



# LOCAL GOVERNANCE STATEMENT 2019-2022

Guide for the community on Council processes



# Vision and mission

To provide the facilities and services, the environment and leadership, plus encouragement for economic opportunities to make Napier the best city in New Zealand in which to work, raise a family and enjoy a safe and satisfying life.



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## **1. INTRODUCTION – WHAT IS A LOCAL GOVERNANCE STATEMENT?**

This Local Governance Statement provides information about the processes through which Napier City Council engages with the residents of Napier, how the Council makes decisions, and how citizens can influence these processes.

Local Governance Statements are a requirement under section 40 of the Local Government Act 2002, and must be adopted by a new Council within six months of an election. It may be updated at any point during the next three years after that to ensure that it remains accurate and up-to-date.

## 2. WHAT THE COUNCIL DOES

The purpose of Napier City Council is to enable democratic local decision-making, and to promote the social, economic, environmental, and cultural well-being of the Napier community now and for the future.

### Functions of Council – Key Legislation

The key legislation applying to Napier City Council, and the functions that the Council undertakes as a result of this legislation, include:

#### Local Government Act 2002

- Planning for community needs, with general power to undertake any activities to perform its role with particular regard to:
  - network infrastructure,
  - solid waste collection and disposal,
  - the avoidance or mitigation of natural hazards, and
  - libraries, museums, reserves, recreational facilities, and other community infrastructure.
- Making and enforcing bylaws.
- Facilitating and building Māori capacity to get involved in local government decision making.

#### Local Government Act 1974

- Providing local roads, footpaths, cycle tracks, pedestrian malls.
- Naming local roads.
- Providing land drainage.

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

- Management of council meetings, including how information about the timing of meetings, the topics of discussion and decisions made, is provided to the public.
- Provision of official information held by council, including notes about when information may be withheld.

#### Resource Management Act 1991

- Managing natural and physical resources sustainably through setting objectives, policies and rules that manage environmental effects of activities and which are incorporated into District Plans.

#### Local Electoral Act 2001

- Managing local authority (council) triennial elections.

## Functions of Council – Other Legislation

### National Legislation

Local Authorities (councils) are affected by other legislation as well. While most legislation impacts on the activities of a council to some degree, some Acts are of direct relevance to how council undertakes its functions, responsibilities and activities.

A list of the national legislation of particular importance to Napier City Council can be found at [Appendix One](#).

### Local Legislation

Napier City Council is also affected by some local legislation.

Local legislation comprises Acts of Parliament that have come about through a Bill promoted by a particular council, and which affects a particular locality only. Some of this legislation is now of limited relevance; however, all of these enactments remain in force and confer various powers and responsibilities on Napier City Council either directly or as successor to the former Napier Borough Council, the Hawke's Bay County Council or the Hawke's Harbour Board.

A list of the local legislation for Napier City Council can be found at [Appendix Two](#).

## Activities

In order to perform its functions, Napier City Council undertakes many different activities. Information is provided about these activities in Council's plans and reports, such as the Long Term Plan, the Annual Plan and the Annual Report, which include associated financial information and key projects.

More detailed descriptions of these documents are outlined in Section 12 of this Local Governance Statement, along with the weblinks to the current documents.

The activities of Napier City Council are:

- Democracy and governance
- Transportation
- Stormwater, wastewater and water supply
- Other infrastructure
- City Strategy
- Community and visitor experiences
- Property assets

### 3. BYLAWS

#### What are Bylaws?

Bylaws are rules that a Local Authority (council) has the power to make. They apply:

- to local issues that existing Acts of Parliament and Regulations do not cover,
- within the boundaries of the Local Authority,

and there are a range of options available to the Local Authority to enforce them.

A council may make bylaws to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise potential for offensive behaviour in public places. If a bylaw is broken, a fine or prosecution may be incurred.

Bylaws are available on Council's website <https://www.napier.govt.nz/our-council/policies-and-bylaws/bylaws/>

The Local Government Act 2002 requires bylaws to be reviewed within 5 years of the date on which they are first made, with all further reviews carried out within 10 years<sup>1</sup>.

#### Napier City Council Bylaws

Bylaw	Adopted	Reviewed	Next Review
<b>Introductory Bylaw 2014</b> Identifies and clearly interprets the terms and expressions that are used throughout Napier City Council Bylaws. Outlines the serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works, fees and charges, offences and penalties for breach of bylaws.	2008	2014	2024
<b>Animal Control Bylaw 2014</b> Controls the keeping of animals, poultry, bees and reptiles on private property and trapping activities in public and private places. Sets minimum necessary requirements on owners for maintaining the principles of animal welfare and for the protection of residents and the local community from potential nuisance, excess noise, and health hazard.	2008	2014	2024

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<sup>1</sup> Local Government Act 2002, sections 158-159

Bylaw	Adopted	Reviewed	Next Review
<p><b>Cemeteries Bylaw 2014</b></p> <p>Controls activities within cemeteries to ensure acceptable standards of operation, and to ensure that convenience, safety, visual amenity and civic values are maintained for the wellbeing of residents, monumentalists, and funeral services.</p>	2008	2014	2024
<p><b>Dog Control Bylaw 2014</b></p> <p>Enhances the safety of the public and children by minimising the distress, nuisance and intimidation caused by dogs to the community, avoiding the inherent danger of uncontrolled dogs in public places and to provide dogs and their owners with the ability to satisfy their recreational needs, as far as is practicable through legislative means.</p>	2014		2024
<p><b>Fire Control Bylaw 2014</b></p> <p>Controls burning in the open air in the district and prevents smoke from fires in the open causing a nuisance. Control and prevent the spreading of fires in the district.</p>	2008	2014	2024
<p><b>Freedom Camping Bylaw 2017</b></p> <p>The purpose of this Bylaw is to control freedom camping in the district in order to protect the area, protect the health and safety of people who may visit the area, and to protect access to the area.</p>	2014	2017	2026
<p><b>Mobile Sign Bylaw 2020</b></p> <p>The purpose of this Bylaw is to ensure that vehicle and trailer advertising signs are erected, maintained, positioned and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to maintain aesthetic standards.</p>	2013	2020	2025

<b>Bylaw</b>	<b>Adopted</b>	<b>Reviewed</b>	<b>Next Review</b>
<p><b>Parking Control Bylaw 2014</b> Controls parking activities, and addresses parking issues which may have an adverse effect on other users of public places.</p>	2008	2014	2024
<p><b>Parks &amp; Reserves Bylaw 2014</b> Controls a diverse range of activities, and addresses behaviour in public facilities such as parks, reserves and beaches.</p>	2008	2014	2024
<p><b>Public Places Bylaw 2014</b> Ensures that acceptable standards of convenience, safety, visual amenity, and civic values are maintained within the district. Addresses damage to public places such as roads, grass verges, garden areas and reserves and activities within public places and reserves which may have an adverse effect on other users of these facilities.</p>	2008	2014	2024
<p><b>Liquor Control Bylaw 2014</b> Enhance safety and the public enjoyment of public places in a responsible manner, particularly within the central city, by providing for liquor control in specified public areas in order to reduce the incidence of alcohol related offences, particularly those of a violent and/or destructive nature.</p>	2004	2014	2024
<p><b>Solid Waste Bylaw 2012</b> Regulates waste management, including the collection, transportation and disposal of waste. Aims to support waste minimisation and reduction, and assist in the implementation of Council's Solid Waste Management Plan and the New Zealand Waste Strategy, to ensure effective and efficient waste management and to impose performance standards for waste handling.</p>	2008	2012	2022
<p><b>Speed Limits Bylaw 2012</b> To set speed limits for roads in the urban traffic areas.</p>	2005	2012	2022

Bylaw	Adopted	Reviewed	Next Review
<p><b>Stormwater Bylaw 2020</b></p> <p>Prevents the misuse of Council’s public stormwater network by controlling the discharge of contaminants into the network, requiring the use of the network for the discharge of stormwater only and to protect the network from damage or alteration.</p>	Dec 2019		2025
<p><b>Tattooists and Skin Piercers Bylaw 2014</b></p> <p>Prevents the transference of communicable diseases, and the development of wound infections, by skin piercing practices. Requires that premises at which skin piercing is practiced are registered, and provides constructional and operational standards to be complied with in accordance with the registration process.</p>	2008	2014	2024
<p><b>Trade Waste Bylaw 2014</b></p> <p>Protects wastewater infrastructure and regulates disposal and treatment of trade waste. Aims to ensure effective and efficient trade waste management, and to meet requirements of discharge consents for treated waste to the marine environment by imposing performance standards and requirements for trade waste disposal.</p>	2008	2015	2025
<p><b>Trading in Public Places Bylaw 2014</b></p> <p>Regulates the conduct of persons selling goods on streets, roads, footpaths and other public places, or using vehicles to sell goods and services to the general public. Prescribes fees where required.</p>	2008	2014	2024
<p><b>Wastewater Drainage 2014</b></p> <p>Prevents the misuse of Council’s wastewater drainage system. Ensures the protection of personnel and the general public. Protects the ability of Council to meet legislative requirements and protect investment in all existing and future infrastructure treatment plant and disposal facilities.</p>	2008	2014	2024

Bylaw	Adopted	Reviewed	Next Review
<p><b>Water Supply Bylaw 2012</b>  Provides protection for Council’s water supplies and infrastructure. Defines the water supply areas and sets out conditions of supply.</p>	2008	2012	2022

## 4. ELECTORAL SYSTEMS AND OPPORTUNITY TO CHANGE THEM

### When is the next election?

Local Government elections are run every three years on the second Saturday of October. The most recent election was 12 October 2019, and the next will be in October 2022.

### What is an 'electoral system'?

An "electoral system" describes the system used for voting at Local Authority elections. The Local Electoral Act 2001 provides for two types of electoral systems, First Past the Post and Single Transferable Vote.

### First past the Post (FPP)

Under this system, each voter may cast one vote for a vacant position. Those candidates with the most votes are elected.

### Single Transferable Vote (STV)

Under this system, voters rank candidates in order of their preference.

All voters' first preferences are counted and any candidates whose votes exceed an amount (called the "quota") is elected.

If not all positions are filled, the surplus votes for successful candidates are redistributed among the other candidates according to voters' preferences.

If the positions are not filled by redistributing surplus votes, the candidate with the fewest votes is excluded and that candidate's votes are then distributed among the remaining candidates according to voters' preferences. This process of redistributing votes continues until all positions are filled.

More detailed information on STV system is available on the website <http://www.stv.govt.nz/stv>

### Changing the Electoral System

Napier City Council currently uses First Past the Post as its electoral system.

The option of STV was introduced in the early 2000's for potential use in the 2004 elections. In 2003, a valid demand from at least 5% of the voters in Napier City was made to consider which electoral system would be used in 2004 (STV or FPP) and a poll was undertaken later that year. The results of the poll was to retain FPP. Council has since resolved to continue with the FPP system each election.

Any changes to the electoral system must apply for two elections. On 30 August 2017 Council decided to retain the First Past the Post system for the 2019 and 2022 elections.

The electoral system to be used for future elections could be changed by the following methods:

- Council resolution
- Council holding a poll on whether there should be a change of electoral system (as long as this is decided on before 21 February in the year prior to an election year)
- Voters demanding a poll

At any time, the voting public of Napier City may demand a poll on whether or not there should be a change of electoral system, as long as 5% of the electors clearly indicate that they want this.

To take effect for the 2022 and 2025 election, a valid demand would need to be received before 21 February 2021 and the ensuing poll undertaken before 21 May 2021. For any demand received after 21 February 2021 the poll will be held after 21 May 2021, and the results applicable to the 2025 and 2028 elections.

If you want to find out more on how to demand a poll, please see the Local Electoral Act 2001, Part 2, Sections 29-30.

If you would like to find out more about the matters discussed above, please contact the Governance Team at [governance@napier.govt.nz](mailto:governance@napier.govt.nz)

## 5. REPRESENTATION ARRANGEMENTS

### What are 'representation arrangements'?

Representation arrangements are the way representation of the public is configured for elections for a Local Authority such as Napier City Council, including:

1. The number of members that are elected to the governing body of Napier City Council (the legal requirement is no less than six and no more than 30 members, including the Mayor),
2. Whether the election of members other than the Mayor (also known as councillors) is by the entire electoral district (called 'at large'), or whether the district is divided into wards for electoral purposes, or whether there will be a mix of 'at large' and ward representation,
3. The boundaries of wards, the names of the wards, and the number of members that will represent each ward, if wards are used,
4. Whether to have Māori wards for electors on the Māori roll, and
5. Whether to have community boards, and if so, how many, and what their boundaries and membership will look like.

Local Authorities must review their representation arrangements at least every six years. Napier City Council completed a representation review in 2018; more information on the review can be found below.

### Current Napier City Council representation structure

Currently Napier City Council has one Mayor and twelve elected members (councillors).

Following Napier City Council's review of its representation in late 2017/ 2018, the final proposal of Council was confirmed by determination of the Local Government Commission in January 2019. In line with the Council's proposal, the election of councillors was restructured as ward-only for the 2019 elections.

