accordance with clause 15(5) of Schedule 7 (LGA 2002) any member who is an “undischarged bankrupt” will notify the Chief Executive prior to the inaugural meeting or as soon as practicable after being declared bankrupt. The member will also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member’s adjudication and the likely outcome of the bankruptcy. This Council believes that bankruptcy does raise questions about the soundness of a person’s financial management skills and their judgement in general.

10.2 Disqualification from office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more year’s 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.

11. Creating a supportive and inclusive environment / Te hanga i te taiao tautoko me te whakakotahi hoki

In accordance with the purpose of the Code, elected members agree to take all reasonable steps in order to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance. These include:

- Attending post-election induction programmes organised by the Council for the purpose of facilitating agreement on the Council's vision, goals and objectives and the manner and operating style by which elected members will work.
- Taking part in any assessment of the Council's overall performance and operating style during the triennium.
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfill their Declaration of Office and contribute to the good governance of the district or region.

12. Breaches of the Code / Ngā Takahanga Tikanga

Elected members must comply with the provisions of this Code (LGA 2002, schedule 5, s. 14(4)).

Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of an elected member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

12.1 Principles:

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

12.2 Complaints

All complaints made under this Code must be made in writing, making specific reference to any allegation of breach and forwarded to the Chief Executive. On receipt of a complaint from an elected member, member of the public or a staff member, the Chief Executive will consult with the Mayor (or if the complaint is against the Mayor, the Chief Executive will consult with the Deputy Mayor) and undertake a preliminary assessment to determine, prima facie, the level of seriousness, as outlined in this Code of Conduct.

12.3 Investigation, advice and decision

The Code of Conduct Committee, established at the start of each triennium, is responsible for overseeing alleged complaints that are considered material, as outlined in clause 12.4.

The Committee may seek advice from the Chief Executive, Mayor, or whomever it considers would assist it in its decision making.

The process, following receipt of a complaint, is outlined in **Appendix B**.

12.4 Materiality

An alleged breach under this Code is material if, in the opinion of the Chief Executive and/or Mayor, it would, if proven, bring a member or the Council into disrepute or, if not addressed, reflect adversely on another member of the Council.

An alleged breach under this Code is non-material if, in the opinion of the Chief Executive and/or Mayor, that it does not warrant an investigation then clause 13.3 applies.

A breach can be assessed as non-material upon initial assessment.

13. Penalties and actions / Ngā Hāmene me ngā Tūtakinga

Where a complaint is determined to be material and referred to the Council, the nature of any penalty or action will depend on the seriousness of the breach.

13.1 Material breaches

In the case of material breaches of this Code, the Code of Conduct Committee which holds delegated authority to investigate a material breach, may recommend to the Council one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain Council-funded privileges (such as attendance at conferences);
5. restricted entry to Council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with Council staff so that they are confined to the Chief Executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the Council.

The Council, or Code of Conduct Committee, may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two elected members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

13.2 Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to elected members' interests (where elected members may be liable for prosecution by the Auditor-General under the LAMIA);
- breaches which result in the Council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s.30 of the LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

13.3 Non-material breaches

Either following the Chief Executive and Mayoral assessment or initial feedback from an independent investigator the breach may be considered non-material. In that event, low level resolution of the matter may be pursued including a meeting of the parties, an apology or other courses of action considered appropriate by the Mayor.

14. Review / Arotakenga

Once adopted, a Code of Conduct continues in force until amended by the Council. The Code can be amended at any time but cannot be revoked unless the Council replaces it with another Code (LGA 2002 Schedule 7 s.15). Once adopted, amendments to the Code require a resolution supported by 75 per cent of the elected members of the Council present at a Council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the Council in regard to potential changes for improving the Code.

APPENDIX A: Legislation bearing on the role and conduct of elected members / Āpitihanga A: Ngā ture e pā ana ki te tūranga me ngā whakahaere o ngā mema pōititia

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

The Local Authorities (Members' Interests) Act 1968

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

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

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

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

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

Determining whether a pecuniary interest exists

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

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

LAMIA – Section 6

“Member of local authority or committee not to discuss or vote on question in which he/she has pecuniary interest;

- (1) A member of a local authority or of a committee thereof shall not vote on or take part in the discussion of any matter before the governing body of that local authority or before that committee in which he has, directly or indirectly, any pecuniary interest, other than an interest in common with the public.
- (2) For the purposes of subsection (1), where an incorporated company has, directly or indirectly, a pecuniary interest in a matter before the governing body of a local authority or before a committee thereof, a member of the local authority or, as the case may be, of the committee shall be deemed to have a pecuniary interest in the matter, if—
 - (a) the member or his spouse or partner singly or between them own, whether directly or through a nominee, 10% or more of the issued capital of the company or of any other company controlling that company;

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

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

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

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

The contracting rule

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

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

Non-pecuniary conflicts of interest

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

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

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

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

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

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

Local Government Official Information and Meetings Act 1987

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

- create a disturbance or a distraction while another Councillor is speaking;
- be disrespectful when they refer to each other or other people; or
- use offensive language about the Council, other elected members (including community board members), any employee of the Council or any member of the public.

See Standing Orders for more detail.

Secret Commissions Act 1910

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

If convicted of any offence under this Act a person can be imprisoned for up to two years, and/or fines up to \$1,000. A conviction would therefore trigger the ouster provisions of the LGA 2002 and result in the removal of the member from office.

Crimes Act 1961

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

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

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

Financial Markets Conduct Act 2013

Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Local Government Act 2002

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

Personal liability of elected members

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

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

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

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

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

APPENDIX B: Process for determination and investigation of complaints / Āpitihianga B: Ngā tukanga hei āta tirohia me te ketuketutanga o ngā amuamu

Step 1: Chief Executive receives complaint

On receipt of a complaint under this Code of Conduct the Chief Executive will:

- acknowledge receipt of a complaint under the Code, and advise steps that will be taken;
- inform the Mayor (or Deputy Mayor if the complaint is against the Mayor);
- inform the respondent that a complaint has been made against them.

Step 2: Chief Executive and Mayor undertakes preliminary assessment

On receipt of a complaint the Chief Executive, in conjunction with the Mayor (or Deputy Mayor if the complaint is against the Mayor), will undertake a preliminary assessment to assess, prima facie, whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; or
4. the complaint is material and a full investigation is required.

The Chief Executive and Mayor can also request from the complainant further information/evidence in support of the complaint and, and if considered appropriate, may also request a preliminary statement in response from the elected member against whom the complaint is lodged.

Step 3: Non-material breach

Where it is determined the matter to be a non-material (low level) breach, frivolous or without substance the Mayor will inform the complainant and respondent directly; neither of which persons are open to challenge the decision of the Mayor. The Mayor may inform other elected members (if there are no grounds for confidentiality) of the decision.

The Mayor may determine a low level resolution be pursued including a meeting of the parties, an apology or other courses of action considered appropriate by the Mayor (ie attendance at courses or programmes to increase their knowledge and understanding of the matters leading to the complaint). Any recommendations made in response to a non-material breach are non-binding on the respondent and the Council.

Step 4: Complaint is redirected

Where it is determined the complaint is considered outside the scope of the Code and should be redirected to another agency or process or a full investigation is required then the matter will be referred to an independent investigator¹ selected from a panel agreed at the start of the triennium.

The Chief Executive will:

- Inform the complainant that the complaint has been referred to the independent investigator, the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- Inform the respondent that the complaint made against them has been referred to an independent investigator, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 5: Material Allegation/Complaint: Code of Conduct Committee Oversees Investigation

If a material allegation/complaint is received the Code of Conduct Committee will receive a report from the Chief Executive and/or Mayor with recommendations as to the approach the Committee may wish to consider.

The Committee will determine the scope and terms of reference of any further enquiry or investigation required.

On completing an investigation of the allegation/complaint, the investigator will furnish the Code of Conduct Committee the full written report of the investigation including conclusions and any recommendations.

On receiving the investigator's assessment, the Code of Conduct Committee will:

1. In cases where an investigator determines that an allegation/complaint is frivolous or without substance, inform the Mayor, complainant and respondent directly and inform other elected members (if there are no grounds for confidentiality) of the investigator's decision; (Refer to Step 3).
2. In cases where the investigator finds that the allegation/complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

¹ On behalf of the Council the Chief Executive will, shortly after the start of a triennium, prepare, in consultation with the Mayor, a list of investigators for this purpose of undertaking an investigation and assessment. The Chief Executive may prepare a list specifically for his/her Council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

Step 6: Actions where a breach is found to be material

The findings and conclusions of the investigator's report will be reported to the Code of Conduct Committee, and the complainant and respondent will be informed. The Committee will then determine what action should be taken and make a recommendation to the Council.

The Code of Conduct Committee will consider the Chief Executive's report and/or investigator's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the Code of Conduct Committee, and as necessary, the Council will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence.

Elected members with a direct interest in the proceedings, including the complainant and the respondent, may not take part in the deliberation sections of the proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in section 13.1 of this Code.

Appendix C: Guidelines on the personal use of social media / Āpitianga C: Ngā aratohu whakahaere pae pāpāho pāpori matawhaiaro

There's a big difference in speaking "on behalf of Council" and speaking "about" the Council. While your rights to free speech are respected, please remember that citizens and colleagues have access to what you post. The following principles are designed to help you when engaging in **personal or unofficial online** communications that may also refer to your Council.

1. **Adhere to the Code of Conduct and other applicable policies.** Council policies and legislation, such as LGOIMA and the Privacy Act 1993, apply in any public setting where you may be making reference to the Council or its activities, including the disclosure of any information online.
2. **You are responsible for your actions.** Anything you post that can potentially damage the Council's image will ultimately be your responsibility. You are encouraged to participate in the social media but in so doing you must exercise sound judgment and common sense.
3. **Be an "advocate" for compliments and criticism.** Even if you are not an official online spokesperson for the Council, you are one of its most important advocates for monitoring the social media landscape. If you come across positive or negative remarks about the Council or its activities online that you believe are important you are encouraged to share them with the governing body.
4. **Let the subject matter experts respond to negative posts.** Should you come across negative or critical posts about the Council or its activities you should consider referring the posts to the Council's authorised spokesperson, unless that is a role you hold, in which case consider liaising with your communications staff before responding.
5. **Take care mixing your political (Council) and personal lives.** Elected members need to take extra care when participating in social media. The public may find it difficult to separate personal and Council personas. Commenting online in any forum, particularly if your opinion is at odds with what Council is doing, can bring you into conflict with the Code should it not be clear that they are your personal views.
6. **Never post sensitive and confidential information** provided by the Council, such as confidential items, public excluded reports and/or commercially sensitive information. Such disclosure will contravene the requirements of the Code.
7. **Elected Members' social media pages should be open and transparent.** When commenting on matters related to the local authority no members should represent themselves falsely via aliases or differing account names or block. Neither should they block any post on any form of social media that they have control over unless there is clear evidence that the posts are



actively abusive. Blocking constructive debate or feedback can be seen as bringing the whole Council into disrepute.

Appendix D: Declarations by Mayor and Councillors / Āpitiḡanga D: Te Whakapuakitanga o Te Koromatua rava ko Te Whakapuakitanga

Declaration by Mayor

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

Dated at **GISBORNE** this day of

Signature: _____

Signed in the presence of }

Nedine Thatcher Swann }

Chief Executive }

Signature: _____

Gisborne District Council }

Te Whakapuakitanga o Te Koromatua

Ko ahau, ko, e oati ana ka pono ka matatika ahau, ā, i runga anō hoki i te mutunga kē mai o ōku pūkenga, o ōku whakatauhoki, kia whakatutuki, kia mahi anō hoki ahau i ngā mahi mo te painga o te rohe o Te Tairāwhiti, ma te mana whakahaere, te mana whakatauhoki me ngā momo mahi kua uhia ki runga i a au hei Koromatua o te Kaunihera-a-rohe o Te Tairāwhiti, e ai hoki ki te Ture Kāwanatanga-ā-Kāinga 2002, ki te Ture Kāwanatanga-ā-Kāinga Whakapae me ngā Huihuinga 1987, me ētahi atu Ture anō hoki.

He mea whakaū i Tūranga i tēnei rā o

Waitohu: _____

He mea waitohua i mua i a

Nedine Thatcher Swann

Te Manahautū

Waitohu: _____



Te Kaunihera o Te Tairāwhiti

Declaration by Councillor

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

Dated at **GISBORNE** this day of

Signature: _____

Signed in the presence of }

Nedine Thatcher Swann }

Chief Executive }

Gisborne District Council }

Signature: _____

Te Whakapuakitanga

Ko ahau, ko, e oati ana ka pono ka matatika ahau, ā, i runga anō hoki i te mutunga kē mai o ōku pūkenga, o ōku whakatauhoki, kia whakatutuki, kia mahi anō hoki ahau i ngā mahi mo te painga o te rohe o Te Tairāwhiti, ma te mana whakahaere, te mana whakatauhoki me ngā momo mahi kua uhia ki runga i a au hei Kaikaunihera o te Kaunihera-a-rohe o Te Tairāwhiti, e ai hoki ki te Ture Kāwanatanga-ā-Kāinga 2002, ki te Ture Kāwanatanga-ā-Kāinga Whakapae me ngā Huihuinga 1987, me ētahi atu Ture anō hoki.

He mea whakaū i Tūranga i tēnei rā o

Waitohu: _____

He mea waitohua i mua i a

Nedine Thatcher Swann

Te Manahautū

Te Kaunihera o Te Tairāwhiti

Waitohu: _____



Local Government
Commission

Mana Kāwanatanga ā Rohe

Local Government Codes of Conduct

*Ngā tikanga whanonga Kāwanatanga ā-
Rohe*

Report to the Minister of Local
Government

*Pūrongo ki te Minita Kāwanatanga ā-
Rohe*

September 2021

Mahuru 2021

Table of contents / Ngā kaupapa

Executive Summary / He Whakarāpopototanga	3
Purpose / Te aronga	4
Background/ He whakamārama	5
Local Government codes of conduct / Ngā tikanga whanonga Kāwanatanga ā-Rohe....	5
Initial investigation / Tūhuratanga tuatahi	6
Further sector engagement / Te whai wāhi tonu ki te rāngai	7
Engagement with Māori / Te Whai Wāhi ki te Māori	8
Discussion / He Kōrerorero	8
The wider context of good governance behaviour / Te horopaki whānui o ngā	8
whanonga mana whakahaere pai.....	8
Governance skills and education / Ngā pūkenga me te mātauranga mana whakahaere	9
Governance structures and support / Ngā anga me ngā tautoko mana whakahaere	12
Issues specific to codes of conduct / Ngā take hāngai ki ngā tikanga whanonga	13
Legislative requirements to address the code early in the triennium / Ngā herenga ā-ture hei urupare wawe i ngā tikanga whanonga o te wā toru tau	13
Inconsistent processes / Ngā tukanga hārakiraki	15
Independent investigations / Ngā tūhuratanga motuhake	15
Regionalised hubs / Ngā peka ā-rohe	17
Public interest vs natural justice / Ngā hiahia o te iwi ki te tika māori	17
Penalties and democratic principles / Ngā hāmene me ngā mātāpono manapori	18
Role of the Local Government Commission / Te Mahi a te Mana Kāwanatanga ā-Rohe.....	19
Enforcement / Te uruhi	20
Materiality / Ngā tikanga tātari	21
Content gaps / Ngā āputa ihirangi.....	22
Community Boards / Ngā Poari ā-Hapori	24
Conclusion and recommendations / Kupu whakakapi me ngā tūtohunga	24

Executive Summary / He Whakarāpopototanga

1. The visibility of elected member conduct issues within local government and the difficulties in dealing with them has increased. The Commission has looked at the role of codes of conduct in local government, undertaking comprehensive engagement with the sector and stakeholders. It has heard from every council and many of the country's community boards through various avenues. This report discusses the main issues with codes and recommends ways to address them. The Commission considers there may be a timely connection between its recommendations and the work of the Future for Local Government review panel.
2. It is clear that codes of conduct sit firmly within a wider context as part of a suite of governance tools that need to be considered holistically. Through this engagement the Commission has identified a range of sector and legislative measures that could work together to support improvements to both conduct and codes.
3. Codes can only be effective in determining and addressing poor conduct if they are balanced with the opportunity to understand what constitutes good governance behaviour. Within the wider suite of governance tools then, there is a need to bolster the kind of governance skills that allow mayors and chairs to build and lead teams, and members to work effectively with each other and with council staff. The Commission recommends exploring a sector specific education framework for members and council staff, starting at the pre-candidacy stage and continuing through on-going professional development.
4. There is wide variation in how councils approach the more complex areas of codes like materiality, the complaints process, penalties, compliance, staff interactions, and social media. This frequently results in inconsistent processes and little effect on conduct. The Commission recommends these aspects of the code be standardised to be referenced in legislation in such a way that retains the scope for individual councils to agree their own shared values and principles within their code. The latter is key to embedding members' understanding of their commitments under the code.
5. Practices around informing newly elected members of the code and re-adopting codes each triennium also varies widely, despite general agreement that awareness of conduct expectations early in the triennium is fundamental to good governance. Similar considerations arose for community boards which currently are not required to adopt a code. This has informed the Commission's recommendation for legislative requirements to include codes in the statutory briefing at inaugural council meetings and in member inductions. The Commission also recommends councils be required to re-adopt their code early in the triennium, and that community boards be required to adopt their parent body's code.

6. The sector expressed the most frustration around the inability to deal effectively with grievous or repeated breaches. Many called for an ability to remove or suspend members in this situation. Unsurprisingly, there are strong feelings both for and against this notion, not least because of the risks it poses to democratic principles. Nonetheless it is a topic that generated significant discussion during this engagement. The Commission believes it warrants further exploration, enabling the complexities and risks of such a mechanism to be openly discussed and considered.
7. Given the level of engagement this work has achieved, the Commission is confident that the recommendations in this report reflect the key issues with codes of conduct in the sector. It is important to note that the individual recommendations are unlikely to work in isolation. Ultimately, the recommended legislative requirements must work in tandem with the recommended actions to support good governance behaviour.

Purpose / Te aronga

8. The Commission is an independent statutory body with three core functions:
 - Promoting good local government in New Zealand through promoting good practice in local government and providing information about local government •
 - Reorganisation of local authorities
 - Representation reviews.
9. As part of its focus on good governance in local government, the Commission is interested in addressing governance issues across the sector. Recently, media coverage of conduct issues within the sector has greatly increased. Comment from the sector and in the media has highlighted the difficulties the sector faces in dealing with these issues. The situation is exacerbated by a growing tendency for code of conduct complaints to be used for political gain. Ultimately, this undermines public confidence in local government and hampers councils' ability to work effectively. This has led the Commission to identify the purpose, use and effectiveness of codes of conduct as an area of concern for the sector.
10. This report outlines the Commission's engagement with the sector on the role of codes of conduct. It then makes recommendations for improving codes of conduct and other tools that support good governance practice in local government. The Commission notes the Review into the Future for Local Government (FFLG) is currently underway and is likely to result in changes to legislation. The Commission's intention is that this report may help inform those changes.

Background/ He whakamārama

Local Government codes of conduct / Ngā tikanga whanonga Kāwanatanga āRohe

11. Local government codes of conduct are one of a suite of governance tools aimed at encouraging good governance behaviour. As such, codes are intended to help councils put into practice the governance principles in the Local Government Act 2002 (the LGA), which require them to ensure that:
 - the role of democratic governance, and the expected conduct of members, is clear and understood by members and the community;
 - governance structures and processes are effective, open, and transparent;
 - they operate as a good employer; and
 - the relationship between members and management is effective and understood.¹
12. Codes of conduct were first required of councils when the LGA was enacted in 2002.² The LGA sets out what councils must cover in their codes including how members are expected to behave with each other, council staff and the public; disclosure of information; and specific legislation applicable to them in their governance roles. The latter includes the Local Authorities (Members' Interests) Act 1968 (LAMIA).
13. The LGA does not specify any penalties for local government members³ if they breach their council's code of conduct. In fact, the LGA states that "to avoid doubt, a breach of the code of conduct does not constitute an offence under this Act". LAMIA is often referred to in codes and it does provide for penalties in regard to members' participation when they have a pecuniary interest.⁴
14. The LGA is silent on the process for dealing with a complaint against a code of conduct.
15. The LGA requires local boards to adopt the parent body's code of conduct but does not require community boards to do so.
16. The Commission first sought information from councils on their codes in mid-2020. At that time, 24 of 78 councils reported receiving a total of 45 complaints against their

¹ Section 39, Local Government Act 2002

² Clause 15, Schedule 7, Local Government Act 2002

³ For ease of reference hereon, *member* has the same meaning as in the LGA (Section 5) and refers to a member of a governing body of a local authority, local board, or community board ⁴ Section 7 Local Authorities (Members' Interests) Act 1968

code since the 2019 election. Subsequent conversations with the sector suggest that the nature of conduct issues varies widely.

Initial investigation / Tūhuratanga tuatahi

17. To better understand and respond to the conduct issues the sector is experiencing, the Commission began looking into council codes of conduct in 2020. It reviewed media reporting⁴, engaged with Local Government New Zealand (LGNZ) and Taituarā (Local Government Professionals Aotearoa)⁶, and looked at what had been reported on before, including a 2006 report on codes by the Office of the Auditor-General (OAG)⁵. The Commission identified conclusions in the OAG report (2006), many of which have since been incorporated into good practice guidelines. However, they have not been strengthened any further and therefore still appear relevant, in particular:
- Consider whether the LGA should be amended to require community boards to adopt a code of conduct
 - Consider whether the LGA should be amended to specify codes of conduct as one of the matters that must be covered in the briefing to members at inaugural meetings or as part of induction
 - Councils should re-adopt their codes at the start of each triennium to ensure buy-in and give the opportunity for rules and principles to be reconsidered and debated
 - Use of independent external people rather than members for investigating complaints
18. The OAG also touched on the lack of majority view regarding the value of developing enforcement processes and remedies or penalties for breaching the code, for incorporating into legislation. The Commission felt that this warranted further exploration.
19. The Commission also asked councils directly for information about their code content, adoption practices, and complaints since the 2019 election.
20. From this work it seems that while practices varied across councils, issues with conduct and complaints remain consistent. In December 2020, the Commission provided an interim report to the Minister of Local Government summarising its work

⁴ The Commission particularly noted the reporting on Massey University's research into anti-conflict and antimedia clauses in codes of conduct and notes that such clauses are concerning, however as of 2021 most councils have removed these from their codes. See *Local authority codes of conduct: anti-conflict and antimedia?* Strong, C. 2016

https://www.academia.edu/33725075/Local_authority_codes_of_conduct_anti_conflict_and_anti_media⁶ Formerly known as the NZ Society of Local Government Managers (SOLGM).

⁵ *Good practice guide: Local Authority codes of conduct*. Office of the Auditor-General. June 2006. <https://oag.parliament.nz/2006/conduct/docs/conduct.pdf>

so far⁶. The report noted that the Commission intended further engagement with the sector to better understand code of conduct issues before it could consider making recommendations to the Minister of Local Government.

Further sector engagement / Te whai wāhi tonu ki te rāngai

21. Over the first half of 2021, the Commission undertook five streams of further engagement:
 - a. A request for information from chief executives on use of the LGNZ code of conduct template and any edits made, and the use of codes by any community boards.
 - b. An online qualitative survey of council chief executives and members (mayors and chairs, councillors and community/local board members). This generated 216 responses, from 54 different local authorities (including regional, district, city and unitary councils) and 24 community and local boards⁹. The overall response rate was 12.8% of members and chief executives.
 - c. An initial round of face to face discussions with mayors and chairs, and chief executives at five regional mayoral forums (Otago/Southland, Waikato, Bay of Plenty and Wellington) and the LGNZ regional sector meeting (with representatives from the five unitary authorities).
 - d. Discussions with other key sector stakeholders: The Office of the Auditor General, the Ombudsman, LGNZ and Taituarā.
 - e. A second round of face to face discussions with mayors and chairs, and chief executives at five regional mayoral forums (West Coast, Hawkes Bay, Northland, Manawatū-Whanganui and Taranaki); with members of Auckland Council's governing body; and with Auckland local board chairs.
22. The key points the Commission consulted on were:
 - Should codes of conduct be included in legislation as one of the matters to be covered in the briefing to members at inaugural meetings or as part of induction?
 - Is there value in codes being readopted at the start of each triennium?
 - Is there value in developing penalties for breaching the code for inclusion in legislation?
 - Is there a role for the Commission in the code of conduct system?
23. While the above points were a foundation for discussion, the Commission let the conversations flow naturally to get a sense of all key issues with the code of conduct

⁶ *Codes of Conduct Interim report to the Minister for Local Government*, Local Government Commission, December 2020

system. Similarly, the online survey asked whether there was anything else the respondent thought could improve codes of conduct.

24. Two sector bodies had limited or no participation in the face to face engagement, although all of them had the opportunity to respond to the surveys and requests for

⁹ 41 respondents chose not to identify their governing body, so coverage may be even broader.

further information. Of the two, the Commission discussed its codes of conduct work at the 2021 Community Board Conference but did not speak individually with the sector's 110 community boards for reasons of time and resource. Due to timing, the Commission also did not speak directly with the Canterbury Mayoral Forum although their survey responses inform this report. Should this report result in changes to legislation or actions by the sector, both parties will have further opportunities to participate.

25. The Commission has shared a draft of this report with sector stakeholders including the Office of the Auditor General, the Ombudsman, Taituarā, LGNZ, and the Department of Internal Affairs.

Engagement with Māori / Te Whai Wāhi ki te Māori

26. In preparing its recommendations to the Minister, the Commission acknowledges the Crown's responsibilities under the Treaty Article 1 Kawanatanga (Governance by the Crown), which requires policy advice informed by Māori perspectives.
27. Any work undertaken as a result of the recommendations in this report must include early and ongoing engagement with Māori in line with the Māori Crown Relations: Te Arawhiti engagement framework.

Discussion / He Kōrerorero

28. From the Commission's engagement with the sector, it seems that issues relating to codes of conduct fall into two broad categories. One relates to the wider context of supporting good governance behaviour, and one is specific to codes of conduct.

The wider context of good governance behaviour / Te horopaki whānui o ngā whanonga mana whakahaere pai

29. It became clear during discussions with the sector that codes of conduct sit firmly within a wider context, as one part of a suite of governance tools that need to be considered holistically. It also became clear that there can be a lack of confidence amongst the leadership of councils to moderate behaviour before it escalates to a code of conduct process.

30. It is fair and reasonable that any process to determine and penalise poor conduct should be balanced by providing members with the opportunity to develop a sound understanding of the behaviours expected of them. When other tools for supporting good governance behaviour are inconsistent, there is a tendency for codes of conduct to become the sole tool for managing governance behaviour. Investigations and penalties under the code do little to address the cause of that behaviour.

Furthermore, code of conduct issues can be highly visible and reflect poorly on the sector.

31. This report identifies a need for greater focus on governance skills for members and a stronger emphasis on the leadership role of mayors and chairs in supporting good conduct before behaviour deteriorates. It is likely that strengthening these broader governance tools will better support natural justice and help reduce conduct issues.

Governance skills and education / Ngā pūkenga me te mātauranga mana whakahaere

32. To govern responsibly, members need a sound understanding of their governance role and how it differs from other roles they may have held, whether in business, cultural or community groups. There is a statutory requirement for local authorities to exercise their powers for the benefit of their district or region⁷ and to comply with specific requirements when making decisions.⁸ Members are subject to further statutory requirements in the LGA and other laws such as the Local Government Official Information and Meetings Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968, the Crimes Act 1961, the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013.
33. Members must be briefed on these requirements at the inaugural meeting of a council.⁹ However, a briefing does not necessarily embed an understanding of how these statutory requirements apply in practice. Such an understanding is essential to good governance.
34. The sector expressed a strong desire for encouraging good governance skills. During engagement, there was a general consensus that a code of conduct is necessary to address repeated or extreme instances of poor behaviour. However, the sector emphasised that more should be done by way of early intervention to address poor behaviours and prevent them escalating to divisive, expensive and lengthy code of conduct processes. Codes of conduct themselves could be useful tools in supporting good governance skills as is discussed later in this report, at paragraphs 47-51. At the wider governance level, early and ongoing education for members both newly elected and re-elected, is seen as key.

⁷ LGA 2002, Section 12

⁸ LGA 2002, Section 77

⁹ LGA 2002, Schedule 7, clause 21 (5(c))

35. The Commission suggests governance education and professional development can be a key tool for removing barriers to democratic participation. It should support robust democratic debate that also enables members to both express and respect a wide range of views. Importantly, governance education would also support members to engage effectively with their electors and council staff.
36. Given that there is some resistance to current training offerings, the Commission has considered the sector's views on whether governance education should be either required or incentivised. Discussions with the sector suggest that mandating governance education could be perceived as an undemocratic barrier and unnecessarily prescriptive. However, any optional governance education should be consistent across the sector if it is to support a consistent, nationwide standard of governance behaviour.
37. Governance education could be helpful for potential candidates who may be deterred by a lack of prior governance knowledge. The only legal requirement for candidates is that they are a New Zealand citizen listed on the electoral roll.¹⁰ The Commission observes that around the country there is considerable inconsistency in the information available to help candidates understand the governance role. Making optional, accessible, consistent, basic governance education available at this stage could ensure candidates have an adequate awareness of the legal and governance requirements of the position they are seeking.
38. Governance education for council candidates would reflect the fact that, when acting as a council, members are exercising public powers and must understand how to do so in accordance with the law. It could also help strengthen the governance capability of newly elected councils. A potential model for this may be the JP training process, whereby all provisional JPs are required to complete an additional step of training before they can practice.¹¹
39. More consistent, accessible governance education could also be useful for newly elected members. Sector feedback suggests some members may not understand the most effective ways to bring issues to the council table, or they may enter their new role with no formal framework for making sound governance decisions. Members also have a responsibility to their electors to work effectively, as a group and individuals, with other members regardless of political differences. Auckland Council's governance capability programme may offer a useful model for member education.
40. For experienced members, ongoing governance education would offer targeted professional development for members as they take on more senior or complex governance roles. It should serve to both refresh and deepen the existing governance

¹⁰ Section 25, Local Electoral Act 2001

¹¹ *Becoming a JP*. Royal Federation of NZ Justices' Associations.
<https://justiceofthepeace.org.nz/Page/Landing/Becoming-a-JP>

knowledge of local government decision makers, who face increasingly complex and challenging decisions for their communities.

