LOCAL GOVERNANCE STATEMENT 2016-2019

Guide for the community on Council processes
Our Mission

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

(Napier City Council Long Term Plan 2015-25)
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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 the Local Government Act 2002, and must be adopted by a new Council within six months of the 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 to meet the current and future needs of Napier for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

2.1 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 a power of general competence 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.

**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 triennial elections.
2.2 Functions of Council – Other Legislation

2.2.1 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.

2.2.2 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.

2.3 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. Descriptions of these documents are outlined in Section 12 of the Local Governance Statement, and can be found on Council’s website www.napier.govt.nz. The activities of Napier City Council are:

City development
- Local planning and development.
- Property development.
- Waterfront development.

Economic and cultural development
- Economic growth and visitor economy.

Environmental management and regulation
- Regulation.
- Solid waste and environmental services.
- Local environmental management.
- Storm water management.
Governance and support

- Local governance.
- Investment.
- Organisational support.

Parks, community and lifestyle

- Local community services.
- Local parks, sport and recreation.

Transport

- Roads and footpaths.
- Parking and enforcement.

Water supply, wastewater treatment and disposal

- Water supply.
- Wastewater treatment and disposal.
3. BYLAWS

3.1 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 broken, a fine or prosecution may be incurred.

Copies of bylaws are available for public inspection at the Napier City Council offices, Civic Building, Hastings Street, and on Council’s website.

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.  

3.2 Napier City Council Bylaws

<table>
<thead>
<tr>
<th>Bylaw</th>
<th>Adopted</th>
<th>Reviewed</th>
<th>Next Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introductory Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>Animal Control Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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</table>

1 Local Government Act 2002, sections 158-159
<table>
<thead>
<tr>
<th>Bylaw</th>
<th>Adopted</th>
<th>Reviewed</th>
<th>Next Review</th>
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<tbody>
<tr>
<td>Cemeteries Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
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<tr>
<td>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.</td>
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<tr>
<td>Dog Control Bylaw 2009</td>
<td>2004</td>
<td>2009</td>
<td>2019</td>
</tr>
<tr>
<td>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.</td>
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</tr>
<tr>
<td>Fire Control Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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</tr>
<tr>
<td>Freedom Camping Bylaw 2017</td>
<td>2014</td>
<td>2015, and 2017</td>
<td>2027</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>Parking Control Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>Controls parking activities, and addresses parking issues which may have an adverse effect on other users of public places.</td>
<td></td>
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<tr>
<td>Parks &amp; Reserves Bylaw 2014</td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>Controls a diverse range of activities, and addresses behaviour in public facilities such as parks, reserves and beaches. Addresses activities within these areas which may have an adverse effect on other users of these facilities.</td>
<td></td>
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<tr>
<td>Bylaw</td>
<td>Adopted</td>
<td>Reviewed</td>
<td>Next Review</td>
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<tr>
<td><strong>Public Places Bylaw 2014</strong></td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
<td></td>
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</tr>
<tr>
<td><strong>Public Places Liquor Control Bylaw 2014</strong></td>
<td>2004</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td><strong>Solid Waste Bylaw 2012</strong></td>
<td>2008</td>
<td>2012</td>
<td>2022</td>
</tr>
<tr>
<td>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.</td>
<td></td>
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</tr>
<tr>
<td><strong>Speed Limits Bylaw 2012</strong></td>
<td>2005</td>
<td>2012</td>
<td>2022</td>
</tr>
<tr>
<td>To set speed limits for roads in the urban traffic areas.</td>
<td></td>
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<tr>
<td><strong>Stormwater Bylaw 2012</strong></td>
<td>2012</td>
<td>2017</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<tr>
<td>Bylaw</td>
<td>Adopted</td>
<td>Reviewed</td>
<td>Next Review</td>
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<td>------------------------------------------------</td>
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<tr>
<td><strong>Tattooists and Skin Piercers Bylaw 2014</strong></td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td><strong>Trade Waste Bylaw 2014</strong></td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<tr>
<td><strong>Trading in Public Places Bylaw 2014</strong></td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
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</tr>
<tr>
<td><strong>Wastewater Drainage 2014</strong></td>
<td>2008</td>
<td>2014</td>
<td>2024</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Water Supply Bylaw 2012</strong></td>
<td>2008</td>
<td>2012</td>
<td>2022</td>
</tr>
<tr>
<td>Provides protection for Council’s water supplies and infrastructure. Defines the water supply areas and sets out conditions of supply.</td>
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</tbody>
</table>
4. ELECTORAL SYSTEMS AND OPPORTUNITY TO CHANGE THEM

4.1 When is the next election?
Elections are run every 3 years on the second Saturday of October.
The next election for Napier City Council is 12 October 2019.

4.2 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.

4.3 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.

4.4 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 all positions are not 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 also 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

4.5 Changing the Electoral System
Napier City Council currently uses First Past the Post as its electoral system. The option of STV was introduced for use in the 2014 elections. At that time, a valid demand from at least 5% of the voters in Napier City was made and a poll was undertaken in 2003. 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. The electoral system to be used at the 2019 and 2022 elections could be changed by the following methods:

**Council resolution**

- The electoral system could be changed by a resolution of the Council prior to 12 September 2017. Council will be asked in August 2017 whether it intends to retain the FPP system for the 2019 elections or adopt STV for the 2019 and 2022 elections.

**Council resolve to hold a poll**

- Council could decide to hold a poll on whether or not there should be a change of electoral system. Council would need to decide this by resolution before 21 February 2018.
- The poll would need to be held no later than 21 May 2018 to apply to the 2019 triennial elections. If a poll occurs after these dates, the outcome would apply to the 2022 and 2025 elections; in this instance the poll could be held at the same time as the 2019 elections.

**Voters may demand 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 2019 election, Council would need to receive the demand from 5% of the voting public by 21 February 2018, and the poll held no later than 21 May 2018. Otherwise, the outcome of the poll would apply to the 2022 and 2025 elections.
- Public notice will be given by 19 September 2017 advising of the right of electors to demand a poll on the electoral system to be used for Napier City Council.
- 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 on governance@napier.govt.nz.

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2 Local Electoral Act 2001, Part 2, Section 27  
3 Local Electoral Act 2001, Part 2, Sections 31-33  
4 Local Electoral Act 2001, Part 2, Section 28
5. REPRESENTATION ARRANGEMENTS

5.1 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:

- The number of members that are elected to the governing body of Napier City Council (the legal requirement is no less than 6 and no more than 30 members, including the Mayor),
- Whether the election of members (also known as councillors) (other than the Mayor) 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,
- The boundaries of wards, the names of the wards, and the number of members that will represent each ward, if wards are used,
- Whether to have Māori wards for electors on the Māori roll,
- Whether to have community boards, and if so, how many, and what their boundaries and membership will look like.

5.2 What is the current Napier City Council representation structure?

Currently Napier City Council has one Mayor and twelve elected members (councillors). Six of the councillors are elected ‘at large’ (that is, across the whole of Napier City) and six are elected by ward, as follows:

- Ahuriri Ward 1 councillor
- Onekawa Ward 1 councillor
- Nelson Park Ward 2 councillors
- Taradale Ward 2 councillors.
5.2.1 Map of Napier City Council wards

Napier City’s current ward boundaries are shown here:
5.2.2 Meet your Council

“I am proud to lead such a good team of Councillors. We have a great mix of genders, ages and now ethnicities. You are in good hands.”

MAYOR
Bill Dalton
06 834 4198
bill.dalton@napier.govt.nz

“I am proud to lead such a good team of Councillors. We have a great mix of genders, ages and now ethnicities. You are in good hands.”

COUNCILLORS AT LARGE

Faye White
Deputy Mayor
021 283 4873
faye.white@napier.govt.nz

Tony Jeffery
021 469 788
tony.jeffery@napier.govt.nz

Keith Price
021 469 788
keith.price@napier.govt.nz

Kirsten Wise
021 222 4403
kirsten.wise@napier.govt.nz

NELSON PARK WARD

Maxine Boag
021 024 70434
maxine.boag@napier.govt.nz

Api Tapine
027 458 9781
api.tapine@napier.govt.nz

ONEKAWA-TAMATEA WARD

Claire Hague
021 717 426
claire.hague@napier.govt.nz

Annette Brosnan
027 337 9303
annette.brosnan@napier.govt.nz

AHURIRI WARD

Richard McGrath
021 067 3449
richard.mcgrath@napier.govt.nz

Larry Dallimore
021 136 9932
larry.dallimore@napier.govt.nz

Graeme Taylor
027 289 4340
graeme.taylor@napier.govt.nz

Tania Wright
027 203 3197		
tania.wright@napier.govt.nz

TARADALE WARD

5.3 Review of representation arrangements

5.3.1 Scope and timetable

In 2017/18, Council will undertake a representation review which must be completed and publicly notified by 8 September 2018.

Napier City Council must follow the procedure set out in the Local Electoral Act 2001 when conducting its representation review, and follow guidelines published by the Local Government Commission.

The Act gives the public the right to make a written submission to Council, and the right to be heard in support of their written submission if they wish.

The public also have the right to appeal any final decision of Council to the Local Government Commission, which will make a binding decision on the appeal.