The allocation of councillors as is follows:

Ahuriri Ward	2 councillors
Onekawa Ward	2 councillors
Nelson Park Ward	4 councillors
Taradale Ward	4 councillors

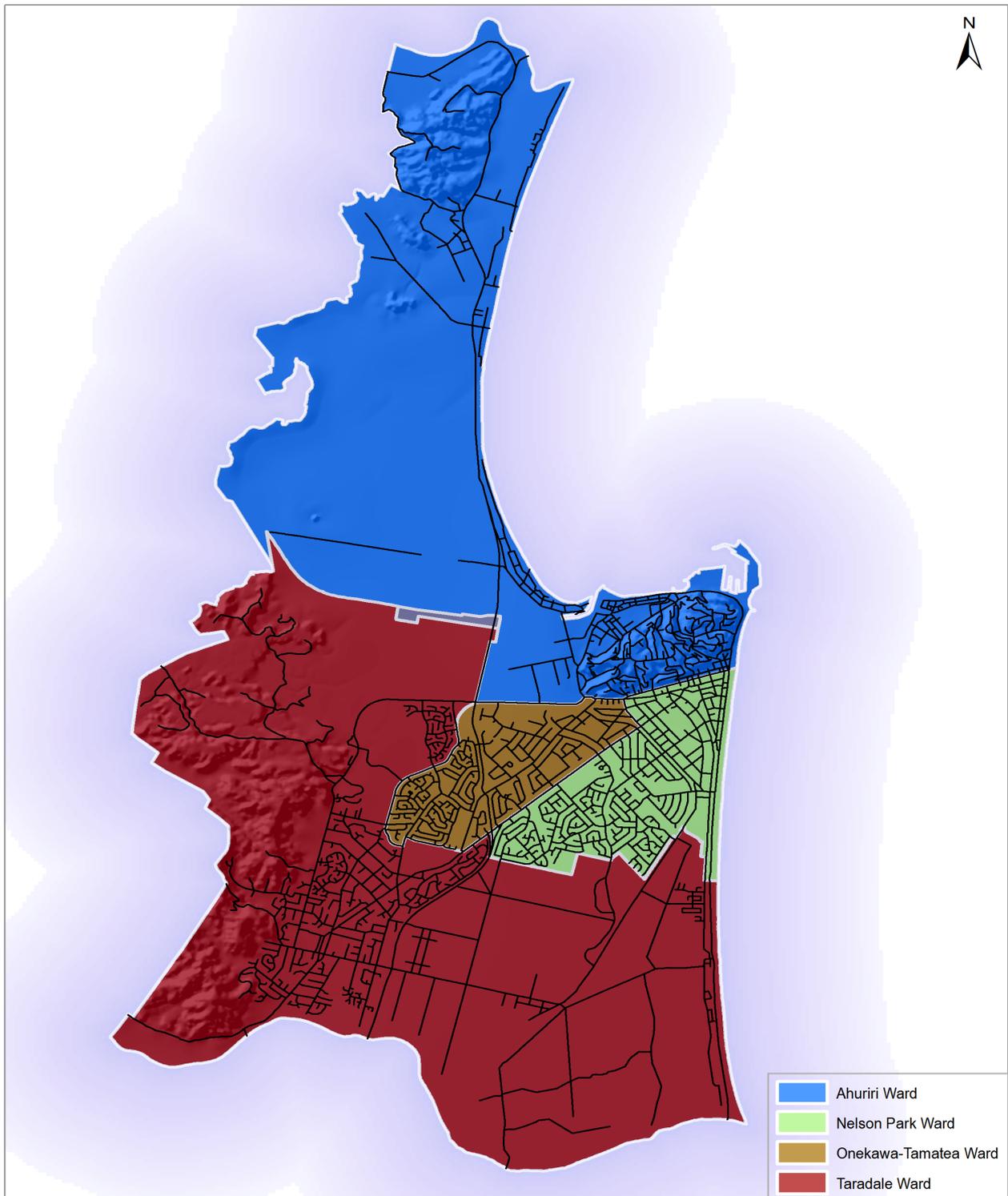
The Mayor will continue to be elected by the city as a whole.

Napier does not currently have Māori wards or community boards.

There was no change to the ward boundaries from previous elections.

## Map of Napier City Council wards

Napier City's current ward boundaries are shown here:



## Meet your Council



**Mayor Kirsten Wise**



**Deputy Mayor  
Annette Brosnan**  
Onekawa-Tamatea



**Cr Richard McGrath**  
Onekawa-Tamatea



**Cr Keith Price**  
Ahuriri



**Cr Hayley Browne**  
Ahuriri



**Cr Tania Wright**  
Taradale



**Cr Graeme Taylor**  
Taradale



**Cr Ronda Chrystal**  
Taradale



**Cr Nigel Simpson**  
Taradale



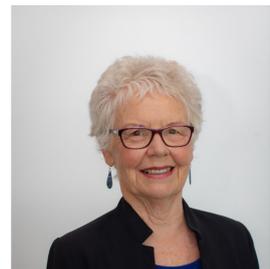
**Cr Greg Mawson**  
Nelson Park



**Cr Sally Crown**  
Nelson Park



**Cr Api Tapine**  
Nelson Park



**Cr Maxine Boag**  
Nelson Park

You can find more information on the Mayor and Councillors and how to contact them on our website <https://www.napier.govt.nz/our-council/mayor-and-councillors/>

## Review of representation arrangements

### Recent History

Year	Actions
2006	<p>Napier City Council reviewed its representation arrangements at its meeting on 21 June 2006 and agreed that:</p> <ul style="list-style-type: none"><li>• members would be elected by the district as a whole rather than wards,</li><li>• there be 10 members (excluding the Mayor), and</li><li>• there be no community boards.</li></ul> <p>Public submissions received on this decision mostly supported a ward system.</p> <p>Council met again on 6 September 2006 and decided that:</p> <ul style="list-style-type: none"><li>• members would still be elected by the district as a whole rather than ward on the basis that:<ul style="list-style-type: none"><li>○ the 2005 National Research Bureau (NRB) survey indicated a 70% preference for 'at large' versus 28% for wards,</li><li>○ it was believed that Napier had many of the characteristics of 'one community of interest', for which election at large is most suitable, and</li><li>○ a ward system was not seen to provide fairer or more effective representation.</li></ul></li><li>• there be 12 members (excluding the Mayor), on the basis that:<ul style="list-style-type: none"><li>○ the 2005 NRB survey indicated a 59% preference for 12 (status quo at the time), a 3% preference for more and only a 31% preference for less,</li><li>○ public submissions received also mainly supported retaining the current level of representation, and</li><li>○ 12 councillors provides a wider range of viewpoints than 10 would.</li></ul></li></ul> <p>The final proposal made in September 2006 was appealed by members of the public to the Local Government Commission, which makes the final decision on representation arrangements.</p> <p>On 10 April 2007, the Commission decided that there will be 12 councillors and a Mayor. Of these, six councillors would be elected 'at large' and six would be elected from four wards – Ahuriri, Onekawa-Tamatea, Nelson Park, Taradale.</p>

Year	Actions
2012	<p>Napier City Council reviewed its representation arrangements. Council decided in June 2012 to retain the arrangements adopted in 2007. This was due partly to the postponement of the 2001 Census which meant that no updated census information was available. The Census was eventually held in 2013.</p> <p>These same representation arrangements were also used for the 2013 and 2016 triennial elections.</p>
2017-2018	<p>Napier City Council reviewed its representation arrangements in a process involving significant levels of engagement with the community, the most in-depth analysis of current and historic data to that point and consideration of a variety of options by the Council.</p> <p>Based on the analysis, it was advised that a ward-only system may be most effective for Napier for a number of reasons. Following Council debate and ensuing initial proposal to maintain the status quo (specifically to continue with the mixed at large/ ward Councillor arrangement), the highest number of submissions on a representation review were received with a strong majority in favour of moving to a ward-only structure.</p> <p>In late 2018, as per the review process, Council considered all submissions, and made the decision to alter its final proposal to a ward-only system. Two public objections were received to the final proposal, meaning the final proposal and all associated information was required to be considered by the Local Government Commission who adjudicates and makes a final determination in these instances.</p>
Jan 2019	<p>The Local Government Commission ratified Council’s final proposal to move to election of councillors by ward only, for the 2019 local government election. This determination will also be in place for the 2022 election unless Council directs an earlier review than the required six years, or there are any changes to the city boundary.</p>
Oct 2021	<p>Napier City Council reviewed its representation arrangements in regards to instating Māori Ward seats for the 2025 elections. The process involved significant levels of engagement with the community.</p> <p>Based on analysis of public submissions it was advised that Māori Ward seats should be part of Napier City Council’s representation structure. Council considered all submissions, and following debate, resolved to establish Māori Ward seats in 2025.</p>

## Resident Surveys

Year and Survey	Votes for 'at large'	Votes for wards	Votes for a mix	Councillor number
1995 Referendum	60%	35%		
2005 NRB Survey	70%	28%		Status quo (12 members) – 59% in support  Reduction (7-10 members) – 31% in support
2006 Survey undertaken just prior to the Local Government Commission decision	70%	28%		
2009 NRB survey	28%	20%	44%	
August 2011 NRB survey	25%	21%	52%	Status quo (12 members) – 62% in support  Reduction (7-10 members) – 31% in support
November 2017 Survey	12%	27%	41%	

## Matters to take into account

Napier City Council must undertake a representation review at least every six years, following the procedure set out in the Local Electoral Act 2001 and guidelines published by the Local Government Commission.

In carrying out a representation review, a Local Authority should be guided by the principle of fair and effective representation for individuals and communities.

Fair representation relates to the number of persons represented per member.

The ratio of persons per member in each ward or constituency is required to be within +/- 10% of the ratio for the district or region as a whole. This is designed to ensure approximate equality in representation i.e. votes of equal value.

Effective representation relates to representation for identified communities of interest. This needs to take account of the nature and locality of those communities of interest and the size, nature and diversity of the district as a whole.

### Māori Wards

The Local Government Act gives Council the ability to establish separate wards for Māori voters. The establishment of Māori wards can be achieved through a Council resolution.

If Māori ward(s) are to be implemented, the number of members to be elected would be determined according to the number of voters in the district who are registered on the Māori parliamentary roll in relation to the number of voters in the district who are registered on the General Parliamentary roll.

On 20 October 2021, Napier City Council resolved to establish Māori wards in time for the 2025 elections.

### 2018 Review

Napier completed a representation review in 2018, following an 18 month comprehensive process of community engagement and analysis of historical data. The final proposal of Council was reached in late 2018:

1. That the Council continue to comprise a Mayor and 12 Councillors
2. That the election of Councillors move to a fully ward-only system
3. That the existing ward boundaries be maintained
4. That Māori wards and community boards not be established

As two public objections were received to the final proposal, the proposal and all supporting documentation were provided to the Local Government Commission on 8 August 2018. On 18 January 2019 the Commission ratified the final proposal of Council. Council received the determination by resolution on 5 March 2019 and the new representation arrangements applied to the 2019 election.

These representation arrangements will also stand for the 2022 election.

The timetable of key dates in the process followed were as follows:

Action	Dates
Obtain the most up to date population estimates and identify a range of possible representation models. Preliminary consultation with the public on options.	late 2017 – April 2018
Resolution setting out Council's initial proposal on the representation arrangements applicable for 2019 triennial elections. Initial proposal was to retain the status quo – a mixed ward system of 12 councillors and Mayor with no change to ward boundaries, no community boards, and no Māori wards.	<i>Finance Committee recommendation</i> 20 March 2018, Council resolution 9 April 2018
Notice of Council's initial proposal to the public (providing at least one month for submissions).	10 April 2018
Submissions considered, original proposal amended by resolution, and notify public of its final proposal. Council's final proposal was to move to a ward only system of 12 councillors and Mayor, to retain the same ward boundaries, no community boards and no Māori wards.	Hearing and deliberations at Council 26 June 2018
As there was a change between the initial and final proposals, appeals from those who submitted on the original proposal and any fresh objections to the amendment were sought for the four weeks following the 26 June 2018. Two objections were received.	Council received objections 7 August 2018
Appeals and objections are forwarded to Local Government Commission, accompanied by all documentation produced during the review process for consideration and determination.	8 August 2018
Determination of the Local Government Commission (due by 11 April 2019).	18 January 2019
Determination received by Council	<i>Strategy and Infrastructure Committee recommendation</i> 19 February 2019, Council resolution 5 March 2019

## Reorganisation proposals

Local government reorganisation means changes to the structure of local authorities, including:

1. changes to boundaries,
2. the creation of a new Council,
3. the union of Councils,
4. the abolition of a Council, or
5. the transfer of functions and duties from one Council to another.

Schedule 3 of the Local Government Act 2002 sets out procedures which must be followed for local government reorganisation proposals. The Local Government Commission has also published a useful guide to understanding the process of reorganisation proposals <http://www.lgc.govt.nz/the-reorganisation-process/>.

### Process for affecting change

1. Any individual or group may lodge a proposal for reorganisation with the Local Government Commission.
2. The Commission decides whether there is demonstrable community support for the proposal before it decides whether or not to assess the application. If it decides to assess the proposal, it then advertises the proposal and provides an opportunity for alternative proposals to be lodged.
3. After considering all the proposals which are received, the Commission forms an opinion as to its preferred arrangement, prepares a draft re-organisation scheme, publicises the scheme, and asks for submissions.
4. After considering submissions and any other relevant matters, the Commission may issue a final scheme. At that stage, 10% of the voters of any of the local authorities affected by the scheme may petition for a poll to be taken on the proposal. The results of this poll will determine whether the reorganisation proceeds or goes no further.

### Napier City Council's recent history

1. On 15 September 2015, a poll was held to decide whether the Hawke's Bay Councils should amalgamate into one unitary Council for the region.
2. A majority of 66.18% of voters rejected the amalgamation proposal (33.55% voted for the proposal).
3. Within Napier City, 87.68% voted against amalgamation.

Scoping work for possible changes to the ward boundaries of Napier City Council was initiated in 2018 through an independent review. Early discussions with the relevant councils and mana whenua will be undertaken prior to any further analysis of options and community engagement.

## 6. ROLES AND CONDUCT OF ELECTED MEMBERS

### Role of the governing body of Napier City Council

The elected members (Mayor and councillors) of Napier City Council have the following roles:

- setting the policy direction of Council
- monitoring the performance of Council
- representing the interests of Napier City as a whole (upon election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the city)
- employing the Chief Executive (under the Local Government Act 2002, the Local Authority employs the Chief Executive, who in turn employs all other staff on its behalf).

### Mayor of Napier City

The Mayor is elected by Napier as a whole (“at large”), and as one of the elected members shares the same general responsibilities as other members of the governing body of Council. A 2012 amendment to the Local Government Act 2002, which came into effect following the 2013 elections, clarified the role of the Mayor and gave the holder of that position certain specific powers.

Under this amendment, the role of the Mayor is to provide leadership to the other members of the governing body of Council, and the people in Napier. Further, it is the Mayor’s role to lead the development of Napier City Council’s plans, policies, and budgets for consideration by the members of the governing body. To be able to do these things, the Mayor now has the following powers:

- to appoint the Deputy Mayor
- to establish committees of the governing body of Council
- to appoint the Chair of the committees established, including appointing themselves to that position if they wish

The Mayor also has the following roles:

- to chair meetings of the governing body of Council. The Mayor is responsible for ensuring the orderly conduct of business in accordance with Napier City Council’s standing orders (more about standing orders can be found in Section 8 below)
- to participate as a member of each committee established under the governing body
- to advocate on behalf of the community at local and national levels
- to represent Napier City Council at official functions
- to ensure that elected members properly perform their function and duties

## Deputy Mayor

The Deputy Mayor may be appointed by the Mayor or is otherwise elected by the members of the governing body of Council at its first meeting following the triennial election (called the triennial meeting).

The Deputy Mayor exercises the same roles as other elected members.

In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the Mayor's responsibilities and duties, and may exercise the powers of the Mayor.

## Committee Chairs

A Committee Chair presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the governing body and as set out in Council's terms of reference for the committee (see [Appendix Three](#)). A Committee Chair may have to act as an official spokesperson on a particular issue relevant to that committee.

## Deputy Committee Chairs

If the Chair is absent or incapacitated, or the office of Chair is vacant, then the Deputy Chair must perform all of the responsibilities and duties, and may exercise the powers of the Chair.

## Role of the Chief Executive

The Chief Executive is appointed by the governing body of Council in accordance with section 42, and clauses 33 and 34 of Schedule 7, of the Local Government Act 2002. The Chief Executive implements and manages Council's policies and objectives within the budget constraints established by Council.

Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of Council
- providing advice to Council and community boards (where community boards exist)
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of Council effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council
- employing staff (including negotiation of the terms of employment for the staff) in accordance with any remuneration and employment policy adopted by the governing body
- providing leadership for the staff of Council

The governing body of Council has a duty as the Chief Executive's employer to maintain its obligations under the Employment Act. It agrees objectives with the Chief Executive and monitors performance against these annually. A committee may be established for this purpose, reporting back to Council on recommended terms and conditions of employment.