41. A possible model for this is the process for RMA Commissioners, which provides for initial training, followed by ongoing training every three to five years. The aim of the training is to improve the knowledge of decision-makers tasked with making difficult decisions that have significant impacts on their communities.¹²
42. A separate stream of governance education for staff who support members in their governance role would ensure both parties have a shared understanding of the governance function and the nature of their roles within it. There are a range of staff at different levels of council that support members at the various stages of their governance development. As a result, governance education for staff would need to reflect this variety. Auckland Council's governance capability programme may offer a useful model for staff education.
43. The Commission is aware that LGNZ is considering a new governance training offering with a certification mark for members. This would serve to professionalise governance practice as a tangible, transferrable skill. The Commission suggests it is worth expanding on this concept to include all stakeholders in developing an improved governance education framework specific to local government, which includes staff. The aim should be to develop accessible programmes that support sector-wide consistency and good governance practice. For improved effectiveness and independence, consideration should be given to ensuring the programmes are delivered by an educator.
44. Conversations with the sector also traversed the leadership role of mayors and chairs, and committee chairs in fostering effective working relationships among their elected teams. Many mayors and chairs spoke about the value of early, informal intervention when councillors appeared frustrated or disruptive. Not all mayors and chairs have practiced or confident leadership skills to draw on however, a situation that can be exacerbated by the pressures of settling into a new role.
45. Many in the sector also agreed that while not all breaches occurred around the council table, disruptive behaviour in meetings can derail democratic debate. Poor behaviour in meetings is specifically addressed by standing orders, essentially a set of rules that require members to maintain certain standards of behaviour while also allowing for dissent and democratic debate. Rather than being a code of conduct issue, meeting behaviour should be managed by a confident, skilled chair and supporting staff with a sound understanding of standing orders.

¹² 'Making Good Decisions' The Training Assessment and Certification Programme for RMA Decision Makers. Marian Hobbs, 2004. <https://www.beehive.govt.nz/speech/%E2%80%98making-good-decisions%E2%80%99training-assessment-and-certification-programme-rma-decision-makers>

46. Despite this, there is limited local government-specific leadership education that is consistently available to the sector. Most mayors and chairs report receiving only informal training on entering their role, in the form of learning on the job and through advice from other mayors and chairs and experienced chief executives. Similarly, as noted earlier there is a lack of ongoing education for members as they move into more senior roles such as committee chairs.
47. The Commission suggests that education in leadership skills and meeting management for mayors and chairs is a crucial gap to fill if councils are to achieve and maintain good governance practice. The ideal solution would be leadership modules incorporated into a programme of governance education developed in collaboration with the sector and provided by an educator.
48. Finally, an integral part of the discussions on encouraging good governance behaviour has been the question of resourcing. Most councils say they do not have sufficient resource in the form of expertise or budget to deliver ongoing education. The Commission notes that there are approximately 1600¹³¹⁴ local authority members in New Zealand. This is comparable to a number of government departments and provides a useful yardstick for estimating the resource required. Ultimately, the Commission suggests that committing resource to governance education will help reduce costs of the type recently committed to independent commissioners and observers for councils with entrenched governance and/or leadership issues. The question of resourcing education therefore needs further consideration by the sector and other stakeholders, including central government.
49. As an incentive for candidates and members to take up governance education, the concept of a publicly available training register held by councils may improve transparency of members' professional development and support public accountability. This would need to take account of privacy and LGOIMA requirements.
50. In summary the Commission suggests that, given the benefits of governance education at all stages of a member's development an optional, robust, sector specific education programme with high uptake is an important area of focus for the future performance of the sector.

Governance structures and support / Ngā anga me ngā tautoko mana whakahaere

51. The Commission has also heard that poor behaviour can often stem from members' frustration with the systems their council has for working together to make decisions. As councils themselves decide their decision-making structures, members should have an informed basis on which to make this decision. LGNZ has draft guidance available

¹³ Includes mayors, councillors, local board and community board members. *Local Authority Election Statistics*

¹⁴ . Department of Internal Affairs. <https://www.dia.govt.nz/Services-Local-Elections-Local-AuthorityElection-Statistics-2019>

on decision-making structures.¹⁵ It would be useful if this was incorporated into the governance education for members discussed above.

52. The sector commented that there is often also a lack of support available to members in undertaking their governance role. This can become overwhelming and lead to difficult behaviour throughout the decision-making process. The Commission is aware that councils often provide group briefings for members to assist understanding of complex issues. It may be beneficial to explore options for a more individualised level of support in understanding the intricacies of issues before making decisions. As a possible model for the sector, it would be helpful to understand whether any councils have provided such support to members, how successful it was, and how it was resourced. If this was to be explored further, it would be wise to consider the associated risks related to expectations of openness and transparency, accurate record keeping, and LGOIMA requirements.

Issues specific to codes of conduct / Ngā take hāngai ki ngā tikanga whanonga

53. More specifically in relation to codes of conduct, the Commission found that at the time of the initial survey (July 2020), 55 councils had adopted their codes since the 2019 election. Twenty-four councils had received complaints since October 2019; of which 15 had just one complaint.
54. However, discussions with the sector reveal that in many cases, a code of conduct complaint is not raised for behaviour that may in fact constitute a breach. The reasons for this include that the code is perceived to be ineffective; it is a costly resource-intensive, disruptive and time-consuming process for little meaningful outcome. There is also a strong desire to avoid the media attention and reputational damage which is often out of proportion to the issue at hand. This overshadows public awareness of councils' positive role in the community.
55. As well as the wider governance context discussed earlier in this report, the sector has highlighted several key areas of codes of conduct to address.

Legislative requirements to address the code early in the triennium / Ngā herenga ā-ture hei urupare wawe i ngā tikanga whanonga o te wā toru tau

56. In general, the sector supports legislative requirements to readopt the code at the beginning of the triennium. The sector also supports including the code in the general explanation to members required under the LGA to take place at the inaugural meeting.¹⁶ Almost 86% of survey respondents said legislation should be explicit about telling members about the council's code of conduct either at the inaugural council

¹⁵ *Guide for designing decision-making structures*. LGNZ. <https://www.lgnz.co.nz/our-work/our-policypriorities/governance/>

¹⁶ LGA 2002, Schedule 7, clause 5(c)

meetings or during the member induction if the council provides one. Just over 80% said legislation should require councils to readopt their code of conduct at the start of each triennium. They felt this would serve to benchmark, remind, and raise awareness of the behaviour expected of members at the very beginning of the triennium.

57. For those who did not support such legislative requirements, many felt that covering codes of conduct early in a term was basic good governance and should happen regardless. Some commented that briefings on a pre-existing code and/or a vote to readopt it would not necessarily address the issue of members' understanding of their commitments under the code. The latter point is important to the overarching goal of supporting good governance behaviour. For a change in legislation to have the desired effect on governance practice, it must be accompanied by appropriate education at the beginning of the triennium in the conduct expected of members.
58. Some councils report using the code as a prompt for governance training at the beginning of a triennium. Workshops to agree the shared values, behaviours and principles can be a powerful way to instil member understanding and establish a positive culture from the outset. The Commission suggests all councils would benefit from undertaking such an exercise during induction and using the outcomes to populate the relevant section of their code before re-adopting it. Currently practice around member inductions varies widely across the sector, with some councils offering comprehensive induction and some offering none. Accordingly, skills in running effective inductions should form part of the governance education offered to staff responsible for organising them.
59. The Commission also canvassed whether the declaration made by incoming members should include a reference to their council's code of conduct. Discussion on this question highlighted the symbolic value of physically signing up to a code of conduct. There was also a suggestion that providing for members to formally disagree with the code's content via a "no" vote at adoption sets a basis for future non-compliance (currently only 75% of council is required to vote for re-adoption). It is thought that including the code in the declaration would offset this. As noted earlier however, acknowledging a code of conduct whether via a briefing or a declaration does not necessarily embed understanding. Moreover, members have a democratic right to disagree with a majority decision while also being required to abide by that decision, and the Commission considers it important to preserve this.
60. Of the mechanisms discussed above, the Commission supports the sector's desire for legislative requirements to include codes of conduct in the statutory briefing at inaugural council meetings, and in member inductions. The legislation should also require councils to re-adopt their code near the beginning of a triennium but only after a suitable process for agreeing shared values and principles has been completed.

The timing of re-adoption of the code could efficiently be aligned to the requirement to provide a governance statement within six months of a triennial general election.¹⁷

Inconsistent processes / Ngā tukanga hārakiraki

61. Much of the sector's disenchantment with codes relates to inconsistency in both processes and penalties. There have been concerted efforts in the sector, particularly in LGNZ's development of a fulsome code of conduct template, to address this. However, there is no statutory requirement for standardisation of the content of codes of conduct. The effect is that while some codes specify processes for making, triaging and investigating complaints as recommended by LGNZ, many provide for these only in general terms, or as something to be established on a case by case basis. This can mean an unwieldy and time-consuming up-front exercise before the complaint itself can be addressed. Such ad hoc processes are less likely to reflect good practice and can open the way for political influence.
62. The Commission acknowledges the rationale that individual councils should be able to decide how they will manage their own behaviour. This is aligned with the tenet that codes of conduct should be based on shared values and principles that have been agreed by each councillor. Certainly, as is provided for by the LGNZ code of conduct template, codes should be flexible enough to incorporate such elements that are specific to individual councils.
63. Establishing processes aligned to good practice though, is a significant undertaking for individual councils particularly when there are gaps in staff and members' governance knowledge as discussed earlier. It seems inefficient to repeat this exercise throughout the sector at the individual council level, with variable outcomes.
64. Instead, the Commission suggests removing the need for councils to decide on the processes for making, triaging and investigating code of conduct complaints. These processes should be standardised across the sector and incorporated into legislation, ideally as a set of regulations. Setting out standardised processes would remove the inconsistency and potential for political influence that currently frustrate much of the sector. The shared values and principles, and some other parts of the code should remain for each council to agree as discussed at paragraph 53.

Independent investigations / Ngā tūhuratanga motuhake

65. During engagement, the sector repeatedly expressed a desire for independent investigations into code of conduct complaints. Key reasons for this were the issues of neutrality and employee wellbeing that arise when members are required to investigate and penalise their peers (and sometimes political opponents), or when a chief executive is required to investigate a complaint against their employer.

¹⁷ LGA 2002, section 40

66. The Commission has considered two models for bringing an element of independence to codes of conduct processes, one based on independent investigators from outside the sector and one drawing on members external to a council but from within the same region. Each has different levels of cost and independence.
67. Some codes provide for independent investigations. There is also a guideline process for this in the LGNZ code template. Conversely many codes rely on internal investigations by staff and/or a code of conduct panel of members. Some of these councils expressed reluctance to allocate budget for independent investigators, citing the expense of previous experiences where lawyers have become involved. It is also possible that councils with smaller districts may struggle to find appropriately qualified, neutral parties to act in an independent role.
68. However, the Commission suggests that where council leaders cannot resolve conduct issues early and informally, an independent investigation process is helpful to ensure the principles of natural justice are upheld, to prevent undue pressure on the chief executive, and to avoid political bias.
69. There are a number of models for conduct investigations, particularly those set out for school Boards of Trustees in the Education and Training Act 2020,¹⁸ and in the Auckland Council code of conduct. They include, variously, the process for making a complaint, steps for triage, referral to mediation or investigation, and deciding appropriate penalties or recommending penalties if a council decision is required to implement a penalty, such as demotion. They also provide for a report back to the governing body, usually for information only, and guidance around releasing the outcome to the public. Aspects of both models provide useful options for a strengthened, standardised code of conduct investigation process involving independent parties and appropriate levels of transparency.
70. Aspects of the New South Wales Local Government model code of conduct¹⁹ and the Victoria local government councillor conduct framework²⁰ may also be worth considering. Both of the latter processes were prescribed by regulation in 2020 and, while the Australian government structure differs from New Zealand in key ways, the rationale for a more prescriptive approach to codes may be worth considering for the New Zealand context.
71. While this option provides a high level of independence, it is potentially the most expensive. It is relevant here that the resource consumed by conduct complaints is a concern for councils. One chief executive of a provincial council recently tracked over

¹⁸ See Part 3, Subpart 9

¹⁹ New South Wales Office of Local Government.

<https://www.olg.nsw.gov.au/councils/governance/modelcode-of-conduct/>

²⁰ Local Government Victoria. <https://www.localgovernment.vic.gov.au/council-governance/councillorconduct-framework-and-councillor-conduct-panels>

160 staff hours committed to the conduct of one member over one triennium. Also concerning is the cost to councils when lawyers are involved in conduct issues, often amounting to tens of thousands of dollars. With that in mind, a cost-effective funding approach for councils could include requiring councils to set aside a specific budget each triennium to cover any complaints dealt with by an independent person or panel, on an as-needed basis.

Regionalised hubs / Ngā peka ā-rohe

72. Importantly, the models noted above depend on an established pool of independent mediators, conduct commissioners or referees. Although this was a strong preference of most councils, it may not be feasible for many. For this reason, the Commission is interested in the option of a regionalised complaints mechanism that draws on a pool of appropriately trained members from councils on a regional basis. Again, the new Boards of Trustees model provides a useful starting point for how a regionalised hub might work.
73. The Commission suggests that regionalisation potentially offers a resource that may not otherwise be available to individual councils, while minimising costs. It also minimises the risk of political bias although to a lesser extent than the independent investigation option discussed above. If this option is implemented, transparency is paramount to address any negative public perception associated with the sector moderating itself. It would also provide much needed consistency for the sector in addressing serious conduct issues.

Public interest vs natural justice / Ngā hiahia o te iwi ki te tika māori

74. There is a widely held view in the sector about the need to uphold the principles of natural justice and privacy equivalently with the accountability of members. In particular this relates to information about whether complaints have been made and the outcome of those complaints.
75. Publicity around code of conduct issues is problematic for the sector from a number of angles. Media interest can make code of conduct complaints a publicity opportunity for members who have campaigned on an anti-council rhetoric. It can also facilitate weaponisation of the code against individual members by other individuals or groups, whereby complaints about minor breaches are leveraged to deliberately disadvantage a member for political benefit. Although most councils do their best to avoid public comment on active conduct investigations, the same is not always true of individual councillors. The Commission suggests that this is an area where codes should set out more explicit confidentiality requirements that fulfil the principles of natural justice for all parties to a complaint, as part of a standardised complaints process.
76. Given that the public does have an interest in the accountability of members however, it is important that the result of an investigation is made public except where there is good reason not to. Although some have argued that members are held accountable

every three years at election, the Commission suggests the public has a right to greater transparency from their elected representatives.

77. To this end, codes should specifically provide for the proactive release of investigation outcomes to the public in a timely manner and consistent fashion, in line with the requirements of LGOIMA. The Commission suggests this requires assistance and guidance from the Privacy Commissioner and the Ombudsman to inform guidelines that are robust and well-canvassed across sector stakeholders.

Penalties and democratic principles / Ngā hāmene me ngā mātāpono manapori

78. Some frustration emerged in discussions about penalties for breaches of the code. In the experience of many councils, penalties for proven breaches are inconsistent, difficult to enforce, and do not support behaviour change.
79. There is a desire to strike a balance between penalties that address poor governance behaviour and preserving democratic participation, particularly if penalties are legislated or made binding. In this regard, there is a sense that penalties need to balance the general principle of freedom of expression guaranteed under New Zealand law. For clarity, it would be useful for a standardised code to include a brief outline of how freedom of expression as guaranteed by the New Zealand Bill of Rights Act 1990 applies in Aotearoa,²¹ including the limits placed on this by other statutes such as the incitement provisions of the Human Rights Act 1993.
80. There is general consensus, and the Commission agrees, that any penalty should be relative to the specific breach in both nature and scale. At the minor end of the scale, the sector has suggested verbal or written warnings and/or a requirement for verbal or written apologies. Most thought that more serious breaches warrant temporary or permanent demotion, e.g. loss of position as Chair or Deputy Chair of council committee, or suspension from committees with an associated reduction in pay. This seems a reasonable and relative scale of penalties. The Commission suggests that it should be developed further in consultation with stakeholders and applied consistently across the sector in a standardised code to add a much-needed element of certainty to the outcomes of code of conduct processes. To ensure good practice, the scale of penalties should be periodically reviewed.
81. The question of financial penalties in the form of fines or cost recovery was also raised during engagement. There are several issues with this type of penalty. Members' pay varies hugely across the sector. Fines or orders to pay investigation costs may be a deterrent but could also be unduly harsh given the limits on some members' ability to pay. Financial penalties may also act as leverage in the undesirable situation of members targeting each other for political rather than conduct reasons. Financial penalties can also be difficult to enforce, creating additional work for a council and

²¹ Section 14, New Zealand Bill of Rights Act 1990

doing little to improve governance behaviour. The Commission does not consider financial penalties to be a workable option.

82. Bearing in mind the intent to promote good governance practice and the principles of natural justice, the Commission considers any penalties should also include a mechanism to improve future behaviour. This aligns with the sector's suggestions that members in breach be required to undertake personal or professional development related to the behaviour change required, e.g. governance skills, social media training, or an anger management course. A restorative justice process guided by a trained facilitator is also an appropriate option. Whatever the method, the desired outcome is that all parties emerge from the process with their mana intact.
83. It is perhaps a measure of the frustration around conduct that many in the sector suggested the most grievous or repeated breaches should be met with suspension or removal of a member from office.
84. While the LGA does provide for removal or suspension of a member, the criteria are very specific and not related to governance misconduct.²² Further, many feel this conflicts with the principle that members are elected democratically and therefore should only be removed by the same mechanism. Instead it is hoped that improving governance behaviour by addressing governance skills and conduct issues early will significantly improve behaviour and reduce the number and seriousness of breaches.
85. The Commission acknowledges one possible avenue is exploring the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member, if their ongoing conduct is such that they are no longer able to democratically represent their electors. Such a step carries significant risk and must be approached with great caution. Members are answerable to their community and it is crucial that any process to remove a member preserves this line of accountability as far as possible.
86. The Commission suggests that this avenue be investigated further. Given the complexity and risk of such a mechanism, the investigation would need to consider specific criteria for what constitutes an inability to democratically represent electors, who would have the power to remove a member, and by what process. A core aim of the investigation must be to identify the inherent risks to democratic principles and governance and how to safeguard against them. To support robustness and transparency the investigation should be done in consultation with the sector and stakeholders.

Role of the Local Government Commission / Te Mahi a te Mana Kāwanatanga ā-Rohe

87. When asked about independent investigations, many of the sector's comments identified the Commission as potentially replacing the chief executive's role in a code

²² Schedule 7, Part 1 LGA

of conduct process. However, given that the Commission has a statutory role in promoting good governance practice across the sector, in general it should remain arms-length from individual conduct complaints and investigations.

88. That said, the Commission is an independent body with both a statutory role in promoting good governance in the sector, and an understanding of how codes apply in the daily life of councils. This means it is well placed to undertake a number of supporting functions for council codes of conduct. If a standardised code of conduct investigation process is legislated, whether by amendment or regulation, the Commission could appropriately identify and administer a list of suitable mediators and investigators to act as independent parties in code of conduct issues. The Commission's statutory status make it the appropriate body to administer such a list if independent processes are formalised. The Commission's role could include connecting individuals from the list with specific complaints to manage availability and ensure councils' needs are met in a timely way.
89. The Commission may also have a role in the provision of an independent quality assurance for codes. One of the most frequently requested roles for the Commission was advice regarding codes and breaches. In terms of the consistency of codes and providing a level of confidence for councils, a requirement for an independent assessment of codes that deviate from a standardised model would be useful. It is important to note that the Commission may hold this role but even if it assesses a code, any individual complaint and investigation process remains subject to investigations by the Ombudsman and the Auditor General.
90. While it may be inappropriate for the Commission to have a role in conduct investigations at the level of an individual complaint, its independence and mandate to promote good governance gives it a unique position in the sector. If after further exploration, the sector supports a stepped process leading to the possible removal of a member by the Minister as discussed above, it may be appropriate for the Commission to act as the independent body in that process.

Enforcement / Te uruhi

91. Penalties under codes of conduct are usually non-binding. If a member found in breach refuses to action a penalty, such as an apology, there is little a council can do. It is not uncommon for councillors to be elected on an anti-council rhetoric which can be bolstered by media coverage of code of conduct complaints. In that situation, complaints can become a "badge of honour" for some and poor behaviour is reinforced. It can be an expensive process (especially for smaller councils) to investigate and resolve a complaint when penalties rarely support the desired behaviour change. al damage is also an issue for some councils particularly when individual members repeatedly breach the code, and this becomes the focus of any media coverage relating to the council.

92. The difficulty of enforcing penalties prompted the survey question about whether legislation should include penalties for breaches of the code. The Commission also canvassed this in face to face discussions. 68% of survey respondents supported legislated penalties to help ensure greater adherence to the code, and to provide a deterrent. Of the 32% who did not support legislated penalties, many felt penalties should be determined at the local level, or that it would further open the code up to weaponisation. Others felt it may disincentivise potential candidates or make members afraid to speak up.
93. The Commission suggests the sector's reasons for wanting penalties included in legislation illustrate a strong desire to strengthen the code. Certainly the Commission agrees that standardised penalties are necessary but suggests these should be incorporated into a standardised code of conduct template rather than legislation. This would allow for periodic review of standardised penalties, and flexibility in recommending a penalty appropriate to the misconduct and the behaviour change required. It should therefore be for sector stakeholders to work collaboratively to develop and periodically review a standardised scale of penalties available to councils.
94. In terms of legislative change, it would be of greater benefit to set out a standardised complaints and investigation process in legislation as discussed earlier in this report. When the requirement for codes was first set in legislation, it was considered that specifying penalties could be problematic in terms of members' accountability to the electorate and members deciding penalties for other members²³. However the LGA includes a statutory provision for members to comply with the code²⁴. It would be consistent with this requirement for the legislation to also require members to comply with penalties under the code. This may help address the difficulties councils currently have with compliance.

Materiality / Ngā tikanga tātari

95. During engagement, the Commission repeatedly heard that a lack of distinction between minor and serious breaches creates the potential for codes to be weaponised. The potential for complaints about minor breaches to be leveraged for political benefit is exacerbated by the fact that *materiality* is a key aspect of determining the scale of a breach, yet it is not clearly defined anywhere. This opens the way for abuse and weaponisation of codes against individual members.
96. The risk of weaponization is of particular concern because codes of conduct do not usually include the ability to appeal a decision on a complaint. The only avenues for review are a complaint to the Ombudsman or a judicial review, which are usually confined to matters of procedure. The risks of weaponization becomes even more pronounced if penalties are binding. However, another key concern for the sector is

²³ *Good practice guide: Local Authority codes of conduct*. Office of the Auditor-General. June 2006.

<https://oag.parliament.nz/2006/conduct/docs/conduct.pdf>

²⁴ Clause 15, Schedule 7, Local Government Act 2002

the reputational damage and drain on resources that lengthy code of conduct processes entail. Adding an appeal process to codes of conduct risks exacerbating this by creating ongoing opportunities for re-litigation of the same issue.

97. Instead of an appeal mechanism, the Commission suggests a more specific definition of materiality together with independent investigations and standardised penalties should significantly reduce the potential for weaponisation of the code. Such a definition should be developed in consultation with sector stakeholders, should address materiality in the context of local government codes of conduct and include not just examples but key features of material breaches.
98. The ability to complain to the Ombudsman or seek a judicial review of a code of conduct decision on procedural grounds remains available to all parties to a complaint.

Content gaps / Ngā āputa i hirangi

99. Our initial survey of council chief executives sought information on use of the LGNZ code of conduct template. Sixty six of 78 local authorities use part or all of the LGNZ template. Most (50) have made some edits and described these in the survey. These findings together with more in depth face to face discussions, have highlighted areas of the code that need updating or expanding.

Health, safety and wellbeing / Hauora, haumaru me te oranga

100. The sector is concerned about increasingly poor behaviour towards council staff and increasing pressure on them by members. Indeed, the member-staff relationship is a high-risk area for councils given their obligations to be a good employer. Specific statutory requirements for local authorities to be good employers are set out in the LGA. Local authorities are also subject to the requirements of the Employment Relations Act 2000 and the Health and Safety at Work Act 2015, both in the employment of a chief executive and in the chief executive's employment of staff.
101. The power imbalance and the requirement for staff to remain politically neutral in their roles means they are often unable to defend themselves, or to respond to public commentary members make about them. The forums also repeatedly highlighted the difficult position of a chief executive who must ensure the wellbeing of their staff as a good employer while maintaining an effective relationship with the governors.
102. Again, the Commission notes the sector has made considerable efforts to guide the behaviour of members towards staff. LGNZ's template code provides a good starting point for councils and highlights the legal risks to council of poor behaviour by members towards staff. In particular the template code provides for the chief executive to establish protocols for member-staff interactions. The Commission considers there is a need to bolster good practice guidelines in this area including specific features of appropriate and inappropriate behaviour, for inclusion in a

standardised code. This is also an important element of governance education for both staff and members.

Social media use / Te whakamahi pae pāhopori

103. A significant area of concern is the lack of adequate guidance for members' behaviour on social media. Freedom of expression is an important pillar of democratic debate. It is also important to highlight that members are subject to the Harmful Digital Communications Act 2015, and to statutory restrictions on what information they can share under legislation, such as LGOIMA and the Privacy Act 2020. Further, members are public figures and as such, need to recognise that the public will not necessarily distinguish between their governance and personal communications.
104. While the LGNZ template provides sound guidance on social media use, the Commission suggests there is a need to establish more detailed good practice guidelines for members specific to social media. These should make it clear that members' behaviour online is governed by the code to the same extent as it is in offline interactions. Guidelines should also provide specific examples of ways members can make the distinction between their governance and personal capacities clear for their audience. Again, this guidance should form part of governance education for members and staff and ideally, be incorporated in a standardised code or in each council's media policy appended to the code.

Greater clarity around pecuniary and non-pecuniary interests / He māramatanga kehokeho ake o ngā take moni, moni-kore rānei

105. There are two main issues with conduct around interests. The first issue is that of member understanding. Most codes cover pecuniary interests and the associated legal requirements in some detail. However, there is typically much less clarity around real or perceived non-pecuniary interests. This may be because more general interests are a nuanced and often subjective area. And while it is for the member themselves to identify and declare their own interests, it can be difficult for less experienced members to understand where a non-pecuniary interest comes into play. The Commission suggests that codes need greater explanatory detail and examples of non-pecuniary interests.
106. Secondly, even when members are perceived or known to have a financial interest, councils cannot compel them to withdraw from participating. This is because under LAMIA only the member themselves can identify their interests. While it is an offence for members to participate in decisions where they have a financial interest, the same does not apply for non-pecuniary interests. As the OAG has pointed out, this can mean members put the council's decision-making at risk of judicial review by assuming they can safely participate even when they have a non-pecuniary (or less often, a

pecuniary) interest.²⁵ The concept of interests is another important element of governance education.

107. While LAMIA rules out the possibility of compelling members to withdraw due to an interest, the Commission suggests more can be done to support members regarding their interests and to improve transparency. A possible mechanism is to allow for a specific process where a conduct complaint relates to an alleged conflict of interest. The process could require members to seek advice from a politically neutral governance specialist identified by staff, which is then shared with the member and the council. While this does not compel a member to withdraw, it offers a level of confidence and transparency around their decision to participate or withdraw. Auckland Council's code provides for this and may be a useful starting point for incorporating into a standardised code.

Community Boards / Ngā Poari ā-Hapori

108. Although the LGA does not require community boards to adopt a code, 34 councils with community boards have had, or intend to have, those community boards adopt their code of conduct. Community boards operate in the space between councils and the community, with some having delegated powers alongside their essential purpose of representing quite specific communities within a district.
109. Although their activities can be less formal than council or committees, they are nonetheless made up of members. The Commission's experience in this area suggests that community board members and their actions would benefit from an understanding of good governance practice and the transparency that a code supports. Accordingly, there is merit in setting a legislative requirement for community boards to adopt their governing body's code of conduct. To support good governance practice it follows that community board members should also have access to the same governance education for new members discussed earlier in this report.

Conclusion and recommendations / Kupu whakakapi me ngā tūtohunga

110. The sector wants to strengthen the presence and effect of codes, but for legislative requirements to support good governance behaviour they must be accompanied by other measures that support good practice.