The broad timetable is as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Due dates</th>
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</thead>
<tbody>
<tr>
<td>Obtain the most up to date population estimates and identify a range of possible representation models. Preliminary consultation with the public on options.</td>
<td>Not a legal requirement but recommended as good practice</td>
</tr>
<tr>
<td>Resolution setting out Council’s proposals on the representation arrangements applicable for 2019 triennial elections.</td>
<td>No earlier than 1 March 2018</td>
</tr>
<tr>
<td>Notice of Council’s resolution to the public (providing at least one month for submissions).</td>
<td>Within 14 days of resolution but no later than 8 September 2018</td>
</tr>
<tr>
<td>Submissions considered and original proposal amended as decided, and notify public of its final proposal.</td>
<td>Within 6 weeks of close of submissions</td>
</tr>
<tr>
<td>Appeals from those who submitted on the original proposal and fresh objections to any amendments are received.</td>
<td>20 December 2018</td>
</tr>
<tr>
<td>Appeals and objections forwarded to Local Government Commission.</td>
<td>15 January 2019</td>
</tr>
<tr>
<td>Appeals and objections determined by the Local Government Commission.</td>
<td>11 April 2019</td>
</tr>
</tbody>
</table>
5.3.2 Matters to take into account

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.

5.3.3 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:

- Council resolution,
- Council resolution to conduct a poll, or
- Community demand at any time to hold a poll.

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.

In September 2011, Napier City Council resolved not to establish Māori wards.

The broad timetable to effect the 2019 triennial elections is as follows:

<table>
<thead>
<tr>
<th>Action</th>
<th>Due dates</th>
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<tbody>
<tr>
<td>Council may resolve to include Māori wards in the 2019 triennial election.</td>
<td>23 November 2017</td>
</tr>
<tr>
<td>Notice of the resolution is published which advises of public right to demand a poll.</td>
<td>30 November 2017, or no later than 7 days after the date of the resolution</td>
</tr>
<tr>
<td>5% of electors may demand a poll be held.</td>
<td>28 February 2018 (if applicable to 2019 triennial elections). The poll is held by 21 May 2018</td>
</tr>
<tr>
<td>Council may resolve to hold a poll.</td>
<td>Resolution must be made by 28 February 2018 and poll held by 21 May 2018 to apply to 2019 triennial elections</td>
</tr>
</tbody>
</table>
Napier City Council's recent history

<table>
<thead>
<tr>
<th>Year</th>
<th>Actions</th>
</tr>
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</table>
| 2006 | Napier City Council reviewed its representation arrangements at its meeting on 21 June 2006 and agreed that:  
- members would be elected by the district as a whole rather than wards,  
- there be 10 members (excluding the Mayor), and  
- there be no community boards.  
Public submissions received on this decision mostly supported a ward system.  
Council met again on 6 September 2006 and decided that:  
- members would still be elected by the district as a whole rather than ward on the basis that:  
  o the 2005 National Research Bureau (NRB) survey indicated a 70% preference for ‘at large’ versus 28% for wards,  
  o Napier has many of the characteristics of ‘one community of interest’, for which election at large is most suitable, and  
  o a ward system was not seen to provide fairer or more effective representation.  
- there be 12 members (excluding the Mayor), on the basis that:  
  o 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,  
  o submissions received also mainly supported retaining the current level of representation, and  
  o 12 councillors provides a wider range of viewpoints than 10 would.  
The decision made in September 2006 was appealed to the Local Government Commission, which makes the final decision on representation arrangements. On 10 April 2007, the Commission decided that there will be 12 councillors and a Mayor. Of these, six councillors will be elected ‘at large’ and six will be elected from four wards – Ahuriri, Onekawa-Tamatea, Nelson Park, Taradale. |
| 2012 | 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. These same representation arrangements have also been used for the 2013 and 2016 triennial elections. |
| 2018 | Napier City Council will review its representation arrangements. |
Resident surveys on representation arrangements

<table>
<thead>
<tr>
<th>Year and Survey</th>
<th>Votes for ‘at large’</th>
<th>Votes for wards</th>
<th>Councillor number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 Referendum</td>
<td>60%</td>
<td>35%</td>
<td></td>
</tr>
<tr>
<td>2005 NRB Survey</td>
<td>70%</td>
<td>28%</td>
<td>Status quo (12 members)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>– 59% in support</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reduction (7-10 members)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>– 31% in support</td>
</tr>
<tr>
<td>2006 Survey undertaken just prior to the Local Government Commission decision</td>
<td>70%</td>
<td>28%</td>
<td></td>
</tr>
<tr>
<td>2009 NRB survey</td>
<td>28%</td>
<td>64%</td>
<td></td>
</tr>
<tr>
<td>August 2011 NRB survey</td>
<td>25%</td>
<td>72%</td>
<td>Status quo (12 members)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>– 62% in support</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reduction (7-10 members)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>– 31% in support</td>
</tr>
</tbody>
</table>

5.3.4 Reorganisation proposals

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

- changes to boundaries,
- the creation of a new Council,
- the union of Councils,
- the abolition of a Council, or
- the transfer of functions and duties from one Council to another.

Process for affecting change

- Any individual or group may lodge a proposal for reorganisation with the Local Government Commission.

- 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.

- After considering all the proposals which are received, the Commission forms an opinion as to its preferred arrangement and prepares a draft re-organisation scheme which it then publicises and asks for submissions.

- After considering the 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

- On 15 September 2015, a poll was held to decide whether the Hawke’s Bay Councils (i.e. Napier City, Wairoa District, Hastings District, Central Hawke’s Bay District, and Hawke’s Bay Regional Councils) should amalgamate into one unitary Council for the region.

- A majority of 66.18% of voters rejected the amalgamation proposal (33.55% voted for the proposal).

- Within Napier City, 87.68% voted against amalgamation.

If you would like to find out more about the matters discussed above, please contact the Governance Team on governance@napier.govt.nz.
6. ROLES AND CONDUCT OF ELECTED MEMBERS

6.1 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 district), and
- 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).

6.1.1 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 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, and
- 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,
- 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, and
- to ensure that elected members properly perform their function and duties.
6.1.2 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.

6.1.3 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 committees. A committee Chair may have to act as an official spokesperson on a particular issue relevant to that committee.

6.1.4 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.

6.2 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,
- providing leadership for the staff of Council, and
- 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.
The governing body of Council agrees objectives with, and monitors performance of, the Chief Executive through the Chief Executive Contract committee. This committee recommends the terms and conditions of employment to the governing body.

6.3 Code of Conduct

Elected members must adopt a Code of Conduct, which they must all follow. Once adopted, a Code may only be amended by a majority vote of the governing body where at least 75% support the change.

Napier City Council adopted a new Code of Conduct in December 2016, based on the Local Government New Zealand model standard.

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.


6.4 Legislation relevant to conduct

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

<table>
<thead>
<tr>
<th>Act</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Act 2002</td>
<td>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. 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).</td>
</tr>
</tbody>
</table>

5 Local Government Act 2002, Schedule 7, Clause 15
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

- they cease to be an elector or
- become disqualified for registration as an elector under the Electoral Act 1993 or
- 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.\(^7\)

**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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\(^7\) Local Government Act 2002, schedule 7, clause 50
7. GOVERNANCE STRUCTURE, MEMBERSHIP AND DELEGATIONS

7.1 Council Committee Structure

The minutes and other relevant reporting from Council-Controlled organisations and Joint Committees are taken either to the appropriate Committee of the Whole, or direct to Council.
7.1.1 Joint Committees

Napier City Council has eight joint committees with other councils:

Hawke’s Bay Civil Defence Emergency Management Joint Committee
- Hastings District Council, Central Hawke’s Bay District Council, Wairoa District Council, Hawke’s Bay Regional Council, and Napier City Council.

Hawke’s Bay Coastal Hazards Strategy Joint Committee
- Hastings District Council, Hawke’s Bay Regional Council, and Napier City Council.

Hawke’s Bay Crematorium Committee
- Hastings District Council, Central Hawke’s Bay District Council, and Napier City Council.

Hawke’s Bay Regional Transport Committee
- Hawke’s Bay Regional Council Hastings District Council, Central Hawke’s Bay District Council, Wairoa District Council, Napier City Council and the New Zealand Transport Agency.

- Hastings District Council, Hawke’s Bay Regional Council, and Napier City Council.

Joint Council Local Alcohol Policy Group
- This committee is on hold.

Omarunui Refuse Landfill Joint Committee
- Hastings District Council and Napier City Council.

Waste Futures Joint Committee
- This committee is currently under review

The terms of reference for each can be found in the Governance Structure at Appendix Three.

7.2 Council Organisations

7.2.1 Council-controlled Organisations

Council-controlled organisations can be best described as any organisation in which one or more local authorities control 50% or more of the voting rights, or have the right to appoint 50% or more of the directors. Napier City Council is involved in the following the council-controlled organisations:
Hawke’s Bay Local Authority Shared Services Ltd (HBLASS)

HB LASS Limited 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.

Hawke’s Bay Airport Ltd

This is a company incorporated under the Companies Act and is owned by the Crown, Hastings District Council and Napier City Council. Napier City Council has a 26% shareholding.

Hawke’s Bay Museums Trust

The Trust is a council-controlled organisation as three of the five-member board are Council nominees.

Omarunui Landfill

The Omarunui Landfill site is the disposal point of refuse from Napier City and Hastings District. The facility is jointly owned and operated by the two Councils.

More information on each can be found in the Governance Structure at Appendix Three.