## Code of Conduct

Elected members must adopt a Code of Conduct, which they must all follow<sup>2</sup>. The Code sets out Council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public. It also covers disclosure of information that is received by, or is in the possession of elected members.

All elected members are required to maintain a clear separation between personal interests and their duties. They are required to routinely declare any conflicts of interests whether real or perceived.

The Code contains details of the sanctions that Council may impose if an individual member breaches the requirements, as well as a clear process for the investigation of any complaints by an independent investigator.

Napier City Council adopted a new Code of Conduct on 30 January 2020, based on the Local Government New Zealand model standard.

Once adopted, a Code may only be amended by a majority vote of the governing body where at least 75% support the change.

The Code of Conduct can be found at <https://www.napier.govt.nz/assets/Document-Library/Policies/2019-2022-Code-of-Conduct-adopted-30-January-2020.pdf>

## Legislation relevant to conduct

Elected Members have specific obligations as to their conduct in the following legislation:

Act	Rules
Local Government Act 2002	<p>The Act includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders.</p> <p>Under Section 46(1), councillors can be held liable for losses resulting from negligence or unlawful action by Council (reported by the Auditor-General under section 44 of the Act).</p> <p>Under Schedule 7 clause 1, an elected member (the Mayor, a councillor, or a community board member (where community boards exist) will be disqualified if</p> <ul style="list-style-type: none"><li>• they cease to be an elector or</li><li>• become disqualified for registration as an elector under the Electoral Act 1993 or</li></ul>

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<sup>2</sup> Local Government Act 2002, Schedule 7, Clause 15

- are convicted of an offence punishable by a term of imprisonment of two years or more.

Their position will also become vacant if they are absent without leave from Council or community board for four or more consecutive meetings<sup>3</sup>.

Local Authorities  
(Members' Interest  
Act) 1968

This Act regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).

Secret Commissions  
Act 1910

This Act prohibits elected members from accepting gifts or rewards that could be seen to sway them to perform their duties in a particular way.

Crimes Act 1961

This Act prohibits all acts related to bribery and use of official information for private profit.

Financial Markets  
Conduct Act 2014

This Act places elected members in the same position as company Directors whenever Council offers financial products (such as an issue of debt or equity securities).

Elected members could be personally liable if documents that are registered under the Act (such as a product disclosure statement) contain false or misleading statements, and or requirements of the Act are not met in relation to offers of financial products.

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<sup>3</sup> Local Government Act 2002, schedule 7, clause 50

## 7. GOVERNANCE STRUCTURE, MEMBERSHIP AND DELEGATIONS

### **Council Committee Structure**

Detailed information on Napier City Council's committees, sub-committees, advisory panels, joint committees and participation in external bodies can be found in our Governance Structure at [Appendix Three](#).

## 8. MEETING PROCESSES

### Giving notice to members

#### Ordinary meetings

For ordinary meetings, at least 14 days' notice of the time and place of the meeting must be given to the members of the meeting, or given in accordance with an adopted meeting schedule. Notification of a schedule is notification of all meetings in the schedule.

#### Extraordinary meetings

Extraordinary meetings (meaning meetings for which notice as required for ordinary meetings cannot be given) can be called with three working days' notice, or a shorter period in exceptional circumstances, but no less than 24 hours' notice.

### Giving notice to the public.

#### Ordinary meetings

Public notice of all scheduled meetings in a month must be given at least five days and not more than 14 days prior to the end of the preceding month.

Alternatively, if a meeting is to be held after the 21st of the month, it can be notified not more than 10 working days nor less than five working days prior to the meeting.

#### Extraordinary meetings

Extraordinary meetings must be publicly notified as soon as practicable before the meeting is held. If this cannot be done, such a meeting must be notified as is reasonable in the circumstances. The general nature of business to be conducted at the meeting must be included in the notice.

#### Where to view public notices

Napier City Council places public notices in the Napier Courier newspaper, and may also use the Hawke's Bay Today paper for extraordinary meetings where required. Information about the schedule of meetings is also placed on the Council's website.

If a meeting is notified and later cancelled, a cancellation notice will also be placed.

## Agendas and minutes

### Agendas

Issues that need to be brought to the attention of elected members are contained in reports from Napier City Council staff that are collated into agendas.

The Chair of a meeting may also bring an issue to the attention of a meeting by way of a report.

The requirements for public notice of meetings and public availability of agendas mean that a meeting cannot deal with a matter that is not on the published agenda unless the process in the Local Government Official Information and Meetings Act 1987 is followed. This involves the Chair explaining to the meeting during the public section why the matter was not on the published agenda and why it cannot be deferred to a subsequent meeting. The meeting must pass a resolution approving that the additional item be discussed. However, no resolution, decision or recommendation can be made on the matter itself except to refer it to a later meeting for further discussion.

### Minutes

Minutes are a record of proceedings of a meeting and are required to be kept. They are evidence of the proceedings of a meeting once they are authenticated by being formally confirmed at a following meeting<sup>5</sup>.

The minutes of Napier City Council meetings record the members present and absent, members arrival and departure times (where required), apologies, declarations of conflicts of interest, movers and seconders of motions and amendments, resolutions passed, and names of presenters where relevant. They are not a verbatim record of discussion.

Napier City Council and Standing Committee meetings are livestreamed and can be viewed during the meeting time via Council's Facebook site. They can also be viewed after the meeting at <https://www.youtube.com/playlist?list=PL7kpAHictPi584UwZwOj0Z6NuPsf3Mgto>

### Public access to agendas and minutes

#### Agendas<sup>6</sup>

Agendas for ordinary meetings are required by law to be publicly available at least two working days prior to a meeting.

An agenda for an extraordinary meeting will be made available to the public as soon as is reasonable in the circumstances.

Any member of the public may inspect any open agenda and associated reports circulated to elected members. Members of the public may take notes or request a copy of the agenda or report.

The Chief Executive may exclude reports or items from reports from the public section of any meeting, if there are relevant grounds to do so under the Local Government Official Information and Meetings Act 1987. The title of an item to be discussed with the public excluded, and reasons for exclusion under the Act will be indicated on each agenda if relevant.

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<sup>5</sup> Local Government Act 2002, schedule 7, clause 28

<sup>6</sup> LGOIMA section 46A

## **Minutes<sup>7</sup>**

The public are entitled to view the final minutes of a meeting at the main Napier City Council offices. However members of the public are encouraged to use Council's website. The website is a comprehensive repository of all formal Council meetings <http://napier.infocouncil.biz/>

A request for the minutes of a part of a meeting from which the public were excluded is treated as a request for official information.

## **Public attendance at meetings**

### **Right to attend<sup>8</sup>**

The Local Government Official Information and Meetings Act 1987 requires meetings to be open to the public. The underlying principle is that whenever the governing body of Council exercises the functions and powers given to it by Parliament under legislation, this should be transparent and open to the public to observe.

Currently the open agenda sections of all standing committee and Council meetings are livestreamed via Council's Facebook page, and the video record stored on Council's YouTube Channel, providing the public with access to the discussion and debate even if they are unable to attend in person.

The public has a right to attend the meeting but does not have an automatic right to participate in the meeting. Public rights to speak at meetings are discussed below.

The Local Government Official Information and Meetings Act 1987 applies to any formal meeting of the governing body, or local board where they exist, or any committee which exercises a responsibility given through legislation.

A meeting at which no resolutions are passed is not considered under the Act to be a meeting that is subject to the requirement to be open to the public. This means that elected members are able to take part in workshops or briefing sessions and to have other informal types of meeting without being required to provide for public attendance, provided no resolutions (decisions) are made.

### **Ability to exclude the public<sup>9</sup>**

The Local Government Official Information and Meetings Act 1987 gives Council the ability to exclude the public from parts of meetings when certain conditions apply. These conditions include:

- that it is likely that conducting the meeting in public would lead to disclosure of information where there is good reason to withhold that information, or
- that the information is protected by legislation, or a decision is subject to appeal.

A resolution to exclude the public must be passed, which includes the legal reasons for excluding the public.

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7 LGOIMA section 51

8 LGOIMA section 47

9 LGOIMA section 48

If members of the public are in the room when a resolution to exclude the public is passed, the Chair will ask the public to leave the room for the duration of the item(s).

### Maintaining order<sup>10</sup>

If a member of the public is disruptive at a meeting, and will not obey instructions from the Chair to leave the meeting, the Act allows Council to remove that person.

## When the public may speak at a meeting

### Public forums

Although legislation does not require Local Authorities to allow members of the public to address meetings, many councils including Napier City Council, make provision in their Standing Orders for this.

With the exception of the Hearings Committee<sup>11</sup>, a period of up to 45 minutes in total at each meeting (or longer if the Chair determines it) may be set aside for public input at the commencement of meetings that are open to the public. The printed agenda indicates this as the “public forum”.

Each speaker during the public forum section of a meeting may speak for up to ten minutes, with a further five minutes allowed for questions.

The public forum is typically used to speak about:

- a matter that is on the meeting agenda,
- something that an organisation is doing in order to inform councillors,
- an issue that is a concern, or
- a petition.

The public forum cannot be used to speak about:

- decisions that have already made (it is not an appeal provision),
- matters for which there is a separate public hearing process (fairness dictates that all submitters use the same process),
- matters which are being dealt with through a quasi-judicial process (which requires a set process that is fair to all parties), or
- matters outside the responsibilities of the meeting or the Napier City Council.

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<sup>10</sup> LGOIMA section 50

<sup>11</sup> As a Hearings Committee already has specific expectations around hearing public submissions a public forum is not required

## How to request to speak at the public forum of a meeting

If you wish to speak at the public forum section of a meeting, please contact the Chief Executive or Governance Team in writing at least one clear day prior to the meeting. You will need to outline what you wish to talk about. The Governance Team will provide your application to the meeting Chair, who has the discretion to decline a speaker in certain circumstances. The Governance Team can be contacted at [governance@napier.govt.nz](mailto:governance@napier.govt.nz)

As a public record, the minutes of meetings will record the names of submitters and public forum presenters, and may include a summary of what was said.

## Other ways to be heard

A member of the public can participate in the democratic process by making a written submission when submissions are called and speaking to the submission at a Hearing.

Submissions are invited on consultation documents for

- the Annual Plan,
- the Long Term Plan,
- Bylaws,
- key policies and plans,
- reserve management plans, and
- applications for consent and proposals for plan changes under the Resource Management Act.

See Council's website for a comprehensive list of plans, policies and strategies.

## Standing Orders

The members of a meeting must follow Standing Orders (a set of procedures for conducting meetings). The governing body adopts its own Standing Orders and can amend them by a vote of 75% of the members present. A meeting may suspend all or some of the Standing Orders for a section of a meeting by a vote of 75% of the members present.

Council adopted its current Standing Orders on 30 January 2020, based on the Local Government New Zealand model with some adjustments to reflect specific Napier processes; they can be found on our website:

<https://www.napier.govt.nz/assets/Documents/2019-2022-Standing-Orders-Adopted-30-January-2020.pdf>

## Voting

The Local Government Act 2002 requires all voting at meetings to be open<sup>12</sup>. The Standing Orders provide for three ways of determining a vote:

- on the voices – members say “aye” or “nay”,
- show of hands – by raising their hands,
- by division (each member’s name is called in turn and the member responds by voting for or against the motion).

For all forms of voting a dissenting vote or votes will be recorded. When voting is called by division the votes of all individual members will be recorded in the minutes.

The Standing Orders do not allow the meeting Chair to have a casting vote (an additional vote which is only used to break a tie). Where there is a tie in votes, the motion fails and status quo remains.

## Revoking previous decisions

A previous decision can only be revoked:

- at the same meeting as a result of new information,
- at a subsequent meeting by way of a report from the Chief Executive or Chair,
- at a subsequent meeting by way of a notice of motion by a member, with the signatures of at least one third of the meeting.

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<sup>12</sup> Local Government Act 2002, schedule 7, clause 24

## 9. CONSULTATION POLICIES

### Legal requirements

The Local Government Act 2002 sets out consultation requirements and principles for Council to follow when making a decision as the guardian of local resources<sup>13</sup>.

For any decision, Council should:

- assess the problem or issue, identify reasonably practical options for how it could be addressed, and work through the costs, benefits, and impacts for each of those options,
- consider the views of the community at *all* stages of the decision-making process, particularly including persons likely to be affected by or interested in the matter, and the views of Māori (especially where land or water are affected),
- consult prior to making any decision or predetermining an option,
- make decisions taking account of the interests of the present and future community, and the impacts of the economic, social, cultural interests and the quality of the environment, and
- provide reasons for all decisions made, and identify and explain any inconsistencies with other council plans or policies.

Council must apply all these principles, but can do this in the ways that it thinks most appropriate.

### Significance and engagement policy

A significance and engagement policy is a requirement of the Local Government Act 2002<sup>14</sup>. The purpose of the Policy is to:

- enable the Local Authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities,
- outline how and when communities can be expected to be engaged in decisions about different issues, assets, or other matters,
- outline the extent of any public engagement that is expected before a particular decision is made, as well as the type and form of engagement required. This information is used at the beginning of a decision-making process.

The Policy should outline:

- a general approach to determining the significance of proposal and decisions,
- criteria or procedures for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences,

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<sup>13</sup> Local Government Act 2002, sections 75-90

<sup>14</sup> Local Government Act 2002, section 76AA

- how the Local Authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable,
- how the Local Authority will engage with community on other matters.

Council's Significance and Engagement Policy was reviewed in 2017 and the updated version adopted on 20 December 2017. It can be found at <https://www.napier.govt.nz/assets/Document-Library/Policies/significance-engagement-policy.pdf>

## **Special consultative procedure**

The Local Government Act 2002 sets out the Special Consultative Procedure that Local Authorities must follow when making certain decisions.

The Council must follow the Special Consultative Procedure before it:

- adopts a Long-Term Plan (LTP) or Annual Plan
- amends an LTP
- adopts, revokes, reviews or amends a bylaw
- establishes a Council Controlled Organisation
- decides to sell, dispose of or construct a strategic asset

The Council may be required to use the Special Consultative Procedure under other legislation, and it may choose to use this procedure in other circumstances if it wishes to do so.

Council can (and does) consult outside of the Special Consultative Procedure. For example, Council may hold informal meetings with the public to ask about what matters most to the community and to identify issues of concern. The Special Consultative Procedure is outlined in more detail in the Significance and Engagement Policy.

## 10. RELATIONSHIPS WITH MĀORI

Te Kaunihera o Ahuriri Napier City Council recognises the importance of Te Tiriti o Waitangi, the founding document of Aotearoa/ New Zealand, respecting and seeking to uphold in all Council activities the Treaty and its principles.