²⁵ *Local government: Results of the 2016/17 audits*. Office of the Auditor General.
<https://oag.parliament.nz/2018/local-govt/part6.htm>

111. Earlier, this report acknowledged the work of the FFLG review panel. The Commission appreciates that the Minister may wish to link the following recommendations with the work programme for the FFLG review.
112. The individual changes discussed in this report are unlikely to work in isolation. The tools for supporting good governance behaviour act as a suite and must be considered holistically.
113. Accordingly, and noting that this may align with the Future for Local Government panel's work, the Commission recommends that the Minister of Local Government:
- i. tasks the Local Government Commission to establish and lead a working group to identify a sector specific education framework, giving consideration to:
 - a. membership that includes diverse representation from the sector and stakeholders, either as members or independent observers, including the OAG, the Ombudsman, Taituarā, LGNZ and its Te Maruata committee
 - b. undertaking a needs analysis of the education and professional development of diverse election candidates, first term members, experienced members, mayors and chairs, and the staff who support them
 - c. developing an education programme that covers pre-candidacy, candidacy, induction and ongoing professional development for members, mayors and chairs
 - d. developing an education programme for staff who support members through the various stages of their governance development
 - e. accessible and cost-effective education delivery methods
 - f. options for resourcing the development and delivery of governance education
 - ii. tasks the Local Government Commission to form a working group of sector stakeholders to produce a standardised code to be referenced in legislation which includes sections as follows:
 - a. explicit confidentiality requirements for all parties to a complaint as part of a standardised complaints process
 - b. a process for the proactive release of investigation outcomes to the public informed by focussed discussions with the Privacy Commissioner and the Ombudsman
 - c. an explanation of how freedom of expression as guaranteed by the New Zealand Bill of Rights Act 1990 applies in Aotearoa, including the limits placed on this by other statutes such as the incitement provisions of the Human Rights Act 1993

- d. a reasonable and relative scale of penalties to be applied consistently across the sector, including mechanisms to improve future behaviour such as personal or professional development, the option of a restorative justice process including a periodic review of such penalties and mechanisms
 - e. a detailed definition of materiality in the context of local government codes of conduct, including both examples and key features of material breaches
 - f. further develop good practice guidelines for members' interactions with staff, including specific features of appropriate and inappropriate behaviour
 - g. more detailed good practice guidelines for members specific to social media
 - h. a specific process where a conduct complaint relates to an alleged conflict of interest requiring members to seek advice from a politically neutral governance specialist identified by staff, which is then shared with the member and the council
- iii. includes in legislation a requirement for codes of conduct to form part of the statutory briefing at inaugural council meetings, and member inductions where provided
 - iv. includes in legislation a requirement for councils to re-adopt the code near the beginning of a triennium but only after a suitable exercise for agreeing shared values and principles has been completed, and considers aligning the timing of this with the requirement set out in the Local Government Act 2002 for a governance statement, and tasks the Local Government Commission with providing an assurance assessment of individual councils' codes
 - v. includes in legislation, either by amendment or regulation, standardised processes for making, triaging and investigating code of conduct complaints, including
 - a. explicit confidentiality requirement for all parties to a complaint
 - b. appropriate levels of transparency on conclusion of an investigation, informed by stakeholder engagement
 - c. whether the investigation process included in legislation should involve independent parties or a regionalised pool of members
 - vi. if the investigation process included in legislation involves independent parties:
 - a. requires councils to set aside a specific budget each triennium to cover any complaints dealt with by an independent person or panel on an as-needed basis

- b. mandates the Local Government Commission to identify and administer a list of suitable mediators and investigators to act as independent parties in code of conduct issues
- vii. tasks the Local Government Commission to explore with the sector the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member where the member is no longer able to democratically represent their electors, noting that such an investigation would consider:
 - a. specific criteria for what constitutes the inability of a member to democratically represent their electors
 - b. the risks to democratic principles and good governance inherent in the removal of a member and how to mitigate them
 - c. who would have the power to remove a member
 - d. possible processes for the removal of a member
- viii. includes in legislation a requirement that members comply with penalties for breaches of their council's code of conduct
- ix. includes in legislation a requirement for community boards to adopt their parent body's code of conduct

Title: 22-228 Committee Structures and Appointments
Section: District Mayor
Prepared by: Rehette Stoltz – District Mayor
Meeting Date: Thursday 17 November 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to establish committees of the unitary authority and to appoint the chairperson and members of each committee under Section 41A(3) of the Local Government Act 2002 (LGA) and Standing Order 5.1.

Additionally, this report also addresses appointments of elected members to other organisations.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. Confirms the establishment of committees and sub-committees of the territorial authority set out in Attachment 1.
2. Confirms the appointments of members and chairs to the committees and sub-committee of the territorial authority as set out in Attachment 2.
3. Appoints Councillors to the various roles outside of Council as set out in Attachment 3.
4. Confirms the appointment of Bruce Robertson as the Independent Chair of the Audit & Risk Committee.
5. Reaffirms the membership of the Waiapu Catchment Hearings Committee as per the Joint Management Agreement between Gisborne District Council and Te Runanganui o Ngāfi Porou.
6. Confirms that the trustees for the Gisborne District Disaster Relief Trust will be the Mayor and Councillor X with the Chief Executive and Civil Defence and Emergency Manager being administrative trustees.
7. Requests that the Delegation Manual be updated with changes in membership numbers and any changes to the structure that have been agreed to and reported back for adoption prior to the end of the calendar year.

Authorised by:

Rehette Stoltz - Mayor

Keywords: committees, structure, terms of reference, of the whole, delegations

BACKGROUND - HE WHAKAMĀRAMA

1. Under Section 41A(3) of the Local Government Act 2002 (LGA) a mayor has the following powers:
 - a. To establish committees of the territorial authority.
 - b. To appoint the chairperson of each committee (which may be him or herself).
2. Furthermore, Schedule 7 clause 30(7) of the LGA provides that “A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election ...”
3. The Council's governance structure, including the functions and structure of committees has been reviewed several times particularly following triennial elections. Given that the 2022 elections have concluded it is timely that a review is undertaken of Council committees that reflects the key principles and directions of the LGA in particular:
 - a. Governance structures should enable the Council to conduct its business in an open and transparent manner.
 - b. Governance structures should ensure full coverage of core services, financial prudence and environmental stewardship.
 - c. Regulatory activities should be separated from operational activities.
 - d. Opportunities for Māori to participate in decision-making processes should be provided.
 - e. Opportunities to seek special interest communities' views into decision-making should be provided.
 - f. Staff, elected members and the community should understand the governance structure and the respective roles each other has to play.
 - g. Governance structures should allow for an all of wellbeing understanding to the decision-making processes.
 - h. Governance structures should be efficient and effective.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

4. The ability of a council to achieve its objectives and work constructively together through a triennium depends to a very large degree on the way in which it designs its decision-making structures. In New Zealand, unlike most other countries, local authorities have a very high degree of discretion when designing these structures. It is the decision-making structure which, in many ways, determines whether a council is responsive to community concerns, is innovative, focused, open, and inclusive and most importantly that the models shape the interaction between elected members, officials and communities.

5. There is no agreed national template for decision-making structures, however, options tend to be either centralised or decentralised.
6. Centralised models tend to be those which retain all decision-making with the governing body except for committees or subcommittees required by statute or good practice.
7. Decentralised models give committees the authority to provide advice to the governing body on specific matters covered by their respective terms of reference but not to make decisions **(without delegations)**, or decision-making is transferred through giving committees full authority of the governing body **(with delegations)**.
8. There are a number of key questions but the fundamental one is whether all decisions should be made by the governing body (except statutory and administrative matters) or should the governing body delegate a range of decision-making responsibilities to subsidiary bodies such as Committees of the Whole (committees containing all elected members).
9. Councils have broad powers of delegation, however, there are some decisions that can only be exercised by the full governing body and cannot be delegated. These are set out in **Attachment 1**, apart from these decisions and some duties set out in other statutes, most other decisions can be delegated to committees and in some cases, the chief executive. A delegation means that the body with the delegated power has the full authority of the governing body in respect of the decision-making powers defined in the delegation. The governing body, while retaining legal responsibility for the exercise of any powers it has delegated, cannot overturn or amend a decision made by a body which is exercising a delegation, although it can always revoke the delegation at some later point.
10. Once approved, the delegations made by the governing body can be found in the council's governance statement and/or terms of reference.
11. The committee structure was adopted in 2019 (outlined in **Attachment 1**) and decentralises decision-making to Committees of the Whole **(with delegations)**. This structure has been given careful consideration in terms of the statutory and functional requirements of the Council. It enables Council (the Governing Body) to limit its decision-making to strategic and district-wide issues as prescribed in the LGA. In doing so it also allows for more efficient and effective decision-making at the committee level and an inclusive approach to learning and shared decision-making with all elected members engaged under a Committee of the Whole structure.
12. The committee functions further reinforce Council's unique status as a Unitary Authority where it can integrate its strategic direction, plans and policies, services and operations to fully understand the sum of its parts. Meeting timings are essentially the same as the previous term of Council – but decisions are more efficient and effective as Committees of the Whole have delegations to decide and not just recommend.

13. Committees of the Whole with better defined functions avoid the issues in the recent past where the same papers had to go to two committees because of overlapping interests and committee members with interests on different committees. Similarly, there is less relitigation of decisions and overturning at Council and unnecessary time delays are avoided.
14. Furthermore, for a Unitary Authority of this size the number of committees is appropriate on balance to comparable and larger councils.
15. Additional committees have been added. The Tairāwhiti Resource Management Plan Review (TRMP) Committee will have a membership of the Mayor (or nominee), five elected members and up to six iwi appointees. This will be a co-governance committee to support the TRMP Review Process and will meet quarterly.
16. A Bylaw Submissions Hearing Panel has been added, separate to the Regulatory Hearings Panel. This panel will consider and hear submissions on Council bylaws in addition the panel will also consider any other matters required for determination by Council under legislation such as the Dog Control Act 1996.
17. The Traffic and Parking Subcommittee is a subcommittee of the Sustainable Tairāwhiti Committee established in the 2019-2022 triennium.

Council Regulatory Separation

18. The committee structure has been reviewed by our internal legal counsel and compared with other unitary models.
19. Section 39 of the LGA requires that a local authority separates regulatory responsibilities so far is practical. Section 42(3) echoes that but also acknowledges that ultimately Council will have to resolve conflicting objectives and look at the big picture, working around conflicts. The Chief Executive is also required to give effect to this through the management structure.
20. The key matter is to separate environmental management from asset management and service delivery functions to avoid those conflicts where the regulator is the regulated.
21. The committee structure provides for this through ensuring that:
 - a. Direction and rules are set through **Sustainable Tairāwhiti/Toitū Tairāwhiti Committee** (Committee of the Whole). This is where all strategy, plans, policies and bylaws are delivered through one committee. Strategy, plan, policy and bylaw making are separated from operational decision-making. Monitoring of the state of the environment happens in this Committee to feed into regulatory plans, policies and associated bylaws.
 - b. The direction and rules are applied through the **Regulatory Hearings Panel**. This ensures separation of regulatory enforcement/compliance functions. The appointment of independent members is necessary to minimise conflicts of interest, particularly with Resource Management Act hearings and decisions. It is particularly important to have independent commissioners where Council is the applicant.

- c. This direction and rules (where applicable) are then delivered through the activities and services that report to the **Operations Committee** (Committee of the Whole). The Operations Committee will have two parts to it, essentially the same committee of the whole but with two agendas, being Operations Environment & Communities and Operations Infrastructure. This Committee ensures progress of Council's operational activities, projects and services. It does not have input into any enforcement, compliance and regulatory matters where there are conflicts of interest with Council's operational activities. The oversight of any environmental activities are those that tend to be more non-regulatory in function and/or have no conflict with the services and activities of Council (e.g. Pamoā regeneration, pest management progress, updates and progress on joint venture work). Where necessary the Committee may decide to convene sub-committees for the purpose of advancing certain major projects.
- d. The delivery is then monitored through the **Finance & Performance Committee** (Committee of the Whole) to ensure we are performing. The Committee will also receive enforcement and compliance performance activity reporting to ensure financial and non-financial performance oversight of its regulatory functions.
- e. The **Audit & Risk Committee** assists and advises Council in meeting its responsibility and ownership of governance, risk management, and internal control.
- f. Where there is a decision or report that might conflict with any of the panels, ultimately **Council** is the arbitrator.

Gisborne District Disaster Relief Trust

- 22. The Gisborne District Disaster Relief Trust (the Trust) was established as a charitable trust in 2008 by Council to provide a means of receiving donations following a disaster and dispersing funds for welfare purposes where no other agency or fund is available. The purpose of the Trust is to provide financial and any other relief or assistance to meet the welfare and other needs of people who have suffered damage or loss following a natural or man-made disaster in the Gisborne region or elsewhere in New Zealand.
- 23. The Trust deed includes the following provisions around membership:
 - a. The Trust shall consist of between two and nine Trustees.
 - b. There shall be at least two Administrative Trustees who are Council employees – currently these are Chief Executive, Nedine Thatcher-Swann and Civil Defence and Emergency Manager, Ben Green.
 - c. There shall be up to five Elected Trustees. One must be the Mayor.
 - d. Council can choose to have up to two Citizen Trustees who are not elected officials but residents in the Gisborne region.
 - e. All Trustees must sign a deed of accession binding that person to the terms of the Trust deed.

24. Recommendations for membership:

- a. A smaller group of Trustees is recommended to enable the Trust to be responsive to community needs arising out of an emergency situation.
- b. Staff recommend that there are no Citizen Trustees and that the Trustees are as follows:
 - i. The two Administrative Trustees (staff members)
 - ii. The Mayor and one other elected member.

ASSESSMENT of SIGNIFICANCE - TE AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

25. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MAORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA -

26. No consultation external to Council is required when deciding on Council's governance arrangements. Council is bound by the principles in the LGA relating to governance as set out in the body of this report.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

27. No consultation external to Council is required when deciding on Council's governance arrangements. Council is bound by the principles in the LGA relating to governance as set out in the body of this report.

CLIMATE CHANGE – Impacts / Implications NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

28. There are no climate change impacts or implications arising from the matters being considered in this report.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

29. There are no anticipated financial implications arising from this report. The suggested structure has no financial or budgetary implications other than already budgeted for.

Legal

30. The Council may appoint the committees, subcommittees, joint committees or other subordinate decision-making bodies it considers appropriate under clause 30, Schedule 7 of the LGA.

31. The Mayor may establish the Committees of Council under section 41A(3) of the LGA.

32. As previously noted, unless the Council resolves otherwise (which it has not) the previous committees of Council are deemed to be discharged on the coming into office of members at the next election after the appointment of those committees. Furthermore, the new committee structure has been reviewed by our internal legal counsel.

33. Please note when considering membership that the minimum number of members on a committee is three and the minimum number for a subcommittee is two. Clause 31(3) of Schedule 7 of the LGA also provides for Council to appoint people who are not elected members of the Council to committees and subcommittees who have the skills, attributes and knowledge that can assist in the work of committees. The exception is that at least one member of a committee must be an elected member. Staff acting in the course of their employment can only be members of subcommittees.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

34. There are no significant changes required to the current year of the Long Term Plan.

35. Our Significance and Engagement Policy has been considered when assessing the appropriate level of engagement required for the proposed changes.

36. The proposals in the draft resolution meet Council's obligations under the LGA.

RISKS - NGĀ TŪRARU

37. There are no major risks associated with the decision.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
15 December 2022	Governance Terms of Reference updated	Report to Council

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Purpose of Council and Committees 2022 10 31 2 [**22-228.1** - 2 pages]
2. Attachment 2 - Committee Appointments [**22-228.2** - 1 page]
3. Attachment 3 - Other Committee Appointments [**22-228.3** - 1 page]

Purpose of Council and Committees

COUNCIL (Six weekly cycle)

The Council is responsible for strategic leadership, through the creation of policies based on the legislative mandate.

- The power to make a rate.
- The power to make a bylaw.
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
- The power to adopt a Long Term Plan, Annual Plan, or Annual Report.
- The power to appoint a Chief Executive.
- The power to adopt policies required to be adopted and consulted on under the (Local Government Act 2002) in association with the Long Term Plan or developed for the purpose of the Local Governance Statement.
- The power to adopt a remuneration and employment policy.
- Terms of Reference and Delegations for the 2016-2019 Triennium.
- The power to approve or change a plan (RMA).
- The power to approve or amend the Council's Standing Orders.
- The power to approve or amend the Code of Conduct for elected members.
- The power to appoint and discharge members of committees.
- The power to establish a joint committee with another local authority or other public body.
- The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
- Make those decisions which are required by legislation to be made by resolution of the local authority that are not listed above.
- Consider any matters referred to it from any of the Committees.
- Authorise all expenditure not delegated to staff or other Committees.

COMMITTEES OF THE WHOLE (Six weekly cycle)

SUSTAINABLE TAIRĀWHITI / TOITŪ TAIRĀWHITI	FINANCE & PERFORMANCE	OPERATIONS ENVIRONMENT & COMMUNITIES	OPERATIONS INFRASTRUCTURE
<ul style="list-style-type: none"> • To develop, approve, review and recommend to Council (where applicable) statutory and non-statutory policy, plans, bylaws and strategies to: • Develop a vision and a pathway for the future of the district. • Sustainably manage resources in the region. • Identify and promote community aspirations. • Define and deliver on Council's roles. • Integrate an all of wellbeing approach to strategy, plan and policy development. • Have effective statutory plans and bylaws to protect community and environmental needs. 	<ul style="list-style-type: none"> • To assist Council to oversee financial and non-financial performance, including the delivery of the Council's Capital Programme and oversight of the Council-Controlled Trading Organisation. • To monitor Council activities and services performance against budget, Annual Plans, the Long Term Plan, Annual Reports and corporate and financial policies. • The Finance and Performance Committee also receives enforcement and compliance performance activity reporting to ensure financial and non-financial performance oversight of its regulatory functions. 	<ul style="list-style-type: none"> • To provide governance oversight of Council's operational programmes, services, activities and projects related to environmental operations, community development and community assets. • To enable the progress of the Council's operational activities, projects and services. 	<ul style="list-style-type: none"> • To provide governance oversight of Council's operational programmes, services, activities and projects related to infrastructure activities and infrastructural assets. • To enable the progress of the Council's operational activities, projects and services.

STATUTORY COMMITTEES

REGIONAL TRANSPORT	CIVIL DEFENCE & EMERGENCY MANAGEMENT	DISTRICT LICENSING
<p>Four Elected Members and one NZTA member.</p> <ul style="list-style-type: none"> • To prepare a regional land transport plan, or any variation to the plan, for the approval of the Council. • To provide the Council with any advice and assistance the Council may request in relation to its transport responsibilities. • (Section 106 Land Transport Management Act 2003). • Meets quarterly. 	<p>Mayor and Deputy Mayor, four Elected Members, and four iwi appointees.</p> <ul style="list-style-type: none"> • To ensure that appropriate emergency management as detailed in the Civil Defence Emergency Management Act 2002 (the Act) is carried out within the Gisborne District. • Provide governance and oversight of the activities required to be undertaken on its behalf by the Act. • Meets quarterly. 	<p>Minimum of three members independent or elected.</p> <ul style="list-style-type: none"> • To consider and determine all relevant applications under the Sale and Supply of Alcohol Act 2012. • Meets as required. • Independent chair.

STANDING COMMITTEES

WASTEWATER MANAGEMENT	AUDIT & RISK	REGULATORY HEARINGS PANEL	BYLAW SUBMISSIONS HEARING PANEL
<p>Four Elected Members, four Iwi members.</p> <ul style="list-style-type: none"> The establishment of this Committee is a requirement of the conditions of the resource consents for the upgrade and discharge of Gisborne's municipal wastewater. Ensure implementation, commissioning and monitoring of the wastewater treatment plant is carried out in accordance with the consent conditions. Two meetings per year. 	<p>Independent Chair, Mayor and up to five elected members.</p> <ul style="list-style-type: none"> To assist the Council to exercise due care, diligence and skill in relation to the oversight of: the robustness of the internal control framework; the integrity and appropriateness of external reporting, and accountability arrangements within the organisation for these functions; the robustness of risk management systems, process and practices; internal and external audit; accounting practice and where relevant accounting policy; compliance with applicable laws, regulations, standards and best practice guidelines for public entities; and the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets. Meets quarterly. 	<p>Independent Commissioners.</p> <p>Panel appointed under delegation authority by the Chief Executive and Directors.</p> <ul style="list-style-type: none"> To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of hearing under the Resource Management Act 1991. Meets as required. 	<p>Six councillors.</p> <ul style="list-style-type: none"> Making good decisions qualification is not required. To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996 and any other matters required for determination by Council under legislation as determined by Council. To consider and hear submissions on Council bylaws. Meets as required.
TAIRĀWHITI RESOURCE MANAGEMENT PLAN (TRMP) REVIEW	CONDUCT REVIEW	CHIEF EXECUTIVE PERFORMANCE	APPOINTMENTS
<p>Mayor (or nominee), five elected members, up to six iwi appointees.</p> <ul style="list-style-type: none"> A co-governance committee to support the TRMP review process. Meets quarterly. 	<p>Independent as required.</p> <p>Conducts investigations and makes recommendations regarding Code of Conduct complaints</p>	<p>Mayor and Deputy, and up to three councillors.</p> <p>Oversees the performance of the Chief Executive in line with the performance agreement and his/her ongoing relationship with the Council, and report regularly to the Council on his or her performance.</p>	<p>Mayor or Mayor's appointee, Chief Executive, one independent and up to two councillors.</p> <ul style="list-style-type: none"> Oversees and manages recruitment and selection process of Council appointments To recommend to Council appointments of directors and trustees.

LOCAL LEADERSHIP BODY (LLB)

Mayor, five Elected Members and six iwi representatives.

Its purpose is to: (a) contribute to the sustainable management of the natural and physical resources in the LLB area for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Ngai Tāmanuhiri, Rongowhakaata, and Te Aitanga a Māhaki and Affiliates with their ancestral lands, water, sites, wāhi tapu, and other taonga; and (b) to enable individuals and communities within the LLB area, as resources allow,—(i) to provide for their social, economic, and cultural well-being; and (ii) to achieve improved outcomes in respect of the environment; and (c) to ensure that the Council is appropriately informed of its statutory obligations within the LLB area, including obligations in respect of Te Tiriti o Waitangi arising under the Local Government Act 2002 and the Resource Management Act 1991 and any other relevant enactment.

Established under the Ngai Tāmanuhiri Settlement Act.

Committee	Alder	Cranston	Foster	Gregory	Parata	Pahuru-Huriwai	Ria	Robinson	Stoltz	Telfer	Thompson	Tibble	Tupara	Wharehinga
Toitu Tairāwhiti/Sustainable Tairāwhiti	*	*	*	*	*	*	*	*	C	*	*	*	*	*
Finance & Performance	*	*	*	*	*	*	*	*	C	*	*	*	*	*
Operations Environment & Communities	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Operations Infrastructure	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Civil Defence & Emergency Management Group (Mayor, Deputy Mayor plus 4)									C					*
Audit & Risk-Independent Chair (Up to 5)														*
Chief Executive Performance Review (Up to 5)									C					
Traffic and Parking Subcommittee (2)														
Tairāwhiti Resource Management Plan Review (Mayor or nominee plus 5)									C					
Local Leadership Body (LLB) – (Mayor plus 5)									C					
Joint Management Agreement – (Mayor plus 1)									C					
Wastewater Management (4)														
Regional Transport (4)														
Conduct Review (Independent)														
District Licensing Committee – Independent Chair (1)														
Bylaw Submissions Panel (6)														
Appointments (Mayor or Mayor's appointee plus 2)									C					

Draft - to be replaced 17 November 2022

Organisation / Committee	Status	Membership
Trust Tairāwhiti	Mayor as per the Trust Deed.	Mayor
Citizens Civic Awards	Council Policy that membership be the Mayor plus three elected members.	Mayor plus three Crs
Creative Communities	One councillor to be appointed to the funding allocation panel.	One Cr
Maraetaha Joint Steering Group	Two elected members to be appointed.	Two Crs
City Safe Inc	Registered incorporated society. The Deed specifies that, amongst others, the Committee shall comprise of the Mayor of the District Council and one Council staff member. The Mayor is Trustee.	Mayor (Chair)
LGNZ Regional Sector	Membership is the Mayor but there is discretion to appoint a Councillor to attend quarterly meetings.	Mayor
LGNZ Rural and Provincial Sector	Membership is the Mayor but there is discretion to appoint a Councillor to attend quarterly meetings.	Mayor
LGNZ Zone 3	Membership is the Mayor, can nominate an elected member to attend if unable to.	Mayor
Road Safety Action Plan Group	This is set up as a Strategic Technical Advisory Group (STAG) reporting to the Regional Land Transport Committee. Covers local roads and state highways. Two councillors to be appointed, one rural and one urban.	Two Crs, one urban and one rural
Sister Cities	The Memorandum of Understanding states under Council responsibilities: Delegate three elected members with portfolio responsibility for Sister Cities.	Three Crs
Tairāwhiti Positive Ageing Trust	One elected member.	One Cr
Tairāwhiti Youth Council	Elected members who have a focus on youth and the environment as mentors.	
Walter McLean Trust	Administered by the Public Trust Office. The Deed provides for the Mayor to be the representative, is likely to commence again in 2023.	Mayor
Disaster Relief Trust	Mayor and one elected member to be the representatives with two staff members.	Mayor and one Cr

Title: 22-251 Meeting Schedule 2022
Section: Democracy & Support Services
Prepared by: Heather Kohn - Democracy & Support Services Manager
Meeting Date: Thursday 17 November 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to present to Council a meeting schedule (**Attachment 1**) for the balance of the 2022 year for adoption.

SUMMARY - HE WHAKARĀPOPOTOTANGA

Council is required to adopt a Schedule of Meetings for the calendar year.

The meeting schedule for the balance of the triennium will be presented at the 15 December 2022 Council Meeting. The schedule for the triennium is further reviewed on an annual basis for 2024 and 2025.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the meeting schedule appended as Attachment 1 for the remainder of the 2022 year.**

Authorised by:

James Baty - Director Internal Partnerships

Keywords: meeting schedule, committees of council, 2022

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Meetings 2022 [**22-251.1** - 1 page]

NOVEMBER

TUE 1
WED 2
THU 3
FRI 4
SAT 5
SUN 6
MON 7
TUE 8
WED 9
THU 10
FRI 11
SAT 12
SUN 13
MON 14
TUE 15
WED 16
THU 17 COUNCIL
FRI 18
SAT 19
SUN 20
MON 21
TUE 22
WED 23 9AM: AUDIT & RISK 1PM: CDEM
THU 24
FRI 25
SAT 26
SUN 27
MON 28
TUE 29
WED 30

DECEMBER

THU 1 REGIONAL TRANSPORT COMMITTEE INDUCTION
FRI 2
SAT 3
SUN 4
MON 5
TUE 6
WED 7 9AM: FINANCE & PERFORMANCE 1PM: OPERATIONS
THU 8
FRI 9
SAT 10
SUN 11
MON 12
TUE 13
WED 14
THU 15 COUNCIL
FRI 16
SAT 17
SUN 18
MON 19
TUE 20
WED 21
THU 22
FRI 23
SAT 24
SUN 25
MON 26 BOXING DAY
TUE 27 CHRISTMAS DAY (OBSERVED)
WED 28
THU 29
FRI 30
SAT 31

■ COUNCIL
 ■ OPERATIONS
 ■ REGIONAL TRANSPORT
 ■ CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP
■ FINANCE & PERFORMANCE
 ■ AUDIT & RISK
 ■ SCHOOL HOLIDAYS

Title: Temporary Alcohol Bans December 2022 and January 2023

Section: Environmental Services & Protection, Compliance & Enforcement - Environmental Health

Prepared by: Vincenzo Petrella - Team Leader Environmental Health

Meeting Date: 17 November 2022

Legal: Yes

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to seek approval from Council for four temporary alcohol bans during the Rhythm & Vines Festival (R&V) and the Summer Frequencies Music & Arts Festival (SF), as requested by the New Zealand Police (Police).

SUMMARY - HE WHAKARĀPOPOTOTANGA

The Police have requested the temporary alcohol bans (see **Attachment 1**) because in previous years people have consumed alcohol in these areas during these types of events, left large amounts of rubbish and members of the public have been subjected to threats and disorder from intoxicated people.

The first proposed temporary alcohol ban is in the vicinity of R&V. It involves the sites adjoining and including the Gray's Bush Scenic Reserve and Carpark, Gray's Bush Lookout, Waimata Valley Road, Back Ormond Road from Hansen Road to Matawai Road (SH2), Waihīrere Domain Road, Snowsill Road, Glenelg Road, Kawatiri Road and all the roads adjoining Matawai Road to Back Ormond Road.

Lytton West Reserve is also included in this application (see **Attachment 2**). The duration of the ban sought for R&V is from 8am on 27 December 2022 to 6pm on 1 January 2023. This ban has been in place in the same zone/s and timeframe since December 2017.

The second proposed temporary alcohol ban is in the Midway Beach area and environs surrounding the Soundshell. The subject area for this proposed ban is the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road and Midway Beach (see **Attachment 3**). The duration of the ban sought for this area is 8.00am on 27 December 2022 to 6pm on 1 January 2023. This temporary ban is used regularly for music events held at the Soundshell and covers the same area as the Bylaw's Christmas ban for the Midway Beach area.

It is noted the Police also requested a ban in the Midway Beach area for the duration of R&V. However, the existing Christmas ban that is already in the Bylaw is for the same duration and the same area, so did not need to be included in the temporary bans.