7.2.2 Other organisations in which Council has an interest

Napier City Council also has non-controlling interests in numerous organisations by virtue of appointing councillors as one or more board members or trustees, or through appointing councillors as members of an informal group. These are generally “not for profit” bodies, and include:

Social services/advocacy-related

- Positive Aging Trust
- Health Advocacy Trust
- HB Medical Research Foundation
- Napier Disability Advisory Group
- Local Alcohol Committee

Heritage

- Art Deco Trust
- Historic Places Trust

Environment

- Keep Napier Beautiful Group
Economic Growth

- LIFT Hawke’s Bay Governance Group
- Ahuriri Business Association Inc.
- Taradale Marketing Association
- Napier City Business Inc.
- Matariki Regional Economic Development Strategy

Sports

- Hawke’s Bay Sports Council
- Rotary Pathways Trust
- iWays Shared Paths
- Regional Cycling Project Delivery Group (including Cycling Project Delivery Group)

Arts

- Creative Arts Napier Inc.

Māori

- Pukemokimoki Marae Trust

Other

- Napier Neighbourhood Support Trust
- Hawke’s Bay Holt Planetarium Trust
- Earthquake Survivors’ Planning Committee (annual afternoon tea event)
- Napier Civic Field of Remembrance Committee (RSA)
- Port Noise Liaison Committee.

7.3 Governance Structure

Detailed information on the structure and mandate of 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

8.1 Giving notice to members

8.1.1 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.

8.1.2 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.

8.2 Giving notice to the public

8.2.1 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.

8.2.2 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.

8.2.3 Where to view public notices

Napier City Council places public notices in the Napier Mail newspaper. 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.

8.3 Agendas and minutes

8.3.1 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.

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Local Government Official Information and Meetings Act (LGOIMA) s46

31
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 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 the additional item.

### 8.3.2 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.

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.

### 8.3.3 Public access to agendas and minutes

#### Agendas

Agendas for ordinary meetings are required 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 that are expected to be discussed in the meeting with the public excluded. These are indicated on each agenda.

#### Minutes

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.

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. The minutes can only be withheld if there are relevant grounds in the Local Government Official Information and Meetings Act 1987.

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9 Local Government Act 2002, schedule 7, clause 28
10 LGOIMA section 46A
11 LGOIMA section 51
8.4 Public attendance at meetings

8.4.1 Right to attend

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.

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 at 8.5.

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.

8.4.2 Ability to exclude the public

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.

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).

8.4.3 Maintaining order

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.

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12 LGOIMA section 47
13 LGOIMA section 48
14 LGOIMA section 50
8.5 When the public may speak at a meeting

8.5.1 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, a period of up to 30 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 five minutes. This may be extended by resolution of the meeting if necessary.

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.

8.5.2 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 Governance Team in writing at least two days 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 makes the decision as to whether your application to speak will be accepted or not. The Governance Team can be contacted at governance@napier.govt.nz

As a public record, the minutes of meetings will record the names of submitters and presenters.

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15 As a Hearings Committee already has specific expectations around hearing public submissions a public forum is not required
8.5.3 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
- 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.

8.6 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 Standing Orders by a vote of 75% of the members present.

Examples of rules contained in Standing Orders are:

- speaking time of members during a debate,
- motions and amendments,
- notices of motion by members,
- voting, and
- public forums.

The Standing Orders are based on the Local Government New Zealand standard released in 2016 and can be found on our website:

**Voting**

The Local Government Act 2002 requires all voting to be open\(^\text{16}\). The Standing Orders provide for three ways of determining a vote:

- on the voices,
- show of hands,
- by division (each member’s name is called in turn and the member responds by voting for or against the motion).

Only when voting is called by division will the votes of individual members be recorded in the minutes, though the Standing Orders allow a member to request that a dissenting vote is recorded.

The Standing Orders allow the meeting Chair to have casting votes (an additional vote which is only used to break a tie).

**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.

\(^\text{16}\) Local Government Act 2002, schedule 7, clause 24
9. CONSULTATION POLICIES

9.1 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. 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, 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.

9.2 Significance and engagement policy

A significance and engagement policy is a requirement of the Local Government Act 2002. 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 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,

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17 Local Government Act 2002, sections 75-90
18 Local Government Act 2002, section 76AA
- criteria or procedures for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences,

- 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 adopted on 5 November 2014 and is due to be reviewed by 5 November 2017. It can be found at http://www.napier.govt.nz/assets/Document-Library/Policies/significance-engagement-policy.pdf

9.3 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 consists of the following steps:

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| One  | *Preparation of a statement of proposal and a summary*  
Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and for inspection at council offices and may be made available wider as well.  
Council must also prepare a full and fair summary of the proposal, which must be distributed as widely as Council considers to be reasonably practicable. The summary must be included in an agenda for a meeting of the governing body of Council. |
| Two  | *Public notice of proposal(s) and call for submissions*  
Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.  
At least one month (from the date of the notice) must be allowed for submissions. |
| Three | *Receive submissions*  
Council must acknowledge all written submissions, and offer submitters a reasonable opportunity to speak to the governing body of Council in support of their submission. |
| Four | *Deliberate in public*  
All meetings where the governing body of Council deliberates on the proposal or hears submissions must be open to the public (unless there is a reason to exclude the public under the Local Government Official Information and Meetings Act 1987).  
All submissions must be made available unless there is reason to withhold them under the Act. |
| Five | *Follow up*  
A copy of the decision and a summary of the reasons must be provided to submitters. |
10. RELATIONSHIPS WITH MĀORI

The Local Government Act 2002 requires Councils:

- to provide opportunities for Māori to contribute to decision making, and
- to ensure there are processes in place for consulting with Māori.

Napier City Council recognises the important standing that Ngāti Kahungunu and Ahuriri Hapū have in Napier.

10.1 Relationship building and decision making

Napier City Council has a formal relationship with Māori through its Māori Consultative Committee; this meets every six weeks as part of the governance meeting cycle. The Committee takes place prior to the main Council meetings so that input can be provided on any items that may directly affect Māori. The Committee is also invited to attend Councillor-only seminars.

Council has appointed a Council Kaumātua to strengthen relationships between Council and tangata whenua. Mr Piri Prentice was appointed to the position in January 2014.

There are strong relationships between Council’s executive level (Chief Executive and Mayor) and Treaty settlement groups, including Mana Ahuriri and Maungaharuru-Tangitū Trust. The purpose of these relationships is to explore opportunities for partnership.

Ngāti Kahungunu Incorporated is a partner member of the LIFT Hawke’s Bay Kia Tapatahi Leadership Group and Executive Group, a cross-sector forum which meets quarterly, involving leaders, executives and staff from each organisation. The purpose of this forum is to work collaboratively to progress a vision for Hawke’s Bay, and to facilitate and undertake collective actions that support sustainable growth and development of the region.

Strong relationships have been built with Te Taiwhenua O Te Whanganui a Orotū, the local iwi authority for Napier, through Council’s community development work.

Napier City Council is undertaking a review of its existing opportunities for local iwi to be involved in decision making, to ensure that engagement and relationship building is taking place in ways that are meaningful and long-term.

10.2 Processes for consulting with Māori

Napier City Council is currently formalising its engagement with Māori as part of the development of a Community Engagement Strategy.

Specific input from Māori has contributed to the development and implementation of Council initiatives and projects, including:

- the establishment of Te Rōpū Kaiāwhina Taonga, which oversees the holdings of Māori taonga in the Museum Trust Gallery (MTG), and
• the establishment of a Kaitiaki Liaison Group as part of Council’s Biological Trickling Filter project. The Group advised the Council on culturally appropriate treatment of waste for the project, which went on to win a Local Government New Zealand Excellence Award.

Council was also involved in the building of Napier’s urban Marae, Pukemokimoki Marae, which sits on Council-owned reserve land. The Marae is run by a Trust on which a councillor 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.
11. MANAGEMENT STRUCTURE

11.1 Organisation Chart
11.2 Remuneration and employment policy

Napier City Council adopted a remuneration and employment policy in 2016.

Council recognises that remuneration is an important factor in attracting, motivating and retaining talented and skilled people, and the policy is intended to provide 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 bands for a position.

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

11.3 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, aspirations and cultural differences of Māori, and other ethnic or cultural groups in the district, 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.

12.1 Long Term Plan (LTP)\textsuperscript{19}

<table>
<thead>
<tr>
<th>Process</th>
<th>Purpose</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council develops a LTP every three years.</td>
<td>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).</td>
<td>Community have direct input into this plan, and are consulted via the legislative requirement, in accordance with the Significance and Engagement Policy.</td>
</tr>
<tr>
<td>The next LTP is for the period 2018-2020.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-consultation with the public will occur late in 2017, and public consultation will occur approximately April 2018.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supporting documents to the LTP include:

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

The LTP contains the following financial policies:

- Revenue and Financing Policy
- Liability Management Policy
- Investment Policy

\textsuperscript{19} Local Governance Act 2002, Part 6, Section 93
- Rates Remission Policy
- Rates Postponement Policy
- Policy on Rates Remissions and Rates Postponement on Māori Freehold Land.

## 12.2 Annual Plan

<table>
<thead>
<tr>
<th>Process</th>
<th>Purpose</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| Council has to prepare and adopt an Annual Plan every year, except in the years where a LTP is prepared. For this triennium, Council will be preparing Annual Plans for 2017/18 and 2019/20. The Annual Plan is essentially a refresh of the information contained in the LTP for that year it relates to. | The purpose of an Annual Plan is to:  
- contain the proposed annual budget and funding impact statement for the year to which the annual plan relates,  
- identify any variation from the financial statements and funding impact statement from the LTP for the relevant year,  
- support the LTP in providing integrated decision-making and co-ordination of the resources of the Local Authority, and  
- contribute to the accountability of the Local Authority to the community. | 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. |

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20 Local Government Act 2002, Part 6, Section 95
12.3 Annual Report

<table>
<thead>
<tr>
<th>Process</th>
<th>Purpose</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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. It also contains audited accounts.</td>
<td>The Annual Report promotes accountability to the community that Council has actually delivered what they said they would.</td>
</tr>
</tbody>
</table>

12.4 Napier District Plan

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.