Te Kaunihera o Ahuriri Napier City Council particularly acknowledges its obligations under Te Tiriti o Waitangi towards the mana whenua and wider Māori community of Ahuriri Napier. The important standing of Ahuriri Hapū as mana whenua of Napier is recognised, and Council acknowledges their kinship within the Iwi of Ngāti Kahungunu. Ngāti Kahungunu is represented in Napier City by Te Taiwhenua o Te Whanganui-a-Orotū, which has maintained a consistent relationship with Council over 30 years. Te Taiwhenua o Te Whanganui-a-Orotū enable Council to have direct lines of communication to mana whenua marae, whānau and mataawaka.

Settlement of Treaty of Waitangi grievances is being achieved across Ngāti Kahungunu, with some Hapū post settlement and some near settlement. Through the Treaty of Waitangi settlement process, new representative entities have emerged, resulting in growing relationships with Post-Settlement Government Entities: Maungaharuru-Tangitū Trust and Mana Ahuriri Trust. Partnerships also exist with Iwi and Hapū entities for economic growth through the Matariki Regional Development Strategy.

The Local Government Act 2002 places specific expectations on councils in relation to Māori<sup>15</sup>:

- to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi
- establish, maintain and improve processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority
- consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- provide relevant information to Māori for the purposes of their contribution to decision making and fostering their capacity to contribute.

Te Kaunihera o Ahuriri acknowledge the time and effort required to transition relationships to partnerships, and is undertaking a review of its existing opportunities for Hapū to be formally involved in decision making, deliberately ensuring that engagement and participation are taking place in ways that are meaningful and long term.

Part of this process has included a significant review of the structure of Council's Ngā Mānukanuka o te Iwi Committee (Māori Committee), with stronger recognition of the cultural landscape Council operates in, and tikanga Māori. A strong value is placed on early information, multi-directional conversations and a clear understanding of the role and mana of the Committee and its contribution to the activities of Council.

Council currently participates in the co-governance group, Te Komiti Muriwai o Te Whanga, via its appointed representative, and also providing administrative support to the group. Further co-management and or co-governance groups may be established by central government through the settlement process.

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<sup>15</sup> LGA 2002, ss 4, 81

Council holds a special position for an appointed Kaumātua to ensure mana whenua integrity is maintained, and that cultural protocols and practices are advised appropriately to the Mayor, Councillors and the Chief Executive.

Council was also involved in the building of Napier's urban Marae, Pukemokimoki Marae. The Marae is run by a Trust on which an elected member is always one of the Trustees, and the Manager Community Strategies acts as an advisor to the Trust Board. Council also provides funding support to the Marae.

## 10A. INTERNATIONAL RELATIONSHIPS

### **Sister Cities NZ Vision**

Sister Cities aims to foster cross-border communications – a mutual exchange of ideas, people, and materials in a range of cultural, educational, youth, sports, civic, professional, and technical projects.

The Sister Cities concept is unique:

- It is two-way; the give and take is shared by both sides, and provides for structured, continuous contact between the cities and citizens involved.
- It brings together the volunteer resources of each pair of sister cities.
- It offers a mechanism at the community level for any person or organisation to become involved in the field of international relations.
- The establishment of sister city friendships stimulates interaction between people of different cultures and countries on a people-to-people basis.

Our aim is to foster international understanding and friendship, in order to encourage an exchange of education and culture, and where possible, even tourism and trade as catalysts for mutual economic growth.

### **Current Sister Cities with Napier**

The Council and the city foster longstanding formal Sister City relationships with Tomakomai in Hokkaido, northern Japan; and Lianyungang in Jiangsu Province, China, through regular interchanges on a number of different fronts.

Napier maintains a well-established 'friendly city' link with Victoria in British Columbia, Canada.

A similar link with Xuzhou in the Chinese province of Jiangsu is focused on the economy.

Napier also has a general servicing relationship with the Chatham Islands.

Napier and Hastings Councils also have a relationship with Mianyang in Sichuan province, China on sharing information on Earthquake matters.

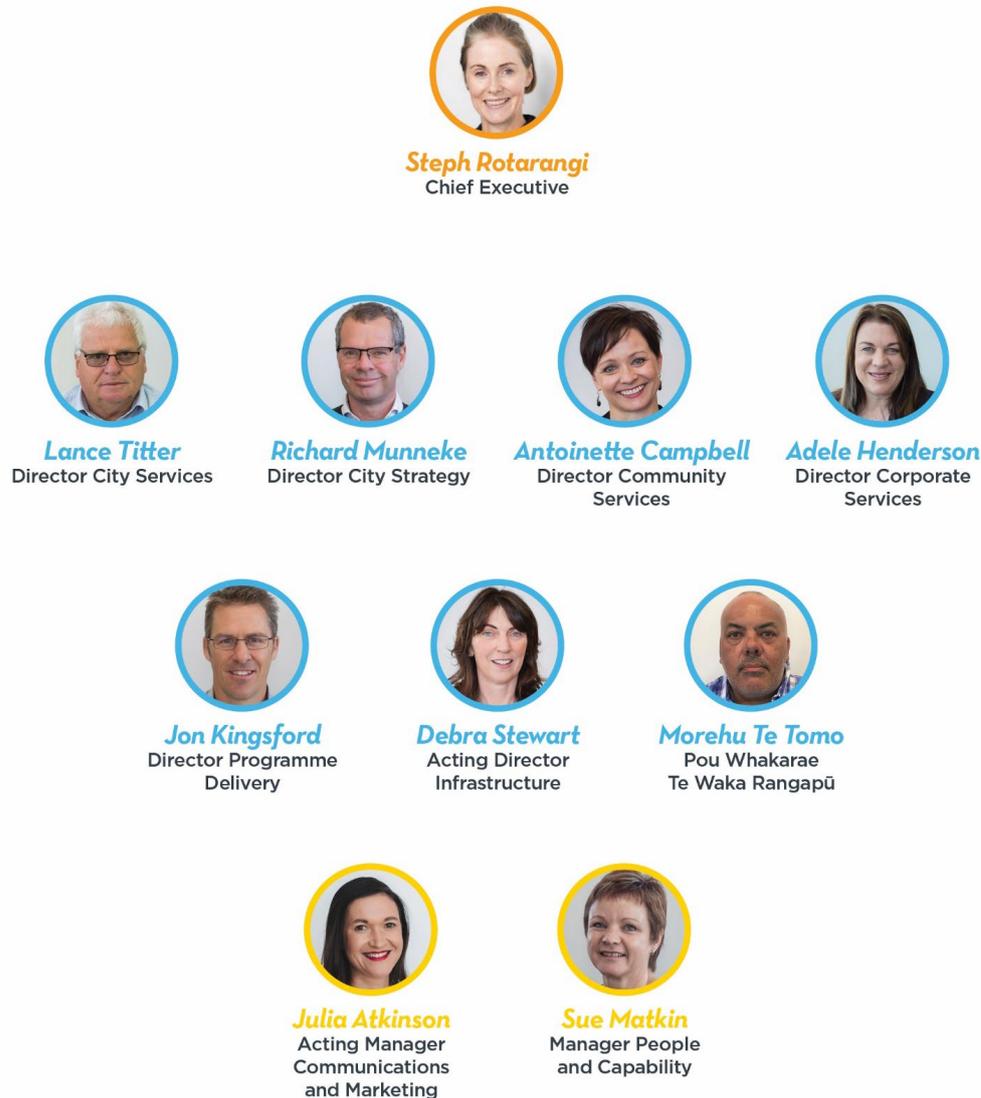
## City of Napier Sister City Objective Statements

Focus areas of for the City of Napier's Sister Cities are Educational, Cultural, Social, Economic and Charitable. The objectives for establishing sister city relationships are:

- To engage the people of the City of Napier in cultivating strong and rewarding relationships with the people of similar cities of foreign nations; to understand one another as individuals, as members of their community, as citizens of their country, as indigenous peoples, and as a part of the family of nations.
- To foster continuing relationships of mutual concern between the people of the City of Napier and the people of established Sister Cities.
- To lead activities and programs that educate and equip the City of Napier and established Sister Cities with a mutual understanding of culture and economics.
- To assist the City of Napier in participating as an organisation in the promotion of a local program sponsoring international cooperation and goodwill.
- To act as a coordinating body among local organisations, cultural and social groups and schools desiring to engage in the planning, fundraising, and participation of international civic cooperation and exchange.
- To encourage and obtain volunteer support from business and individuals with the Napier community for Sister City relationships, activities and cultural exchanges.

# 11. MANAGEMENT STRUCTURE

## Management Organisation Chart



## Employment policies

Napier City Council is committed to recruiting people with the right skills, competencies, behaviours and experience necessary to carry out Council roles effectively to ensure the Council can meet key objectives, providing excellence in service to the community.

Council has a Recruitment & Selection Policy which is intended to assist Managers who are responsible for recruitment to make fair and objective selection decisions that supports the Council in achieving its vision and goals.

Council recognises that remuneration is an important factor in attracting, motivating and retaining talented and skilled people, and its Remuneration Policy provides overarching principles which will act as guidelines when a staff member is recruited to Council.

In brief, all positions will be compared to similar roles within the national public sector or appropriate business sector positions, depending on the nature and focus of the role, when setting the salary range for a position.

Individual remuneration will be based on a combination of job competency and performance delivery, with a strong emphasis on demonstrated competencies.

## **Equal opportunities policy**

Napier City Council is committed to the principle of equal opportunities in the recruitment, employment, training and promotion of its employees and consistently aims to create a workplace that attracts, retains and values diverse employees in a welcoming and positive environment.

To this end, Napier City Council actively works to:

- maintain a workplace free of discrimination and harassment on the basis of race, colour, ethnic or national origin, gender, religion, marital status, family responsibilities, sexual orientation, disability or age,
- select the best person for the job on the basis of the job requirements/competencies and the ability of that person to perform the job,
- identify and provide appropriate training programmes and promotion opportunities,
- recognise the employment aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in local government, and
- recognise the particular employment requirements of women, workers with disabilities and workers of all ages and contribute towards their successful pursuit of careers with Council.

## 12. KEY PLANNING AND POLICY DOCUMENTS

There are a number of plans that make up Napier City Council's strategic framework. Some plans have a statutory basis, while others are developed to help achieve Council's vision. Each plan has a specific role and objective. Policies are documents which outline Council's approved statements of position, or bases for action.

### Long Term Plan (LTP)

[www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-LTP-2018-28-Final-adopted.pdf](http://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-LTP-2018-28-Final-adopted.pdf)

Process	Purpose	Benefits
Council develops a LTP every three years. Council's LTP for the period 2018-2020 was adopted on 29 June 2018. The LTP is a requirement under s93 Local Government Act 2002.	The LTP is Council's key strategic document that sets the long term direction for Council and Napier City. It describes the strategic objectives, programmes, projects, funding information, and performance measures covering a ten-year period (30 years for infrastructure).	Community have direct input into this plan, and are consulted via the legislative requirement, in accordance with the Significance and Engagement Policy.

Supporting documents to the LTP include:

- Infrastructure Strategy
- Financial Strategy
- Asset Management Strategy
- Asset Management Plans
- Financial and Development Contributions Policy
- Significance and Engagement Policy
- City Vision

The LTP contains the following financial policies:

- Revenue and Financing Policy
- Liability Management Policy
- Investment Policy
- Rates Remission Policy
- Rates Postponement Policy
- Policy on Rates Remissions and Rates Postponement on Māori Freehold Land

## Annual Plan

[www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-Annual-Plan-2019-20-Adopted-28.06.2019.pdf](http://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-Annual-Plan-2019-20-Adopted-28.06.2019.pdf)

Process	Purpose	Benefits
<p>Council has to prepare and adopt an Annual Plan every year, except in the years where a LTP is prepared.</p> <p>The Annual Plan is essentially a refresh of the information contained in the LTP for that year it relates to.</p> <p>The Annual Plan is a requirement under s95 Local Government Act 2002.</p>	<p>The purpose of an Annual Plan is to:</p> <ul style="list-style-type: none"> <li>• contain the proposed annual budget and funding impact statement for the year to which the annual plan relates</li> <li>• identify any variation from the financial statements and funding impact statement from the LTP for the relevant year</li> <li>• support the LTP in providing integrated decision-making and co-ordination of the resources of the Local Authority, and</li> <li>• contribute to the accountability of the Local Authority to the community</li> </ul>	<p>The Annual Plan outlines what Council intends to invest in over the next financial year in order to meet its vision as outlined in the LTP.</p>

## Annual Report

<https://www.napier.govt.nz/assets/Document-Library/Reports/Annual-Reports/Annual-Report-2018-19.pdf>

Process	Purpose	Benefits
The Annual Report is a legislative requirement under the Local Government Act 2002, and is to be presented to and accepted by the governing body of Council each year.	The purpose of the Annual Report is to outline Council's performance over a financial year from 1 July to 30 June including what was actually delivered versus what was committed to.	The Annual Report promotes accountability to the community that Council has actually delivered what they said they would.
The LTP is a requirement under s98 Local Government Act 2002.	It also contains audited accounts.	

## Napier District Plan

[www.napier.govt.nz/assets/Document-Library/District-Plan/Pre-Plan-Change-10/pre-pc10-district-plan.pdf](http://www.napier.govt.nz/assets/Document-Library/District-Plan/Pre-Plan-Change-10/pre-pc10-district-plan.pdf)

The Napier City District Plan is a legal document prepared under the Resource Management Act 1991 (RMA) which sets out Council's policies and strategies for managing the effects of the use, development and protection of the natural and physical resources of the district now and in the future.

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The Napier City District Plan became operative in November 2011 after several years of consultation with the public.

A significant project is currently underway to review the District Plan (which is undertaken every 10 years).

## **Key Joint Plans and Policies with Other Councils**

### **Triennial Agreement**

The Triennial Agreement is a joint agreement with all other councils in the Hawke's Bay region.

The purpose of the Agreement is to provide a framework for how the councils will engage and work together. It is intended to form a strong foundation to the many existing and potential cooperative and collaborative activities undertaken between the signatory councils.

The Agreement can be updated throughout the Triennium by agreement from all councils, and must be updated and the new agreement adopted by all partner Councils within three months of a local government election.

The current Agreement was adopted by Napier City Council on 30 January 2020 and must be adopted by all the partner Councils by March 2020. It will be available on the website following completion of this process.

### **Matariki Hawke's Bay Regional Development Strategy**

The strategy, adopted in July 2016, was developed collaboratively between local authorities, tangata whenua, business leaders and government agencies. As well as an economic focus, it now also includes the Hawke's Bay Social Inclusion Strategy of 2018 under a single banner.

Identification and implementation of opportunities and actions under the Strategy are led by the Matariki Governance Group (MGG) formed of the Mayors/ Chairs of the member organisations, and the Executive Steering Group (ESG) formed of the Chief Executives of each member organisation.

The MGG and ESG recognise that sustainable economic success across our region is made possible when we combine health, social, cultural, environmental and business initiatives.

The Strategy and the structure that supports its implementation acknowledge the importance of cross-sector partnerships and providing the leadership required to support economic outcomes for the region of Hawke's Bay.