The third proposed temporary alcohol ban is in and around Kelvin Park and Marina Park. This is proposed to strengthen the permanent Central Business District alcohol bans; areas where people may be drinking while waiting for buses to the R&V site. The area for this alcohol ban is the whole of Marina Park bounded by the two rivers, Ormond Road, Fitzherbert Street and Peel Street, and the whole of Kelvin Park bounded by the river, Peel Street, Stout Street, and the Museum (see **Attachment 4**). The duration of the ban sought for these areas is from 8am on 27 December 2022 to 6pm on 1 January 2023. This is the second year this ban would be in place.

The fourth proposed temporary alcohol ban is to protect the Midway Beach area and environs surrounding the Soundshell during the Summer Frequencies Music & Arts Festival. The subject area for this proposed ban is the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road, and Midway Beach (see **Attachment 3**). The duration of the ban sought for this area is 8am on 13 January 2023 to 8am on 15 January 2023. This temporary ban is used regularly for music events at the Soundshell and covers the same area as the Gisborne District Alcohol Control Bylaw's Christmas ban for the Midway Beach area.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Exercise its power under clause 7.1 of the Gisborne District Alcohol Bylaw to prohibit the consumption, bringing into, or possession of alcohol:**
 - a) From 8am on 27 December 2022 to 6pm on 1 January 2023, in the areas shown on the map at Attachment 2 (being area in the vicinity of R&V, around and including Gray's Bush Scenic Reserve and Carpark, Gray's Bush Lookout, Waimata Valley Road, Back Ormond Road from Hansen Road to Matawai Road [SH2], Waihirere Domain Road, Snowsill Road, Glenelg Road, Kawatiri Road and all the roads joining Matawai Road to Back Ormond Road and Lytton West Reserve).**
 - b) From 8am on 27 December 2022 to 6pm on 1 January 2023, in the areas shown on the map in Attachment 3 being the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road and Midway Beach.**
 - c) From 8am on 27 December 2022 to 6pm on 1 January 2023, in the areas shown on the map in Attachment 4 (being the area of Marina Park bounded by the two rivers, Ormond Road, Fitzherbert Street and Peel Street, and the whole of Kelvin Park bounded by the river, Peel Street, Stout Street and the Museum).**
 - d) From 8am on 13 January 2023 to 8am on 15 January 2023 in the areas shown on the map in Attachment 3 being the area bounded by Awapuni Road, Pacific Street, Centennial Marine Drive, Beacon Street, Salisbury Road, and Midway Beach.**

Authorised by:

Helen Montgomery - Director Environmental Services & Protection

Keywords: Alcohol bans Gisborne, Rhythm & Vines, Summer Frequency

BACKGROUND - HE WHAKAMĀRAMA

1. Clause 7.1 of the Gisborne District Alcohol Control Bylaw 2015 (Bylaw) allows Council, by resolution, to make a restricted area prohibiting or restricting the consumption, bringing into or possession of alcohol in public places, for the purpose of regulating or controlling a large-scale event ("large scale event alcohol ban").
2. Police have requested that Council impose a temporary large scale event alcohol ban to prohibit the consumption, bringing into or possession of alcohol in areas surrounding Rhythm & Vines and Summer Frequencies Festivals.
3. The Police have made the request because in previous years people have consumed alcohol in these areas (sometimes excessively) and experience shows that members of the public are subjected to incidents involving threats and disorder from intoxicated people.
4. Police advise they will have enough resources to enforce the ban in the proposed areas provided that the Council displays adequate signage warning people of the ban.
5. Police advise they use discretion and apply enforcement tools without being overbearing when dealing with incidents of a minor nature and during the last few years the following Alcohol Infringement Notices (AION's) have been issued:
 - 2016/17 – 103 AIONs, 100 warnings and a total of 203 breaches
 - 2017/18 – 47 AIONs, 100 warnings and a total of 147 breaches
 - 2018/19 – 0 AIONs, 24 Warnings for a total of 24 breaches (no AIONs issued due to poor signage)
 - 2019/20 – 82 AIONs, 100 Warnings, and a total of 180 breaches
 - 2020/21 – 300 AIONs, 105 Warnings, and a total of 405 breaches
6. The Police believe that the increase in infringements last year, was due to the Police feeling safer to issue infringements due to more and better placed signage than recent years. Coincidentally the Police were able to start issuing infringement notices direct from their cell phones this year.
7. Police are the enforcement agency ensuring compliance with this Bylaw. The maximum infringement fine for the breach of the alcohol ban is \$250. Staff believe that the proposed bans will provide an additional tool to assist the Police in dealing with alcohol-related disorder issues and minimising alcohol-related harm and our recommendation is to support this application.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

8. Before making a large-scale event alcohol ban the Council must be satisfied that the proposed ban meets the following requirement under clause 7.2 of the Bylaw:
 - a. Is for a large event and not suitable for consideration for a permanent ban (clause 7.1(a))
 - The proposed temporary ban is to support large events and would not currently be suitable for a permanent ban, as the areas of the bans have changed over the last few years in response to issues arising. However, when the Alcohol Control Bylaw 2015 is reviewed, these areas could be considered for permanent inclusion.

- b. Gives effect to the purpose of the Bylaw (clause 7.1(b)).
- The purpose of the Bylaw is to regulate and control the consumption of alcohol in public places, the bringing of alcohol onto public places and the possession of alcohol in public places to reduce the incidents of alcohol related harm
 - The proposed temporary ban will help to reduce the incidents of alcohol-related harm arising from the large-scale events in Gisborne over the New Year period.
- c. The decision-making process complies with the decision-making requirements of Subpart 1 Part 6 of the Local Government Act 2002 (LGA) (clause 7.1(c)).
- Subpart 1 of Part 6 of the LGA requires Council to consider the views and preferences of persons likely to be affected by, or have an interest in, the matter (s78) and the principles of consultation (s82).
 - Council is already aware of the views of the Police and the community that has been affected by the events over the last few years and there are no other practicable options to achieve the purpose of the Bylaw and to reduce alcohol-related harm. These temporary bans are only for a short duration and related to large events.
9. In addition, under s147B of the Local Government Act, Council must be satisfied of the following matters before making the temporary alcohol ban.
- d. There is evidence to which the Bylaw applies of experience of an elevated level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area.
- Following problems of alcohol harm and disorder during the 2016 and 2017 R&V events the event changed to "no BYO" alcohol.
 - This resulted in large numbers of patrons looking for public areas to consume alcohol outside the event. Since implementing the extended alcohol ban areas in 2017, there has been a noticeable decrease in people drinking in those areas. However there remains a tendency for some patrons to consume alcohol – sometimes substantial amounts in their vehicles along the rural side roads, parks and reserves approaching the festival.
 - It is likely that if a temporary ban is not put in place this year, excessive alcohol consumption and associated disorder would return to the areas.
 - Marina Park and Kelvin Park are adjacent to the R&V bus pick-up points. Some patrons consume alcohol while waiting for the buses. An alcohol ban supports the amenity and good order of these public spaces during R&V.
 - Since implementing the Marina Park and Kelvin Park temporary bans last year, calls to the Police regarding public place drinking and disorder were significantly reduced in this area.
 - The Police advise that during summer concerts at the Soundshell people have been observed drinking alcohol while walking to the events, on the beach, or in the nearby Adventure Playground. In addition, people who may not be attending the concert have been seen congregating in cars and drinking while listening to the music. This area in the past has also been a significant daytime and early evening gathering place for R&V festival goers who want to spend some time at the beach. The temporary ban will significantly reduce these issues.

10. The Bylaw is appropriate and proportionate in the light of the evidence.
 - The temporary alcohol bans are appropriate and proportionate in the light of past experiences regarding public place drinking and disorder during these events.
11. The Bylaw can be justified as a reasonable limitation on people's rights and freedoms.
 - The temporary alcohol bans will not apply to private property or any premises or business holding a current alcohol licence or special licence. The bans are of limited duration and area and aimed at preventing disorder and harm to members of the public. It can therefore be justified as a reasonable limit on people's rights and freedoms.

Options

12. Council may decide not to make the proposed temporary alcohol ban; however, this option is not recommended. The request from Police indicates that the temporary alcohol ban is necessary to ensure that the Police will be able to regulate and prevent alcohol-related incidents efficiently and effectively.

ASSESSMENT of SIGNIFICANCE - TE AROTAKENGA o NGĀ HIRANGA -

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long-Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

13. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

14. As this matter is of low significance no Māori engagement is required.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

15. This matter is of low significance and community engagement is not required.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga -

16. The matter will not impact climate change.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

17. Financial costs will include the installation and removal of signage through the alcohol ban areas and the cost of public notices.

Legal

18. Council has the power to make the temporary alcohol bans under clause 7.1 of the Bylaw, and the power is authorised by sections 151(3) and 147B of the LGA.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

19. There is no policy or planning implications associated with this decision.

RISKS - NGĀ TŪRARU

20. There are no major risks associated with this decision.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
As soon as a decision is made	Give public notice of the temporary bans	
A few days before the event	Display signage	

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Police Liquor Ban Application - R& V and SF [22-243.1 - 11 pages]
2. Attachment 2 - R& V Temporary Alcohol Bans - Vicinity [22-243.2 - 1 page]
3. Attachment 3 - R& V Temporary Alcohol Bans - Midway Beach [22-243.3 - 1 page]
4. Attachment 4 - R& V Temporary Alcohol Bans - Marina & Kelvin Parks [22-243.4 - 1 page]



Wednesday, 19 October 2022

The Secretary
The Gisborne District Licensing Agency
P.O. Box 747
GISBORNE

Re: Application for Temporary Liquor Ban areas for:

- **Rhythm & Vines Liquor Ban – 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival**
- **Midway Liquor Ban – 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 from Awapuni Rd (from Beacon St to Pacific St) & Centennial Marine Drive (inclusive of beach front from Salisbury Rd to the Beacon) for Rhythm & Vines Festival.**
- **The Marina Park and Kelvin Park: 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival**
- **Midway Liquor Ban – 0800hrs on the Friday 13 January 2023 to 0800hrs on Sunday 15 January 2023 from Awapuni Road from Beacon Street to Pacific Street and Centennial Marine Drive (inclusive of beach front from Salisbury Road to the Beacon tower) for the Summer Frequencies Music Festival.**

The Gisborne police have made an application to the Gisborne District Council for a Temporary Liquor Ban to consider and approve the implementation for the Rhythm & Vines Festival situated on Waimata Rd, Gisborne.

On each occasion the Gisborne District Council has granted authority to implement a Temporary Liquor Ban to operate in the area surrounding the Rhythm & Vines Festival area, Midway Beach, Centennial Marine Drive and the Marina Park and Kelvin Park areas.

Police are again seeking approval from the Gisborne District Council to consider and approve the continuation of these temporary liquor ban areas. The Temporary Liquor Ban request is to assist with the Rhythm & Vines and Summer Frequencies events, which will cover the period:-

Rhythm & Vines Festival – 0800 hrs on Wednesday 28 December 2022 to 1800 hrs on Sunday 01 January 2023.

Summer Frequencies Music Festival – 0800hrs on the Friday 13 January 2023 to 0800hrs on the Sunday 15 January 2023.

Background:

The Changes to the Sale & Supply of Alcohol Act 2012 increased the threshold to demonstrate the need for continuing to have a bylaw. Previously the council only needed to be satisfied that an alcohol ban area would impact on crime, however they now need to be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms and that the alcohol ban area is appropriate and proportionate in the light of crime and disorder in the area.

The new Act enables the Council to review bylaws for the purpose of prohibiting, regulating, and controlling of consumption or possession of alcohol in public places for managing crime and disorder associated with alcohol consumption. Police can use discretion without being overbearing when dealing with incidents of a minor nature.

It is acknowledged that the Temporary Liquor Ban area would include a few parks and reserves and private dwellings. However, Police believe that no harm should continue to be caused to the community and the benefits of having a Liquor Ban in these areas far outweighs the impact of not having a Liquor Ban over a short period of time.

Police would like to formally request the Gisborne District Council's support for the proposed temporary liquor bans within the Gisborne region over the summer period.

Application for continuation of Temporary Liquor Ban Areas:

The annual Rhythm & Vines Festival event will again be held at the Waiohika Estate situated at 75 Waimata Road, Gisborne between the 28 December 2022 and 01 January 2023.

Event organisers are expecting attendance to be approximately 25,750 per day including patrons performers, staff and contractors. Onsite camper numbers are estimated to be approximately 15,050 people.

Summer Frequencies Music Festival will be held on Friday 13 January and Saturday 14 January 2023 and will also attract a large crowd of approximately 4,000 people.

Police are therefore seeking Council approval to continue to operate Temporary Liquor Bans over these periods of timeframes.

The demographic makeup of this influx is mostly persons aged between 18 years to 25 years of age. This event is considered by this group to be a rite of passage and is often associated with consuming large amounts of alcohol. This application considers issues faced by the Gisborne District Council, Police and Emergency services over the past six-year period.

The move to no 'B.Y.O' alcohol at Rhythm and Vines resulted in large numbers of patrons looking for public areas to consume alcohol outside the event. Although this was anticipated and extended liquor bans approved, the number of patrons gathering outside the event to consume alcohol was underestimated.

Police actively patrolled the Liquor Ban area and did observe a noticeable decrease in people drinking alcohol in the liquor ban areas. However there remains a core group of people who continue to consume alcohol in their vehicles along the rural side roads approaching the festival, especially mid-afternoon and before entering the festival. Patrons also quickly learned where the Liquor ban boundaries were, and set up just outside these areas, trying to stay as close to the event site as possible.

As a result of the combination of these issues, Gisborne was faced with vehicles parked on roadside verges, people consuming large amounts of alcohol, people discarding empty containers and packaging along roadsides.

The Gisborne District Council and the Police have received repeated calls from residents throughout the Hexton and Waihirere area's complaining about these issues.

There has been a slight decrease in the number of Alcohol Infringement Offence Notices issued by Police since 2016. Although Police have observed a decrease in the number of offences being committed, Police further believe that these breaches of the liquor ban can be further decreased by using better high visibility signage.

Alcohol Infringement Notices (AION's) issued over the past 4 years include:-		
2016-17	103 AIONs, 100 warnings -	total of 203 breaches.
2017-18	47 AIONs, 100 warnings -	total of 147 breaches.
2018-19	0 AIONs (poor signage),24 warnings -	total 24 breaches.
2019-20	82 AIONs, 100 warnings -	total of 180 breaches.
2020-21	300AION's, 105 warnings -	total of 405 breaches.

Police believe that a Temporary Liquor Ban with good signage will continue to minimise the effects of high-volume consumption of alcohol by large gatherings of persons in public areas.

Improved signage and the use of mobility devices to issue Alcohol Infringement Offence Notices saw a subsequent increase in the issuing of infringement notices and verbal warnings compared to previous years.

Police would expect the incidents of breaches of the Liquor Ban to reduce further with the newly developed signs. Police actively patrolled the Liquor Ban area and did observe an obvious reduction in the number of blatant breaches of the Liquor Ban than in previous years.

Persons who are under the influence of alcohol are more likely to display anti-social behaviour, leading to complaints from members of the public and residents living in this area. It also increases the calls for service to the emergency services.

Increased enforcement and other measures, such as increased "No Parking" zones should have a positive impact for the communities affected in previous years and assist in the minimisation of alcohol harm amongst patrons attending Rhythm and Vines. As previously mentioned, Rhythm & Vines will see a slight increase of campers which will only add to this issue.

A. RHYTHM & VINES LIQUOR BAN:- (see attachment 1)

- **0800hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival**

GRAYS BUSH SCENIC RESERVE & CARPARK, GRAYS BUSH LOOKOUT, WAIMATA VALLEY ROAD:

The bans at the Grey's Bush Reserve & Carpark as well as the Grey's Bush Lookout are as a result of the previous year's issues.

Although the numbers of people consuming alcohol in the Liquor Ban areas decreased last year, there remains a core group of people who continue to drink alcohol in these areas. As a result of this there were large piles of alcohol related rubbish, glass bottles strewn throughout the Reserves and persons urinating openly. This was more so evident along Back Ormond Rd near the Festival site.

WAIHIRERE DOMAIN & ORMOND KOHI RECREATION RESERVE:

Large groups of patrons continue to travel to this domain to consume large amounts of alcohol. Many residents in this area continue to complain about the excessive consumption, rubbish, and anti-social behaviour of groups. This directly impacts on members of the public wanting to use this domain for family gatherings. However, Police have observed a reduction in the consumption of alcohol in this area over the past years.

LYTTON WEST RESERVE, GISBORNE:

Over the past years there has been a reduction in the amount of alcohol being consumed in this area, however it still remains an area of interest for patrons to consume alcohol before heading out to the festival later in the afternoon. This area can become problematic when the roads became blocked with vehicles driving out to the festival with many remaining in this area until the roadway is clear. Patrons would consume alcohol in the area and the park would be littered with bottles and rubbish as a result of this group congregating there.

**BACK ORMOND ROAD FROM HANSEN ROAD TO MATAWAI ROAD,
(S.H.WAY 2)****TUCKER ROAD TO HANSEN ROAD****HANSEN ROAD TO BACK ORMOND ROAD****SNOWHILL ROAD****WAIHIRERE DOMAIN ROAD****HARPER ROAD FROM MATAWAI ROAD TO BACK ORMOND ROAD****O'GRADY ROAD****KING ROAD FROM MATAWAI ROAD TO BACK ORMOND ROAD****PILMER ROAD FROM MATAWAI ROAD TO TUCKER ROAD****HAISMAN ROAD FROM TUCKER ROAD TO BACK ORMAOND ROAD****MACLAURIN ROAD****GLENELG ROAD****KAWATIRI ROAD****WAIMATA VALLEY ROAD**

High numbers of patrons continue to use the grass verges along some of the above-named roads to consume alcohol before attending the festival. Police continue to field calls from residents in these areas about the consumption of alcohol outside their home addresses.

The roads mentioned in this application cover the areas where Police have observed patrons congregating over the past 4+year period and believe that they will continue to congregate in these areas to consume alcohol before entering the event. Most groups of patrons spoken to by Police have been compliant and have moved along.

Police are aware of the behaviours demonstrated by event patrons, which is to find the next closest site to the event site outside of the Liquor Ban area, where they can legally consume alcohol.

B, MIDWAY LIQUOR BAN:- (see attachment 2)

- **Midway Liquor Ban – 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 Awapuni Rd (from Beacon St to Pacific St) & Centennial Marine Drive (inclusive of beach front from Salisbury Rd to the Beacon) for Rhythm & Vines Festival.**
- **Midway Liquor Ban – 0800hrs on the Friday 13 January 2023 to 0800hrs on the Sunday 15 January 2023 from Awapuni Road from Beacon Street to Pacific Street and Centennial Marine Drive (inclusive of beach front from Salisbury Road to the Beacon tower) for the Summer Frequencies Music Festival.**

As outlined in this submission, Midway Beach situated along Centennial Marine Drive has been a very popular area for Rhythm and Vines patrons to visit and consume alcohol. This has been a problematic area in the past where patrons have consumed alcohol and then left their empty containers on site.

The Midway Beach area has previously had a Temporary Liquor Ban, however because of poor signage in the past, patrons were unaware of the liquor ban and therefore the breaches were not enforced by Police.

Over the past 4+year period, Police have observed large numbers of patrons who consume alcohol in this area. Police also observed that patrons will travel further along Centennial Marine Drive and further out towards the river mouth to consume their alcohol. This area past the beacon is not covered by the Temporary Liquor Ban.

Police have observed a trend over the past years where patrons are now stacking their empty cans and bottles in a tidy manner around rubbish bins and no longer discarding them in the surrounding sand dunes.

The Summer Frequencies Music Festival is a music event that will attract up to 4000+ patrons and will operate out of the Gisborne Soundshell. Previous music events of similar nature have operated from the Gisborne Soundshell with similar numbers of patrons attending.

Police have previously used a Temporary Liquor Ban for these music events and have found them very supportive in reducing the excessive consumption of alcohol as patrons preload before attending the festival event. The Temporary Liquor Ban will also prevent people consuming alcohol in the Adventure Playground during the event and deter people parking their vehicles nearby and consuming alcohol in their vehicles while listening to the music coming from the event.

The Temporary Liquor Ban will also prevent people consuming alcohol in the Adventure Playground during the event and deters people parking their vehicles nearby and consuming alcohol in their vehicles.

Police do not believe that the Temporary Liquor Ban for this area will negatively impact on residents who visit this area. It will give Police the tools required to prevent anti-social behaviour associated with these persons in this area.

C. MARINA PARK & KELVIN PARK LIQUOR BAN:- (see attachment 3)
“Rhythm & Vines

- **The Marina Park and Kelvin Park: 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival.**

The Marina Park, Kelvin Park, Lawson Theatre and the Rose Gardens will provide a safe environment for the young patrons to attend the event and make it easier to monitor. There is good lighting in the area and a faster response for any emergency services to respond to calls for service. A Temporary Liquor Ban for this area will also assist with reducing the consumption of alcohol as Rhythm and Vines patrons wait for their bus transport to and from the festival event (Army Hall on Fitzherbert St).

Although Police did not receive many calls for service in this area, there is potential for people to arrive at these areas with alcohol as it contains one of the bus pick up and drop off zones for patrons who will be attending the Rhythm & Vines Festival.

The Temporary Liquor Ban area will have no major impact on private dwellings and will cover the public area surrounded by the Marina Park, Kelvin Park, and the land surrounding the Gisborne District Council buildings. There will be no major impact on the “good order and amenity of the locality”. This will benefit the community by reducing the consumption of alcohol in a high-profile public area.

The Temporary Liquor Ban will also complement the existing 24-hour Liquor Ban currently operating in the Gisborne Central Business District. Police believe that the temporary Liquor Ban is justified and is reasonable on the limitation on people’s rights and freedoms and that the Liquor Ban area is appropriate and proportionate in the light of crime and disorder in the area.

Police have and will exercise their discretion to ensure that any enforcement action is appropriate with the circumstances of each individual breach.

The N.Z Bill of Rights Act and Humans Rights Act have been considered by Police in the process of applying for this Liquor Ban.

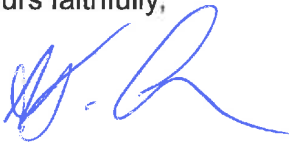
Police therefore present this submission to the Gisborne District Council for consideration to grant an approval to implement the Temporary Liquor Ban for the period of timeframes sought in the application.

Conclusion:

Police are seeking approval from the Gisborne District Council to consider and approve the continuation of the Rhythm & Vines Temporary Liquor Ban area, Midway Temporary Liquor Ban area and the Marina & Kelvin Park Liquor Ban areas.

- **Rhythm & Vines Liquor Ban – 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival.**
- **Midway Liquor Ban – 0800 hrs on the Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 from Awapuni Rd (from Beacon St to Pacific St) & Centennial Marine Drive (inclusive of beach front from Salisbury Rd to the Beacon) for Rhythm & Vines Festival.**
- **The Marina Park and Kelvin Park: 0800 hrs on Tuesday 27 December 2022 to 1800 hrs on Sunday 01 January 2023 for Rhythm & Vines Festival.**
- **Midway Liquor Ban – 0800hrs on the Friday 13 January 2023 to 0800hrs on the Sunday 15 January 2023 from Awapuni Road from Beacon Street to Pacific Street and Centennial Marine Drive (inclusive of beach front from Salisbury Road to the Beacon tower) for the Summer Frequencies Music Festival.**

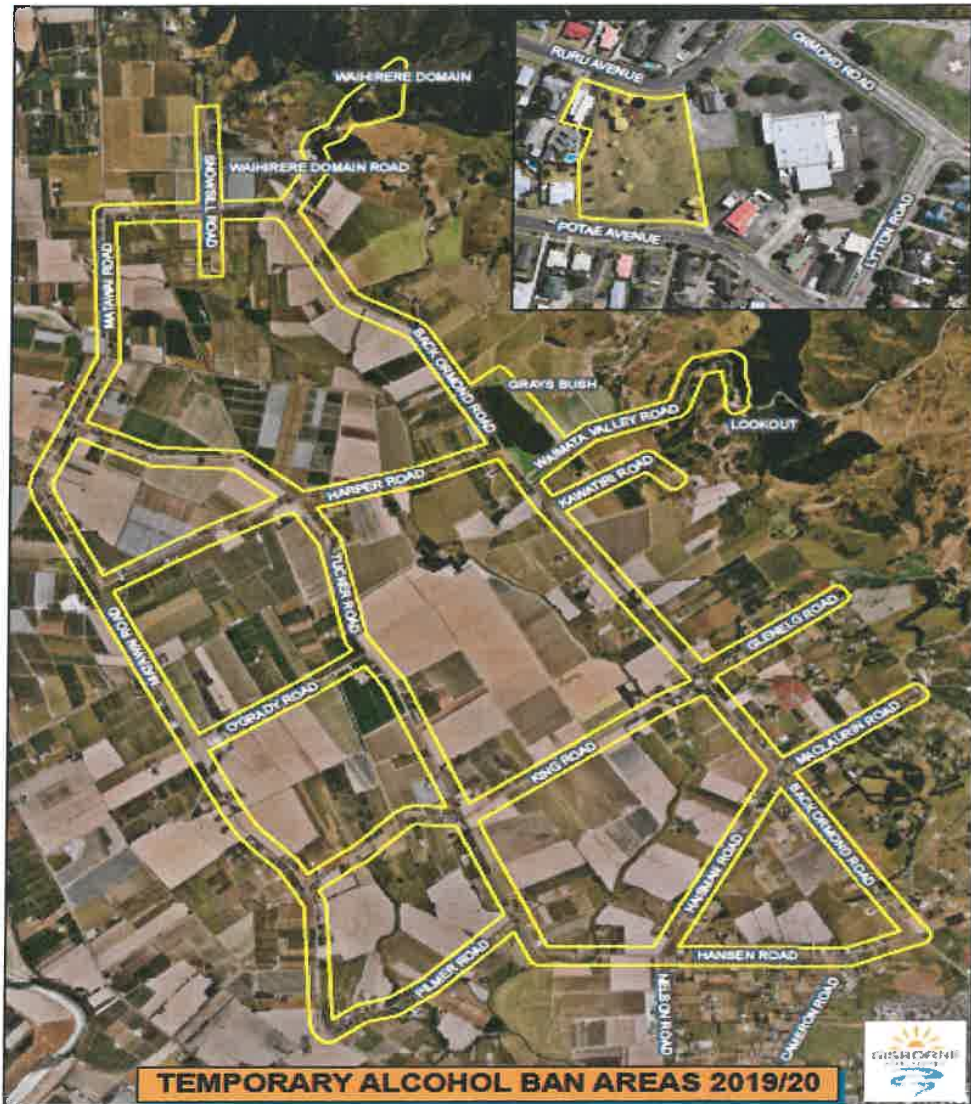
Yours faithfully,



**Alexa COLEMAN
Constable ACIH66
Alcohol Harm Prevention Officer
New Zealand Police**

(Attachment 1)

Temporary Liquor Ban Rhythm & Vines Festival



(Attachment 2)