The target date for reviewing the District Plan is 2020, but this date is subject to essential infrastructure strategies, services and plans being put in place prior to a review.

12.5 Key Joint Plans and Policies with Other Councils

12.1.1 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.

Adopted in 2010, the Strategy was reviewed in 2016 and submissions were received. The review will be taken to Council in 2017.

12.1.2 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.

Adopted on 22 February 2017, the Agreement can be updated throughout the Triennium by agreement from all councils.

12.1.3 *Matariki Hawke’s Bay Regional Economic Development Strategy*

This is a joint Strategy with other councils in Hawke’s Bay, along with central government and associated agencies, industry groups, Māori stakeholder groups, business and the social sector.

The purpose of the Strategy is to develop clear direction and a detailed action plan (including anticipated costs) for economic development in Hawke’s Bay for the next five to ten years.

Adopted by Council on 10 August 2016, the Strategy is expected to be updated regularly in order to provide an agile framework and respond to shifting opportunities and emerging challenges.
13. REQUESTING OFFICIAL INFORMATION

13.1 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.

The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

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). Council may charge for official information under guidelines set down by the Ministry of Justice.

13.2 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 or info@napier.govt.nz
Online: http://www.napier.govt.nz/our-council/about/information-requests/make-a-lgoima-request/
Post: Governance Team, C/- Napier City Council, Private Bag 6010, Napier 4142
In person: at Council’s Civic Building main reception, 231 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.

13.3 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 and 17 of the Local Government Official Information and Meetings Act 1987 give the reasons that information may be withheld. These include:

- 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 information where its release would disclose a trade secret or would prejudice 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 where making it available would affect the future supply of information or would otherwise damage the public interest,
  - maintain free and frank discussion or protect officers and members from harassment,
  - maintain legal professional privilege,
  - enable the council to carry out without prejudice or disadvantage commercial activities or negotiations, and
  - prevent the use of information for improper gain.

13.4 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.

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

14.1 General contact information

Contact with the Council is through

Phone: 06 835 7579

Email: info@napier.govt.nz

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

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

In person: at Council’s Civic Building main reception, 231 Hastings Street, Napier

14.2 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:

15. APPENDIX ONE

National legislation particularly affecting Napier City Council

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 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
- Local Authorities (Members’ Interests) Act 1968
P

- Public Records Act 2005

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 affecting Napier City Council

- Hawke's Bay Endowment Land Empowering Act 2002
- Napier Borough Endowments Amendment Act 1999
- Napier Borough Endowments Amendment Act 1999
- 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
- Napier Harbour Board and Napier Borough Enabling Act 1936
- Napier Harbour Board and Napier Borough Enabling Act 1945
- Napier Harbour Board and Napier Borough Enabling Amendment Act 1949
- Napier Harbour Board and Napier City Enabling Amendment Act 1965
- Napier Harbour Board and Napier City Enabling Amendment Act 1966
- 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

Governance Structure:

Committee structure, terms of reference, and delegations

2016-19
### Record of Amendments

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Record of resolution</th>
<th>Summary of Amendment(s)</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>24 March 2017</td>
<td></td>
<td>1.  Terms of reference Joint Committees added&lt;br&gt;2.  List of external appointments added</td>
</tr>
</tbody>
</table>
Introduction

Purpose

This document sets out the governance structure of Napier City Council for the 2016-19 triennium including the terms of reference and delegations for its subordinate decision making structures. It also outlines the joint committees and council-controlled organisations that Council is involved in, and the appointments of elected members made to external bodies.

Governance Principles

The Local Government Act 2002 sets out a number of governance principles that Napier City Council have considered in establishing its Governance Structure including:

- To ensure that Napier City Council’s governance structures and processes are effective, open, and transparent
- To ensure as far as is practical, that responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities
- To provide opportunities for Māori to contribute to the decision-making process.

In order to enable democratic participation, the Napier City Council operates on the principle of a double debate system. A double debate system provides elected members and the public with two opportunities to discuss items before a decision (resolution) is made. The first opportunity is at a standing committee (committee of a whole), and the second at the Council meeting.

There will be instances however, including when there are matters of urgency, where it is prudent for standing committees (committee of a whole) to make a decision of Council. Therefore, the following delegation applies:

All Standing Committees (which are committees of a whole) are delegated the authority of Council to make a final Council decision on matters or urgency, within legislative requirements.

In addition, in order for routine business undertaken by the Hearings Committee to run efficiently, Council delegates the ability for the Hearings Committee to make decisions of council within legislative requirements. Therefore, the following delegation applies:

The Hearings Committee is granted full delegated authority of the Council to make final decisions of Council in accordance with legislative requirements.

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21 Section 39, and Section 14 of the Local Government Act 2002 (LGA);
22 A ‘Committee of a whole’ is a committee of which all Elected Members are members.
Role of Māori

Napier City Council has established a Māori Consultative Committee. The Committee’s mandate and membership has evolved over time. The Committee has an expanded membership for this triennium and will now meet regularly (every 6 weeks) throughout the year to provide comments to Council on their thoughts on the recommendations from standing committee meetings.

The Role of the Mayor

The Mayor of Napier City is responsible for defining and promoting a vision for the advancement of Napier City and the people of Napier, and to provide leadership to the other elected members.

Establishment of Committees

The Mayor of Napier City has exercised the power vested in the office of Mayor under Section 41A of the Local Government Act 2002 to establish the committee structure and to make appointments to it. The Mayor is an ex-officio member of each committee.

Council can review its committee structure at any stage to ensure that it is appropriate and operating as intended.

Quorum

The terms of reference for each committee or other subordinate decision-making body contain the quorum required.

Generally (unless specified otherwise), a quorum is the presence of half of the members if the number of member is even, and a majority of members if the number of members is odd.

Ambiguity and Conflict

For clarity, matters that are not delegated by the governing body of Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the governing body.

Where there is ambiguity or conflict between any of the provisions contained in these terms of reference, that results in uncertainty or dispute as to which committee or other subordinate decision-making body has the delegated authority to act in respect of a particular matter, the

23 The Māori Consultative Committee will be convened every 6 weeks, on week 5 of the cycle which is directly after the standing committees of a whole and just prior to the Council meeting.
24 Refer minutes of Triennial Council meeting, 2 November 2016
25 Schedule 7, Clause 23, Local Government Act 2002
governing body of Council will make a decision after having received advice from the Chief Executive.

**Standard Meeting Cycle**

Napier City Council uses a six week cycle for its regular meetings.

**Week 1**    Seminars/Workshops

**Week 2**    Standing Committees
- Infrastructure and Strategy
- Regulatory

**Week 3**    Seminars/Workshops

**Week 4**    Standing Committees
- Finance
- Community Services

**Week 5**    Māori Consultative Committee

**Week 6**    Council meeting
PART ONE

TERMS OF REFERENCES FOR:

COUNCIL
STANDING COMMITTEES
SPECIALIST COMMITTEES
SUB-COMMITTEES
PANELS
Council

Chairperson  His Worship Mayor Bill Dalton
Deputy Chairperson  Deputy Mayor Faye White
Membership  All elected members: Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, Wise, Wright
Quorum  7
Meeting frequency  6 weekly or as required
Executive  Chief Executive

Role

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:\n
a) The power to make a rate
b) The power to make a bylaw
c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
d) The power to adopt a long-term plan, annual plan, or annual report
e) The power to appoint a chief executive
f) The power to adopt policies required to be adopted and consulted on under the 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.
g) The power to adopt a remuneration and employment policy.
h) The power to establish a joint committee with another local authority or other public body.
i) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
j) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
k) 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.

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26 Numbers 1-7 refer to Schedule 7, Clause 32. Local Government Act 2002.
27 Schedule 7, Clause 30A.
28 Shop Trading Hours Act 1990, Section 5D.
To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

a) The power to approve or amend the Council’s Standing Orders29.
b) The power to approve or amend the Code of Conduct for Elected Members30.
c) The power to appoint and discharge committees, subcommittees, other subordinate decision-making bodies31.
   a) The power to appoint and discharge members of committees (when not appointed by the Mayor)32.
b) To approve governance level strategies, plans and policies which advance council’s vision and strategic goals.
c) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
d) Reviewing representation arrangements33.
e) To approve any changes to city boundaries under the Resource Management Act.
f) To appoint or remove trustees, directors or office holders to Council’s Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
g) To approve the Local Governance Statement required under the Local Government Act 2002.
h) To approve the Triennial Agreement.
i) To exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision.
j) To approve Council’s recommendation to the Remuneration Authority for the remuneration of elected members.
k) Approval of any changes to the nature and delegations of the Committees.

Oversight of policies (including but not limited to):

- Significance and engagement policy,
- Standing Orders,
- Elected Members Code of Conduct,
- Local Governance Statement.