### **Heretaunga Plains Urban Development Strategy (HPUDS)**

This is a joint strategy with Hastings District Council and Hawke's Bay Regional Council.

The purpose of the Strategy is to plan for urban growth on the Plains for the period from 2015 to 2045, taking a long-term view of land-use and infrastructure.

Originally adopted in 2010, the Strategy was reviewed in 2016 and submissions were received. The updated Strategy was adopted by Council on 17 May 2017.

### **Local Alcohol Policy**

The Sale and Supply of Alcohol Act 2012 allows local authorities (councils) to develop a local alcohol policy, which consists of a set of decisions made by a council, or councils jointly, in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol for the area the council/s are responsible for. Once the local alcohol policy is in place, the Council's District Licensing Committee (a requirement under the Sale and Supply of Alcohol Act 2013) and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

Napier City Council and Hastings District Council have agreed a joint Local Alcohol Policy, the latest version of which was adopted in 2019.

### **Waste Management and Minimisation Plan**

The Waste Management and Minimisation Plan (WMMP) is a requirement under the Waste Minimisation Act 2008; Napier City and Hastings District Councils have a joint Plan which was recently reviewed following a significant joint consultation process. The WMMP contains the agreed overarching vision and action plan to deliver waste minimisation and resource recovery across Napier City and Hastings District, working towards zero waste.

### **Clifton to Tangoio Coastal Hazards Strategy 2120**

This Strategy provides a framework to guide and direct the assessment and implementation of preferred options for the long term management of the coast between Clifton and Tangoio to ensure that the coastal communities, businesses and critical infrastructure are resilient to the effect of coastal hazards.

The Strategy participants are Napier City Council, Hastings District Council, Hawke's Bay Regional Council, and groups representing mana/ tangata whenua are also participants through a joint committee.

## 13. REQUESTING OFFICIAL INFORMATION

### What is Official Information?

The term “official information” refers to all existing information (with a few exceptions) held by a Local Authority. It does not include opinions and information does not have to be generated just to answer a query if it does not already exist. Requests for a person’s own information is covered by the Privacy Act 1993.

Any person may request information from the council and any request for information is made under the Act. You do not have to say you are making a request under the Act. Requests will be processed according to the Act. Council must supply the information unless reason exists for withholding it.

Requests must be responded to as soon as practicable and no later than 20 working days (although there are certain circumstances where this time frame may be extended). A response means advising whether Council has determined to release the information requested based on the Act, and if any information is being withheld or the request is being declined in full the reasons under the Act must be provided for this. Information in relation to the request may be provided separately to the response, particularly in the case of larger requests. Council may charge for official information under guidelines set down by the Ministry of Justice.

### Requesting Information

A request should include name, postal or email address and specific details of the information being requested.

Information can be requested in the following ways

Phone: 06 835 7579

Email: [governance@napier.govt.nz](mailto:governance@napier.govt.nz)

Online: <http://www.napier.govt.nz/our-council/about/information-requests/make-a-igoima-request/>

Post: Governance Team, C/- Napier City Council, Private Bag 6010, Napier 4142

In person: at Council’s Customer Service Centre, 215 Hastings Street, Napier

In brief, sections 10, 11, 13 and 15 of the Local Government Official Information and Meetings Act 1987 provide as follows:

- requests should be made with “due particularity”; this means being as specific as possible about what information is being requested (rather than asking for all files about a general topic, which creates a large amount of work),
- it is the duty of Council to assist people making requests,
- Council must convey its decision on whether to grant the request and whether a charge will apply as soon as practicable and no later than 20 working days,
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt. However,

it should be made available in the way preferred by the person requesting it unless there are reasons for not doing so.

## **Refusal of a request for information**

There are certain instances where Council may refuse to provide all or parts of an official information request. If any or all of a request is refused, Council must give its reasons and advise the person making the request that they have the right to have the decision reviewed by an Ombudsman.

Sections 6, 7, 8 and 17 of the Local Government Official Information and Meetings Act 1987 give the reasons that information may be withheld. Examples include where:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety,
- withholding the information is necessary to:
  - protect privacy
  - protect a trade secret or the commercial position of the person who supplied, or who is the subject of, the information
  - avoid offence to tikanga Māori or avoid disclosure of wāhi tapu locations
  - protect an obligation of confidentiality
  - maintain free and frank discussion or protect elected members and officers from harassment
  - maintain legal professional privilege
  - enable the council to carry out commercial activities or negotiations appropriately

## **Charging for official information requests**

The Act allows for charges to be set to cover costs of collating information. Council's charges are based on the guidelines of the Ministry of Justice. All of Council's fees and charges are listed in the schedule to the Long Term Plan, available on request from our Council offices.

The first hour for collating information is not charged, then a rate of \$38 per half hour may apply, and the first 20 pages of photocopying are not charged, then a rate of 20 cents per page is applied. Any other materials such as electronic storage devices may be charged at actual cost.

Not all requests will incur charges; each is assessed on a case by case basis. Typically, charges may be incurred where a request is for a particularly large amount of information that takes a long time to prepare, or where the same person requests a lot of different things within a small time frame to the extent that the work load in responding is also large.

## 14. CUSTOMER ENQUIRIES

### General contact information

Contact with the Council can be made in the following ways

Phone: 06 835 7579

Email: [info@napier.govt.nz](mailto:info@napier.govt.nz)

Online: <http://www.napier.govt.nz/>

Post: Napier City Council, Private Bag 6010, Napier 4142

In person: at Council's Customer Service Centre, 215 Hastings Street, Napier

### Service requests and complaints

Service requests and complaints can be made by calling the main customer line or email address, or via the council website:

<http://napier.govt.nz/our-council/about/contact-us/fault-repair/>

Council's complaint policy is located on the website on the following link:

<http://www.napier.govt.nz/assets/Document-Library/Policies/complaints-policy.pdf>

## 15. APPENDIX ONE

### National legislation particularly affecting Napier City Council

The special status of Te Tiriti o Waitangi as a founding document of New Zealand, and its incorporation and consideration in all New Zealand law, is recognised

#### A

- Airport Authorities Act 1966
- Animal Identification Act 1993
- Animal Welfare Act 1999
- Animals Act 1967
- Animals Law Reform Act 1989

#### B

- Biosecurity Act 1993
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910

#### C

- Citizenship Act 1977
- Civil Defence Emergency Management Act 2002
- Crimes Act 1961

#### D

- Dog Control Act 1996
- Dog Control Amendment Act 2003
- Dog Control and Hydatids Act 1982

#### E

- Electoral Act 1993

#### F

- Fencing of Swimming Pools Act 1987
- Financial Markets Conduct Act 2013
- Financial Reporting Act 1993
- Financial Transactions Reporting Act 1996
- Food Act 1981

#### G

- Gambling Act 2003

#### H

- Harbours Act 1950
- Hazardous Substances and New Organisms Act 1996
- Health and Safety at Work Act 2015

#### L

- Litter Act 1979
- Local Authorities (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government (Rating) Act 2002
- Local Government Act 1974
- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987

## P

- Public Records Act 2005
- Privacy Act 1993 (2020 from 1 Dec 2020)

## R

- Rating Valuations Act 1998
- Receiverships Act 1993
- Reserves Act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991

## S

- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Transfer Act 1991
- Smoke-free Environments Act 1990
- Soil Conservation and Rivers Control Act 1941

- Sovereign's Birthday Observance Act 1952
- Stamp and Cheque Duties Act 1971
- Standards Act 1988
- State-Owned Enterprises Act 1986
- Statistics Act 1975
- Statutes Amendment Acts 1936-51
- Statutory Land Charges Registration Act 1928
- Summary Offences Act 1981
- Summary Proceedings Act 1957
- Survey Act 1986

## 16. APPENDIX TWO

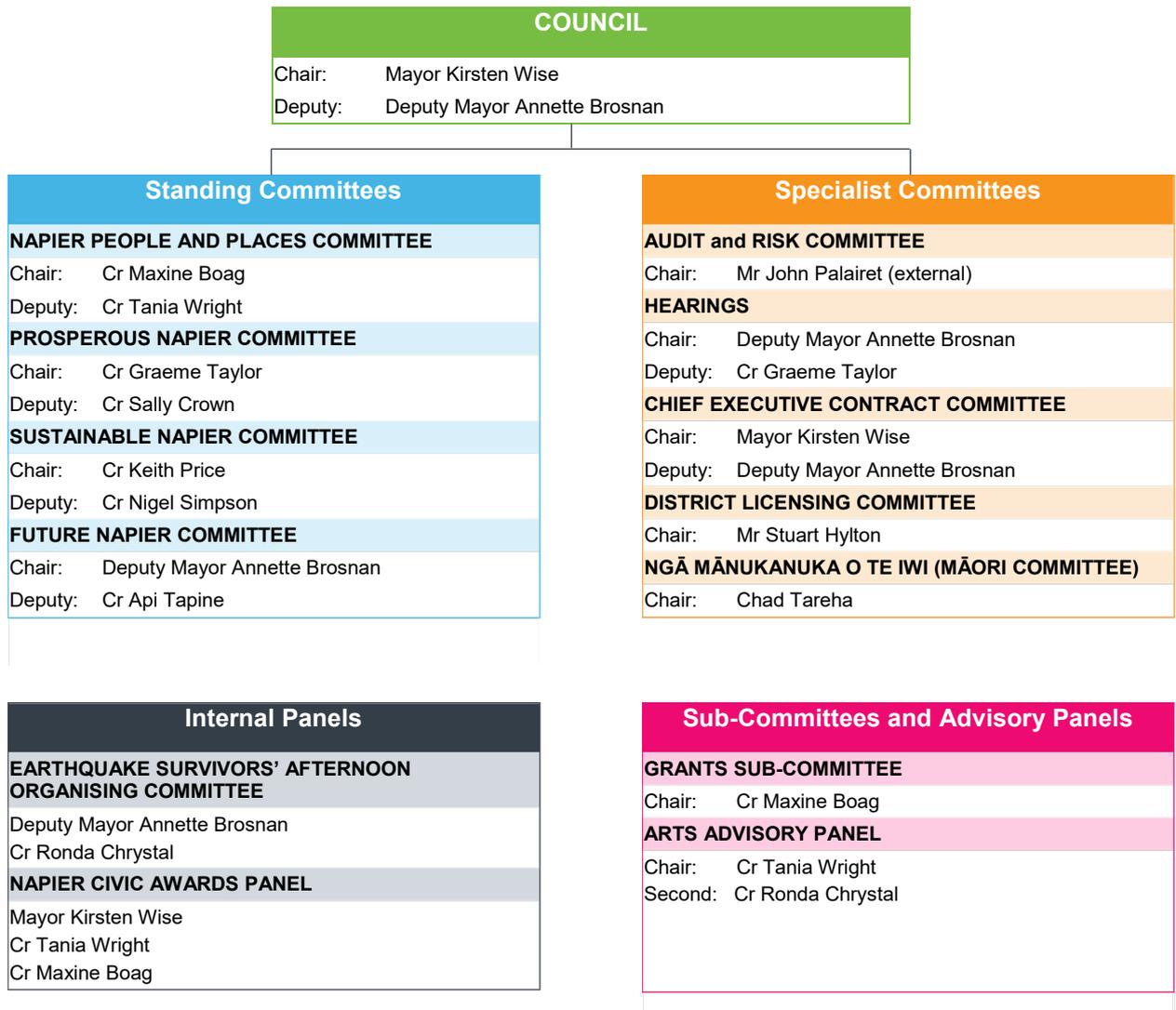
### Local legislation

#### (not including that for specific non-Council bodies)

- Hawke's Bay Crematorium Act 1944
- Hawke's Bay Endowment Land Empowering Act 2002
- Napier Borough Endowments Act 1876
- Napier City Council (Land) Empowering Act 1989
- Napier City Council (Sale of Liquor) Empowering Act 1993
- Napier Foreshore Act 1927
- Napier Foreshore Extension Act 1935
- Napier Foreshore Extension Act 1966
- Napier Harbour Board Act 1878
- Napier Harbour Board Amendment and Endowment Improvement Act 1887
- Napier Harbour Board Amendment and Endowment Improvement Act 1899
- Napier Harbour Board Amendment and Endowment Improvement Act 1912
- Napier Harbour Board and Napier Borough Enabling Act 1926
- Napier Harbour Board and Napier Borough Enabling Act 1933
  - *This version was replaced on 30 August 2016 to make a correction to section 6 under section 25(1)(j)(ii) of the Legislation Act 2012.*
- Napier Harbour Board and Napier Borough Enabling Act 1936
- Napier Harbour Board and Napier Borough Enabling Act 1945
- Napier Harbour Board and Napier City (Inner Harbour) Subdivision Act 1966
- Napier Harbour Board Empowering Act 1932-33
- Napier Harbour Board Loan Act 1906
- Napier Public Baths Act 1908

## 17. APPENDIX THREE

# NAPIER CITY COUNCIL GOVERNANCE STRUCTURE 2019-2022



## Portfolios

Portfolio	Appointee	Associated Body of Council
<b>Māori / Iwi Partnerships</b>	Mayor Kirsten Wise	Council
<b>Three Waters</b>	Cr Nigel Simpson	Sustainable Napier Committee
<b>Housing</b>	Cr Maxine Boag	Napier People and Places Committee
<b>Sport and Recreation</b>	Cr Graeme Taylor	Napier People and Places Committee
<b>Community Resilience</b>	Cr Hayley Browne	Napier People and Places Committee
<b>Climate Change and Coastal Hazards</b>	Deputy Mayor Annette Brosnan	Future Napier Committee
<b>City Services</b>	Cr Richard McGrath	Sustainable Napier Committee
<b>Child Friendly City</b>	Cr Richard McGrath	Napier People and Places Committee
<b>Environment and Sustainability</b>	Cr Api Tapine	Sustainable Napier Committee
<b>Positive Ageing, Diversity and Accessibility</b>	Cr Greg Mawson	Napier People and Places Committee
<b>Arts, Culture and Heritage</b>	Cr Tania Wright	Napier People and Places Committee
<b>Economic Development</b>	Cr Sally Crown	Future Napier Committee
<b>Tourism/ Council Facilities</b>	Cr Ronda Chrystal	Napier People and Places Committee
<b>Transportation</b>	Cr Keith Price	Sustainable Napier Committee