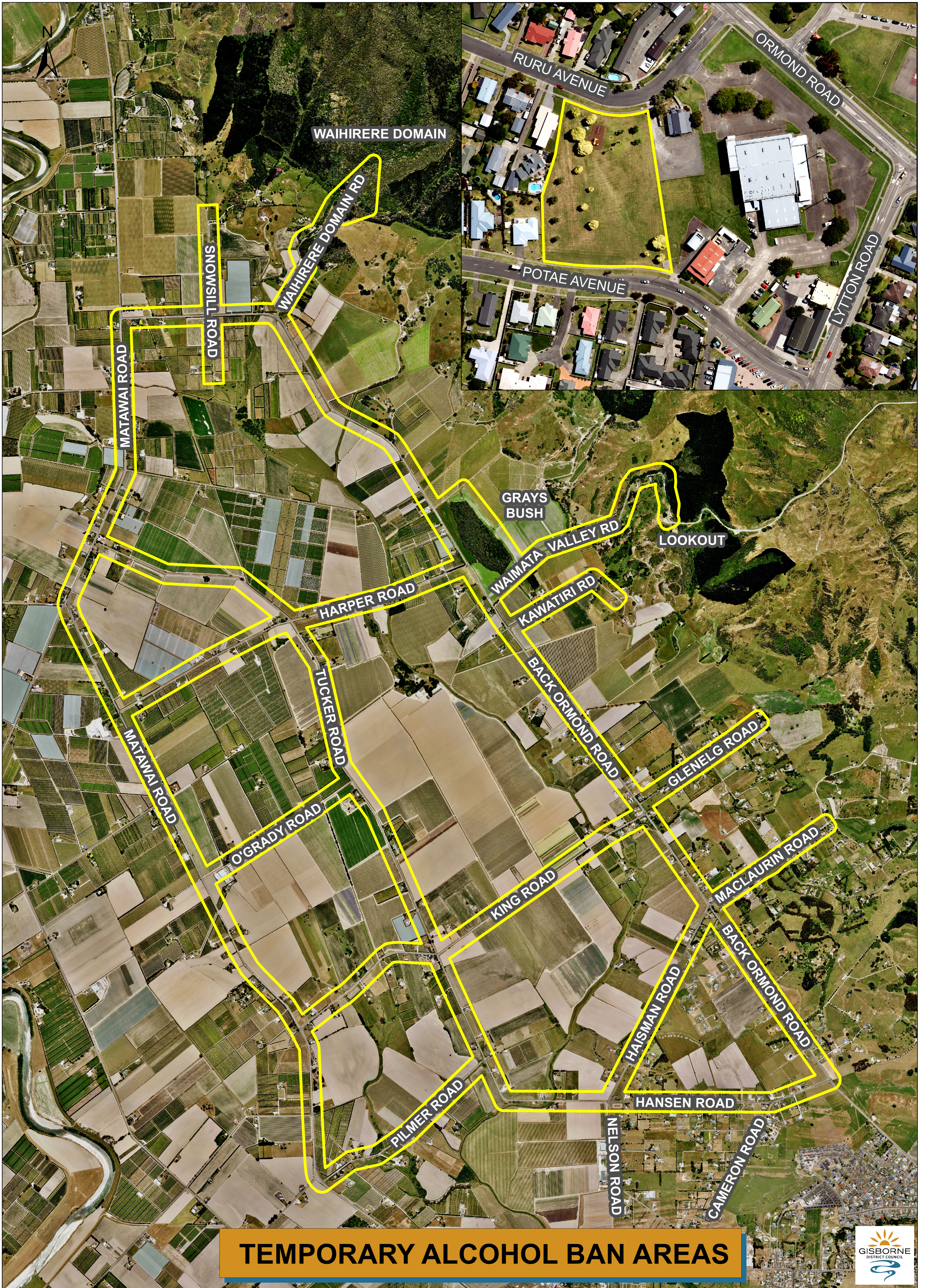
MIDWAY TEMPORARY LIQUOR BAN

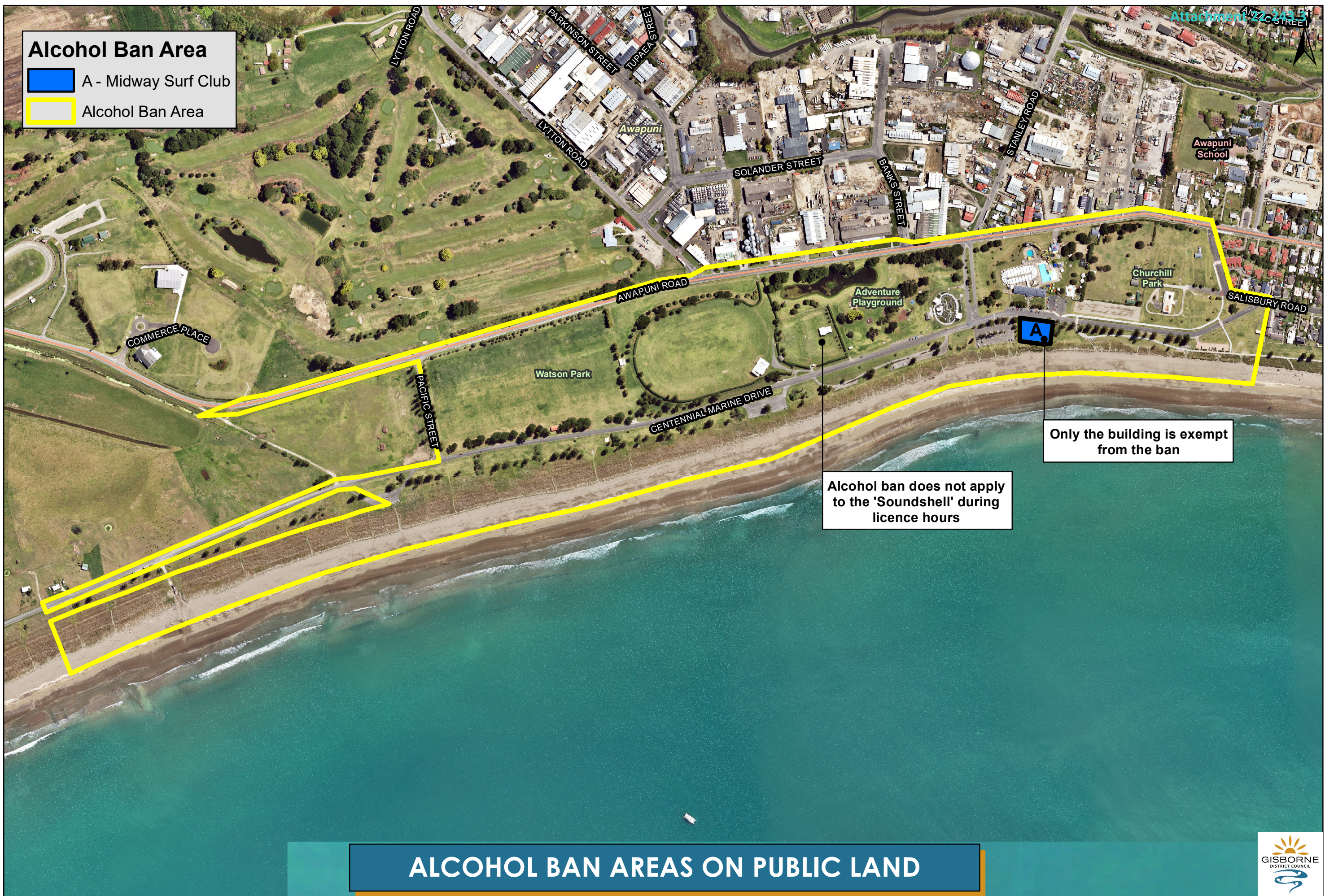


(Attachment 3)

MARINA PARK & KELVIN PARK LIQUOR BAN







Alcohol Ban Area

- A - Midway Surf Club
- Alcohol Ban Area

Only the building is exempt from the ban

Alcohol ban does not apply to the 'Soundshell' during licence hours

ALCOHOL BAN AREAS ON PUBLIC LAND





TEMPORARY ALCOHOL BAN AREAS



Title:	Public Financial Report on Income and Expenses related to the Operation of the District Licensing Committee
Section:	Environmental Services & Protection, Compliance & Enforcement - Environmental Health
Prepared by:	Vincenzo Petrella - Team Leader Environmental Health
Meeting Date:	17 November 2022

Legal: Yes

Financial: Yes

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to inform the Council of the income and expenses related to the operation of the District Licensing Committee (DLC) and alcohol licensing functions from 1 July 2021 to 30 June 2022 (financial year 2022), prior to the report being publicly notified on the Gisborne District Council website.

In addition, the report provides information on the activities of the DLC and the Inspectors as well as providing a copy of the Alcohol Regulatory Licensing Authority (ARLA) Annual Report (which has already been sent to ARLA – 05/09/2022).

SUMMARY - HE WHAKARĀPOPOTANGA

Section 19 of the Sale & Supply of Alcohol Act (Fees) Regulations 2013 requires that every territorial authority must, each year, prepare and make publicly available a report showing its income from fees payable in relation to, and its costs incurred in:

- the performance of the functions of its licensing committee under the Act; and
- the performance of the functions of its inspectors under the Act; and
- undertaking enforcement activities under the Act.

There were 368 applications considered by the DLC in the financial year 2021/22. All applications were approved by the Chair acting as quorum of one. One application was well under way for a hearing preparation, but the applicants withdrew their application days before the hearing.

The financial report (**Attachment 1**) covers the income and costs for the 2021/22 year, whereas the report on the activity of the DLC (**Attachment 2**) gives information on the applications received, applications issued for the year, and information related to the committee and its hearings. The ARLA Annual Report (**Attachment 3**) is a report prepared each year with standard questions completed online by the Secretary of the DLC.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

- 1. Adopts the Gisborne District Licensing Committee's Annual Report for the 2021/22 year.**

Authorised by:

Helen Montgomery - Director Environmental Services & Protection

Keywords: District Licensing Committee, Sale and Supply of Alcohol

BACKGROUND - HE WHAKAMĀRAMA

1. The Council is required to set up a District Licensing Committee (DLC) under the Sale & Supply of Alcohol Act 2012 (the Act). The DLC is an independent decision-making body and is required to make decisions on applications for alcohol licences. Generally, almost all decisions are made by the Chairperson (quorum of one) but where there has been opposition from a reporting agency or objection from a community member then a public hearing must be held.
2. The Gisborne DLC consists of:
 - A Chairperson (Pat Seymour)
 - A Councillor as Deputy Chairperson (Josh Wharehinga)
 - Four list members (members of the community appointed by the Council).
3. There are three streams of work related to the operation of the DLC:
 - The Secretariat – led by the Secretary of the DLC who receives, processes and issues licences and supports the DLC activities.
 - The Inspectors, who operate independently of the DLC, and report on all applications and conduct monitoring and enforcement activities.
 - The DLC – decision-making body.
4. The Alcohol Regulatory Licensing Authority (ARLA) is also set up under the Act. It is an independent national Tribunal that considers and determines:
 - Appeals against DLC's decisions
 - Appeals against elements of provisional local alcohol policies
 - Applications from Inspectors or the Police to vary, suspend or cancel alcohol licences.
5. Application fees and annual fees payable to DLCs in relation to Alcohol Licensing are set by the Sale & Supply of Alcohol (Fees) Regulations 2013. The DLC is required to pay a portion of each application or annual fee it receives to ARLA (excluding special licences and temporary authorities). This portion is also set by the Regulations.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA

6. One of the intentions of the Regulations was to set fees based on risk, and that the fees would cover most of the cost of alcohol licensing and regulatory functions. If a Council decides that the fees set by legislation are not adequately covering the cost of alcohol licensing functions they may develop a Bylaw, using the special consultative process and set their own fees.

ASSESSMENT of SIGNIFICANCE - TE AROTAKENGA o NGĀ HIRANGA

Consideration of consistency with and impact on the Regional Land Transport Plan and its implementation

Overall Process: Low Significance

This Report: Low Significance

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

Overall Process: Low Significance

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: Low Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: Low Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: Low Significance

This Report: Low Significance

7. The decisions or matters in this report are considered to be of **Low** significance in accordance with Council's Significance and Engagement Policy.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

8. No engagement required; this report is of low significance and is provided yearly in accordance with the act.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI -

9. This report will be published on Council's website; it is a public record and has to be available for not less than five years.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

10. No impacts.

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

11. This is a financial report on the Income and Costs associated with the operation of the DLC. The income from fees and licensing costs are detailed in the appended report. For the purpose of covering the costs of the licensing regime, regulations prescribe both fees for applications and annual premises fees.

12. Proportional amounts from applications, (except special licences and temporary authority orders), and from annual fees are paid to the Authority.

Alcohol Licensing Revenue and Expenditure 2021/2022

Application Type	Amount (GST Inc.)
Managers Certificate Applications	\$ 64,831.25
Premises Licence Applications	\$ 49,174.00
Special Licences Applications	\$ 14,766.00
Temporary Authority Applications	\$ 4,747.20
Annual Fees	\$ 63,526.00
Fees paid to ARLA	\$ 14,294.50
Licensing Activity Revenue	\$182,749.95
Licensing Activity Expenditure	\$229,131.14

Alcohol Licensing Revenue and Expenditure Reconciliation 2021/2022

Reconciliation	GST Excl.	GST Inc.
Licensing Activity Revenue	\$158,913	\$182,749.95
Invoices created in 2022 yet to be paid by applicants	\$ 4,948	\$ 5,690.20
Invoices created in 2021 and paid in 2022	\$ 10,200	\$ 11,730.00
Reconciled Licensing Activity Revenue	\$153,661	\$176,710.15

Legal

13. This report is made publicly available in accordance with Section 19 of Sale & Supply of Alcohol (Fees) Regulations 2013.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

14. This report is consistent with current policies and plans.
15. The Act allows for development of local alcohol policies (LAP) with additional controls or provisions beyond the Act, for the purpose and intent to limit alcohol related harm.
16. A Local Alcohol Policy for our district has been implemented, effective since 5 March 2018 when more restrictive hours were applied to the majority of licensed premises. The LAP is due for review in 2023 and public consultation has already started.

RISKS - NGĀ TŪRARU

17. There are no major risks associated with the decisions or matters.

NEXT STEPS - NGĀ MAHI E WHAI AKE

Date	Action/Milestone	Comments
27 November 2022	Publish report on Council's website	

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Appendix 1 DLC Public Financial report 2021 to 2022 [**22-242.1** - 2 pages]
2. Attachment 2 - Appendix 2 DLC Public Financial report 2021 to 2022 [**22-242.2** - 3 pages]
3. Attachment 3 - Appendix 3 DLC Public Financial report 2021 to 2022 [**22-242.3** - 6 pages]

Appendix 1



Gisborne District Licensing Committee Public Financial Report

1 July 2021 to 30 June 2022

Section 19 of the Sale and Supply of Alcohol Act (Fees) Regulations 2013 requires that every territorial authority must, each year, prepare and make publicly available a report showing its income from fees payable in relation to, and its costs incurred in:

- the performance of the functions of its licensing committee under the Act; and
- the performance of the functions of its inspectors under the Act;
- and undertaking enforcement activities under the Act.

This report has been prepared for the last financial year, ending 30 June 2022, however I have included the 2021 and 2020 years as a comparison.

YEAR	2020	2021	2022
Licensing Activity Revenue (GST Excl.)			
Application and annual fees			
TOTAL Income	\$164,725.00	\$144,161.00	\$153,661.00
Licensing Activity Expenditure Revenue (GST Excl.)			
Disbursements to ARLA	\$13,445.00	11,595.43	\$12,430.00
DLC chair	\$2,929.68	\$2,928.90	\$3,468.74
DLC committee	\$459.00	\$0.00	\$0.00
Costs for DLC	\$4,693.77	\$1,314.00	\$153.00
Secretary and other support staff	\$6,190.00	\$6,190.00	\$3,392.00
Inspectors and Enforcement	\$170,913.00	\$221,714.95	\$209,976.00
TOTAL costs	\$198,630.45	\$243,743.28	\$229,419.74

Expenditure	\$198,630.45	\$243,743.28	\$229,419.74
Income	-\$164,725.00	-\$144,161.00	-\$153,661.00
DEFICIT	\$33,905.45	\$99,582.28	\$75,758.74

Income – relates to fees payable for application and annual fees for licensed premises, special licences, managers certificates and temporary authorities.

Disbursements - these payments are payable under the Sale and Supply of Alcohol Act (Fees) Regulations 2013 to the Alcohol Regulatory Licensing Authority (ARLA) and represent a portion of each application fee and annual fee except for special licences and temporary authorities.

DLC Chair – these costs are related to the Chairperson and include time spent on decision making (on the papers and hearings) and other actual and reasonable costs and expenses such as mileage (hourly rates set by the government).

DLC Committee – these costs are related to the Deputy Chairperson and List members and include time spent at hearings and decision making and other actual and reasonable costs and expenses such as mileage (hourly rates set by the government).

Costs for the DLC – these costs are related to the DLC and Secretariat functions including meeting fees, training, public notifications, legal fees, resources, application form development etc.

DLC support – these costs are related to the FTE hours provided by staff including the Secretary, Committee Support Officer and in house legal advisor.

Inspectors – these costs are related to the FTE hours for Inspectors and administration related to processing, advice, reporting on applications, monitoring and enforcement.

Notes

Costs for Inspectors were slightly down this year due to a decrease in FTE (3 FTE as opposed to 3.2 last year) but up in comparison to 2019 financial year (2.7 FTE). However, this incremental trend is due to time dedicated to train new staff for the last two financial years (2020-21 and 2021-22) in addition to an increased wage cost.

Appendix 2



Gisborne District Licensing Committee Activity Report

1 July 2021 to 30 June 2022

1. Composition of the District Licensing Committee

The Gisborne District Council has one appointed District Licensing Committee (DLC). The DLC members and key staff are included below.

Name	Role	Other Information
Patricia Seymour	Chairperson	District Councillor
Josh Wharehinga	Deputy Chairperson	District Councillor
Kenneth Lyell	List member	Community Member
Pamela Albert	List member	Community Member
Paulette Goddard	List member	Community Member
Barney Tupara	List member	Community Member
Gary Mckenzie	Secretary	Compliance Monitoring and Enforcement Manager
Denise Williamson	Committee Support	Executive Assistant

2. District Licensing Committee Hearings

There were no public hearings conducted during the year and all applications were considered on the papers, by the Chairperson.

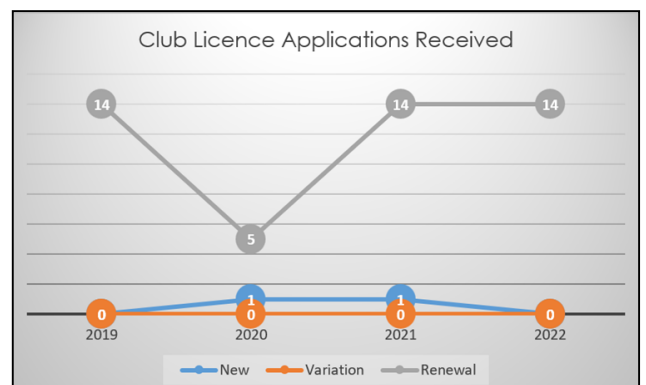
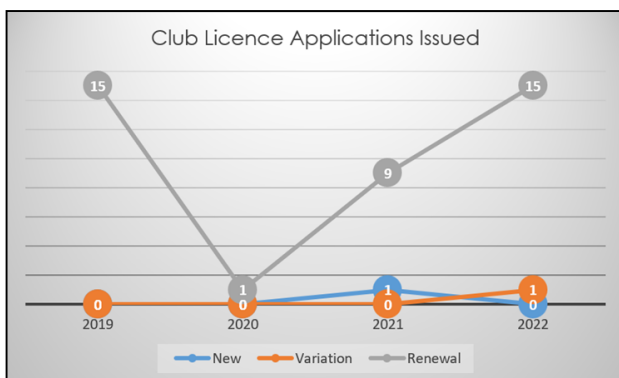
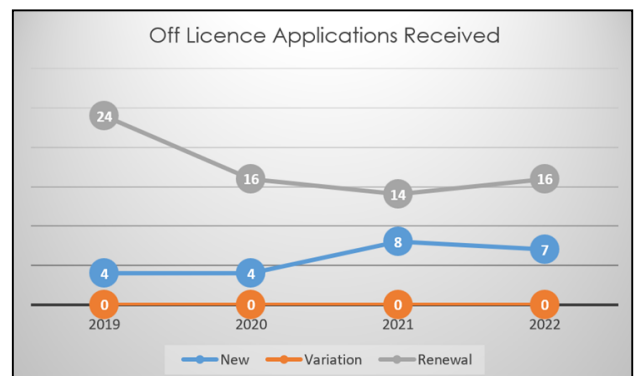
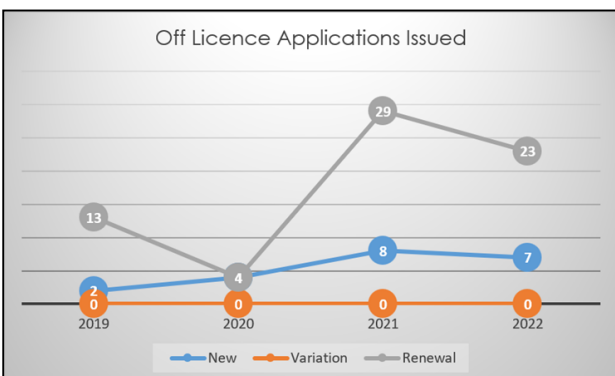
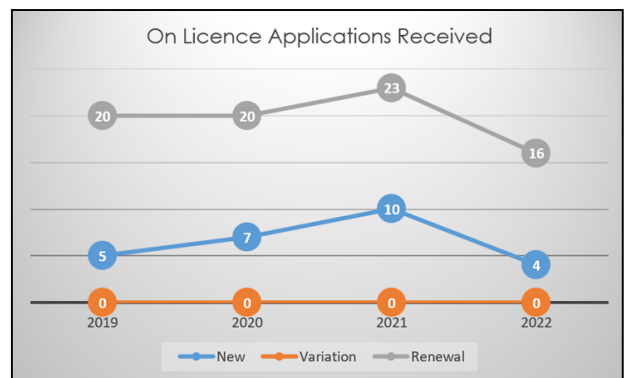
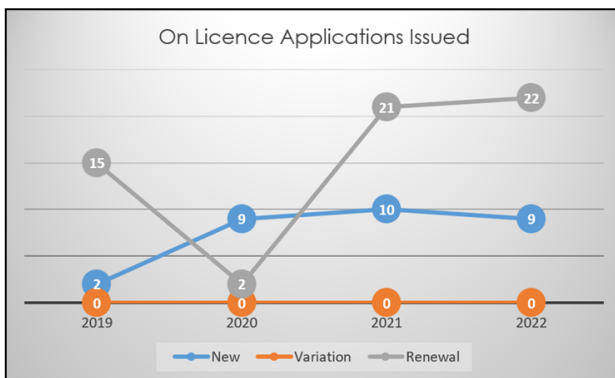
Preparation for a DLC on-licence hearing was well under way for a hearing on 3 December 2021 with several postponement dates for this DLC hearing prior to 3 December. However, the applicants withdrew their application on 29 November 2021.

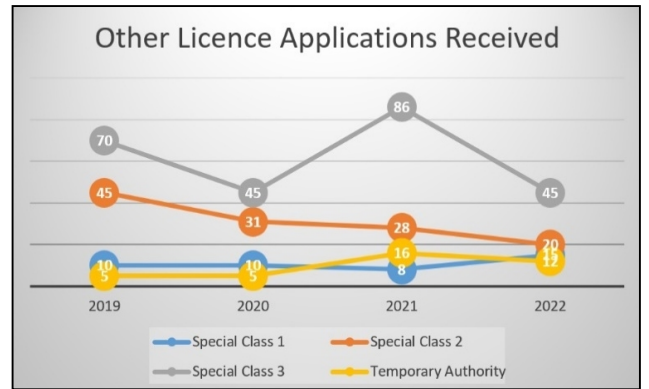
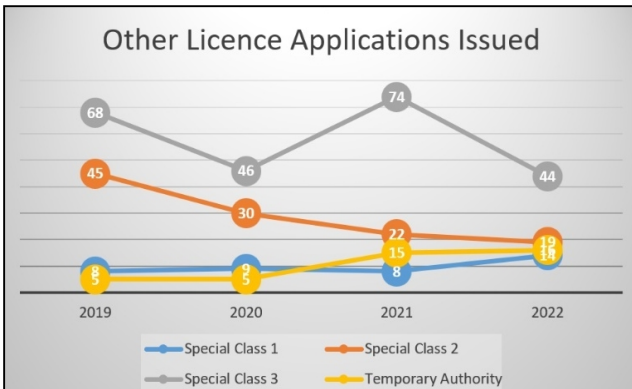
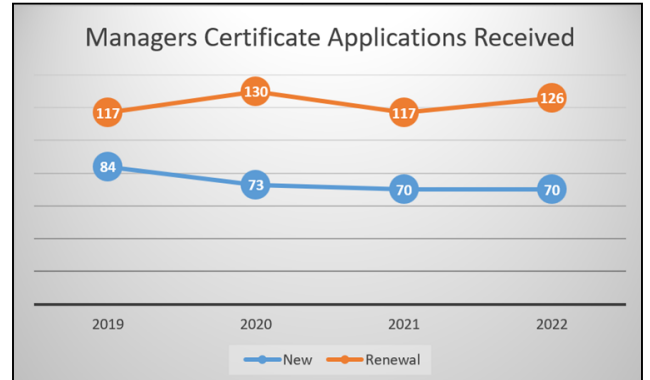
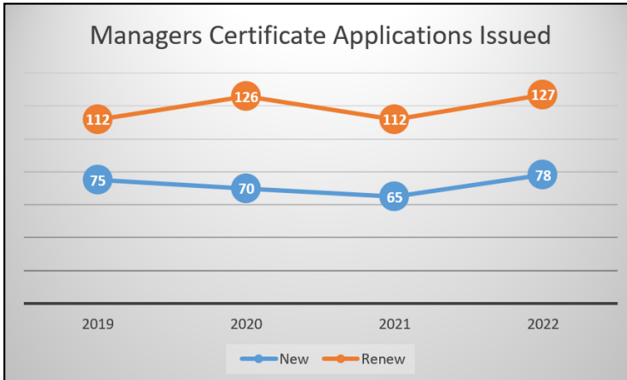
3. Licensing Inspectors and DLC support staff

- Six permanent staff are warranted as licensing inspectors; However, two of them were not involved in alcohol related work and another one left the role a month before the end of the financial year. Work associated with the role of inspector was 3 FTE for the year (although approximately 0.4 of FTE was a trainee inspector and 0.2 FTE her trainer).
- One Co-ordinator is available 0.9 FTE for licensing administration.
- DLC support staff included the Secretary, in house legal, hearing support and secretariat, however because there were no hearings the FTE costs were minimal again this year.

4. Comparisons of Licence applications received and issued over the last 4 financial years.

Note, the licences issued, and licences received, rarely match up, especially in the case of renewals, as applications can be received in one financial year and issued in another. As long as a licence application is received before the expiry of the licence, they remain valid for up to three years while the licence is being processed.





APPENDIX 3



COPY OF ARLA ANNUAL REPORT RESPONSES - COMPLETED ONLINE

Questions:

1. Please provide the name of your District Licensing Committee, and a generic email address to which general correspondence will be certain of a response.

Gisborne District Licensing Committee (alcohol.licensing@gdc.govt.nz)

2. Please provide the name, email, and contact phone number of your Committee's Secretary.

Gary McKenzie – gary.mckenzie@gdc.govt.nz 0277051496

3. Please name each of your licensing inspectors and provide their email and contact phone number.

Jo Gradwell

Lee Pascoe

Vincenzo Petrella – vincenzo.petrella@gdc.govt.nz 0272112998

Rosita Mala

4. The following questions relate to the number of licences and managers' certificates your Committee issued and refused in the 2021-2022 financial year.

Note: the 2021-2022 financial year runs from 1 July 2021 to 30 June 2022.

Licences 2021-2022

4A: In the 2021-2022 year, how many total Applications did your committee grant for New 'on licences' and to renew existing 'on licences'?

31 (9+22)

4B: In the 2021-2022 year, how many total Applications did your committee refuse for New 'on licences' and to renew existing 'on licences'?

0

4C: In the 2021-2022 year, how many total Applications did your committee grant for New 'off licences' and to renew existing 'off licences'?

30 (7+23)

4D: In the 2021-2022 year, how many total Applications did your committee refuse for New 'off licences' and to renew existing 'off licences'

0

4E: In the 2021-2022 year, how many total Applications did your committee grant for New 'club licences' and to renew existing 'club licences'

16 (0+16)

4F: In the 2021-2022 year, how many total Applications did your committee refuse for New 'club licences' and to renew existing 'club licences'

0

Managers' certificates 2021-2022

4G: In the 2021-2022 year, how many managers' certificates did your Committee issue?

78

4H: In the 2021-2022 year, how many applications for managers' certificates did your Committee refuse?

1

4I: In the 2021-2022 year, how many applications for managers' certificates were withdrawn?

3

Renewals 2021-2022

4J: In the 2021-2022 year, how many licence renewals did your Committee issue?

61

4K: In the 2021-2022 year, how many licence renewals did your Committee refuse?

0

4L: In the 2021-2022 year, how many managers' certificate renewals did your committee issue?

127

4M: In the 2021-2022 year, how many managers' certificate renewals did your committee refuse?

0

4N: As at 30 June 2022 what is the total number of On-Licences (new and existing) in your licensing district?

67

4O: As at 30 June 2022 what is the total number of Off-Licences (new and existing) in your licensing district?

63

4P: As at 30 June 2022 what is the total number of Club-Licences (new and existing) in your licensing district?

34

5. Please comment on any changes or trends in the Committee's workload in 2021-2022.

The number of premises in the District (mainly in Gisborne and on the East Coast SH35) is small and generally stable. There have been no hearings in this financial year; However, preparation for a DLC on-licence hearing for 'The March Bar Gisborne Ltd' known as Mo's Sports Bar was well under way for a hearing (3/12/2021) but they withdrew their application on 29 November 2021.

6. Please comment on any new initiatives the Committee has developed/adopted in 2021-2022.

No Comment

7A. Has your Committee developed a Local Alcohol Policy?

Yes

7B. If the answer is yes, what stage is your Local Alcohol Policy at?

In force

**8. If the answer to 7 is Yes, what effect do you consider your Local Alcohol Policy is having?
Comment box**

The LAP is limiting the proliferation of points of sale around sensitive sites and in areas more sensitive to alcohol related harm as well as reducing the licensed operating hours to prevent night alcohol related harm in the city.

9. If the answer to 7A is 'in force', is your Local Alcohol Policy due for review?

It is due for review in 2023

10. If the answer to 9 is Yes, has such a review been undertaken; and, if so with what result?

Comment box

Not applicable

11. Please comment on the manner in which Covid-19 has impacted on DLC operations.

Comment box

COVID19 lockdowns have noticeably impacted the DLC operations with the number of special licences significantly reduced due to the cancellation of most summer events. On and club licences have also been impacted in a significant way by the lockdowns whereas off licences on the other hand did not suffer major downside.

12. Please comment on the ways in which you believe the Sale and Supply of Alcohol Act 2012 is, or is not, achieving its object. Note: the object of the Sale and Supply of Alcohol Act 2012 is that:

a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and

b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

There is a noticeable change among the licensees who seems to understand more that they have proactively take responsibility for ensuring that the object of the Act is realised in order

to not put their licences at risk. Furthermore, the requirements for obtaining a licence, the renewal process and the role played by the temporary authority during the change of ownership are all factors that positively influence the granting of the licences.

13. To what extent, if any, do you consider that achievement of the object of the Act may have been affected by the Covid-19 pandemic?

Comment box

The areas of alcohol consumption have been shifted from public place (pubs, clubs etc) to private dwellings and properties. Potentially this situation in conjunction with "lockdowns fatigue" and economic uncertainties increased the number of alcohol related incidents in families and communities within the domestic environment. However, at the moment no study has been conducted to quantify/qualify this issue.

14. What changes or trends in licensing have you seen since the Act came into force?

No significant changes or trends have been observed.