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29 Schedule 7, Clause 27,
30 Schedule 7, Clause 15,
31 Schedule 7, Clause 30,
32 Schedule 7, Clause 30,
33 Local Electoral Act 2001, Section 19H.
STANDING COMMITTEES

INFRASTRUCTURE AND STRATEGY

Reports to Council
Chairperson Councillor Price
Deputy Chairperson Councillor Brosnan
Membership All elected members: His Worship the Mayor Bill Dalton, Deputy Mayor Faye White, Councillors Boag, Dallimore, Hague, Jeffery, McGrath, Tapine, Taylor, Wise, Wright
Quorum 7
Meeting frequency 6 weekly or as required
Executive Director City Strategy, Director Infrastructure Services

Role

The purpose of this Committee is to provide the leadership for the overall direction of Napier City including strategic vision, city planning, and city infrastructure.

Delegations

1. To govern the development of integrated strategies across the organisation to promote the development of Napier City in line with the Council’s Vision.
2. To develop policy relating to sustainable economic development.
3. To develop policy and make recommendations to Council on the provision of Council’s infrastructural assets, facilities, and services, including:
   - Sewerage
   - Water supply
   - Rubbish collection
   - Sportgrounds and facilities
   - Gardens
   - Playgrounds
   - Memorials
   - Stormwater
   - Roading
   - Waste minimisation
   - Parks and reserves
   - Public toilets
   - Cemeteries
4. To develop policy regarding environmental protection and sustainable practices throughout the Council.
5. To consider periodic reports from:
   - Redcliff Transfer Station Business Unit
   - Lagoon Farm Business Unit
   - Omarunui Joint Refuse Landfill Committee
Oversight of Policies (including but not limited to):

- Asset Management Policy,
- Parks and Reserves Donation Policy,
- Dangerous, Earthquake Prone and Insanitary Buildings Policy,
- Development Contributions and Financial Contributions Policy,
- Memorials Policy.
REGULATORY

Reports to Council
Chairperson Councillor Jeffery
Deputy Chairperson Councillor Taylor
Membership All elected members: His Worship the Mayor Bill Dalton, Deputy Mayor Faye White, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Wise, Wright
Quorums 7
Meeting frequency 6 weekly or as required
Executive Director City Strategy

Role

The purpose of this Committee is to provide the strategy, policy direction and governance on all regulatory functions of the Council.

Note: While the Resource Management Act will form the backbone of this Committee’s legislative role, it will also take responsibility for all processes that have a specific statutory requirement for Council involvement (including but not limited to bylaws, health & safety, parking, legal disputes, animal control, building requirements, resource consent applications lodged by the Council, taking or designation of land for any purpose, and the management of consents held by the Council).

Delegations

1. Policy direction and governance on all regulatory matters.
2. To conduct hearings of bylaws including to hear submissions and make recommendations to Council.
3. To hear submissions and make recommendations to Council on any regulatory policy in accordance with legislative requirements e.g. Ability to conduct hearings for Easter Sunday shop trading policies.
4. To refer other hearings to be undertaken by the Hearings Committee within legislative requirements.
5. Provide policy and governance direction on the district plan process and make recommendations to council.
6. To consider and approve statement of proposals, hear submissions, and make decisions for recommendation to Council for final decision on bylaws and regulatory policies.
7. To develop policy relating to all regulatory functions of the Council.
8. To receive and consider regular reports on all regulatory functions of the Council.
9. To initiate a policy statement or plan, or any change or review to a policy statement or plan, under the Resource Management Act.
10. To consider reports relating to all environmental monitoring.
11. To ensure that Council meets all compliance requirements relating to its regulatory responsibilities.
Oversight of policies (including but not limited to):

- Street Stall policy,
- Dangerous buildings policy,
- Class 4 venues policy,
- Footpath management policy,
- Seized skateboards policy.
## COMMUNITY SERVICES

<table>
<thead>
<tr>
<th>Reports to</th>
<th>Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson</td>
<td>Deputy Mayor Faye White</td>
</tr>
<tr>
<td>Deputy Chairperson</td>
<td>Councillor Wright</td>
</tr>
<tr>
<td>Membership</td>
<td>All elected members: His Worship the Mayor Bill Dalton, Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, Wise</td>
</tr>
<tr>
<td>Quorum</td>
<td>7</td>
</tr>
<tr>
<td>Meeting frequency</td>
<td>6 weekly or as required</td>
</tr>
<tr>
<td>Executive</td>
<td>Director Community Services</td>
</tr>
</tbody>
</table>

### Role

To provide governance for all community strategies, visitor experiences and sport and recreation, including facility related operations, bringing together a coordinated approach to community strategies and programs, business operations and the utilisation of associated facilities. 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. Advocacy and policy development on all relevant issues regarding community services promoted by the Council including health, safety, education, and well-being.
2. To monitor and report on social and cultural needs of the community, and its impact on the Council and communities in Napier.
3. To monitor Napier tourism including liaison with entities such as Hawke’s Bay Tourism.
4. To monitor compliance of conditions of Council grants made to outside organisations and all community funding initiatives including Creative New Zealand funding.
5. To review Council policy for community and other discretionary grants.
6. To receive reports from the Arts Advisory Panel, Grants Sub Committee, Creative Communities NZ Assessment Special Committee, and any other organisations where Council is represented.
7. To provide governance and monitor visitor experience, sport and recreation and facility related operations:
   - Kennedy Park Holiday Resort
   - National Aquarium of NZ
   - MTG Minigolf
   - Napier Conference Centre
   - Napier Aquatic Centre & Ocean Spa
   - i-SITE Visitor Information Centre/Par 2
   - Municipal Theatre
   - Libraries
   - Napier Skate Park
   - McLean Park and Centennial Hall
   - Retirement Housing
8. Policy for emergency management.
9. To promote Napier City for national, regional and local events.
Oversight of policies (including but not limited to):

- Joint Smokefree Policy
- Youth Policy
- Arts Policy
- Class 4 Venues and Racing Board Venues Policy
- CCTV policy
FINANCE COMMITTEE

Chairperson  Councillor Wise
Deputy Chairperson  Councillor Hague
Membership  All elected members: His Worship the Mayor Bill Dalton, Deputy Mayor Faye White, Councillors Boag, Brosnan, Dallimore, Jeffery, McGrath, Price, Tapine, Taylor, Wright
Quorum  7
Meeting frequency  6 weekly or as required
Officer in Charge  Director Corporate Services

Role

The purpose of the Finance Committee is to:
1. Govern the corporate business of the Council including the Council’s long term plan (LTP).
2. Monitor the Council’s financial position and financial performance against the LTP and Annual Plan.
3. Guide and monitor Council’s interests in its Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

Delegations

The Committee has the responsibility and the authority to:

LTP/Annual Plan
- Develop the Council’s LTP, Annual Plan, for recommendation to the Council.
- Develop all policies required to be part of, or included in, the LTP and the funding and financial policies in the Local Government Act 2002.34.
- Determine the form and extent of public consultation for the LTP and Annual Plan and hear all associated submissions such as making recommendation to Council on the Consultation document for the LTP and Annual Plan.
- Receive and consider reports on the Council’s performance against the LTP and Annual Plan.
- Review and recommend to Council the adoption of the Annual Report.
- Recommend any changes to budget allocations of the LTP and Annual Plan.

34 Section 102 of the Local Government Act 2002.
Council Organisations/CCOs

- Govern Council's involvement with CCOs and COs including undertake any reviews of CCO’s including their governance arrangements, and to monitor the overall performance of CCO’s, and make recommendations, and to approve the Statements of Intent of Council’s CCOs.

Funding and Rates

- Provide policy and governance direction on funding and rating matters.
- To consider proposed expenditure over and above the delegated authority of the Chief Executive.

Property

- To monitor all Council’s property operations and develop related policy.

Governance

- To review, develop and recommend to Council policy and practices in respect of governance (including representation reviews and related issues).

Oversight of Policies (including but not limited to):

- Financial Strategy,
- Rating Policy,
- Revenue and Financing Policy,
- Appointment and Remuneration of Directors of Council Organisations Policy,
- Investment and liability management Policy,
- Rates remissions and postponements Policy,
- Procurement Policy.
MĀORI CONSULTATIVE COMMITTEE

Chairperson  Council Kaumatua, Mr Piri Prentice
Deputy Chairperson  N/A
Membership  1 representative from Napier City Council:
          Councillor Api Tapine

External representatives
- Piri Prentice, representing Mana Ahuriri
- Mr Tiwana Aranui, and Liz Ratima, representing Pukemokimoki Marae
- Mr Hori Reti, representing the Maungaharuru-Tangitu Trust, the Taiwhenua O Te Whanganui A Orotu and wider Māori Interests

Quorum  3
Meeting frequency  6 weekly
Officer responsible  Director Community Services

Role

This committee is to provide governance input of Tangata Whenua to the Council decision making process.

Delegations

To make recommendations to Council on:

- agenda items included on Standing Committees.
- any other matters relevant to Council as considered necessary by the Committee.
- Oversee, develop and make recommendations to Council on Council’s relationship with Māori.

This committee has no decision-making powers.

Note: Members of the Māori Consultative Committee can be invited to attend Council seminars/workshops and standing committee meetings as appropriate.
SPECIALIST COMMITTEES

HEARINGS

Chairperson  Councillor Jeffery  
Deputy Chairperson  Councillor Taylor  
Membership  Councillors Brosnan, White, Wise, Wright  
Quorum  3  
Meeting frequency  6 weekly or as required  
Officer in Charge  Director City Strategy, and Director Infrastructure (for Tenders)

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).

In practice, some matters are referred to Commissioners appointed under the Resource Management Act.

Delegations

The Hearings Committee is granted full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements.