## Napier City Council Members of Joint Committees

<b>CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE</b>	<b>HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE</b>	<b>HAWKE'S BAY CREMATORIUM COMMITTEE</b>
Deputy Mayor Annette Brosnan Cr Hayley Browne Cr Keith Price Cr Nigel Simpson (alternate)	Mayor Kirsten Wise Cr Nigel Simpson (alternate)	Cr Keith Price Cr Greg Mawson
<b>HAWKE'S BAY DRINKING WATER JOINT COMMITTEE</b>	<b>HAWKE'S BAY REGIONAL TRANSPORT COMMITTEE</b>	<b>HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY IMPLEMENTATION WORKING PARTY (HPUDS)</b>
Cr Nigel Simpson Cr Ronda Chrystal Deputy Mayor Annette Brosnan (alternate)	Cr Keith Price Mayor Kirsten Wise (alternate)	Cr Sally Crown Cr Ronda Chrystal
<b>JOINT ALCOHOL STRATEGY ADVISORY GROUP</b>	<b>JOINT WASTE FUTURES PROJECT STEERING COMMITTEE</b>	<b>OMARUNUI JOINT REFUSE LANDFILL COMMITTEE</b>
Cr Sally Crown Cr Greg Mawson	Deputy Mayor Annette Brosnan Cr Api Tapine Cr Richard McGrath	Cr Richard McGrath Cr Api Tapine Deputy Mayor Annette Brosnan (alternate)
<b>REGIONAL CYCLING GOVERNANCE GROUP</b>	<b>TE KOMITI MURIWAI O TE WHANGA</b>	
Cr Graeme Taylor Cr Greg Mawson	Cr Api Tapine	

External Appointments		
<b>AHURIRI BUSINESS ASSOCIATION INCORPORATED</b>	<b>ART DECO TRUST</b>	<b>CREATIVE ARTS NAPIER</b>
Cr Hayley Browne	Cr Tania Wright	Cr Tania Wright
<b>CREATIVE COMMUNITIES COMMITTEE</b>	<b>HAWKE'S BAY HOLT PLANETARIUM CHARITABLE TRUST</b>	<b>HAWKE'S BAY MEDICAL RESEARCH FOUNDATION INCORPORATED</b>
Cr Tania Wright Cr Ronda Chrystal	Cr Greg Mawson	Helen Francis (external)
<b>HISTORIC PLACES HAWKE'S BAY INCORPORATED</b>	<b>HOWARD ESTATE ADVISORY BOARD</b>	<b>MAYOR'S TASKFORCE FOR JOBS</b>
Cr Hayley Browne	Michelle Monteith (external)	Mayor Kirsten Wise
<b>NAPIER CITY BUSINESS INC.</b>	<b>NAPIER PILOT CITY TRUST</b>	<b>NAPIER DISABILITY ADVISORY GROUP</b>
Cr Sally Crown	Cr Richard McGrath	Cr Greg Mawson
<b>PORT NOISE LIAISON COMMITTEE</b>	<b>POSITIVE AGEING TRUST</b>	<b>PUKEMOKIMOKI MARAE TRUST</b>
Cr Keith Price Cr Hayley Browne	Cr Greg Mawson	Cr Hayley Browne
<b>ROTARY PATHWAY TRUST</b>	<b>SPORTS COUNCIL</b>	<b>TARADALE BUSINESS ASSOCIATION</b>
Cr Graeme Taylor	Cr Keith Price	Cr Nigel Simpson
<b>TE MATAU A MAUI TRUST</b>		
Barbara Arnott (external)		

Council Controlled Organisations (CCOs)		
<b>HAWKE'S BAY AIRPORT LTD</b>	<b>HAWKE'S BAY MUSEUMS TRUST</b>	<b>OMARUNUI LANDFILL</b>
No appointees required	Cr Tania Wright	Cr Richard McGrath Cr Api Tapine Deputy Mayor Annette Brosnan (alternate)

## PORTFOLIOS

Portfolio	Appointee	Associated body of Council
Māori partnerships	Mayor Kirsten Wise	Council
Three Waters	Councillor Nigel Simpson	Sustainable Napier Committee
Housing (including transitional housing, affordable housing, partnership with Housing NZ, homelessness)	Councillor Maxine Boag	Napier People and Places Committee
Sport and Recreation	Councillor Graeme Taylor	Napier People and Places Committee
Community Resilience	Councillor Hayley Browne	Napier People and Places Committee
Climate Change and Coastal Hazards	Deputy Mayor Annette Brosnan	Future Napier Committee
City Services	Councillor Richard McGrath	Sustainable Napier Committee
Child Friendly City	Councillor Richard McGrath	Napier People and Places Committee
Environment and Sustainability  (waste minimisation, carbon neutrality, water conservation, zero emissions, urban ecology and biodiversity, open space and parks, cemeteries, Ahuriri Estuary)	Councillor Api Tapine	Sustainable Napier Committee
Positive Ageing, Diversity and Accessibility	Councillor Greg Mawson	Napier People and Places Committee
Arts, Culture and Heritage	Councillor Tania Wright	Napier People and Places Committee

Economic Development

Councillor Sally Crown

Future Napier Committee

Tourism/ Council Facilities

Councillor Ronda Chrystal

Napier People and Places Committee

Transportation

Councillor Keith Price

Sustainable Napier Committee

(traffic mgmt, transport connection, cycling, Napier Port connection, road safety and community engagement relating to the above)

# BODIES OF COUNCIL

## COUNCIL

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<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

### **Role**

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body<sup>16</sup>:

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, including the 30-Year Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body<sup>17</sup>.
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.<sup>18</sup>

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<sup>16</sup> Numbers 1-7 refer to Schedule 7, Clause 32. Local Government Act 2002.

<sup>17</sup> Schedule 7, Clause 30A.

<sup>18</sup> Shop Trading Hours Act 1990, Section 5D.

## **Delegations**

The Council retains all decision making authority, and will consider the recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders<sup>19</sup>.
3. Approval or amendment of the Code of Conduct for Elected Members<sup>20</sup>.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies<sup>21</sup>.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) <sup>22</sup>.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly<sup>23</sup>.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval of the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.

## **Aligned Portfolios**

- Māori partnerships

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19 Schedule 7, Clause 27,

20 Schedule 7, Clause 15,

21 Schedule 7, Clause 30,

22 Schedule 7, Clause 30,

23 Local Electoral Act 2001, Section 19H.

## STANDING COMMITTEES

### Napier People and Places Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Maxine Boag</i>
<i>Deputy Chairperson</i>	<i>Councillor Tania Wright</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director Community Services</i>

#### **Role**

To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation. The Committee also adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community.

#### **Delegations**

1. Review and make recommendations to Council on policy regarding community services and grants
2. Review and make recommendations to Council on key strategies including for positive ageing, youth, accessibility and community resilience
3. Consider and make recommendations to Council on matters related to community projects and facilities
4. Consider and make recommendations to Council on matters in relation to community housing and associated wellbeing
5. Consider and make recommendations to Council on community feedback surveys and reports, and identify potential impacts for the Council and communities in Napier
6. Provide governance and oversight for Council's contributions to Napier events and tourism including liaison with entities such as Hawke's Bay Tourism
7. Provide governance for visitor experiences, sport and recreation, and facility related operations
8. Receive and make recommendations to Council on general external-facing policy and strategy updates
9. Oversee compliance with conditions of Council grants made to outside organisations and all community funding initiatives including Creative New Zealand funding
10. Consider reports from the Arts Advisory Panel, Grants Sub Committee, Creative Communities NZ Assessment external committee, and any other arts, culture and heritage related organisations where Council is represented
11. Monitor and report on social and cultural needs of the community and its impact on Council and communities in Napier
12. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

#### **Aligned Portfolios**

- Housing
- Sport and recreation

- Community resilience
- Child Friendly City
- Positive aging, diversity and accessibility
- Arts, culture and heritage
- Tourism/ Council facilities

## Prosperous Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Graeme Taylor</i>
<i>Deputy Chairperson</i>	<i>Councillor Sally Crown</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Officer in Charge</i>	<i>Director Corporate Services</i>

### **Role**

To provide governance to the corporate business of the Council, monitor the Council's financial position and financial performance against the LTP and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

### **Delegations**

1. Govern Council's involvement with CCOs and COs, including to
  - o undertake any reviews of CCO's including their governance arrangements, and make recommendations to Council
  - o monitor the overall performance of CCO's, and make recommendations to Council
  - o consider and make recommendations to Council on the Statements of Intent of Council's CCOs.
2. Provide policy and governance direction on funding and rating matters
3. Receive and make recommendations to Council in relation to the adoption of Annual Reports
4. Receive and make recommendations to Council on general external-facing policy and strategy updates
5. Provide governance to Council's property operations and consider related policy, making recommendations to Council.
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control.
7. Consider applications for the sale of properties within the Leasehold Land Portfolio and make recommendations to Council.

## Sustainable Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Keith Price</i>
<i>Deputy Chairperson</i>	<i>Councillor Nigel Simpson</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director Infrastructure Services</i>

### **Role**

To provide governance to city infrastructure including three waters, parks, and waste management, taking into consideration environmental, social, cultural and economic factors.

### **Delegations**

1. Review and make recommendations to Council on policy regarding the provision of Council's infrastructural assets, facilities, and services, including but not limited to:
  - Three waters
  - Parks, reserves and sportsgrounds
  - Waste management and minimisation
  - Property
  - Transport and roading
  - Cemeteries
2. Consider and make recommendations to Council on matters related to infrastructure and service related projects and facilities
3. Consider and make recommendations to Council on matters related to asset management
4. To consider any reports from infrastructure related joint committees and business units, including Lagoon farm and Redclyffe transfer station
5. Receive and make recommendations to Council on general external-facing policy and strategy updates
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

### **Aligned Portfolios**

- Three waters
- City services
- Environment and sustainability
- Transportation

## Future Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Deputy Chairperson</i>	<i>Councillor Api Tapine</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorums</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director City Strategy</i>

### **Role**

The purpose of this Committee is to provide governance to the town planning and regulatory functions of Council, including future planning and strategy.

### **Delegations**

1. Provide governance for and make recommendations to Council on District and town planning and development matters
2. Provide governance for and make recommendations to Council on regulatory policy and functions of Council
3. Provide governance for and make recommendations to Council on planning related environmental policy and functions of Council
4. Provide governance for and make recommendations to Council on policy relating to sustainable economic development
5. To hear submissions and make recommendations to Council on:
  - Bylaws
  - Any regulatory policy in accordance with legislative requirementsnoting that most hearings are the delegated responsibility of the Hearings Committee and the Terms of reference of that Committee should be read in conjunction.
6. Provide policy and governance direction on the District Plan process, and make recommendations to council.
7. To initiate policy statements or plans, or any changes or reviews of policy statements or plans, as may required in line with the Resource Management Act.
8. Consider and make recommendations to Council on matters related to city development related projects and strategies
9. Consider and make recommendations to Council in relation to road stopping and approve the temporary closure of any road.
10. Consider and make recommendations to Council in relation to environmental protection and sustainable practices throughout Council
11. Ensure that Council meets all compliance requirements relating to its regulatory responsibilities.
12. Receive and make recommendations to Council on general external-facing policy and strategy updates
13. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

### **Aligned Portfolios**

- Climate Change and Coastal Hazard
- Economic Development

## SPECIALIST COMMITTEES

### NGĀ MĀNUKANUKA O TE IWI (MĀORI COMMITTEE)

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<i>Chairperson</i>	<i>Chad Tareha – (Ngāti Pārau Hāpu Trust representative)</i>
<i>Deputy Chairperson</i>	.....
<i>Membership</i>	<ul style="list-style-type: none"><li>• <i>Mayor of Napier: Kirsten Wise</i></li><li>• <i>Ngāti Pārau Hāpu Trust representative: Chad Tareha</i></li><li>• <i>Maungaharuru-Tangitū Trust representative: Robbie Paul</i></li><li>• <i>Maraenui and Districts Māori Committee representative: (Vacant)</i></li><li>• <i>Pukemokimoki Marae Trust representative: (Vacant)</i></li><li>• <i>Te Taiwhenua o Te Whanganui-a-Orotū representative: (Vacant)</i></li><li>• <i>Mana Ahuriri Trust representative: (Vacant)</i></li><li>• <i>Māngai ā-Hapori: Rapihana Te Kaha Hawaikirangi</i></li><li>• <i>Māngai ā-Hapori: (Vacant)</i></li><li>• <i>Chair of Future Napier Committee: Deputy Mayor Brosnan</i></li><li>• <i>Chair of Sustainable Napier Committee: Councillor Price</i></li><li>• <i>Chair of Napier People &amp; Places Committee: Councillor Boag</i></li></ul> <ul style="list-style-type: none"><li>• <i>Hākoro: Piri Prentice (appointed 2014)</i></li><li>• <i>Hākui: (Vacant)</i></li></ul> <p><i>Council’s Hākoro and Hākui may attend meetings but are not voting members</i></p>
<i>Quorum</i>	<i>6 (to be made up of no less than 3 iwi authority/Māngai ā-Hapori representatives and 3 Councillors)</i>
<i>Meeting frequency</i>	<i>Six weekly</i>
<i>Officer responsible</i>	<i>Te Pou Whakarae</i>

#### **Ngā Mānukanuka o te Iwi (Definition)**

The anxiousness of people. The Committee deals with people and projects that strive towards their aspirations, and deal with all types of anxieties of deadlines, spreadsheets, correct data, research, all these elements they bring to the table as well as the knowledge or matauranga gained through the process.

## **Membership**

Each of the Māori entities will nominate their representative on the committee.

- Mana whenua representatives will be appointed by mana whenua entity.
- Māngai ā-Hapori will be selected by the Ngā Mānukanuka o te Iwi Committee Chair, Deputy Chair and Mayor.
- Elected Committee Members:
  - Chair of the Future Napier Committee,
  - Chair of the Sustainable Napier Committee,
  - Chair of the Napier People & Places Committee.
  
- The Chair will be elected from mana whenua representatives at the beginning of the triennium.
- The Deputy Chair will be elected from the Elected Members of the Committee at the beginning of the triennium.

## **Moemoeā (Vision)**

Whakataukī / Whakatauākī

The Ngā Mānukanuka o te Iwi Committee has been established by Council to continue the development of strategic and sustainable relationships with Ahuriri Māori. Council shall meet the intent and spirit of the Council's obligations set out in the legislation more particularly the obligations of the Local Government Act 2002;

- Towards establishing and maintaining processes that provide opportunities for Māori to contribute to the decision processes of Council.
  
- Fostering the development of Māori capacity to contribute to these processes.
  
- The provision of information to assist Māori contribution to Council's activities.

The Council wishes the Committee to reflect a spirit of partnership between the Council and Hapori Māori, to contribute effectively to the Council's activities. The Council will require the Committee to assist with the development of an integrated policy framework (based on Te Tiriti o Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Māori Communities.

## **Whaingā (Purpose)**

The purpose of the Ngā Mānukanuka o te Iwi Committee is to:

- Advocate on behalf of Mana/Tangata whenua to local, regional and national bodies as appropriate. This is in addition to Council's responsibility to engage directly with Mana/Tangata whenua;
- Consider governance issues relating to Council obligations to tangata whenua;
- Investigate and report to the Council on any issues that the Ngā Mānukanuka o te Iwi Committee considers necessary that may have an implication for tangata whenua.