15. What changes to practices and procedures under the Act would you find beneficial?

At the moment no changes are required.

Annual Return (Fees) to Alcohol Regulatory and Licensing Authority

Territorial Authority: Gisborne District Council

Annual Return for the Year Ending 30 June 2022

On-licence, Off-licence and Club Licence Applications Received						
Application Type	Number Received in Fee Category – Very Low	Number Received in Fee Category – Low	Number Received in Fee Category – Medium	Number Received in Fee Category – High	Number Received in Fee Category – Very High	Total
On-licence new	0	2	7	0	0	9
On-licence variation	0	0	0	0	0	0
On-licence renewal	2	6	14	0	0	22
Off-licence new	1	1	5	0	0	7
Off-licence variation	0	0	0	0	0	0
Off-licence renewal	7	2	14	0	0	23
Club licence new	0	0	0	0	0	0
Club licence variation	0	1	0	0	0	1
Club licence renewal	15	0	0	0	0	15
Total number	25	12	40	0	0	77
Total fees payable to ARLA (GST incl)	431.25	414	2070	0	0	\$2915.25
Total fees paid to ARLA (GST incl)	431.25	414	2070	0	0	\$2915.25
Annual Fees for Existing Licences Received						
Licence Type	Number Received in Fee Category – Very Low	Number Received in Fee Category – Low	Number Received in Fee Category – Medium	Number Received in Fee Category – High	Number Received in Fee Category – Very High	Total
On-licence	9	19	34	0	0	62
Off-licence	17	4	35	0	0	56
Club licence	28	4	1	0	0	33
Total number	54	27	70	0	0	151
Total fees payable to ARLA (GST incl)	931.50	931.50	3622.50	0	0	5485.50
Total fees paid to ARLA (GST incl)	931.50	931.50	3622.50	0	0	5485.50

Managers' Certificate Applications Received	
Application Type	Number Received
Managers' certificate new	78
Managers' certificate renewal	127
Total number	205
Total fees payable to ARLA (GST incl)	
Total fees paid to ARLA (GST incl)	5893.75

Special Licence Applications Received			
	Number Received in Category – Class 1	Number Received in Category – Class 2	Number Received in Category – Class 3
Special licence	14	19	44

Temporary Authority Applications Received	
	Number Received
Temporary authority	16

Permanent Club Charter Payments Received	
	Number Received
Permanent club charter payments	0

Total paid to ARLA	14294.50
---------------------------	-----------------

12. Reports of the Chief Executive and Staff for INFORMATION



22-231

Title: 22-231 Chief Executive Activity Report November 2022
Section: Chief Executive's Office
Prepared by: Joy Benioni - Planning and Performance Advisor
Meeting Date: Thursday 17 November 2022

Legal: No

Financial: Yes

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for information

PURPOSE - TE TAKE

The purpose of this report is to provide elected members with an update on Council activities from August to October 2022.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council/Te Kaunihera:

1. **Notes the contents of this report.**

Authorised by:

Nedine Thatcher Swann - Chief Executive

Keywords: activity report, central government updates, local government and policy updates, climate change, policies and bylaws, civil defence updates, local government elections, co-governance

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Chief Executive's Activity Report [22-231.1 - 39 pages]

Te Kaunihera o te Tairāwhiti
Gisborne District Council

TE RĪPOATA A TE TUMU WHAKARAE

CHIEF EXECUTIVE'S REPORT

NOVEMBER 2022



Te Kaunihera o Te Tairāwhiti
GISBORNE
DISTRICT COUNCIL



NGĀ KAUPAPA CONTENTS

HE KUPU WHAKATAKI NA TE TUMU WHAKARAE INTRODUCTION FROM THE CHIEF EXECUTIVE	3	NGĀ WHAKAHAERE MAHI GENERAL MANAGEMENT	17
		Personnel Management	17
		Health and Safety	17
		Financial Reporting	18
NGĀ RANGITAKI KĀWANATANGA CENTRAL GOVERNMENT UPDATES	4	NGĀ MAHI AROTAHINGA FOCUS PROJECTS	20
Three Waters Reform	4	Woody Debris	20
Future For Local Government Review	5	Resource Recovery Centre	20
Civil Defence Emergency Management 'Trifecta' Review	6	Community Facilities	21
Resource Management Reform	6	Pool Redevelopment	22
Waste Legislation and Strategy Under Development	7	Township Upgrades	23
Other National Direction Instruments	8	Pānuku Tū/Titirangi Summit	28
Supporting Sustainable Freedom Camping In Aotearoa	10	Tairāwhiti Resource Management Plan	28
		Environmental Science Update	29
		Tūranganui Estuary Restoration Project	30
NGĀ MAHERE KAUNIHERA ME NGĀ KAUPAPA RANGITAKI COUNCIL PLANS AND POLICY UPDATES	11	TE RERENGA RAUROPI BIODIVERSITY	31
Update on Te Whānau a Kai Appeal on Proposed Regional Freshwater Plan	11	Waingake Transformation Programme	31
Climate Change	11	Integrated Catchment Management (ICM)	31
Dog Control Policy and Bylaw Review 2010	12	Farm Environmental Plans (FEPS)	32
Keeping Of Animals, Poultry, And Bees Bylaw Review	13	Biosecurity	32
Regional Speed Management Plan	13	NGĀ PŪTEA TAUAWHI GRANT FUNDING	33
Te Kōwhiringa Pōti 2022/Local Elections 2022	13	Council-Administered Grants	33
		External funding secured for activities delivered during 2022/23	34
NGĀ PŪRONGO WHAKAMARU TŪMATANUI CIVIL DEFENCE UPDATES	14	External Funding Applications	36
Hikurangi Magnitude 9.0 Workshop 19 – 21 September	14	NGĀ MAHINGA RORI Ā-ROHE REGIONAL ROADING ACTIVITIES	37
Tairāwhiti Regional Consolidated Recovery	14	East Cape Road	37
Tairāwhiti Marae Emergency Preparedness and Resilience Project	14	Road safety improvements – Raised pedestrian crossings	37
		Ūawa Community Trails	38
WHAKAWHANAUNGATANGA RELATIONSHIPS	15		
Co-Governance with Tangata Whenua	15		
Potential Joint Management Agreement /Mou with Ngā Hapu o Tokomaru Ākau	15		
Te Kāhui Patu Kaikiri Anti Racism Working Group	15		
Waiapu Kōkā Hūhūa/Restoring The Waiapu Catchment	16		
Joint Management Agreement Forum (JMAF)	16		

HE KUPU WHAKATAKI NA TE TUMU WHAKARAE

INTRODUCTION FROM THE CHIEF EXECUTIVE

Tēnā koutou katoa

I am pleased to present to the new Council the Chief Executive report. This is a regular report to that provides a high-level updates on our activities from August through to October 2022 and also an opportunity to discuss progress on Council activities. However firstly I wish to acknowledge and congratulate the new elected members, the Mayor and those elected members from the previous triennium for taking on an important role for our district. I also want to acknowledge those that were unsuccessful in their election campaign. Without successful and unsuccessful individuals putting themselves forward for a sometimes-thankless task, win or lose, we wouldn't have democracy.

The Local Government triennial elections were held by postal vote and for the first time, the single transferable voting (STV) electoral system was used for the Gisborne District Council elections. This election we saw a total of 43 nominations, 4 nominations for Mayor, 25 for the Tairāwhiti Māori Ward, and 13 in the Tairāwhiti General Ward. Voter turnout was 6.7% less than in 2019 and this will be addressed by the Electoral Officer Dale Ofsoske in a formal report to Council normally expect in the New Year. Our newly elected members were sworn in on Thursday 27 October 2022 at Te Poho-o-Rawiri Marae and induction has been underway since Wednesday 19 October 2022, we're looking forward to working together over the next three years.

We continue to make steady progress on our journey to being a better Treaty partner and continue to gain momentum. In August the steering group worked on the settings and processes for a iwi/council co-governance forum and had their initial hui to discuss scope, values, principles. A terms of reference is to be drafted by Paul Beverley (Bubble/Findlay Law). The steering group will be using the Tairāwhiti Resource Management Plan Review to test the co-governance relationship and what co-governance over shared priorities looks like in action. The Māori Responsiveness Team is now working closely with Amohaere Houkamau (co-ordinator on behalf of Toitū Tairāwhiti) to find a series of viable dates and times to reconvene.

Tairāwhiti CDEM hosted 'Hikurangi Magnitude 9.0 workshop on the 19-21 September 2022, focused on developing plans to deal with earthquake and tsunami impact, following a magnitude 9 event originating in the Hikurangi subduction zone. The 'Tairāwhiti Marae Emergency Preparedness and Resilience project' continues to progress and is now in the procurement phase with deliveries of the first nine 20-foot container pods stocked with emergency equipment due for delivery in 2023.



Over this period, we continued to engage with the Ministry for the Environment, Taituarā (Society for Local Government Managers), Local Government New Zealand, and regional special interest groups to stay updated on other major reforms underway, including the 'Future for Local Government review, the Resource Management Reform, Three Waters Reform and the Civil Defence Emergency Management 'Trifecta' Review.

The Three Waters Reform has made considerable progress. The Water Services Entities Bill was released in June and I presented our Councils' submission to the Finance and Expenditure Select Committee. A second Bill, 'The Water Services Entities Amendment Bill' is due to be introduced to the House of Representatives in late 2022 or early 2023. Government has three packages of funding for councils to support three waters reform, and GDC has funding from 'Better Off Funding' Tranche 1 approved for projects like Taruheru walk and cycleway, Marae sustainability programme and Compostable waste collection and waste to energy options. Staff are now working with iwi to identify options for implementing a co-design and co-decision process for the more sizeable Tranche 2 funding programme.

Ngā mihinui

A handwritten signature in black ink, appearing to be 'Nedine', written over a light blue decorative swirl pattern.

Nedine

NGĀ RANGITAKI KĀWANATANGA CENTRAL GOVERNMENT UPDATES

THREE WATERS REFORM

In 2017, the Minister of Local Government (the Minister) announced a review of three waters services ([the review](#)) in response to the findings of its Inquiry into Havelock North Drinking Water. The review found issues in several key areas:

- System stewardship.
- Drinking water safety.
- Environmental performance.
- Economic regulation.
- Affordable service provision.

On the back of the review, government embarked on reform of the three waters system.

Policy Reform

Government has made considerable progress in its reform agenda. Its early work was focused largely on overhauling the regulatory framework for three waters, most notably drinking water. With the water services regulator, Taumata Arowai, operational, government has shifted its attention to the overhaul of the system of water services delivery.

The next major milestone is to enact legislation establishing four super-regional Water Services Entities to manage the delivery of three waters services in Aotearoa New Zealand.

The Water Services Entities Bill was released in June. It is the first of two Bills to establish the water services

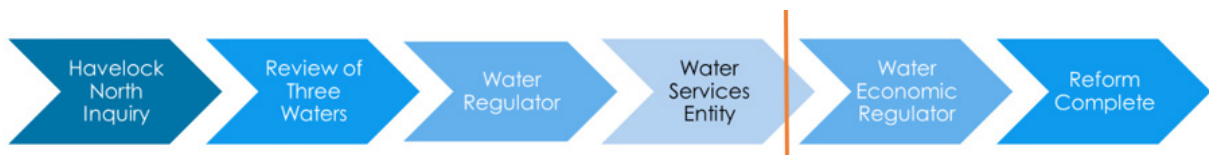
delivery framework and is focused on the governance and accountability arrangements. GDC's submission is on [Council's website](#). The Chief Executive also presented on the submission to the Finance and Expenditure Select Committee.

Throughout the reform process, Council has consistently raised several points:

- Support, in principle, the need for change and recognise the intended benefits of the reforms (financial affordability and sustainability) and the importance of partnering with mana whenua to deliver the outcomes
- Key areas of concern for council are around: governance and accountability to local communities; functional integration; existing co-governance arrangements; transition arrangements; affordability for all communities; and costs of arrangements.

The first Bill is expected to be enacted by end the of 2022.

A second Bill – the Water Services Entities Amendment Bill – is due to be introduced to the House of Representatives in late 2022 or early 2023. The Amendment Bill will include information about the specific functions of the water services entities, the water services economic regulator and how water services entities will intersect with other national and regional functions, most notably the resource management framework.



Funding

Government has three packages of funding for councils to support three waters reform.

Better Off Funding (\$7m in 2022 and \$28m in 2024 for Tairāwhiti) is available so councils can carry out key projects that support government's agenda around regional resilience, urban growth and place-making.

Transition funding (\$730k in 2022) is available so councils can cover the costs of contributing to the transition efforts in terms of staff resourcing and activities to support our people to transition well.

No Worse Off funding (\$3m for Tairāwhiti) is to ensure councils are no worse off from the reforms and will cover aspects such as stranded costs that result from a loss of economies of scope.

Council has had funding for Better Off Tranche approved and the programme includes the following projects:

- Compostable waste collection and waste to energy options \$3m.
- Kiwa Pools solar panels \$800k.
- Marae sustainability programme \$1m.
- Taruheru walk and cycleway \$1.4m.
- Hawaiki Tūranga site remediation and installation \$400k.
- Deliberative democracy on climate change adaptation \$400k.

Staff are now working with iwi to identify options for implementing a co-design and co-decision process for the more sizeable Tranche 2 funding programme.

FUTURE FOR LOCAL GOVERNMENT REVIEW

One of the areas currently under review by central government, that has largely flown under the radar, is the wholesale review of the purpose and functions of local government. An independent review panel commissioned by central government has been engaging with communities across Aotearoa New Zealand for the past 12 months to identify new approaches to local governance that create the conditions for communities to prosper and thrive.

The Future for Local Government Panel has released a draft of its report, [He Mata Whāriki, He Matawhānuī](#).

At the highest level, the Panel has identified that significant change is required to many aspects of the local government system to maximise the well-being and resilience of communities now and into the future and strengthen local democratic decision-making. Some of the key themes from the report are:

- Revitalising citizen-led democracy.
- Tiriti-based partnership between Māori and local government.
- Allocating roles and functions in a way that enhances wellbeing.
- Local government as champion and activator of wellbeing.
- A stronger relationship between central and local government.
- Equitable funding and finance.

Next Steps

Her Worship the Mayor has requested the Panel visit Te Tairāwhiti as part of their November series of roadshows about their draft report. They have agreed and will attend a workshop with Council elected representatives and management and iwi Chairs and Chief Executives on Monday 14 November.

The workshop is an opportunity to understand the key findings of the draft report and have some interim discussions directly with the Panel. Written submissions to the Panel are due by 28 February 2023.

The Panel will present a final report to the Minister of Local Government in June 2023.

CIVIL DEFENCE EMERGENCY MANAGEMENT 'TRIFECTA' REVIEW

The Trifecta Programme being led by the National Emergency Management Agency (NEMA) seeks to build a modern, inclusive, fit for purpose, and enduring framework for the emergency management system.

It brings together three projects:

- a new Emergency Management Act;
- review of the National Civil Defence Emergency Management Plan (CDEM Plan) and accompanying Guide for practitioners; and
- a Roadmap for the National Disaster Resilience Strategy.

There are five focus areas that cut across these projects and extend beyond the review, guiding NEMA work in general:

- Strengthening Māori participation.
- Critical infrastructure.
- Lead agency and consistency of practice.
- Enabling inequitable outcomes.
- Programme implementation and transition.

The NEMA team are keenly aware of the pressures on the local government sector currently with the other central government reviews in play. They are actively working to time their stages to minimise pressure on councils to enable council participation.

Next Steps

The new legislation is aiming to address several shortcomings to ensure the system can meet current and future needs. It is expected that the Emergency Management Bill will be introduced to the house in December 2022 with an extended consultation and Select Committee hearing process (out to May/June 2023) to follow.

The Council internal Emergency Management review undertaken in 2018 identified several issues with internal emergency management activities including a lack of clarity around the roles and functions of EM players and barriers to efficient emergency management under a unitary authority. Other issues are likely to have become apparent during the multiple emergency management responses and recovery events over the past five years.

The staff will be taking stock of the actions taken since the internal review and the lessons learned from activating response and recovery functions to identify those systemic issues that have their roots in the current legislation. This could form the core part of a submission on the Bill.

Council input into the National CDEM Plan will also start in early 2023 and continue in a staged way to mid-2023.

RESOURCE MANAGEMENT REFORM

Our current resource management legislation, the Resource Management Act (RMA), was introduced in 1991. More than 30 years later, there's widespread agreement that it's not achieving what it set out to do. The Government plans to repeal the Resource Management Act (1991) and enact new laws to transform the way we manage the environment.

The Ministry for the Environment (MfE) concluded its latest round of engagement on the reform of the resource management system in February 2022. Council submitted to the MfE engagement on 28 February 2022.

Local Government NZ (LGNZ) is running a series of monthly webinars on resource management (RM) reform specifically for councillors. Previous sessions are available on their [website](#).

The main components of the new system are three acts:

- Spatial Planning Act (SPA) which requires the

development of long-term regional spatial strategies to help coordinate and integrate decisions made under relevant legislation.

- Natural and Built Environments Act (NBA), the main replacement for the RMA, to protect and restore the environment while better enabling development.
- Climate Adaptation Act (CAA) to address complex issues associated with managed retreat, and funding and financing climate adaptation.

The introduction of the Natural and Built Environments Bill and the Spatial Planning Bill to Parliament have been postponed. Staff are expecting the introduction the Bills to Parliament by the end of 2022. The Climate Adaptation Bill is expected to be introduced to Parliament in 2023.

Submitting on the Bills is the next opportunity for the local government sector to have input. Meanwhile, MfE is continuing to work with the Local Government Steering Group (LGSG) and a group of senior local government

practitioners (including a representative from Gisborne District Council) to test policy as it is developed.

The Transition and Implementation work programme is engaging with local government through the LGSG, and some detailed matters are also being worked through

with some senior local government practitioners. Staff expect further communication regarding the model region project once MfE has decided on their approach to selecting regions.



WASTE LEGISLATION AND STRATEGY UNDER DEVELOPMENT

There is a lot of [work](#) happening in 'waste' across a variety of issues.

On 1 October the first phase out of single-use plastic products started. It is the first part of a three-step process

to reduce the amount of single-use plastic waste in Aotearoa.

More information about what products have been banned and the phasing is on the Ministry for Environment's [website](#).

It is now illegal* to provide, sell or manufacture the following plastic products in Aotearoa New Zealand:		Alternatives	
	 Pre-formed PVC food trays and containers used for produce, baked goods, or meat only		Recyclable plastic or paper trays and containers 
	 Polystyrene takeaway food and drink packaging from a restaurant, café or food stall (eg, trays, containers, bowls, cups)		Encourage customers to bring their own container or sign up to a reusable system
	 Expanded polystyrene food and drink packaging for takeaway (eg, clamshells) and sold at retail (eg, instant noodle cups)		Recyclable plastic or paper packaging 
	Plastics with pro-degradant additives to accelerate fragmentation into smaller pieces such as oxo and photo-degradable (eg, some bin liners and dog poo bags)		Non-degradable plastic or paper alternatives
	Plastic drink stirrers**		Wooden stirrers or spoon
	A cotton bud** with a plastic stem or a synthetic fibre bud wrapped around any type of stem		Cotton fibre buds with paper or bamboo stems

A new [Aotearoa New Zealand Waste Strategy](#) is expected to be in place soon. New legislation is expected to go through the House in 2023 to enable a more comprehensive approach to the regulation of the management of waste, and products and materials circulating in our economy. The new legislation would replace the Waste Minimisation Act 2008 and the Litter Act 1979.

No decisions on the [proposed product stewardship regulations](#) for tyres and large batteries have been announced.

No decisions on Government's [three proposals](#) to transform recycling in New Zealand have been announced. The summary of submissions is likely to be published later this year. It will include how many submissions were received for each proposal. The expected timing of Cabinet decisions on the proposals is late 2022. If these proposals are adopted, Council will have new requirements for kerbside recycling services. These requirements align with work Council is already doing to reduce the amount of waste heading to landfill.

OTHER NATIONAL DIRECTION INSTRUMENTS

This table provides a list of resource management matters the Government is developing a national direction on.

NATURAL AND BUILT ENVIRONMENT BILL	
Lead Agency	Environment Select Committee
Comment	First of two Bills giving effect to RMA reform. This focuses the setting of environmental limits, environmental and land use planning, and the governance of those activities.
Status	The Natural and Built Environments is expected to be introduced to Parliament before Christmas.
STRATEGIC PLANNING BILL	
Lead Agency	Environment Select Committee
Comment	Second of two Bills giving effect to RMA reforms. This one focuses on regional spatial strategies and the governance of these activities.
Status	The Spatial Planning Bill is expected to be introduced to Parliament before Christmas.
NATIONAL DIRECTION ON INDUSTRIAL GREENHOUSE GAS EMISSIONS	
Lead Agency	Ministry for the Environment (MfE) and Ministry of Business, Innovation, and Employment (MBIE)
Comment	The proposals include banning new low and medium-temperature coal boilers, phasing out coal in existing sites by 2037 for low and medium-temperature process heat, and requiring some industrial sites to have emission reduction plans.
Status	Officials intend to seek approval to release exposure drafts for consultation in the second half of 2022 to test the workability of the provisions, before seeking final Cabinet approval to gazette the national direction later this year.
THE NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND (NPS-HPL)	
Lead Agency	Ministry for Primary Industries (MPI) with support from Ministry for the Environment (MfE)
Comment	The NPS-HPL aims to improve the way highly productive land is managed under the Resource Management Act 1991
Status	The policy was gazetted on 19 September 2022 and came into force on 17 October 2022. The GDC website has been updated to provide information on the NPS, and the map of highly productive land has been produced using the NPS-HPL default definition.
PROPOSED NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY (NPSIB)	
Lead Agency	MfE with support from the Department of Conservation (DoC)
Comment	The Government is proposing an NPS-IB. This builds on a draft created by the Biodiversity Collaborative Group
Status	An exposure draft of the NPSIB has been released. The exposure draft responds to feedback from submissions and hui and will help test the workability of updated proposals. A final NPS is expected by the end of 2022.

FRESHWATER FARM PLAN REGULATIONS

Lead Agency MfE supported by MPI

Comment Freshwater farm plans are one of the new rules and regulations announced in 2018 to stop further degradation of New Zealand's freshwater resources and improve water quality.

Status A regional sector implementation group has been stood up to help determine what sector needs to be ready come 2023, and to prioritise where MfE should provide support to the sector to deliver.

Timeframe for 2022:

- Drafting regulations July-Oct/Nov 2022
- Exposure draft Oct/Nov 2022.
- Regulations finalised in late 2022/early 2023.

NATIONAL DIRECTION FOR PLANTATION AND EXOTIC CARBON FOREST

Lead Agency Ministry of Primary Industries

Comment The proposed changes include local government having more discretion to decide on the location, scale, type and management of plantation and exotic carbon forests in their districts.

Status Submissions on the discussion document close 18 November 2022. More detail is provided below.

NATIONAL POLICY STANDARD FOR RENEWABLE ELECTRICITY GENERATION 2011 (NPS-REG) AND THE NATIONAL POLICY STATEMENT FOR ELECTRICITY TRANSMISSION 2008 (NPS-ET)

Lead Agency Ministry for the Environment and Ministry for Business, Innovation and Employment

Comment Amendments are being progressed to:

- Support a significant increase in renewable electricity generation (REG) output to meet New Zealand's emission reduction targets.
- Address interactions between other matters of national importance.
- Provide clearer and more efficient consenting pathways for REG and electricity transmission projects.

Status A consultation document is due for release for public consultation by the end of 2022.

Consultation on National direction for plantation and exotic afforestation

The Ministry for Primary Industries (MPI) is consulting on changes to national direction for plantation and exotic carbon afforestation — [Discussion Paper No: 2022/10](#). This follows on from a previous consultation on [Managing Exotic Afforestation Incentives](#) which MPI completed in April this year.

Through this consultation, Government proposes to extend the scope of the regulatory framework to maintain exotic carbon forests in the ETS, improve wildfire management, and to address matters identified through the Year One Review of the National Environmental

Standard on Plantation Forestry (NES-PF) to better enable foresters and councils to manage the environmental effects of forestry. Government also seeks feedback on options to support councils to control the location of afforestation (plantation and exotic carbon) to manage social, cultural, and economic effects.

The proposed changes include local government having more discretion to decide on the location, scale, type and management of plantation and exotic carbon forests in their districts. Consultation closes on 18 November 2022. Due to the timeframes, Council is making a staff submission on this kaupapa.

SUPPORTING SUSTAINABLE FREEDOM CAMPING IN AOTEAROA

On 25 August 2022, the Freedom Camping Bill was introduced to Parliament. The Bill, which amends the Freedom Camping Act 2011 and the Plumbers, Gasfitters and Drainlayers Act 2006 will work in tandem with the Self-Contained Motor Vehicles Legislation Bill (now being considered by the Economic Development, Science and Innovation Committee).

The major changes the Bill makes are to:

- Require vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land. This is unless the council designates the site as suitable for non-self-contained vehicles.
- Establish a regulated system for the certification and registration of self-contained vehicles.
- Require vehicles to have a fixed toilet to be certified self-contained.
- Strengthen the infringement system.
- Extend the Freedom Camping Act to include land managed by Waka Kotahi and Toitū Te Whenua Land Information New Zealand.

Submissions closed on 4 October. No date for adoption has been given; however, the MBIE website still states the government intends to have this legislation in place before the summer season 2022.

The government has signalled a two-year process to implement the changes and give appropriate time for vehicle owners to meet the new standards.

The current Bill requires no changes to existing local government freedom camping bylaws and Council's current Freedom Camping Bylaw 2021 will not be negatively affected by the changes.

A full breakdown of the process to date, summaries of the bills, and timelines for implementation can be viewed [here](#).

NGĀ MAHERE KAUNIHERA ME NGĀ KAUPAPA RANGITAKI

COUNCIL PLANS AND POLICY UPDATES

UPDATE ON TE WHĀNAU A KAI APPEAL ON PROPOSED REGIONAL FRESHWATER PLAN

The High Court hearing on the appeal made by Te Whānau a Kai against the Environment Court decision on the Regional Freshwater Plan was held on 4 and 5 April 2022. The Attorney-General joined the appeal as an 'intervener' given the implications of any finding that planning instruments could recognise native title rights in freshwater. The appeal was dismissed by the High Court on 23 June. Te Whānau a Kai have appealed to the High Court judgment to the Court of Appeal. At the time of writing, the application for leave to bring a second appeal was to be determined by two Judges sitting at the Court of Appeal the week of 17 October.

A summary of key points in the High Court judgment:

- The first half of the decision sets out the background, principles on appeals of law (closely following the Council's position), and a summary of the Environment Court decision.
- The judgment then goes through and dismisses each of the issues on appeal:
 - Issue 1: Jurisdictional issue: the High Court (HC) held that the Environment Court's (EC) analysis was correct

- there is no jurisdiction under the RMA to recognise ownership / native title rights in freshwater.
 - The Court found that the EC decision was consistent with the HC decision in Ngāti Maru on that point.
- Issue 2: evidence of tikanga-based customary rights: the HC held that the EC was entitled to find that, even notwithstanding the jurisdictional finding, the evidence fell far short of establishing that Te Whānau a Kai held the customary interests that it sought to be recognised in the Freshwater Plan.
- Issue 3: resourcing to support the exercise of the tikanga-rights: the HC held that the EC was right to find that there was no power under the RMA to require the Council, through a provision in its Freshwater Plan, to provide resourcing to support the exercise of tikanga rights that are recognised in the Plan. Funding decisions are a matter for the LGA, not the RMA.
- Issue 4: wording of specific amendments: the HC worked through each amendment sought by Te Whānau a Kai and confirmed that the EC made no errors in law in terms of the Freshwater Plan provisions.

CLIMATE CHANGE

Consultation on Pricing agricultural emissions

MPI and MfE are consulting on [Te tātai utu o ngā tukunga ahuhenua: proposals to price agriculture emissions](#). This follows on from a [previous consultation by the He Waka Eke Noa](#) (the Primary Sector Climate Action Partnership¹), which concluded in April 2022 on options to price emissions from the agricultural sector — whether at the *farm-level* or the *processor-level*.

The current consultation seeks feedback on four key themes:

- a modified farm-level, split-gas levy to commence in 2025.
- an interim processor-level levy as a transitional step.
- a proposed pathway for sequestration from on-farm vegetation.
- pricing options for synthetic nitrogen fertiliser use.

¹ He Waka Eke Noa is made up of 13 partners, led by a steering group and supported by a small programme office. *Partners include Beef and Lamb New Zealand, Federated Farmers of New Zealand, DairyNZ, Apiculture New Zealand, Deer Industry New Zealand, Horticulture New Zealand, Irrigation New Zealand, Meat Industry Association (MIA), Dairy Companies Association of New Zealand, Foundation for Arable Research (FAR), Federation of Māori Authorities (FoMA), Ministry for Primary Industries (MPI) and Ministry for the Environment (MfE).*

The feedback from the consultation will help the Ministers of Agriculture and Climate Change finalise suitable regulations to start pricing agricultural sector emissions in the NZ ETS from 2025. The consultation closes on 18 November 2022, but Council is not making any submission on this kaupapa.

Work Programme Updates

REGIONAL CLIMATE CHANGE RISK ASSESSMENT

Staff formally introduced the Tairāwhiti Climate Change Risk Assessment (TCCRA) to iwi CEOs on 31 August 2022 and received valuable feedback. Staff are currently using the feedback and additional feedback from within the organisation to make changes to the project methodology and incorporate options to aid better delivery as we progress the next phases of the project. See Climate Change Update [Reports 22-42](#) and [22-111](#) for further information.