The Hearings Committee has the responsibility for and authority to hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):

- District Plan
- Resource consents
- Compliance
- Challenges to decisions made under delegated authority where legislation allows
- Objections under the Dog Control Act
- Proposals for temporary closure of any road
- Matters regarding drainage and works on private land under the LG Act 2002.

District Plan
To hear and decide 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, with recommendations to the Council for a final decision, 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.

Resource consents
Hear and determine notified resource consents applications and any challenges to conditions of consents.

Consents and Compliance
To hear any applications for consents and to hear any applications for compliance with the Building Act and all Council Bylaws.
To review, when requested by the applicants, decisions made by staff under delegated authority.

Dog Control
To hear and decide upon submissions and applications, and resolve disputes in relation to Dog Control within the City.

Tenders
To consider and decide tenders for the supply of goods and services to the Council, where tenders exceed the Chief Executive’s delegated authority.

Other
Make recommendations to Council whether to proceed with a road stopping or temporary closure of any road.
To undertake any other Hearings as required by Council and within legislative requirements.
AUDIT AND RISK

Chairperson
External appointee - John Palairet

Deputy Chairperson
N/A

Membership
His Worship the Mayor Bill Dalton
Chair of Finance Committee: Councillor Kirsten Wise
Deputy Chair of Finance Committee: Councillor Claire Hague

External appointees
John Palairet
Geoff Foster

Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.

Quorum
3
One of which is an external appointee

Meeting frequency
As required – no less than four times a year

Officer in Charge
Director Corporate Services

Role

The role and scope of the Audit and Risk Committee is defined in the Audit Charter.

Delegations

The Committee has no decision-making powers and can make recommendations to Council or the Chief Executive as appropriate.

Oversight of Policies (but not limited to):
- Corporate Risk Management Framework Policy
- Code of Conduct
CHIEF EXECUTIVE CONTRACT

Chairperson  
His Worship the Mayor Bill Dalton

Deputy Chairperson  
Deputy Mayor Faye White

Membership  
Councillor Tony Jeffery

This Committee has the power to co-opt members from the Council as the Chair determines necessary.

Quorum  
2

Meeting frequency  
As required

Officer responsible  
Governance Team Leader

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) Agree annual performance objectives with the Chief Executive.
2) Undertake a 6 monthly review of progress against the annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
3) Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
4) 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.
5) Under the annual remuneration review and make decisions regarding remuneration.
6) 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.
7) 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.
8) To consider and propose to Council, training of the Chief Executive as necessary.

NOTE: The Mayor approves CE expenditure on a monthly basis.
CREATIVE COMMUNITIES NEW ZEALAND ASSESSMENT

Reports to Council
Chairperson Tania Wright
Deputy Chairperson N/A
Membership 2 Napier City Council representatives:
            Councillor Tapine
            Councillor Boag

External Membership
4 Community Representatives:
Mark Wilson, John Shadbolt, Wayne Walford, Sook Hua Lee
1 Arts Advisory Panel Rep: Tania Wright

Quorum 3
Meeting frequency Twice per year (6 monthly)

Role
To act as an agent of Creative New Zealand in the Napier community.

Delegations
This committee has delegated authority to act on behalf of the Council in the allocation of Creative NZ funds.

To facilitate the Council’s participation in the Local Authority Arts Scheme.

To allocate Creative NZ funds to local arts and Creative Arts Napier Inc.
DISTRICT LICENSING COMMITTEE

Reports to Council
Chairperson Dave Fellows
Deputy Chairperson Deputy Mayor Faye White
Membership Two representatives of Napier City Council
Deputy Mayor Faye White
Councillor Keith Price

External membership
Two representatives:
John Cocking
Ross Pinkham

Appointments for all representatives and Chair except for Councillor Price were made for a period of 5 years as allowed for under the Sale and Supply of Alcohol Act 2012, commencing on 28 November 2013 and expiring on 29 November 2018.

Councillor Price was appointed in 2016.

Quorum 3
Meeting frequency As required
Executive Director City Strategy

Purpose

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 laypersons.
Delegations

The functions of the District Licensing Committee is specified by the Act\textsuperscript{35} 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
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 licence, 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.

\textsuperscript{35} Section 187, Sale and Supply of Alcohol Act 2012.
SUB-COMMITTEES

GRANTS

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Councillor Boag</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Chairperson</td>
<td>N/A</td>
</tr>
<tr>
<td>Membership</td>
<td>2 Napier City Council representatives:</td>
</tr>
<tr>
<td></td>
<td>Councillor Tapine</td>
</tr>
<tr>
<td></td>
<td>Councillor Boag</td>
</tr>
<tr>
<td><strong>External Membership</strong></td>
<td>4 Community Representatives</td>
</tr>
<tr>
<td></td>
<td>Geoff Hansen</td>
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<td></td>
<td>Jay Lamburn</td>
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<td></td>
<td>Kenneth Simons</td>
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<td></td>
<td>Angela Williams</td>
</tr>
</tbody>
</table>

**Quorum**

3

Half the members (including vacancies)

**Meeting frequency**

Meeting frequency set annually

**Officer in Charge**

Director Community Services

**Role**

This committee reports to the Community Services Committee.

**Delegations**

To allocate grants in accordance with Council procedures.

To make recommendations to the Community Services Committee to approve Grants.

To make recommendations to the Community Services Committee on adding performance criteria and conditions on grants.

**Remuneration:**

Community representatives are paid $204 per meeting.
ARTS ADVISORY PANEL

Reports to: Community Services Committee
Chairperson: Councillor Wright
Deputy Chairperson: N/A
Membership: 1 Napier City Council representative

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.
PART TWO

TERMS OF REFERENCES FOR:

JOINT COMMITTEES
**Joint Committees**

As outlined in the Local Government Act 2002, a joint committee is deemed to be both a committee of the appointing local authority and a committee of each other local authority or public body that has appointed members to the committee.

Napier City Council has the following Joint Committees with other local authorities:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Appointees</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawke’s Bay Civil Defence Emergency Management Joint Committee</td>
<td>Mayor Dalton&lt;br&gt;Cr Taylor (alt.)</td>
<td>Required by statute under the Civil Defence Emergency Management Act 2002</td>
</tr>
<tr>
<td>Hawke’s Bay Coastal Hazards Strategy Joint Committee</td>
<td>Cr Dallimore&lt;br&gt;Cr Jeffery</td>
<td>Hawke’s Bay Regional Council is the appointing authority</td>
</tr>
<tr>
<td>Hawke’s Bay Crematorium Committee</td>
<td>Cr McGrath&lt;br&gt;Cr Taylor</td>
<td>Hastings District Council is the appointing local authority</td>
</tr>
<tr>
<td>Hawke’s Bay Regional Transport Committee</td>
<td>Cr Price&lt;br&gt;Mayor Dalton (alt.)</td>
<td>Hawke’s Bay Regional Council is the appointing local authority. Established in accordance with Section 105 of the Land Management Transport Act 2003 as soon as practicable after a triennial election. One representative from each territorial authority must represent it at the committee.</td>
</tr>
<tr>
<td>Heretaunga Plains Urban Development Strategy Implementation Working Party (HPUDS)</td>
<td>Mayor Dalton&lt;br&gt;Cr Jeffery</td>
<td></td>
</tr>
<tr>
<td>Joint Council Local Alcohol Policy Group</td>
<td>Cr White</td>
<td></td>
</tr>
<tr>
<td>Omarunui Joint Refuse Landfill Committee</td>
<td>Cr Dallimore&lt;br&gt;Cr Tapine&lt;br&gt;Mayor Dalton (alt.)</td>
<td>Hastings District Council is the appointing local authority</td>
</tr>
<tr>
<td>Waste Futures Joint Committee</td>
<td>Cr Dallimore&lt;br&gt;Cr Tapine</td>
<td></td>
</tr>
</tbody>
</table>
1. **Preamble**

1.1 The Hawke’s Bay Civil Defence Emergency Management Group was established pursuant to a Terms of Reference dated August 2003, which was subsequently amended in December 2013. Pursuant to a resolution passed by the Group on 5 December 2016, this Terms of Reference is adopted to replace and supersede the Terms of Reference dated December 2013.

2. **Parties**

2.1 Each of the following local authorities is a Member of the Hawke’s Bay Civil Defence Emergency Management Group and is a party to this Terms of Reference:

- Central Hawke’s Bay District Council
- Hastings District Council
- Hawke’s Bay Regional Council
- Napier City Council
- Wairoa District Council

3. **Definitions**

For the purpose of this Terms of Reference:


3.2 “Administering Authority” means the Hawke’s Bay Regional Council.

3.3 “Co-ordinating Executive Group” (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002.

3.4 “Group” means the Hawke’s Bay Civil Defence Emergency Management Group.

3.5 “Group Controller” means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 10.1 of this Terms of Reference as a Group Controller.

3.6 “Group Plan” means the Hawke’s Bay Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act.

3.7 “Hawke’s Bay Region” for the purposes of this document means the Hawke’s Bay region as defined in the Local Government (Hawke’s Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke’s Bay Regional Council.

3.8 “Member” means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.

3.9 “4Rs” means Reduction, Readiness, Response and Recovery.
4. **The Purpose and Term of this Terms of Reference**

4.1 The purposes of this Terms of Reference are to:

(a) set out the purposes, functions, powers, and duties of the Group and its members in accordance with the requirements of the Act;
(b) define the responsibilities of the Group as delegated to the Group by the Members; and
(c) provide for the administrative arrangements of the Group.