**Pou (Objectives)**

1. Ensure that every decision in relation to Council activities takes into consideration the relationship to Māori culture and traditions (refer Local Government Act 2002 and Resource Management Act 1991)
  - a. Works with Council and officers to ensure appropriate and timely opportunities to contribute are consistently provided to the Committee, including through review and recommendations on formal reports, informal discussions at wānanga or working with officers at a project level
  - b. Works with officers to ensure that clear appropriate processes are developed and implemented that facilitate the Committee being able to meet its mandate.
2. Raise and make recommendations to Council on matters of importance to the Māori residents of Ahuriri
3. Provide feedback to Council on ways that relationship and capability to engage on Council-related matters can be built with and within the Māori communities of Napier.
  - a. Works with Council and officers in developing Māori capacity to contribute to Council activities

**Notes**

As well as specific hui and wānanga of this Committee, members will be invited to attend Council workshops, standing committee meetings and Council meetings.

The Ngā Mānukanuka o te Iwi Committee can nominate independent advisors to the Committee as required. Advisors have no voting rights.

## HEARINGS

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<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Deputy Chairperson</i>	<i>Councillor Graeme Taylor</i>
<i>Membership</i>	<i>Her Worship the Mayor Kirsten Wise</i> <i>Councillor Apiata Tapine</i> <i>Councillor Nigel Simpson</i> <i>Councillor Hayley Browne</i> <i>Representative of Ngā Mānukanuka o te Iwi (Māori Committee) (to be appointed)</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer in Charge</i>	<i>Director City Strategy and Director Infrastructure Services</i>

### **Role**

To conduct fair and effective Hearings and make determinations on a range of the Council's quasi-judicial functions under legislation (and other matters as referred to the Committee), and to make decisions on the appointment of Commissioners (both elected members and Independent Commissioners) to hear and determine Applications under the Resource Management Act 1991.

### **Delegations**

The Hearings Committee is granted responsibility and full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements. The Committee may decide to refer a matter to Council accompanied by recommendations where it deems the significance of the decision or its implications warrant it.

The Hearings Committee will hear and make determination on statutory and or regulatory matters under relevant legislation unless otherwise delegated by statute or Council, including (but without limitation):

- District Plan
  - Hear and make determination on submissions and objections to the Napier City District Plan Review and any changes or variations proposed to that Plan.
  - The Committee may decide to refer the matter to Council accompanied by recommendations, in a situation where:
    - the District Plan will be significantly altered as a result of submissions,
    - any decision on the District Plan will have a significant impact outside the District Plan on other Council policies, particularly rating levels or fees and charges, and
    - the Council will need to consider making a variation or change to the District Plan.

- Tenders
  - Consider and decide tenders for the supply of goods and services to the Council, where tenders exceed the Chief Executive's delegated authority or are of a scale and significance to be of interest to Council as identified in the notes section of these TOR.
- Hear and make decisions on challenges to decisions made under delegated authority where legislation allows.
- Hear and decide Objections under the Dog Control Act.
- Hear and decide matters regarding drainage and works on private land under the Local Government Act 2002.
- Hear and decide matters under the Resource Management Act, specifically:
  - Hear and determine notified resource consent applications where a hearing is required;
  - Hear and decide any objections against certain decisions under s357 of the Act;
  - Make decisions on the appointment of Commissioners (both Elected Members and Independent Commissioners) to hear and determine applications for Resource Consent in accordance with the guidance criteria in these terms of reference;
  - Make recommendations as to where commissioner costs may fall at the time of appointment, having considered s36 of the Act.

## **GUIDANCE CRITERIA FOR DELEGATIONS TO AND APPOINTMENT OF COMMISSIONERS**

Each member of the Hearings Committee that is responsible for Resource Management Act 1991 matters shall, if that member is accredited under this Act, be deemed for the purposes of this delegation to be a Hearings Commissioner.

### **Guidance for appointment of Commissioners**

1. The Hearing Committee may appoint one or more Hearings Commissioners, or elected members, to a hearings panel, and may delegate in accordance with section 34A of this Act the functions, powers and duties of the Council, in determining any matter, to that individual or panel.
2. The assignment shall be made having considered the relevant legislative guidance in section 34A of The Act.
3. The assignment shall be made having considered the General Criteria for Appointment of independent Hearings Commissioner(s) below.
4. The assignment shall be made having considered the recommendation by the Chairperson and the Director City Strategy or her/his nominee, in particular the skillset required to hear and decide the specific hearing issue(s).

5. The Hearings Committee shall meet to hear the appointment recommendations, decide and appoint commissioners. The committee will formalise the delegation of powers and functions under the Act in a formal decision of the committee at this time.
6. When appointing consideration should be given to any elected members experience and competency in relation to the hearing matter and may choose to pair an elected member with an independent commissioner to build skills and experience.

### **General Criteria for Appointment of independent Hearings Commissioner(s)**

One or more independent Hearings Commissioners shall be recommended to consider any matter or to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 in accordance with section 34A of this Act, when one or more of the following applies:

- a) The Council is the applicant.
- b) The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.
- c) The project (application) is one in which the Council has a significant and/or pecuniary interest.
- d) A valid request has been made under the Resource Management Act 1991 for a Commissioner to hear and determine the matter.
- e) In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee the subject of the hearing is highly political and elected members' objectivity in hearing or determining the matter would be compromised due to previous political and community debate.
- f) In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the highly complex and technical nature of the issues to be addressed in the hearing requires specific expertise. (Care is needed in this regard, as technical issues should always be discussed at the hearing in a manner that is understandable to the layperson.)
- g) In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the Hearings Committee has insufficient resources and/or time to hear the matter in a timely manner.

**Note.** Work must be identified in a Long Term Plan [LTP] (or an Annual Plan [AP] update to the LTP) in order to be considered for progress at any given time.

Typically the Hearings Committee will consider tenders for works included in the LTP or an AP that are above the financial delegation to the Chief Executive.

However, there may be instances where a tender may be brought to the Committee for consideration even when the monetary value is within the existing CE delegation.

For example, this would take place where specifically requested by resolution of Council or where the work relates to a bespoke project of significant interest to Council.

## AUDIT AND RISK

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<i>Chairperson</i>	<i>External independent appointee (at time of 2019 adoption John Palairet)</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>Her Worship the Mayor Kirsten Wise Deputy Chair of Sustainable Napier Committee: Councillor Nigel Simpson Chair of Prosperous Napier Committee: Councillor Graeme Taylor External independent appointee – Local Govt expert: At time of adoption John Palairet External independent appointee – Finance expert: At time of adoption David Pearson</i>
	<i>Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.</i>
<i>Quorum</i>	<i>3 One of which is an external appointee</i>
<i>Meeting frequency</i>	<i>At least quarterly and further as required</i>
<i>Officer in Charge</i>	<i>Director Corporate Services</i>

### **Role**

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter (see version at time of adoption below).

### **Delegations**

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter.

The Committee can make recommendations to Council or the Chief Executive as appropriate.

<b>Audit and Risk Committee Charter</b>			
<b>Adopted By</b>	Council		
<b>Department</b>	Corporate Services		
<b>Original Adoption Date</b>	18 September 2018	<b>Review Adoption Date</b>	5 August 2021
<b>Next Review Deadline</b>	16 June 2023	<b>Document ID</b>	325090
<b>Relevant Legislation</b>	Local Government Act 2002		
<b>Policy Referenced</b>	Code of Ethics		

## Objective

The objective of the Audit and Risk Committee (the Committee) is to provide independent, objective assurance and assistance to the Napier City Council (the Council) on the Council's governance, risk management, internal control and compliance frameworks, and its external accountability responsibilities.

## Authority

The Napier City Council, at its meeting on 2 November 2016, re-established the Audit and Risk Committee for the 2016-19 triennial. The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including the Chief Executive, the Director of Corporate Services and the Chief Financial Officer at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

## Composition and Tenure

The Committee will consist of seven members appointed by the Council. These must include the Mayor, the Chair of the Prosperous Napier Committee and the Deputy Chair of the Prosperous Napier Committee (or other nominated person) and a representative from the Maori Committee. The Council will also select up to three independent members.

The Napier City Council will appoint the chairperson of the Committee.

Members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, after a formal review of their performance.

Council representatives on the Committee will carry out their duties as outlined in the Charter, recognising the difference in the role of the Committee compared to Councillor community advocate.

The Chief Executive, the Director of Corporate Services and the Chief Financial Officer will not be members of the Committee but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one independent member of the Committee should have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment together with a strong background in infrastructure, corporate governance and risk.

## **Role and Responsibilities**

The Committee has no executive powers and will conduct itself in accordance with the values and ethics of the Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for the management of the Council rests with the Chief Executive.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Napier City Council from time to time.

## **Risk Management**

The Committee's responsibilities are to:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of Napier City Council's financial and business risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the effect of the Council's risk management framework on its control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing the Council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review the Council's internal controls in relation to preventing fraud and satisfy itself that the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information and to ensure appropriate action is taken against known perpetrators of fraud.

## **Health and Safety**

The Committee's responsibilities are to:

- review key risks of the Council in the areas of safety, occupational health and environmental issues.
- review management's approach to maintaining and continual improvement to providing a safe working environment is sound and effective.
- review compliance of relevant laws, regulations and operational policies and standards.
- review the establishment and tracking of measurable workplace health, safety and environment key targets.

## **Control Framework**

The Committee's responsibilities are to:

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisers, is sound and effective;
- review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;
- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls; and
- review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

## **External Accountability**

The Committee's responsibilities are to:

- review the financial statements and provide advice to the Council, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- satisfy itself that the financial statements are supported by appropriate management sign-off on the statements and the adequacy of the systems of internal controls;
- review the processes in place designed to ensure that financial information included in the Council's annual report is consistent with the signed financial statements;
- review the processes and risk assessment are in place for the development and adoption of the Council's Long Term Plan;
- satisfy itself that the Council has appropriate mechanisms in place to review and implement, where appropriate, relevant external audit reports and recommendations; and
- satisfy itself that the Council has a performance management framework that is linked to organisational objectives and outcomes.

## **Legislative Compliance**

The Committee's responsibilities are to:

- determine whether management has appropriately considered legal and compliance risks as part of the Council's risk assessment and management arrangements; and
- review the effectiveness of the system for monitoring the Council's compliance with relevant laws, regulations, and associated government policies.

## **Internal Audit**

- The Committee's responsibilities are to:
- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- review the internal audit coverage and annual work plan, ensure that the plan is based on the Council's risk management plan, and recommend approval of the plan on behalf of the Council;
- advise the Mayor and Chief Executive on the adequacy of resources to carry out the internal audit, including completion of the approved internal audit plan;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions;

- review all audit reports and provide advice to the Council on significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of good practice;
- monitor management's implementation of the internal auditor's recommendations;
- review the internal audit charter to ensure that appropriate organisational structures, authority, access, and reporting arrangements are in place;
- provide advice to the Council on the appointment of the Head of Internal Audit (in the case of an in-house internal audit function);
- recommend the appointment of the internal auditor;
- periodically review the performance and effectiveness of the internal auditor; and
- be satisfied that any dismissal of the Head of Internal Audit is based on proper and appropriate reasons, to safeguard the independence of the audit function.

## External Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- provide input and feedback on the financial statements and the audit coverage proposed by the external auditor, and provide feedback on the audit services provided;
- review all external plans and reports for planned or completed audits and monitor management's implementation of audit recommendations;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions: and
- provide advice to the Council and Chief executive on action taken on significant issues raised in relevant external audit reports and good practice guides.

## Governance

### Responsibilities of Committee Members

Members of the Committee are expected to:

- express opinions frankly, ask questions that go to the core of the issue, and pursue independent lines of enquiry;
- provide the governance test and challenge to ensure there is organisational improvement and strong risk management processes;
- contribute the time needed to study and understand the papers provided; and
- apply good analytical skills, objectivity, and good judgment;

### Reporting

The Committee will regularly, but at least once a year, report to the Council on its operation and activities during the year. The report should include:

- a summary of the work the Committee performed to fully discharge its responsibilities during the preceding year;
- a summary of the Council's progress in addressing the findings and recommendations made in internal and external audit reports, and the Auditor-General's reports (if applicable);
- an overall assessment of the Council's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes; and
- details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.

The Committee may, at any time, report to the Chief Executive or the Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive or the Council.

## **Administrative Arrangements**

### **Meetings**

The Committee will meet at least four times each year. A special meeting may be held to review the annual report.

From time to time additional meetings may be required to consider matters outside of normal meeting cycles.

The Chairperson is required to call a meeting if requested to do so by the Council, Chief Executive or another Committee member.

A meeting plan, including dates and agenda items, will be agreed upon by the Committee each year. The meeting plan will cover all of the Committee's responsibilities as detailed in this charter.

### **Attendance at Meetings and Quorums**

A quorum will consist of a majority of Committee members including at least one independent member.

Meetings can be held in person, by telephone, or by video conference.

The Head of Internal Audit and external audit representatives will be invited to attend each meeting unless requested not to do so by the Chairperson of the Committee.

The Chief Executive may be invited to attend Committee meetings to participate in specific discussions or provide strategic briefings to the Committee. The Committee may also ask other employees to attend Committee meetings or participate for certain agenda items.

The Committee will meet separately with both the internal and external auditors at least once a year.

### **Secretariat**

The Chief Executive will appoint a person to provide secretariat support to the Committee. The Secretariat will ensure that the agenda for each meeting and supporting papers are circulated, after approval from the Chairperson, at least one week before the meeting, and ensure that the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated within two weeks of the meeting to each member and Committee observers, as appropriate.

### **Conflicts of Interest**

Once a year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately recorded in the minutes.

Where any member is deemed to have a real, or perceived, conflict of interest at a Committee meeting, it may be appropriate that they are excused from Committee deliberations on the issue where the conflict of interest exists.

## **Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## Assessment Arrangements

The Chairperson of the Committee, in consultation with the Mayor, will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Mayor) with appropriate input sought from the Chief Executive, the internal and external auditors, management, and any other relevant stakeholders, as determined by the Mayor in discussion with the chairperson of the Committee.

## Review of Charter

At least once every 2 years, the Committee will review this charter. This review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.

## Procedure Review

The review timeframe of this charter will be no longer than every two years.

## Document History

Version	Reviewer	Change Detail	Date
1	Chief Financial Officer	Initial publication	December 2016
2	Chief Financial Officer	Review process	August 2018
3	Chief Financial Officer	Republication (nb: version control issues)	September 2018
4	Accounting Manager	Review process and add in Health and Safety	March 2020
5	Chief Financial Officer	Review process, change to composition of committee, minor additions	June 2021

## CHIEF EXECUTIVE CONTRACT COMMITTEE

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<i>Chairperson</i>	<i>Her Worship the Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>Councillor Graeme Taylor</i> <i>Councillor Tania Wright</i> <i>Councillor Apiata Tapine</i> <i>Councillor Nigel Simpson</i> <i>This Committee has the power to co-opt members from the Council as the Chair determines necessary.</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer responsible</i>	<i>Team Leader Governance</i>

### **Role**

To review the performance of the Chief Executive and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

### **Delegations**

The Chief Executive Contract Committee has the responsibility and the authority to:

1. Establish a Success Agreement with the Chief Executive covering success factors for the year.
2. Agree annual performance objectives aligned to the Success Agreement with the Chief Executive.
3. Undertake a 6 monthly review of progress against the Success Agreement and associated annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
4. Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
5. Conduct and complete a review of employment under Clause 35, Schedule 7, of the Local Government Act 2002, and make a recommendation to Council under Clause 34, Schedule 7.
6. Under the annual remuneration review and make decisions regarding remuneration.
7. Act as Council's agent in all matters pertaining to the employment contract of the Chief Executive including any issues which may arise in respect of the job description, agreement, performance objectives or other similar matters.
8. Oversee any recruitment and selection process for a Chief Executive (a decision on appointment must by law be made by the Council), initiate any improvements to the employment contract, and undertake negotiations on Council's behalf.
9. To consider and propose to Council, training of the Chief Executive as necessary.