OUR CLIMATE CHANGE ROADMAP

Following the feedback of the Sustainable Tairāwhiti at their meeting on 28 July 2022 [Report 22-143](#), staff have revised and finalised Council's climate change roadmap. This is a high-level document that captures the critical milestones and timeframes for Council's organisational climate change action and how we support regional climate action.

ORGANISATIONAL EMISSIONS REDUCTION PLAN

Staff are working to finalise Council's Draft Emissions Reduction Plan (ERP) and the implementation cost information. These documents will be ready for presentation to Council in December 2022.

ENERGY AUDIT AND ENERGY MANAGEMENT PROGRAMME

Staff are scoping the work needed to undertake an energy audit of Council's operations to inform an energy management programme. These pieces of work were identified in our three-year climate change work programme and as part of our draft ERP actions. The audit will be completed in the current financial year, while the energy management programme would commence toward the end of the financial year.

EMISSIONS DATA VALIDATION

Staff are looking at what we need to do to undertake a validation of our organisational emissions data. After completing our organisational emissions inventory in 2018/19, data quality improvement was identified as an area for future work. This piece of work will help improve our data quality to inform future ERPs. Staff intend to complete this work within the current financial year.

ENGAGEMENT TO DEFINE REGIONAL DECARBONISATION AND JUST TRANSITION ROADMAP

Planning has started on how to undertake meaningful engagement to define our region's decarbonisation and just transition roadmap. Council and Trust Tairāwhiti are co-leads for this kaupapa. We are also working with iwi and other agencies in the region, including leveraging external technical support from the Just Transition Partnership Team of the Ministry of Business, Innovation, and Employment. The intent is to design the roadmap before the end of the current financial year. However, staff expect some timeframe extensions because of the nature of the project. See Climate Change Update [Report 22-111](#) for further information on the project.

DOG CONTROL POLICY AND BYLAW REVIEW 2010

The policy sets out how Council will approach management of dogs in the region while the bylaw is the regulatory tool for implementing the policy, for example, the policy establishes a criteria for assessing the suitability of an area for dog exercise (be it off-leash, on-leash or prohibited) and the bylaw establishes those areas and the conditions of use.

At its 28 October 2021 meeting, Sustainable Tairāwhiti approved a review of Council's Dog Control Policy and Bylaw 2010.

Staff review and discussions with stakeholders found the current policy and bylaw were compliant with the legislation and largely effective at meeting Council's objectives. Councillors workshopped options for a new draft policy and bylaw in March 2022 which is scheduled to be considered by Council at its December 2022 meeting for consultation in early 2023.

KEEPING OF ANIMALS, POULTRY, AND BEES BYLAW REVIEW

The Keeping of Animals, Poultry and Bees Bylaw 2012 aims to protect the public from animal nuisance through general and species-specific regulation of animals (except dogs), bees and poultry to reduce the incidence of odour, noise and vermin.

In September 2022, the Sustainable Tairāwhiti Committee approved the [review of the Bylaw](#), which was due for its

10-year review. A new Draft Keeping of Animals Bylaw is being developed and is scheduled to be considered for adoption for consultation in December 2022. Changes include simplifying provisions for the keeping of bees, poultry and pigs and adding a provision to clarify responsibilities around feral/stray animals.

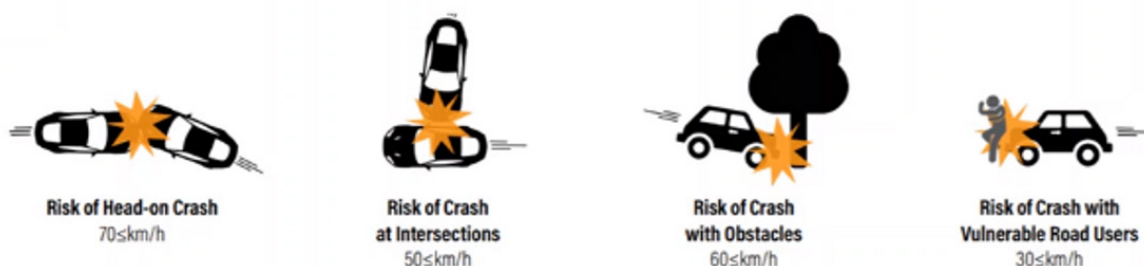
REGIONAL SPEED MANAGEMENT PLAN

[Reviewing speed limits](#) on local roads is part of Council's response to poor road safety statistics in our region. There are physical limits to the amount of force the human body can endure, and survivable speeds define safe and appropriate limits.

Council began developing a Regional Speed Management Plan in 2020 with safe system guidance from Waka Kotahi and the Ministry of Transport and engaged on this with the community in early 2021. A new Land Transport Rule: Setting of Speed Limits 2022 came into force in May 2022 which changed the legal instrument for setting speeds

from bylaws to plans and requires safe speeds (30km/h) to 40% of schools with interim plans by 2024.

Council consulted with a bylaw as our interim plan in April 2022. The report from the hearings committee on the Updated Tairāwhiti Speed Limits Bylaw 2013 was presented at the 11 August Council [Report 22-181](#) meeting where the amended bylaw was adopted with minor changes made to the speed on beaches and priority was given to reducing speeds around schools followed by townships and Makorori and Kaiti Beaches.



Source: Vadeby 2016.

TE KŌWHIRINGA PŌTI 2022 / LOCAL ELECTIONS 2022

Local government triennial elections were held by postal vote on Saturday 8 October 2022 and was undertaken by Election Services, under contract to Gisborne District Council.

For the first time, the single transferable voting (STV) electoral system was used for the Gisborne District Council elections.

Elections were held for the following positions:

- mayor (elected 'at large')
- councillors (13)
 - Tairāwhiti General Ward (8)
 - Tairāwhiti Māori Ward (5)

Forty-two nominations were received for the 2022 elections, 4 nominations for Mayor, 25 in the Tairāwhiti Māori Ward, and 13 in the Tairāwhiti General Ward.

Voter turnout was less than in the 2019 elections at 43.4% as opposed to 50.1% in 2019. This will be addressed fully by the Electoral Officer Dale Ofoske in his formal report to Council on the elections which is normally expected in the New Year.

Council was sworn in Thursday 27 October 2022 at Te Poho-o-Rawiri Marae and induction has been underway since Wednesday 19 October 2022.

NGĀ PŪRONGO WHAKAMARU TŪMATANUI CIVIL DEFENCE UPDATES

HIKURANGI MAGNITUDE 9.0 WORKSHOP 19 – 21 SEPTEMBER

Tairāwhiti CDEM hosted a regional planning workshop focusing on developing the plan that deals with earthquake and tsunami impact following a magnitude 9 event originating in the Hikurangi subduction zone. Seventy-nine delegates attended the workshop from across 29 agencies which included national and international experts. Using the Hikurangi M9 scenario (offshore from Gisborne City), the workshop objectives were:

- Develop the response and recovery considerations for Gisborne City.
- Initiate the development of the regional Hikurangi Magnitude 9 plan for Tairāwhiti.
- Set the conditions for emergency management considerations as part of the Long Term Plan cycle due to commence in 2023.
- Develop the strategic response and recovery planning for Tairāwhiti.
- Inform that national planning for the Hikurangi Magnitude 9 regional scenario and modelling.

TAIRĀWHITI REGIONAL CONSOLIDATED RECOVERY

The [Tairāwhiti Region Consolidated Recovery Action Plan](#) is in place and recovery operations are underway. The plan is reflective of the recovery actions and timeframes based on the challenges and tasks required. The coordination

and collaborative planning being overseen by the Group Recovery Manager is working with the various agencies across these timeframes to meet the end state of a successful recovery.

TAIRĀWHITI MARAE EMERGENCY PREPAREDNESS AND RESILIENCE PROJECT

The project team for this regional initiative is managed by the CDEM Manager on behalf of Council, Toitū Tairāwhiti and Te Puni Kōkiri. The project is currently in the procurement phase with deliveries of the first nine 20-foot container pods stocked with emergency equipment due for delivery in 2023. A sample of emergency equipment was on display for the public at the Gisborne A and P Show on 14 - 15 October.

MARAE EMERGENCY PROJECT

WHAT IS IT?
20 emergency pods across our district
\$1.6 MILLION project funded by Te Puni Kōkiri and Toitū Tairāwhiti
FOR OUR ISOLATED COMMUNITIES TO SURVIVE AFTER A TSUNAMI OR FLOOD

EACH POD WILL HAVE:

- Backup power generator
- Communications equipment
- Emergency shelter tents
- Water treatment unit
- Camp stretchers
- Portable toilet
- Enough non-perishable food to last 100 people four weeks
- Medical kit and a Civil Defence digital radio.

Logos: CIVIL DEFENCE, TOITŪ TAIRĀWHITI, Te Puni Kōkiri, GIBSORNE DISTRICT COUNCIL

WHAKAWHANAUNGATANGA RELATIONSHIPS

CO-GOVERNANCE WITH TANGATA WHENUA

Following the recommendation at the a hui between Council and iwi leadership on 10 May 2022, a steering group was confirmed to design the settings and the processes for the establishment of a iwi/council co-governance forum. The steering group consists of four Council staff (Nedine Thatcher Swann, Joanna Noble, Gene Takurua and Te Rina Whaanga) and four iwi representatives (Douglas Jones, Meikura Williams, Tina Porou and Amohaere Houkamou who is co-ordinating on behalf of Toitū Tairāwhiti). Rongowhakaata Iwi Trust is yet to put forward a representative.

A co-governance model post-Resource Management reform will be a primary focus of this group. The early thinking is to use the Tairāwhiti Resource Management Plan Review as a testing ground for the relationship, and what co-governance over shared priorities looks like in action.

The steering group met on 2 August 2022. The initial hui was positive where high level considerations were laid out from both partners. It is a large piece of work that will take considerable time and resources. Scope, values and principles were discussed as well as an action for a terms of reference to be drafted by Paul Beverly (Buddle/Findlay Law).

Due to calendar constraints of membership, the steering group has not met since the initial August hui. The Māori Responsiveness team is working closely with Amohaere Houkamou (co-ordinator on behalf of Toitū Tairāwhiti) to find a series of viable dates and times to reconvene. Monthly dates will be confirmed three months in advance so that there is a clear roadmap for all to plan availability.

POTENTIAL JOINT MANAGEMENT AGREEMENT/MOU WITH NGĀ HAPU O TOKOMARU ĀKAU

In September 2021 Ngā Hapū o Tokomaru Ākau (NHOTA) led by Roger Tichborne made a deputation to Council. NHOTA requested that land that was taken under the Public Works Act for Harbour Board purposes be returned to its rightful successors as it is no longer used for the purposes in which it was taken.

In a meeting following that deputation, Council made an in-principal decision to return the whenua to its rightful successors. Who the rightful successors are still needed to be established.

At the time NHOTA had a counter claim in the high court against that of Te Whānau a Ruataupare regarding mandate over the Marine and Coastal area in Tokomaru. This resulted in a hearing that was set for September 2022 where the court would hear the claims of both groups.

The high court hearing has concluded but a decision on mandate is yet to be made. Once that outcome is known Council can then look at the necessary steps that need to be taken to look at the return of whenua to its rightful successors.

TE KĀHUI PATU KAIKIRI | ANTI RACISM WORKING GROUP

In August 2020 Council committed to an anti-racism journey. We established our first ever anti-racism group, Te Kāhui Patu Kaikiri, meaning the collective/group striking out racism. The objective of the group is to work towards ending racial discrimination through Local Government in Tairāwhiti. Council has made a lot of progress since the establishment of Te Kāhui Patu Kaikiri Roopu. A meeting was held on 9 August to discuss the options for a pathway

forward. The options put forward to the group for discussion were:

- The group stays the same;
- Reset the direction of the group as advisory/monitoring;
- The group is discontinued and the workstream is absorbed into Council business as usual.

From this meeting the outcomes were:

- Workshop with Tina Ngata and Council staff to reset, and rescope the steering group;
- Continue with the audit of all Council policies.

Unfortunately, due to availability, the workshop has not happened, and we are still waiting for the results of the audit of Council policies. The audit will help to determine a potential work plan. We will reconvene in early 2023.

WAIAPU KŌKĀ HŪHUA / RESTORING THE WAIAPU CATCHMENT

The Waiapu Kōkā Hūhūa is a 100-year restoration programme in the Waiapu catchment with the vision of 'Ko te mana ko te hauora o te whenua; ko te hauora o ngā awa; ko te hauora o te iwi - Healthy land, healthy rivers, healthy people.' The Waiapu catchment has the highest suspended sediment yield of any river in New Zealand and one of the highest in the world.

In 2013 a partnership of Te Rūnanganui o Ngāti Porou, the Ministry of Primary Industries and Council signed a memorandum of understanding, committing to working collaboratively with landowners to treat erosion, stop greater physical damage to the catchment, and bring

social and economic gains to iwi and landowners.

A Joint Governance Group (JGG) made up of TRONPnui appointing two people, and Gisborne District Council and MPI appointing one each, oversees the programme of improvements.

A Programme Manager was appointed in mid-2022 to drive the programme of improvements on behalf of these organisations and will be presenting an updated work programme to the next Joint Governance Group meeting which is scheduled for early 2023.

JOINT MANAGEMENT AGREEMENT FORUM (JMAF)

The [Joint Management Agreement \(JMA\) over the Waiapu Catchment](#), enables Council and Te Rūnanganui o Ngāti Porou to jointly carry out the functions and duties under S36B of the Resource Management Act (RMA) and other legislation relating to all land and water resources within or affecting the Waiapu Catchment.

It builds on the work of the existing Waiapu Kōkā Hūhūa partnership between the Council, Te Rūnanganui o Ngāti Porou and the Ministry of Primary Industries to restore the Waiapu Catchment.

The project team (consisting of Ngāti Porou and Council representatives) aims to meet regularly (roughly at six-week intervals) to discuss and work through technical aspects of the Waiapu Catchment Plan. The project group has developed a work plan and meeting schedule for 2022/2023. The group intends to convene in the next quarter once the Catchment Plan has been established and new councillors have been selected for the forum.

NGĀ WHAKAHAERE MAHI GENERAL MANAGEMENT

PERSONNEL MANAGEMENT

Recruitment and retention continues to be a challenge in the current labour market. There has been an increased focus and further resourcing applied to the recruitment space. This includes a dedicated recruitment specialist and a review of current systems and processes.

Our annual summer student programme begins again in November and is a key strategic piece of work in terms

of growing our own and building future capability and capacity (primarily within our local workforce).

The introduction of the new human resource and payroll systems is continuing (TechOne). Work has been underway to configure the system, which will improve efficiencies and provide a better employee experience – a real positive from a recruitment, retention, and induction perspective.

HEALTH AND SAFETY

We have increased contractor audits at Kiwa Pools, the Water Treatment Plant, and across roading projects. As a result, improvement opportunities have been identified and raised with contractors and in-house managers/directors.

There was a serious incident where contractor machinery struck overhead electricity cables while operating mobile machinery which left the site 'live'. A full investigation was completed which identified the root cause. This incident was fully debriefed with contractors and senior management.

Contractors who were injured during a road traffic incident in July remain off work and recovering.

Most recently a biosecurity worker sustained a concussion

and significant LTI (lost time injury) due to a fall when loading a motorcycle onto a trailer. An investigation was completed and recommendations are being implemented.

Additional internal communication from health and safety representatives within teams has increased and we are looking to introduce recognition for these representatives as designated first aiders.

Council participated in the Mental Health Awareness Week by providing a variety of wellness activities for staff with good levels of attendance.

Recruitment is underway for the replacement of an H&S Advisor/Coordinator.

INCIDENT TYPE	INCIDENT DESCRIPTION	JULY 2021 EVENTS	ROLLING 12 MONTHS
Near miss	An event or incident that someone has been exposed to that could have caused injury.	Nil	34
Injury	Someone has been physically hurt and reported.	2 x minor 1 x major	42
Incident	An event or incident that has caused damage to equipment, property or environment and includes threats and abuse to staff members.	2 x minor	117
Notifiable event	Any of the following events that arise from work: death, notifiable illness or injury or notifiable incident that trigger requirements to preserve the site and notify WorkSafe NZ.	1 x major	2
Illness	Someone has seen or been involved in an event or exposed to a situation that has resulted in someone becoming ill or unwell, e.g., lung disease, asbestosis, legionnaires disease; this is from workplace exposure and does not include common illness such as personal illness, cold and flu.	Nil	2

FINANCIAL REPORTING

The financial summary is a high-level overview the Council's financial performance for the period ended 30 September 2022. It includes commentary against a year to date (YTD) Annual Plan on the Statement of Comprehensive Revenue and Expenses.

For the three months ended 30 September 2022, Council has a net surplus of \$7.5m, on par with what was expected in the YTD Annual Plan.

A summary of the key financial indicators for September 2022 Year to date are:

- YTD total revenue \$40m, favourably \$2.6m above the Annual Plan. This is mostly due to receiving additional operational grants, from Waka Kotahi for the restatement of roading emergency works. Additional

emergency works funding was approved after the adoption of the Annual Plan 2023 and have 67% and 87% external funding.

- The YTD total expenditure is \$32.3m, \$2.5m unfavourably above the Annual Plan. This increase is mostly due to "Operating activities" where it is \$2.9m above the YTD Plan. This higher expenditure is mainly due to roading emergency reinstatement works, some of which is offset by the additional operational grants as noted under total revenue.
- Capital expenditure for September YTD is \$21.3m (85%) against the YTD Annual Plan. Last year for the same period we completed \$13.8m of capital works. This year's expenditure relates mostly to the construction costs of Kiwa Pools and Wastewater Treatment Plant.

Statement of Comprehensive revenue and Expenses for the period ended 30 Septmeber 2022

	Note	Sep-22 Actual \$000s	Year to date Budget \$000s	Variance \$000s	Full Year Budget \$000s
REVENUE FROM NON-EXCHANGE TRANSACTIONS					
Grants and Subsidies - Operational	1	7,175	3,221	3,954	12,885
Grants, Donations, Subsidies and Contributions - Capital	2	10,116	11,628	(1,512)	44,535
Other Non Exchange Revenue	3	151	541	(390)	2,170
General Rates And Uniform Annual General Charge		6,073	6,028	45	24,113
Targeted Rates		11,568	11,568	(0)	46,270
REVENUE FROM EXCHANGE TRANSACTIONS					
Development and Financial Contributions		726	406	321	1,622
Other Revenue	4	3,363	3,163	200	11,645
Targeted Water Rates		746	899	(152)	3,594
Dividends		5	0	5	1,600
Interest Received		42	0	42	0
Other Gains/(Losses)		34	(58)	92	(231)
Total Revenue		40,000	37,396	2,604	148,205
EXPENSES					
Employee Benefit Expenses	5	7,116	7,757	641	30,672
Expenditure on Operating Activities	6	18,105	15,196	(2,909)	61,205
Depreciation and Amortisation	7	6,566	6,227	(340)	24,907
Financing Costs	8	679	746	66	4,482
Total Expenses		32,467	29,925	(2,541)	121,266
Net Surplus/(Deficit) Before Taxation		7,533	7,471	62	26,939
Subvention payment		0	0	0	600
Net Surplus/(Deficit)		7,533	7,471	62	27,539
Gains/(Losses) on Property Revaluation	9	(0)	0	0	62,321
TOTAL COMPREHENSIVE REVENUE AND EXPENSES		7,533	7,471	63	89,860
CAPITAL EXPENDITURE		21,352	25,132	(3,780)	103,467

Notes to the Statement of Comprehensive Revenue and Expense

GRANTS AND SUBSIDIES – OPERATIONAL

Most of this revenue comes from roading subsidies through Waka Kotahi and the Provincial Growth Fund (PGF). This financial year we recover 67% of roading maintenance costs (excluding emergency works) from Waka Kotahi. Higher subsidies are received for high impact roading emergency works including the 2021 and 2022 flood events (87%). Tracking \$3.9m over YTD budget due to roading subsidies related to the June 21 and March/April 2022 flood events.

GRANTS, DONATIONS, SUBSIDIES AND CONTRIBUTIONS – CAPITAL

The capital grants expected to be received this year are from Waka Kotahi for roading renewals, PGF for the roading resilience programme and capital grant funding for project such as Kiwa Pools, Waipaoa Stop banks and the Waingake restoration (Pamoā).

OTHER NON-EXCHANGE REVENUE (INCLUDES PENALTIES, INFRINGEMENT FEES, COURT ENFORCEMENT FEES, AND OTHER FEES)

This includes court enforced fees, penalties received and infringements.

OTHER REVENUE (RENT INCOME, LEASE INCOME, AND ALL OTHER FEES AND CHARGES)

Other revenue includes fees and charges such as dog registration fees, rents, parking fees and trade waste charges.

EMPLOYEE BENEFIT EXPENSES

Employee Benefit expenses Employee Benefit YTD expenses are under budget due to several vacancies.

EXPENDITURE ON OPERATING ACTIVITIES

Overall expenditure is over YTD Annual Plan by \$2.5m. This higher-than-expected costs is mostly due to roading reinstatement emergency works \$5.4m. A total of \$3.8m was completed on July 2020 emergency event, with the rest being mostly completed on the March 2022 rain emergency event. Full year Annual Plan provision for emergency works is \$2m.

DEPRECIATION AND AMORTISATION

The depreciation for the year is based on estimates. Actual depreciation may move slightly after estimated growth movements are calculated for the year.

FINANCING COSTS

Financing costs are lower than the YTD budget due to the timing of the capital projects.

GAINS/(LOSSES) ON PROPERTY REVALUATION

Asset revaluations occur at year end, which is why actual and YTD Annual Plan budgets are recorded at nil value.

NGĀ MAHI AROTAHINGA FOCUS PROJECTS

PROJECT STATUS KEY:  PROPOSE  INITIATE  PLAN  DELIVER  CLOSE  ONGOING

WOODY DEBRIS

Council has started work removing the woody debris along Waikanae and Midway beaches between 25-30 October with Ūawa the following week. The last time the woody debris was removed from the beaches was in December 2021. This followed an unexpected rain event, which happened only two weeks after the pre-Labour Weekend clean-up.

Council will consider a draft woody debris policy early next year which proposes the development of a Long Term approach to managing the issue of woody debris on our region's beaches and how this will be paid for.



RESOURCE RECOVERY CENTRE

Resource recovery centres provide a place for the reuse, repurposing, recycling, and recovery of waste. Benefits include extending the life of landfills, reducing transportation of waste out of region as well as providing education and employment opportunities.

[The feasibility study](#), partially funded by MfE, and completed by Civil Assist, to determine the viability of establishing a resource recovery centre or network of centres in the region, has been completed. A report to Council will be provided for the December meeting.

COMMUNITY FACILITIES



Business Case

The [Tairāwhiti Sports Facilities Business Case](#), was developed through the combined aspirations of Trust Tairāwhiti, Sport Gisborne Tairāwhiti, and the Gisborne District Council. This document outlines a master plan of sports and recreation facility projects throughout the region. The business case has been submitted to central government seeking an investment of around \$90m.

This followed meetings and advocacy on our behalf from our local Ministers - Kiri Allan and Meka Whaitiri.

Both Minister Robertson and his office have responded. These responses have:

- Commended the business case and reaffirmed the importance of facilities for community well-being.
- Suggested the names of government officials we should work with to talk through the detail/economic elements of the case.
- Highlighted existing funding streams that could support parts of this case.

The business case was then referred to Minister Stuart Nash - as the recommendation was that the Economic and Regional Development Portfolio was the most applicable to our case.

More specifically the Regional Strategic Partnership Fund seemed the most relevant funding pathway for this initiative. This is administered by the Ministry of Business, Innovation and Employment's Kānoa Regional Economic Development and Investment Unit.

The partners in this work have engaged with local officials to drive the case to include our region's case in the Regional Strategic Partnership Fund.

Currently, partners are reassessing the fit with this fund. We want to get the business case back in front of Minister Robertson as the sport portfolio seems the most appropriate fit.

Sport NZ continues to support the business case and is developing an internal working group specifically to champion this work for our region and to support our lobbying efforts.

The overall status of the business case is 'in progress' at this stage.

Early Wins

The business case was key to unlocking a \$15m funding envelope through Trust Tairāwhiti, to fund the most critical investments 'early wins' in the region.

To date, the new Skate Park and Pump Track have been completed.

Projects that are in the planning and preconstruction phases include:

- ANZAC Park Waka Ama storage
- Marina Reserve Waka Ama storage
- Whakarua Park Grandstand redevelopment
- Satellite Surf Hubs
- Tokomaru Bay Rangatahi Zone
- Victoria Domain Court redevelopment
- Community Pool upgrades

These projects are all funded through Trust Tairāwhiti and other regional funders and are all community-led projects with project management oversight provided by Council and Trust Tairāwhiti.

POOL REDEVELOPMENT



Overall, the construction of [Kiwa Pools](#) continues to progress well with several trades and up to 47 separate contractors now working concurrently on site. Significant elements of the project now completed include:

- the installation of the 50-metre pool,
- the roofing of two-thirds of the main pool hall,
- the installation of the air conditioning units and pool filters,
- the main switchboard is being turned on mid-October.

The walls are now up for the learn-to-swim pool, the roof is being installed to the front and back of house, and carpentry works are underway in the front of house and main pool hall.

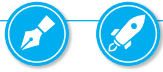
Unfortunately, further delays in the supply of structural steel and heavy rains have placed more pressure on the already constrained project timeline. We are currently reviewing the impact on our timeline and anticipated opening date.

The Registration of Interests for the learn to swim and café operators are being currently advertised, and a preferred supplier has been selected for the pool management and booking solution. Recruitment is ongoing.

Grant funding has been successfully secured to enable the solar panels to be included in the project scope. Efforts are continuing to secure grant funding for fit-out out of the hydrotherapy suite.



TOWNSHIP UPGRADES



Township Upgrade Schedule

The below schedule identifies when each township upgrade will occur. The team are tasked with completing one northern and one southern/western township annually.

The ability to complete the work has been challenging since 2020 due to Covid-19 lockdowns, mandates, extreme weather events, contractor and material availability.

FINANCIAL YEAR	TOWNSHIP	BUDGET	COMPLETION DATE	COMMENTS
2019 - 2020	Wharekahika	\$250,000	June 2021	Delays due to transition of service provision to EMR team & Covid Lockdown. Completed July 2021.
2019 - 2020	Manutuke	\$250,000	June 2021	Completed August 2021
2020 - 2021	Muriwai	\$250,000	June 2021	Completed
2020 - 2021	Te Araroa	\$250,000	June 2022	Delayed – Completed Oct 2022
2021 – 2022	Tikitiki	\$350,000	June 2022	Delayed – Completion now Dec 2022
2021 – 2022	Tiniroto	\$350,000	June 2022	Completed Sept 2022
2022 – 2023	Ruatoria	\$350,000	June 2023	On track, work to commence Feb 2023
2022 – 2023	Matawai	\$350,000	June 2023	Work likely to be delayed, to be completed by Nov 2023
2023 – 2024	Te Puia Springs/ Waipiro Bay	\$350,000	June 2024	On track, engagement to commence Feb 2023
2023 – 2024	Te Karaka	\$350,000	June 2024	On track, engagement to commence Feb 2023
2024 – 2025	Ūawa	\$350,000	June 2025	On track engagement to commence Feb 2024
2024 - 2025	Patutahi	\$350,000	June 2025	Engagement to commence Feb 2024
2025 – 2026	Tokomaru Bay	\$350,000	June 2026	Engagement to commence Feb 2025
2025 – 2026	Wharekahika	\$350,000	June 2026	Engagement to commence Feb 2025

Te Araroa

Te Papa Tākaro o Te Araroa's official opening planned for Sunday 30 October 2022 was postponed due to the severe weather warning, and was rescheduled for Monday 7 November.

Three new pieces of playground equipment, a new toilet facility, a new basketball court, new fencing, and seating was installed within the playground area as well as a footpath from Moana Parade playground entry to Rata Street.

The Liveable Communities team will then support their approved contractor to remove the retired toilet facilities (including the tanks underground) and the remainder of the 'townships' budget will be utilised to beautify the area with plants, seating, and a horse-hitching rail.

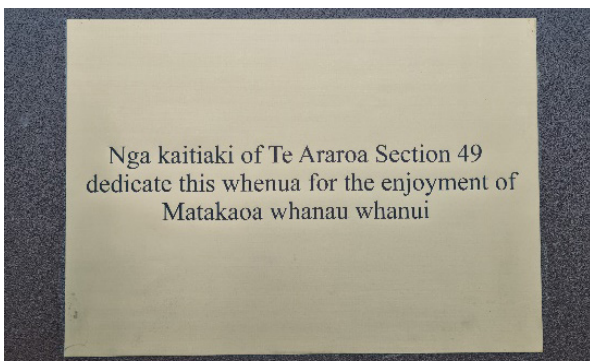
Local rangatahi of Te Kura Kaupapa Māori o Kawakawa mai Tawhiti and Rerekohu school have assisted in the township upgrade.



Te Papa Tākaro o Te Araroa – View from Rimu Street, Te Araroa



Ngā wharepaku hou i Te Araroa – New public toilets



Plaque to acknowledge the Responsible Trustees



The new Turf Basketball Court that is well used

Wharekahika

Wharekahika Playground is complete following the installation of the toddler equipment. The next township upgrade is scheduled for the financial year

of 2025/2026; however, Council continues to apply for funding to address medium and Long Term moemoea/ aspirations.