5. **Joint Committee**

5.1 Pursuant to section 12 of the Act the Parties were united in August 2003 to establish a Group as a Joint Standing Committee now under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. This choice is irrevocable under section 14(3) of the Act.

5.2 In accordance with section 12(2) of the Civil Defence Emergency Management Act 2002, neither clause 30(5) nor (7) of Schedule 7 of the Local Government Act 2002 which provides for a committee to be discharged or reconstituted, or be discharged following the triennial general election, shall apply to the Joint Committee.

6. **Membership of the Group**

6.1 The Members of the Group are the Hawke’s Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke’s Bay region. Each member is to be represented on the Group by one person only, being the Mayor or Chairperson of that local authority, or if they are unavailable an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.

6.2 Under section 13(4) of the Act, the alternate representative must be an elected person from that local authority.

6.3 Under clause 30(9) of Schedule 7 of the Local Government Act 2002, the powers to discharge any representative of the Group and appoint his or her replacement shall be exercisable only by the local authority Member that appointed the representative being discharged.

7. **Representatives to Have Full Delegated Authority**

7.1 Each local authority Member agrees to confer full delegated authority on its Representative, or in their absence the alternate Representative in order for the Group to exercise the functions, powers, and duties of Members under the Act within approved Group budgets.

7.2 At meetings of the Group, each Member’s Representative is to have full authority to vote and make decisions on behalf of that Member without further recourse to that Member in respect of the authority granted under 7.1 above.

7.3 If a Member’s Representative to the Group is not re-elected at the triennial Local Government Elections that Representative will cease to be a Member of the Group and will be replaced by the elected Mayor or Chairperson of the relevant Local Authority whom will act as the Representative for the relevant Council until such time as a new Representative having full delegated authority, are appointed by that Council.
7.4 It is the responsibility of each Member of the Group to ensure that they have a representative available to participate in the Group, as soon as practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

8. The Group to Give Effect to the Purposes of the Act

8.1 The functions, powers and duties of the Group are specified in sections 16, 17 and 18 the Act. To assist the Group to meet these requirements, the Group adopts the following objectives:

(a) To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed;
(b) Improve and promote the sustainable management of identified hazards in a way that contributes to the long term social, economic, cultural, and environmental wellbeing and safety of people and communities;
(c) Encourage and enable communities to achieve acceptable levels of risk (as risk is defined in the Act), including, without limitation;
   (i) identifying, assessing, and managing risks; and
   (ii) consulting and communicating about risks; and
   (iii) identifying and implementing cost-effective risk reduction; and
   (iv) monitoring and reviewing the risk management process.
(d) To require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the 4Rs, and encourage co-operation and joint action within those regional groups;
(e) To encourage through partnership and co-ordination, emergency management planning and civil defence emergency management activities amongst the organisations represented on the Co-ordinating Executive Group, other CDEM partners and the Lifeline utility operators that operate within the region;
(f) To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies.

9. Obligations of Members

9.1 Each member of the Group will:

(a) In accordance with section 7 and 8 above, appoint their Mayor or Chairperson to the Joint Committee; and
(b) appoint its chief executive officer to the Co-ordinating Executive Group (CEG); and
(c) participate in the preparation of and agree to the content of a Group Plan; and
(d) contribute technical expertise and resources to maintain an effective Group and local level response capability; and
(e) provide to the Group the information or reports that may be required by the Group to discharge its powers, functions and duties under the Act and the Group Plan.

9.2 Each local authority Member of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan or as otherwise agreed by the Group, to the standards agreed by the Group.
10. **Delegated Authority**

10.1 **Power to Appoint Group Controller.** The Group will appoint one or more suitably qualified and experienced persons or person to be the Group Controller for the CDEM Group pursuant to by section 26 of the Act and in accordance with the Governance and Management section of the current Group Plan. The powers delegated to the Group Controller(s) are as defined in the Group Plan.

10.2 **Appointment of Local Controllers.** The Group may from time to time appoint in accordance with section 27 of the Act and following consultation with the relevant Members, one or more persons to be a Local Controller in accordance with the Governance and Management section of the current Group Plan.

10.3 **Appoint Persons who may a Declare State of Local Emergency.** The Group will appoint at least one person as a person authorised to declare a state of local emergency for its area and in accordance with the Governance and Management section of the current Group Plan.

11. **Civil Defence Emergency Management Group Plan**

11.1 The Group will prepare, approve, adopt and review a Group Plan in accordance with sections 48 to 57 of the Act.

11.2 For the avoidance of doubt each and every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding on and will continue to bind each and every Member of the Group and is and will continue to be enforceable as between each of the Members, against each of the other Members, and every Member of the Group agrees and covenants to carry out and perform all of its obligations under the Group Plan.

12. **Maintain the Co-ordinating Executive Group**

12.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:

(a) The chief executive officer of each Member or a senior person acting on that person’s behalf; and

(b) A senior representative of the Police assigned for the purpose by the Commissioner of Police; and

(c) A senior representative of the Fire Service assigned for the purpose by the National Commander; and

(d) The chief executive of a District Health Board in Hawke’s Bay representing the District Health Board in Hawke’s Bay, or a person acting on their behalf; and

(e) Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.

13. **Remuneration**

13.1 Each Member of the Group shall be responsible for remunerating its representative on the Group for the cost of that person’s participation in the Group.
14. Meetings
14.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group were a local authority and the principal administrative officer of the Hawke’s Bay Regional Council or his nominated representative were its principal administrative officer.

14.2 Other standing orders may be used, subject to the agreement of the Group, and in accordance with section 19(1) of the Act.

14.3 The Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.

14.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the Group is all Members.

14.5 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by a subcommittee of the Joint Committee. The recommendations of this subcommittee will be reported for final decision at the next Joint Committee meeting.

15. Voting
15.1 Each member has one vote at a meeting of the Group or when the Group is required at any time to make a decision in respect of an action to be taken by the Group.

15.2 All actions (other than the entering into of contracts within the authorised Group budget) to be taken by the Group must first be approved by way of a majority vote of all members that are present and voting.

15.3 The Ministry of Civil Defence and Emergency Management shall have observer status on the Group and also the Co-ordinating Executive Group.

16. Election of Chairperson and Deputy Chairperson
16.1 The Group may appoint a Group Chairperson and Deputy Chairperson for the Group at the first meeting following the triennial local government elections, and appoint replacements when any of those offices become vacant between elections.

16.2 The Group’s Chairperson and Deputy Chairperson shall hold office until the first meeting following the triennial general election.

17. Administering Authority
17.1 In accordance with section 23 of the Act, the Administering Authority for the Group will be the Hawke’s Bay Regional Council. The Administering Authority is responsible for the provision of administrative and related services that may from time to time be required by the Group.
18. **Group Emergency Management Office**

18.1 The Hawke’s Bay Regional Council will establish and manage a Hawke’s Bay Emergency Management Group Office on behalf of the Group.

18.2 The Group Office shall coordinate technical expertise, planning and operational functions, performance monitoring, coordination of Group wide projects and any other functions as are assigned to it by the Group. The Group Office will also employ at least one Local Emergency Management Officer to be co-located in each TLA to support and where appropriate implement local emergency management outcomes.

18.3 The Hawke’s Bay Regional Council will employ staff for the Group Office as authorised by the Group and manage the office’s expenditure in accordance with the principles of the Local Government Act 2002 and amendments.

19. **Group Funding and Budget**

19.1 The proposed annual Group work programme and budget will be signed off by the Group no later than 30 November of the year proceeding the year which the programme and budget will apply.

19.2 The Group work programme, and administrative and related services pursuant to section 24 of the Act, will be funded by way of a Targeted Rate Uniform General Charge (UGC) across the area of the Group and administered by the Hawke’s Bay Regional Council. In order to set the Targeted Rate UGC, the Group will communicate its agreed programme and budget to the Hawke’s Bay Regional Council no later than 1 February of the year to which the programme and budget applies.

20. **Good Faith**

20.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:

   (a) the Members of the CDEM Group collectively; and

   (b) the Hawke’s Bay community represented by the Members of the Group collectively.

21. **Variations**

21.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.

21.2 The Terms of Reference will only be amended upon a unanimous vote and resolution passed by the Group and duly recorded in writing.
22. Review of the Terms of Reference

22.1 The Terms of Reference will be reviewed and if appropriate amended by the Group at its first meeting following the following the triennial local government elections.

22.2 The adoption of an amended Terms of Reference revised under clause 22.1 will be undertaken in accordance with section 21 above.
HAWKE’S BAY COASTAL HAZARDS STRATEGY JOINT COMMITTEE

Under review. To be submitted to Council shortly.
HAWKE’S BAY CREMATORIUM COMMITTEE

The Hawke’s Bay Crematorium Committee established by Order in Council 9 June 1989 as part of The Local Government (Hawke’s Bay Region) Reorganisation Order 1989.

1) The Hastings District Council shall establish and maintain a committee to be called the Hawke’s Bay Crematorium Committee.

2) The membership of the Committee shall consist of:
   (a) Two members to be appointed by the Napier City Council; and
   (b) Two members to be appointed by the Hastings District Council; and
   (c) One member to be appointed by the Central Hawke’s Bay District Council.

3) The Hastings District Council shall delegate to the Hawke’s Bay Crematorium Committee such functions, duties and powers in respect of the supervision and operation of the Hawke’s Bay Crematorium as the Council considers appropriate.