## DISTRICT LICENSING COMMITTEE

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<i>Chairperson</i>	<i>External Commissioner appointed by recruitment Stuart Hylton – as of 27 Feb 2020</i>
<i>Membership</i>	<i>List members 2019-2022: - as of 27 October 2021 David Fellows Ross Pinkham Councillor Keith Price Councillor Graeme Taylor 1 Vacancy</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Office Responsible</i>	<i>Director City Strategy</i>

### **Role**

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012. The Act requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

Although the District Licensing Committee in Napier City is a committee of Council and receives Council administrative support, it primarily operates as a decision making body without the influence of Council.

An independent Commissioner chairs Napier City District Licensing Committee and the members are a mix of appointed councillors and suitably qualified lay-persons.

### **Delegations**

The functions of the District Licensing Committee is specified by the Act<sup>24</sup> and include:

1. to consider and determine applications for licences and manager's certificates,
2. to consider and determine applications for renewal of licences and manager's certificates,
3. to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
4. to consider and determine applications for the variation, suspension, or cancellation of special licences,
5. to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
6. with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,
7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and

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<sup>24</sup> Section 187, Sale and Supply of Alcohol Act 2012.

8. any other functions conferred on licensing committees by or under this Act or any other enactment.

The committee may make recommendations to Council.

**Chair's delegation**

When no objection to an application has been received (for a license, manager's certificate, or renewal of a license or manager's certificate), and no matters of opposition have been raised under section 103, 129 or 141, the Chair has the delegation to decide on the papers and issue decisions on such applications.

## SUB-COMMITTEES and ADVISORY PANELS

### GRANTS SUB-COMMITTEE

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<i>Reports to</i>	<i>Napier People and Places Committee</i>
<i>Chairperson</i>	<i>Councillor Maxine Boag</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>2 Napier City Council representatives:</i> <i>Councillor Apiata Tapine</i> <i>Councillor Ronda Crystal</i> <b><i>External Membership</i></b> <i>4 Community Representatives</i> <i>G Hansen</i> <i>J Lamburn</i> <i>K Simons</i> <i>A Williams</i>
<i>Quorum</i>	<i>3</i> <i>Half the members (including vacancies)</i>
<i>Meeting frequency</i>	<i>Meeting frequency set annually</i>
<i>Officer in Charge</i>	<i>Director Community Services</i>

#### **Role**

This committee reports to the Community Services Committee.

#### **Delegations**

1. To allocate grants in accordance with Council procedures.
2. To make recommendations to the Napier People and Places Committee to approve Grants.
3. To make recommendations to the Napier People and Places Committee on adding performance criteria and conditions on grants.

#### **Remuneration:**

Community representatives are paid \$400 per meeting.

## ARTS ADVISORY PANEL

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*Reports to* *Napier People and Places Committee*

*Chairperson* *Councillor Tania Wright*

*Deputy Chairperson* *N/A*

*Membership* *Councillor Ronda Chrystal*

**External Membership**

*1 representative from:*

*Art Deco Trust*

*Napier Arts Community Practitioner*

*Creative Arts Napier Inc.*

*MTG*

*Māori/Iwi*

*Secondment of Design Group Representative as required: a member of an existing Design Group should be seconded onto the Panel when the Panel has to consider one off art work in public places or part of the urban development relating to the Design Group's area of interest.*

*Quorum* *3*

*Meeting frequency* *As required*

*Officer in Charge* *Director Community Services*

### **Role**

1. To make recommendations to Council on the suitability of one-off art installations for a particular location giving considerations to the uniqueness of the community into which it is to be installed, and the heritage and cultural values of the site.
2. To assess and ensure that the potential art installation is aligned with the objectives and policies as set out in Napier City Council's Arts Policy.

### **Notes:**

This panel will not replace or supersede the existing design groups across the city such as the West Quay/Ahuriri Design Group for the Ahuriri area and any group established under the CBD Design Guide or any other newly established Council design groups.

All potential art in public places being considered by an existing Design Group either as a one off artwork or part of the urban development in their location of interest must be referred to the Arts Advisory Panel for advice. The Arts Advisory Panel meet as required to coincide with the appropriate Council meeting to assess proposals and submit recommendations. Members are volunteers.

## INTERNAL PANELS

Panel	Appointee(s)	Notes
Earthquake Survivors Afternoon Organising Committee	Required: Elected member x 2  Deputy Mayor Annette Brosnan Councillor Ronda Chrystal	Annual event Sunday closest to 3 February
Napier Civic Awards Panel	Required: Mayor (or nominee), Elected member x 2  Mayor Councillor Wright Councillor Boag	Annual event first Wednesday in September

## JOINT COMMITTEES

Committee	Appointees	Notes
Clifton to Tangoio Coastal Hazards Strategy Joint Committee	Required: Elected member x 3 (alternate recommended)  Deputy Mayor Annette Brosnan Councillor Hayley Browne Councillor Keith Price Councillor Nigel Simpson (alternate)	Hawke's Bay Regional Council is the administrating body.
Hawke's Bay Civil Defence Emergency Management Joint Committee	Required: Mayor and alternate  Mayor Kirsten Wise  Councillor Nigel Simpson (alternate)	Required by statute under the Civil Defence Emergency Management Act 2002.
Hawke's Bay Crematorium Committee	Required: Elected member x 2  Councillor Keith Price Councillor Greg Mawson	Hastings District Council is the administrating body.
Hawke's Bay Drinking Water Joint Committee	Required: Elected member x 2 (alternate recommended)  Councillor Nigel Simpson Councillor Ronda Chrystal Deputy Mayor Annette Brosnan (alternate)	Hawke's Bay Regional Council is the administrating body. <i>(established August 2017)</i>
Hawke's Bay Regional Transport Committee	Required: Elected member x 1 (alternate recommended)  Councillor Keith Price Mayor Kirsten Wise (alternate)	Established in accordance with Section 105 of the Land Management Transport Act 2003 as soon as practicable after a triennial election. Hawke's Bay Regional Council is the administrating body.
Heretaunga Plains Urban Development Strategy Implementation Working Party (HPUDS)	Required: Elected member x 2  Councillor Sally Crown Councillor Ronda Chrystal	

Joint Alcohol Strategy Advisory Group	Required: Elected member x 2  Councillor Sally Crown Councillor Greg Mawson	
Joint Waste Futures Project Steering Committee	Required: Elected member x 3  Deputy Mayor Annette Brosnan Councillor Api Tapine Councillor Richard McGrath	Hastings District Council is the administrating body.
Omarunui Joint Refuse Landfill Committee	Required: Elected member x 2 (alternate recommended)  Councillor Richard McGrath Councillor Api Tapine Deputy Mayor Annette Brosnan (alternate)	Hastings District Council is the administrating body.
Regional Cycling Governance Group	Required: Elected member x 1 (alternate recommended)  Councillor Graeme Taylor Councillor Greg Mawson (alternate)	Hawke's Bay Regional Council is the administrating body.
Te Komiti Muriwai o Te Whanga	Required: Elected member x 1  Councillor Apiata Tapine	Napier City Council is the administrating body. This is a co-governance entity established through the passing of the Ahuriri Hapū Claims Settlement Bill

## COUNCIL CONTROLLED ORGANISATIONS (CCOs)

Part 5 of the Local Government Act 2002, outlines requirements for Local Authorities to follow in utilising council organisations, including establishing a council organisation, appointment of Directors, and monitoring and reporting requirements. Council-controlled organisations are subject to Parts 1-6 of the Local Government Official Information and Meetings Act 1987.

A council-controlled organisation (CCO) must deliver the following documents to the local authority:

- Half-yearly report (within 2 months after the end of the first half of each financial year),
- Annual report (within 3 months after the end of each financial year),
- Statement of Intent.

A Local Authority must have a policy for appointing a Director to a CCO including:

- Identification and consideration of the skills, knowledge, and experience required of directors of a council organisation,
- The appointment of directors to a council organisation,
- The remuneration of directors of a council organisation.

Council Controlled Organisation	Appointee(s)	Notes
Hawke's Bay Museums Trust	Required: Elected member x 1  Councillor Tania Wright	<p>The objectives of the Trust are to:</p> <ul style="list-style-type: none"> <li>• Hold and protect the regional collection for the people of Hawke's Bay and to provide storage and protection for the collection,</li> <li>• Advance and promote the Arts in New Zealand and particularly in Hawke's Bay,</li> <li>• Promote a sense of history and an awareness of the importance of the nation's heritage in New Zealand and particularly in Hawke's Bay,</li> <li>• Provide an exhibition policy and to oversee the maintenance, risk management and quality of the regional collection through a contract for services with the Napier City Council,</li> <li>• Regulate and approve the disposal of collection items, and</li> <li>• Administer the bequests held by the Hawke's Bay Museums Trust.</li> </ul> <p>The Trust is a Council-Controlled Organisation as three of the five-member board are Council nominees (1 from Napier City Council, and 1 from Hastings District Council, and both local authorities appoint the Chair).</p> <p>Napier City Council is the administrating body.</p> <p>Trust reporting is made to the Prosperous Napier Committee.</p>

Omarunui Landfill	Please refer above for the Omarunui Landfill Joint Committee appointees	Hastings District Council is the administrating body
Hawke's Bay Airport Ltd	No appointees required	<p>This is a company incorporated under the Companies Act and is owned by the Crown, Hastings District Council and Napier City Council.</p> <p>Napier City Council has a 26% shareholding.</p> <p>Board reporting is made to the Prosperous Napier Committee.</p>

Note: The Hawke's Bay Local Authority Shared Services (HBLASS) is a Limited Liability Company registered under the Companies Act. Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council jointly own the Company. HBLASS is currently inactive and has therefore not been included in the table above.

## EXTERNAL APPOINTMENTS

Name of Organisation	Foundation Document	Appointee(s)	Process of Appointment	Contact Person	Notes
Ahuriri Business Association Incorporated	Rules 4(2)(b)	Required: Elected member x 1 Councillor Hayley Browne	Mayor's nominee considered at AGM held end of May	Maree Langford info@ahuriri.co.nz	
Art Deco Trust	Trust Rules 9.2	Required: Elected member x 1 Councillor Tania Wright	Board	Fundraising & Communication Co-ordinator Steph Kennard Membership@artdeconapier.com	
Creative Arts Napier	Rules 11c	Required: Councillor Tania Wright	Mayor's nominee considered at AGM held mid-October	Lisa Feyen manager@thecan.co.nz	
Creative Communities Committee	Terms of Reference	Required: Elected member x 2 Councillor Tania Wright Councillor Ronda Chrystal	Appointed by Mayor	Belinda McLeod belindam@napier.govt.nz	Funding provided by Creative NZ. NCC provides administrative support. Meetings are for a full day, and are scheduled in pairs one week apart

Hawke's Bay Holt Planetarium Charitable Trust	Trust Deed 16a, 17f	Required: Mayor or nominee Trustees; ex officio by Mayor x 1  Councillor Greg Mawson	Finance Manager Michael Jones mjones@nbhs.school.nz	
Hawke's Bay Medical Research Foundation Incorporated	Foundation Rules 19c	Required: Mayor or nominee AGM x 1  Helen Francis (external)	Lorraine Guillemot secretary@hbmrf.co.nz	
Historic Places Hawke's Bay Incorporated	Rules 3c, 8c and Minutes	Required: Elected member x Mayor's nominee 1  Councillor Hayley Browne	Philip Irwin philipirwin@xtra.co.nz	
Howard Estate Advisory Board	Howard Estate Act 1978 c19(1)	Required: Trustee x 1 (not required to be elected member)  Michelle Monteith	Open advertisement and section process three yearly  Tony Shea Senior Trust Officer, Rural Properties Public Trust tony.shea@publictrust.co.nz	Joint nomination between Napier City Council, Hastings District Council and Chamber of Commerce
Mayor's Taskforce for Jobs		Required: Mayor	Noa Woolloff Taskforce Coordinator 117 Lambton Quay, Wgtn 6011 noa.woolloff@mtfj.co.nz	

Napier City Business Rules 12(a)(ii) Inc		Required:  Councillor Sally Crown	Appointment made by Council	Zoe Barnes zoe@napiercbd.co.nz	
Napier Pilot City Trust	Constitution Clause 8	Required:  Councillor Richard McGrath	Nomination may be made by "eminent persons"	Joan Plowman	
Napier Disability Advisory Group	Terms of Reference 4(2)(b)	Required: Elected member x 1  Councillor Greg Mawson	Appointment by the Mayor	Jude Henderson, Chair jhenderson@blindfoundation.org.nz	
Port Noise Liaison Committee	Napier District Plan & Environ. Court order Appendix 33c	Required:  Councillor Keith Price Councillor Hayley Browne	Appointment made by Council	Paul Rose paulr@napierport.co.nz	Meets six monthly
Positive Ageing Trust	Trust Deed 21.0	Required: Elected member x 1  Councillor Greg Mawson	Appointment made by Council	Eve Vernik admin@positiveageinghb.nz	
Pukemokimoki Marae Trust	Charitable Trust Deed 7.1.2	Required: Elected member x 1  Councillor Hayley Browne	Appointment made by Council	Maureen Mua maureen.mua@rait.co.nz	Appointee must regularly report back to Council

Rotary Pathway Trust	Memorandum of Understanding and 1 Minutes of Meetings	Required: Elected member x 1 Council Councillor Graeme Taylor	Appointment made by Secretary Bob Morrison rajmorrison@nowmail.co.nz	Staff representative also participates
Sports Council	Terms of Reference	Required: Elected member x 1 Councillor Keith Price	Appointed by Mayor Mark Aspden marka@sporthb.net.nz	Note this is an informal information sharing group and more elected members may attend
Taradale Business Association	Certificate of Incorporation / Rules	Required: Elected member x 1 Councillor Nigel Simpson	Taradale Ward Councillor Sam Jackman info@taradale.co.nz nominated, confirmed at AGM	The Council representative may vote
Te Matau A Māui Trust	Trust Deed c9.5	Required: 1 Trustee update 2020 Barbara Arnott	Four Trustees appointed by HBDHB in consultation with all of the territorial authorities of the HB region. Three year terms Ken.foote@hbdhb.govt.nz	Trust meets three times a year: March August, October