Wharekahika Playground completed with toddler equipment

Tikitiki/Rangitukia

Work within Tikitiki will be nearing completion when Council considers this township planning update.

As per the communities' aspirations, a new footpath is being installed on State Highway 35. A new fence, furniture, barbeque, and lighting will be installed into the playground and shade sails over the playground equipment. The new basketball court funded by Council and Basketball New Zealand has been

installed and the local tamariki/rangatahi are enjoying this new addition to their playground. The Rangitukia footpath from the Papakainga to Te Kura Kaupapa Māori o Whatonga will be completed before Christmas. The Area Liaison Manager has engaged with the principals of Tikitiki School and Te Kura Kaupapa Māori o Whatonga to design a waharoa for the new waharoa entrances to the playground which they both have graciously accepted.



Installation of the Tikitiki Playground shade sails – Sunday 30th October 2022.



Channel, curbing and new footpath installation along SH 35



Tikitiki boys enjoying their new Basketball Court

Tiniroto

Tiniroto Playground was opened on Sunday 25 September 2022. Although it was a wet day the community came out to support. Mayor Rehette

Stoltz assisted local tamariki to cut the ribbon to open the playground and took the opportunity to test out the slide with the children.



Ruatoria

All quotes have been received by Council based on community moemoea/aspirations. Civil Assist is currently developing the concept plan for the Ruatoria community to approve. Procurement for this upgrade is to be prepared and released in January 2023 with the intent for the work to be completed by 30 June 2023.

Matawai and Te Karaka

Minimal engagement has been had with the communities due to Covid-19 mandates and weather events delaying other township upgrades. Local community representatives have been engaged and will coordinate a meeting for the Area Liaison Manager to attend to discuss the project including funding for a community group to undertake community engagement to identify ngā moemoea and aspirations.

Tokomaru Bay

Although Tokomaru Bay is not on the township upgrade schedule currently it is important to highlight Council's coordination and promotion of the Mr. G Hotere murals painted by local tamariki and rangatahi with 'Mr. G' oversight. Te Puni Kōkiri approached Council's Area Liaison Manager in 2021 to offer the opportunity following the flooding events. Council's Area Liaison Manager coordinated wananga for tamariki/rangatahi and Mr. G initially

to come up with a concept over two days and then to paint the mural the week before Hatea-a-Rangi School's 150th Jubilee. The community is thankful to the proprietors of the Tokomaru Bay Four Square for enabling the mural to be painted on the School Road wall of the Four Square.



Mural on the side of Tokomaru Bay Four Square – Location is School Road Tokomaru Bay

Mr. G was also impressed by the manaakitanga and the willingness of whānau to share their stories and our history that he also painted this awesome mural on a shipping container on Wharf Road Tokomaru Bay, picture below.



PĀNUKU TŪ/TITIRANGI SUMMIT



Gisborne District Council in partnership with Ngāti Oneone proposes to redevelop the Titirangi summit and build a public space for cultural and educational activities.

The multi-purpose community facility [Te Panuku Tū Whare](#) will offer spaces for the display of taonga, a night sky viewing platform, exhibition spaces, and facility

conveniences - cafe, water fountains, and toilets.

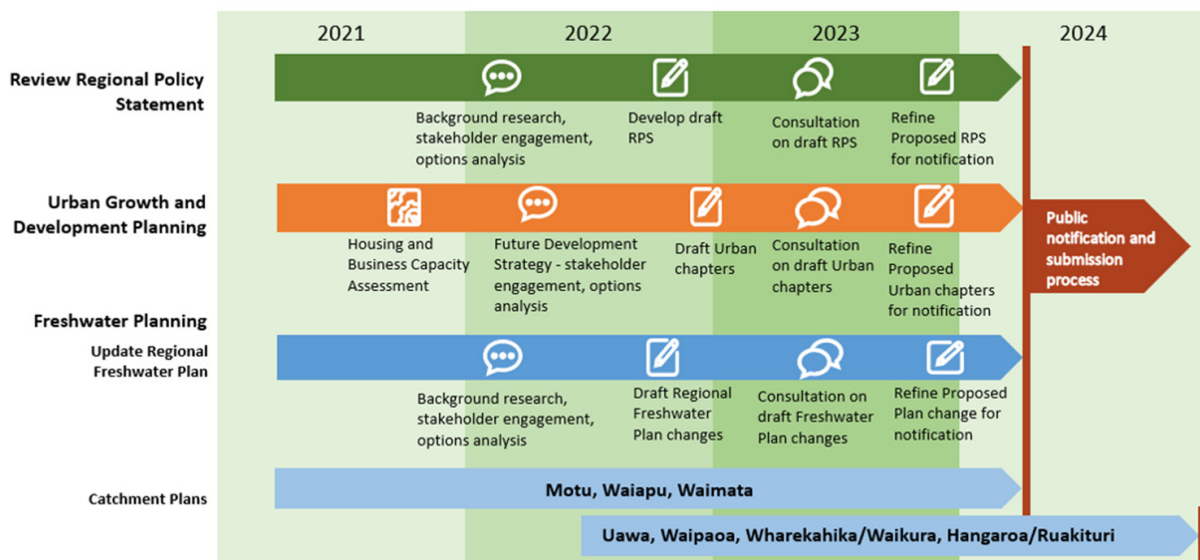
Resource consent for the Te Pānuku Tū project was submitted late last year and was fully notified. Several submissions have been received. The application is now on hold while further information is provided and discussions with submitters are undertaken.

TAIRĀWHITI RESOURCE MANAGEMENT PLAN



Council is undertaking a full [review](#) of Te Papa Tipu Taunaki o te Tairāwhiti/Tairāwhiti Resource Management Plan (TRMP) as an organisational priority. The 2021-2031 Long Term Plan (LTP) included \$25.8m (including \$7m for freshwater) to support the review.

The review is being undertaken in two phases over the next eight years. We're 17 months into Phase 1 with the three main workstreams running concurrently. Public notification of these three workstreams is expected in 2024.



Phase 2 of the TRMP review will include the coastal plan, the remainder of regional plan provisions, and the rest of the district plan. This phase will start in early 2024, with public notification of proposed changes in 2028.

The TRMP is using the principles of Te Tiriti o Waitangi to inform its approach to engaging tangata whenua, and Māori living in the region. It is of critical importance to continue with the higher-level foundational discussions about aspirations for a Te Tiriti partnership agreement between Council and iwi leadership structures, cumulating in a co-governance committee.

The three main workstreams are:

- Development of a new Regional Policy Statement (RPS)
- Implementation of the National Policy Statement on

Urban Development 2020 to support urban growth and development planning, including housing outcomes.

- Updating the regional freshwater planning provisions and developing the catchment plans required under the National Policy Statement for Freshwater Management 2020, including implementation of Te Mana o te Wai. The catchment plans are Mōtū; Waiapu; Waimatā – Pakarae; Ūawa; Waipaoa; Wharekahika – Waikura; and Hangaroa – Ruakituri.

Regional Policy Statement (RPS) workstream

The RPS workstream covers the development of a new Regional Policy Statement, which provides an overview of the significant resource management issues of the region, and policies and methods to achieve integrated

management of the natural and physical resources of the region. The RPS will provide the overarching structure and policy direction for the rest of the TRMP. It must give effect to national policy statements and national planning standards and be consistent with water conservation orders.

The current focus is on developing preliminary issues and options reports for the topics covered by the high-level regional challenges (presented previously in [Report 21-216](#)). These preliminary reports are an initial assessment against legislation and best practice. The issues and options reports will continue to be developed following engagement with our iwi partners and stakeholders and will inform our drafting of the RPS. Planning for engagement is currently underway. Technical information and evidence, to support the TRMP, is also being progressed, for example a landscape (and seascape) study to identify and map outstanding natural features and outstanding natural landscapes in Te Tairāwhiti.

Urban Growth and Development (UDG) workstream

This workstream will involve a full review of all urban zones – including all the residential, commercial and industrial zones in the Gisborne urban area and rural settlements – and zoning for the periphery of these areas.

The current focus of the UGD workstream continues to be on the development of a Future Development Strategy for Te Tairāwhiti. The approval of the FDS has been extended to early 2023 to allow for meaningful engagement - workshops with iwi, community, and councillors are ongoing up until the end of 2022, with public consultation on the draft FDS planned within the first half of 2023.

Freshwater workstream

Three catchment plans are underway - Motū, Waimatā-Pakarae and Waiapu. The Freshwater Planning team have begun to prepare for the remaining plans, with community engagement planned to start early 2023. A full update was provided to the Sustainable Tairāwhiti Committee on 8 September 2022 [Report 22-195](#).

ENVIRONMENTAL SCIENCE UPDATE



The Science and Environmental Monitoring teams continue to make progress with delivering the science programme, with a particular focus on freshwater and providing evidence for the Tairāwhiti Resource Management Plan (TRMP) review.

The Environmental Monitoring team continues to carry out regular monitoring of the environment as required by Government regulations and for Council business needs.

Freshwater monitoring

An independent review of Council's freshwater monitoring programme was completed in August 2022. This highlighted areas where additional sampling needs to be completed to meet the requirements of the National Policy Statement for Freshwater Management. The Environmental Monitoring team is developing a plan on how to implement the recommendations. This will be implemented by February 2023.

Three new river gauges have been installed in the northeast of the region to monitor river level and rate of flow. These gauges were funded through the provincial growth-funded Aqua Intel Aotearoa programme.

Wetland mapping

The whole region has been mapped for wetlands. This is a requirement of the National Policy Statement for Freshwater Management. This mapping was carried out using remote images and mapping. Therefore, a strategic method will be developed in November / December 2022 to confirm the accuracy of the mapping through 'ground-truthing'.

Soil monitoring

The second year of a programme to sample and analyze soils started in October. During the initial five years of the programme, 150 sites across the region will be sampled and analysed. This will build a picture of the types and health of our region's soil.

TŪRANGANUI ESTUARY RESTORATION PROJECT



This project aims to significantly enhance our urban stream networks that drain into the Turanganui estuary, including the Taruheru, Waikanae, and Waimatā waterways.

By the end of the project in June 2026, around 170,000 native plants will have been used in wetland and riparian planting. This means erosion-prone areas will be stabilised and the wetlands will absorb stormwater contaminants before they get to the Taruheru, Waikanae, and Waimatā waterways.

The Ministry for the Environment (MfE) has granted \$2.25m of the \$4.95m and agreed to support the project, which will use mātauranga Māori and western science to help restore the mauri and ora of the Tūranganui estuary system.

Planting of around 14,000 native plants and trees at Waiteata Park, Nelson Park, and Blackpool Reserve took place in July and August 2022. Council staff, members of local iwi, community, and schools took part in these events.

Detailed plans for projects due to commence in 2023/24 are being developed in partnership with mana whenua. Plants will be grown by nurseries in Gisborne.

A programme manager has been recruited to oversee this programme. Four kaimahi positions recruited from local iwi will help project manage and deliver the programme and whilst developing kaimahi knowledge of managing environmental projects. These positions will be filled in November.



TE RERENGA RAUROPI BIODIVERSITY

WAINGAKE TRANSFORMATION PROGRAMME

The [Waingake Transformation Programme](#) was established following Council's decision to return 71% of the Pamoā Forest to native vegetation cover as harvest of the existing pine forest progresses. The programme is being delivered in partnership with mana whenua Maraetaha Incorporation, supported by Ngai Tāmanuhiri. A formal Memorandum of Understanding between Council and Maraetaha Inc was signed in May 2022 and a Joint Steering Group was formed to progress a practical working relationship and matters of mutual importance across Waingake and Pamoā.

With the departure of Councillors Pat Seymour and Sandra Faulkner, the Waingake Joint Steering Group (Council and Maraetaha Inc.) will require appointment of two new Councillor representatives on the group.

Council has now signed a Heads of Agreement with eLandNZ Ltd for the replanting of the 29% land area at

Waingake. A licence for apiary rights is in development, and the first 40ha of planting was completed in early September by eLandNZ Ltd. To allow for an additional round of aerial control of wilding pines, some mānuka replanting originally planned for this season has now been scheduled for Autumn 2023. This allows us to achieve the best balance between managing ETS liabilities and ensuring successful establishment and survival of planted mānuka.

Planting season within the 71% was successful, with 223,00 mānuka planted across nearly 150ha. To provide additional erosion control, 675 willow and poplar poles were planted in high-risk gullies and on steep faces adjacent to the pipeline corridor.

Procurement for wilding pine control contracts is complete, with a panel of three suppliers appointed to complete ongoing work for the next three years.

INTEGRATED CATCHMENT MANAGEMENT (ICM)

Integrated Catchments is responsible for biosecurity, biodiversity and land management aspects of implementation, education, and advocacy of council's statutory functions around the Biosecurity Act and Resource Management Act.

Slow progress has been made with the Sustainable Hill Country Project (SHCP) and assisting Ministry for Primary Industries (MPI) with implementing works with existing Erosion Control Funding Programme (ECFP) grants. Although progressing slowly ongoing discussions with landowners to provide improved outcomes by using both the ECFP and the Emissions Trading Scheme (ETS) can be very beneficial in treating land overlay 3A (LO3A), our worst eroding land, to the advantage of landowners, our environment, and the district.

A review of the National Environmental Standard-Plantation Forestry (NES-PF) is consulting on managing the effects of exotic carbon forests (formerly termed Permanent Exotic Forestry); controlling plantation and exotic carbon afforestation to manage social, cultural, and

economic effects; improving wildfire risk management; and assessing the initial review of the NES-PF to better enable management of environmental effects of forestry. Submissions are due with MPI on 18 November.

ICM staff have committed to assisting Ministry for the Environment (MfE) in a Freshwater Farm Environment Plan (FWFP) pilot to test MfEs FWFP draft template, where FWFPs are a key component in progressing the freshwater reforms. Twelve properties and two catchments covering a wide range of farming/growing land uses, a full range of land tenures and with varying environmental information available for inclusion in a plan are being interviewed.

ICM staff made an application to MPI for funding to the Hill Country Erosion Fund (HCEF) for assistance in completing detailed Land Use Capability (LUC) mapping of the district and development of "erosion control plans" for inclusion in FWFPs. This LUC mapping identifies critical source areas of sediment where erosion control is required. MPI has delayed the announcement of successful applicants until the end of October.

Land management staff have extended their input into technical advice for regional resource consenting from afforestation to include harvesting, earthworks, and replanting activities. There is interest in land management staff being involved with the forestry industry in progressing solutions to issues facing forestry through re-establishing Council's involvement with forest interests.

Whakaoratia Trust has continued with conservation works over the winter, inclusive of planting poplar and willow poles in recently filled debris dams, planting poles alongside riverbanks and repairing dams damaged during the ongoing high-intensity rainfall events experienced earlier in the year. Land Management staff assist the trust with initiatives in the Waiapu Catchment.

Biodiversity staff are planning for Protection Management Area (PMA), areas of significant natural values, and surveys for 2022-2023. Development of an app-based recording system allowing direct input of filed observations alongside GIS staff is nearing completion. An annual report of findings for the 2021-2022 PMA surveys is almost complete. The annual Natural Heritage Fund (NHF) providing \$100k per annum has closed with applications for \$350k being assessed. The biodiversity team continues to provide advice on operational plans for the Waingake Transformational Project. A spring release of winter-planted seedlings provided by Trees That Count has been completed at Rere rockslide as part of the Wharekopae Project.

FARM ENVIRONMENTAL PLANS (FEPS)

FEPs are required under the Tairāwhiti Resource Management Plan (TRMP) by growers and farmers whose activities meet certain criteria. An FEP outlines the sustainable management of soil, water and nutrient resources on farms and is individually designed to identify and manage environmental risks. The FEPs are being assessed by a robust panel approach which includes staff from across Council.

FEPs were required by Council by 31 May 2021. To date, 82 FEPs have been received by Council and of these, 34 have been certified. Of the FEPs received, 33 plans were designed before the Freshwater Plan was notified

therefore some do not meet the required standard (and may not trigger the need for an FEP under the TRMP); however, they are a great environmental starting point for farming businesses to build on.

Council staff is providing ongoing assistance to FEP applicants to progress the plans to achieve the required standards. We continue to engage with farming industry groups to ensure all those that need to submit an FEP are aware of their obligations. Council's Compliance Monitoring and Enforcement team is undertaking a risk-based approach to ensure that those who need an FEP have a certified plan.

BIOSECURITY

Our [Biosecurity](#) team works with landowners to manage or eradicate pest, plants and animals. Especially those species in the Regional Pest Management Plan that we want to eliminate from our region.

Biosecurity work has been slowed by the ongoing wet weather conditions. Rooks, a species designated for eradication, are one of the region's more significant biosecurity risks. Six birds have been sited at Te Puia and so far one destroyed. Two birds are at Te Karaka and are still at large.

Soil conservation possum control is underway. Monitoring for pig damage and recreational hunting have seen a decline in pasture damage by feral pigs. Plant pest surveillance has focused on progressive containment of weeds in the urban area and roadside corridors. School advocacy continues across the district with 14 schools now visited.

On the 31 October NZ Biosecurity Awards recognised our Biodiversity Team Leader, Phil Karaitiana who won the Ministers Biosecurity Award for his commitment to biosecurity.

The award recognizes that Phil has dedicated his career to protecting the Wairoa and Gisborne regions from pests and diseases. He has been mentoring and managing in biosecurity through his role at Gisborne District Council's for the last 52 years. As noted in the award brief, Phil is perhaps one of the longest standing pest management/biosecurity practitioners in the country.

Known for his resilience and adaptability, Phil is highly respected as a trainer, educator and mentor. He works tirelessly to ensure Gisborne contributes to national regional sector biosecurity projects and inter-regional projects.

NGĀ PŪTEA TAUAWHI GRANT FUNDING

COUNCIL-ADMINISTERED GRANTS

Council receives and distribute funds on behalf of the following [funding schemes](#), detailed information is available on our website.

Creative Communities Scheme

This fund is advertised and distributed twice yearly. Funding is based on a population calculation for our region and currently, the total per year is \$42,000. Applications are for local community projects that encourage arts participation, along with other criteria.

Grant funding applications closed at the end of August and we received 27 applications, seeking a total of \$124,837. The assessment committee met on 28 September to distribute the \$29k available. There were 11 successful applicants with a combined value of \$21,411. The remaining funds will transfer to the February 2023 funding round. The reasons for the unsuccessful applications were mainly because they did not meet the funding criteria.

Sport NZ Rural Transport Fund

This fund is designed to help subsidise rural travel for junior teams and is targeted at young people aged between 5-19 years to assist rural school and club sports teams to participate in local sporting competitions.

Applications are requested twice yearly. Summer sport applications close on 11 November, with \$11k to distribute. Newspaper and Facebook advertising will be utilised as well as the networks of our Regional Area Liaison Manager.

Natural Heritage Fund

The fund assists private landowners to protect or enhance indigenous biodiversity on their land. Applications for the 2023 round opened on 1 August 2022 and closed on 1 October. A total of 23 applications were received requesting \$347,921.

For the 2023 funding year, there is \$140k available for projects. This is due to a one-off boost of \$40k from the underspent 2021 LTP biodiversity budget. The rollover of

this budget to the Natural Heritage Fund was approved by COR in July 2022.

Staff are currently working on the application assessment and ranking process, ahead of making a recommendation for the allocation of the fund. This will be presented to the Operations Committee in December.

Waste Minimisation Fund

The Waste Minimisation Fund (WMF) supports new local waste minimisation initiatives by funding up to \$10k towards projects annually. Funds received from the national waste levy are used to fund the WMF.

Application assessments look for projects that can demonstrate the likelihood of success, a reduction of harm to the environment, reduction of the amount of waste disposed of, and Long Term benefits after the life of the project. Applications for the 2023 round of funding open on 1 November and close on Friday the 24th of February 2023.

EXTERNAL FUNDING SECURED FOR ACTIVITIES DELIVERED DURING 2022/23

Table 1 below provides an overview of income from external funds granted for activities that are in progress or have been completed in the 2022/23 financial year.

ACTIVITY/PROJECT	AWARDED	FUNDER	TOTAL AMOUNT AWARDED
IN PROGRESS 2022/23			
1000-year Walkway Bridge cultural component and Te Maro platform	September 2022	Trust Tairāwhiti	\$343,000
Tūranganui Estuary Restoration	September 2022	One Tree Planted	US \$24,065
Better off Transition Fund	September 2022	Department of Internal Affairs	\$732,000
Streets for People Round 2	August 2022	Waka Kotahi	\$330,000
Grey Street development SH35 Ūawa/Tolaga Bay			\$330,000
Enabling infrastructure for housing supply - Taruheru catchment	July 2022	Kainga Ora – Infrastructure Acceleration Fund	\$3,950,000
Streets for People Round 1	May 2022	Waka Kotahi	\$67,000
Marae emergency resilience	February 2022	Phase 1 – Te Puni Kōkiri Phase 2/3 – Toitū Tairāwhiti	\$964,938 \$596,058
Tūranganui Estuary Restoration	February 2022	MfE Freshwater Improvement Fund	\$2,250,000
Land use characterisation for SoE soil quality monitoring and reporting	October 2021	Manaaki Whenua LandCare	\$39,760
Impact of forestry slash on Kai Moana Tolaga	August 2021	Envirolink	\$35,000
Economic utilisation of woody debris research	August 2021	Envirolink	\$35,000
Active Fault Delineation for Tairāwhiti	August 2021	CDEM Resilience Fund	\$120,000
Environmental impact of Tokomaru Bay legacy landfill	August 2021	Massey University	\$30,000
1000 Year Walkway Bridge	June 2021	Lotteries Significant Projects Fund	\$1,750,000
Waingake Transformation – Planting Year 2,3,4	May 2021	One Tree Planted	US\$740,000
Waingake Transformation – Weed/Pest control Year 2,3,4	March 2021	DOC – Kaimahi for Nature	\$2,000,000
Waingake Transformation – Planting Year 2,3,4	March 2021	MPI - One Billion Trees Fund	\$1,860,000

Wastewater Treatment Upgrade Options for water amalgamation Rural township's water supply	August 2020	3-Waters Reform Economic Stimulus	\$7,500,000 \$250,000 \$3,290,000
Olympic Pool Redevelopment	July 2020	COVID-19 Recovery Fund	\$40,000,000
Waipaoa River Flood Control Scheme	July 2020	COVID-19 Recovery Fund	\$7,500,000
COMPLETED 2022/23			
Titirangi Summit - Design phase	May 2020	Provincial Growth Fund	\$1,067,000
Library – Digital services, databases, managed services	July 2020 – June 2022	New Zealand Libraries Partnership programme	\$117,495
Tsunami Taumaruru projects	March 2021	CDEM Resilience Fund	\$20,000
Library – Resource capacity to support community digital learning	May 2021	New Zealand Libraries Partnership programme	\$117,224
Library – Digital preservation projects	May-July 2021	New Zealand Libraries Partnership programme	\$16,540
Te Tairāwhiti Arts Festival	June 2021	Creative New Zealand	\$50,000
Tokomaru Bay Wharf Toilet	July 2021	MBIE Tourism Infrastructure Fund	\$203,200
Tairāwhiti 'No excuses on water' Campaign	August 2021	Maritime NZ	\$5,000

EXTERNAL FUNDING APPLICATIONS

Three Waters Better Off funding

Council has submitted an application for Tranche 1 of the Better Off funding, encompassing 6 Projects.

- Compostable waste collection and waste to energy options \$3m
- Kiwa Pools solar panels \$800k
- Marae sustainability programme \$1m
- Taruheru walk and cycleway \$1.4m
- Hawaiki Tūranga site remediation and installation \$400k
- Deliberative democracy on climate change adaptation \$400k.

The final outcome of the Tranche 1 funding proposal will be confirmed in the coming weeks with Tranche 2 of the Better off funding for \$21.62 million open for submission from 1 July 2023.

Township Upgrades

A decision has been given for Council's application to NZCT to support components of the East Coast Township Plan upgrades. The NZCT Trust committee originally deferred Councils application in February to await the result of our Gambling Policy Review and Sinking Lid Policy at the end of March. Following the results of Council's Gambling Venue Policy three-yearly review, our application was considered by the Trust board in August which ultimately led to our application being declined for the following reason:

'NZCT generally prefers to allocate Gisborne funding for organisations in your community that value the availability, and continued availability, of Class 4 funding.'

The table below provides an overview of funding applications awaiting a decision.

ACTIVITY / PROJECT	DECISION	FUNDER	AMOUNT
Freedom Camping transition fund	Pending November 2022	MBIE	\$128,000
Kiwa Pool Redevelopment Upgrades - Hydro slides and Hydrotherapy Suite	Pending November 2022	Lotteries Community Facilities Fund	\$4,555,043
Township upgrades	Declined September 2022	NZCT	\$361,000
Hill Country Erosion Project	Pending October 2022	MPI Hill Country Erosion Fund (HCEF)	\$1,600,000

NGĀ MAHINGA RORI Ā-ROHE REGIONAL ROADING ACTIVITIES

EAST CAPE ROAD

Contracts for rock protection work to be delivered as part of the Provincial Growth Fund have now been awarded.

Contract 21-77A East Cape Rock Protection (Rock Purchase) was awarded to Higgins Contractors for \$1.6m for 9300 tonnes of rock will be delivered to site with a completion date of 5 November.

Contracts 21-77B East Cape Rock Protection (Rock Purchase) was awarded to Fulton Hogan Ltd for \$800k

for 6000 tonnes of rock. Fulton Hogan has commenced hauling rock to the site.

Contract 21-78 East Cape Road Rock Protection Stage 2 Physical works have been awarded to Fulton Hogan Ltd for \$4.5m The contractors intend to be onsite from the end of November once traffic management, health and safety, and construction plans are approved.



ROAD SAFETY IMPROVEMENTS – RAISED PEDESTRIAN CROSSINGS

Traffic calming here was requested with a petition from residents. The platforms align with two of the footbridges that cross the Taruheru River slowing traffic and making a safer route for walking and cycling linking to the riverside shared path, city, and botanical gardens.

Construction work has finished on new raised safety platforms at Hall and Stafford Streets on Stout Street. The designs are to safe system standards and are one of the tools to improve road safety across the city and encourage more walking and cycling in addressing our region's poor road safety statistics for cyclists and pedestrians.



ŪAWA COMMUNITY TRAILS

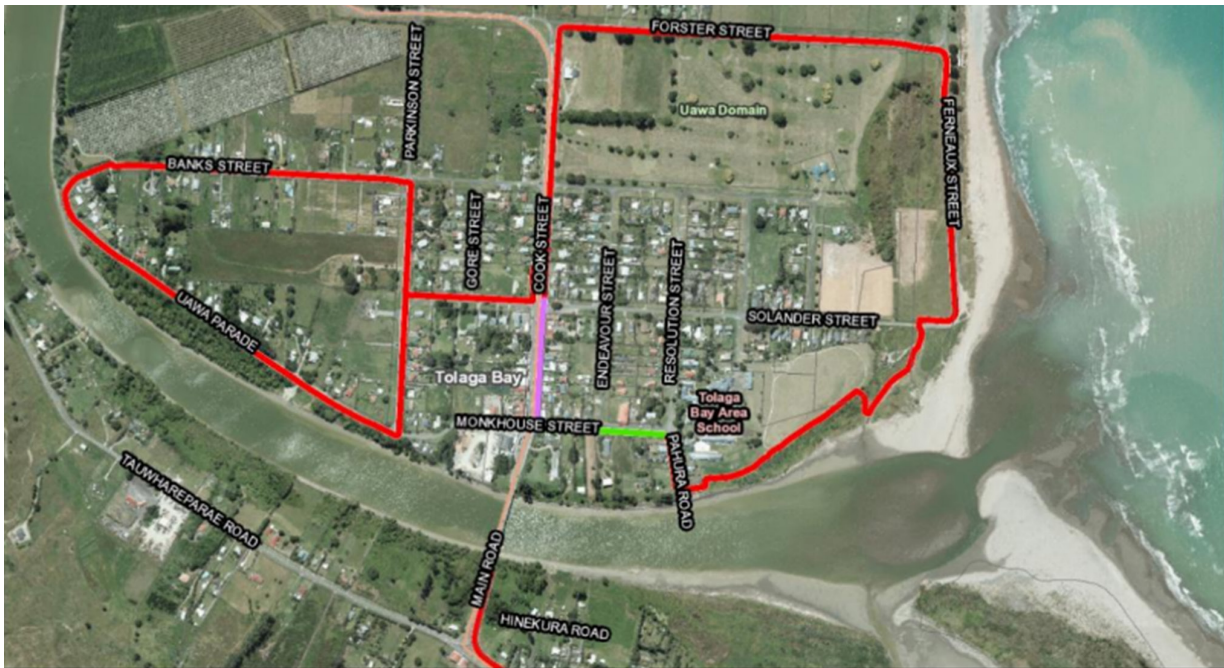
The project is a community-led initiative to enable safer walking and cycling around the township with 5km of off-road tracks and is part of a wider 8km network proposed to connect wharf to town and beaches.

Construction has begun on Ūawa Community Trails with the concrete sections on Monkhouse and Solander Streets. Resource consent for parts of the network through ecological areas is underway.

This project is two-thirds funded by Waka Kotahi and a third funded by Council and was consulted on through Council's Long Term Plan and by the local community.

Separated pathways for walking and cycling are the most effective way of improving safety and encouraging mode shift. Road safety statistics are typically worse for Māori in our region.

We post regular updates on our [Facebook page](#)



The proposed Ūawa cycleway and walkway that will circumnavigate Tolaga bay township.



Uawa Cycle & Walkway

359 likes • 376 followers