Membership
Chairperson appointed by the Committee
5 members appointed in accordance with the Reorganisation Order

Quorum – 3 members

Delegated Powers
Authority to develop policies and provide operational and financial oversight of the Hawke’s Bay Crematorium.
HAWKE’S BAY REGIONAL TRANSPORT COMMITTEE

Terms of Reference, dated 14 December 2016

1. Prepare the Regional Land Transport Plan (RLTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
2. Prepare the Regional Public Transport Plan (RPTP) for approval by the Regional Council, in accordance with the Land Transport Management Act 2003.
3. Monitor the implementation of the Regional Land Transport Plan and the Regional Public Transport Plan.
4. Oversee the implementation of designated transport responsibilities under Matariki: Hawke’s Bay Regional Economic Development Strategy, being:
   4.1. improve access to the Port of Napier to increase regional economic performance
   4.2. support the timely implementation of the key strategic initiatives in the Regional Land Transport Plan
   4.3. support the combined approach with Tairawhiti to achieve significant upgrades to SH 2 between Napier and Opotiki
5. Advocate to Government on transport issues of concern to the region.
6. Undertake governance of RoadSafe Hawke’s Bay.
7. Monitor passenger transport objectives and make recommendations to the Regional Council on public transport policies.
8. Provide the Regional Council with any advice and assistance it may request in relation to its transport responsibilities.

Members

a. Voting Members
   Two elected members of the Regional Council, being: Councillors Alan Dick and Fenton Wilson

   One representative, as appointed by Council, from each of the following organisations (which are able to propose short term replacements to the Committee if they are unable to attend any meeting):
   - Wairoa District Council, being Mayor Craig Little
   - Hastings District Council, being Councillor Tania Kerr, and Councillor Rod Heaps as alternate
   - Napier City Council, being Councillor Keith Price, and Mayor Bill Dalton as alternate
   - Central Hawke’s Bay District Council, being Mayor Alex Walker
   - New Zealand Transport Agency, being Ms Raewyn Bleakley – NZ Transport Agency and Ms Julie Alexander as alternate

b. Advisory Nominees (non-voting)
   - New Zealand Police – representing road safety
   - Automobile Association (AA) – representing access and mobility, including private motorists, pedestrians, cyclists and public transport users
   - Port of Napier – representing the Port and coastal shipping
   - KiwiRail – representing rail issues
   - Road Transport Association NZ – representing the road transport industry
   - Cultural interests representative, also representing environmental issues, being Mr Brian Gregory

Chairman
   One Regional Council elected member, being: Councillor Alan Dick

Deputy Chairman
   One Regional Council elected member, being: Councillor Fenton Wilson
| Quorum Voting | A quorum of the Regional Transport Committee shall be four voting members. In accordance with section 105(7) of the Land Transport Management Act 2003, at any meeting of the RTC, the Chairman, or any other legislated person presiding at the meeting:

(a) has a deliberative vote; and

(b) in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). |
|---|---|
| Advisory Members | Advisory members are non-voting nominees. The role of advisory members is to:

- Provide advice to the Regional Transport Committee on matters pertaining to their advisory portfolios, when requested by the Committee Chairman
- Report on relevant activities or events pertaining to their advisory portfolios. |
| Meeting Frequency | Three monthly, or as required |
| Staff Executive Technical Advisory Group (TAG) | Transport Manager

The Transport Committee considers advice relating to strategic transport issues from a Technical Advisory Group (TAG), generally comprising roading and infrastructural planning officers from NZTA and the Territorial Authorities, and Chaired by the HBRC Transport Manager. TAG members attend but do not vote at the Regional Transport Committee meetings. TAG members may provide advice at meetings when invited to do so by the Committee Chairman |
### Heretaunga Plains Urban Development Strategy Implementation Working Group

#### Terms of Reference
- An implementation committee of the Hastings District, Napier City, and Hawke’s Bay Regional Council (and Mana Whenua) is established to oversee the implementation of the Heretaunga Plains Urban Development Strategy (‘HPUDS’).
- The committee is to be known as the HPUDS Implementation Working Group (IWG).
- The IWG is delegated authority to implement the Strategy in accordance with the following functions:
  1. Growth management leadership;
  2. Overseeing implementation of the Strategy in accordance with the HPUDS Implementation Plan 2016;
  3. Resourcing strategy implementation;
  4. Taking responsibility for progressing those actions specifically allocated to the IWG;
  5. Monitoring and reporting progress against milestones;
  6. Overviewing the management of the risks identified in implementation;
  7. Reviewing and recommending adjustments to the Strategy;
  8. Identifying and resolving any inconsistencies between the Strategy and subsequent public processes of the partner councils;
  9. Facilitating consultation with the community;
  10. Establishing the Strategic Partners Forum;
  11. Establishing appropriate reference groups when necessary;
  12. Implementing a Memorandum of Agreement as adopted by the IWG to provide a basis for developing working relationships and the resolution of any conflict.

#### Membership
- 1. Two elected members from each partner council.
- 2. Two participants of mana whenua.
- 3. That the standing membership be limited to 8 members plus ex officio members.
- 4. A quorum is equivalent to 4 members + 1, with at least one member representing each of the partner Councils and Mana Whenua.
- 5. Ex officio members are the partner Council Mayors, and Regional Chair.

#### Meeting Frequency
- Quarterly or more frequently as required.

#### Timeframe for Committee
- It is proposed that the IWG would be in place for the term of the Local Government Triennium.
JOINT COUNCIL LOCAL ALCOHOL POLICY GROUP

On hold.
OMARUNUI REFUSE LANDFILL JOINT COMMITTEE

Heads of Agreement, dated the 4th Day of October 2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Hastings District Council and Napier City Council (the Councils)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Parties:</td>
<td>A Joint Committee between the Councils who already own a property at Omarunui as tenants in common in the following shareholding percentages for refuse disposal purposes: Hastings District Council: 63.68% Napier City Council: 36.32%</td>
</tr>
<tr>
<td>2.</td>
<td>Nature of Relationship</td>
<td>To jointly develop and operate generally for the benefit of the Councils a refuse disposal facility (including any ancillary activities) in compliance with resource and regulatory consents.</td>
</tr>
<tr>
<td>3.</td>
<td>Objectives</td>
<td>Each Council shall participate on the basis of the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32% (subject to any specific provisions following)</td>
</tr>
<tr>
<td>5.0</td>
<td>Joint Committee</td>
<td>This Committee shall comprise four elected members of the Hastings District Council and two elected members of the Napier City Council or the alternates of those elected members and an alternate when acting in the place of an elected member shall be deemed to be an elected member. The functions of this Joint Committee shall be to determine policies to ensure the objectives are achieved and to monitor the implementation of those policies by obtaining reports from the Facility Manager or any other persons involved in the refuse disposal operation.</td>
</tr>
<tr>
<td>6.0</td>
<td>Joint Committee General Powers</td>
<td>6.1 Subject to Clause 6.2 the general powers of the Joint Committee shall be: a. Except as provided in Clause 6.3 all such powers as shall be necessary to develop and operate the refuse disposal facility in compliance with the resource and regulatory consents already obtained including, if necessary, the power to seek further resource and regulatory consents. b. To construct buildings, purchase and dispose of plant, equipment and materials. c. Arrange insurance cover to ensure that there is comprehensive insurance in respect of the establishment and operation of the refuse disposal facility.</td>
</tr>
</tbody>
</table>
d. To indemnify any Council or Council representative acting on behalf of the Councils pursuant to this agreement in connection with the development or operation of the refuse disposal operation after the execution hereof.

e. To fix and recover fees and charges payable by landfill users.

f. The licensing of users.

g. To recommend to the Councils the raising of loans. For the purpose of loan raising the ‘Administering Authority’ shall undertake all loan raising on behalf of the Councils.

h. To enter into contracts within the estimates it being acknowledged by each of the Councils for the purposes of the Local Government Act 2002 that the Joint Committee shall be delegated power to enter into any contract limited to such an amount as may be fixed by the Councils from time to time unless the prior written approval of each Council shall have been obtained.

i. To use any part of the Omarunui property not required for refuse disposal for any lawful purpose including the leasing thereof.

j. Such further specific powers as may be delegated to it as agreed by the Councils.

6.2 The Joint Committee shall operate within budgets approved by the Councils. In the event that over expenditure is anticipated or incurred the Joint Committee shall immediately report that fact to the Councils.

6.3 The powers delegated to the Joint Committee shall not entitle that Committee to sell or otherwise dispose of on behalf of any Council any asset owned by that individual Council or to sell the Omarunui land or any other land administered by the Joint Committee for refuse disposal purposes.

6.4 Subject to Clause 6.2 and 6.3 all decisions made by the Joint Committee pursuant to its delegated powers shall without confirmation of the Councils bind each of the Councils as if it had been done in the name of each Council.

7.0 Joint Committee Procedural Matters

7.1 Each elected member or the alternate of such member shall have one vote.

7.2 The elected members shall elect a Chairman and Deputy Chairman.

7.3 Quorum at meetings shall be four elected members including at least one elected member from each Council. The parties note that this conflicts with the provisions in clause 30 (9) (b) of schedule 7 of the Local Government Act 2002. To avoid any possible
doubt the parties shall operate the committee based on the specific requirements in this agreement at all times.

7.4 All meetings may be attended by officers of the Councils but officers shall not be entitled to vote.

7.5 Meetings may be requisitioned by any two elected members who shall state the nature of the business and the Administering Authority shall convene a meeting (giving notice of the business) and Councils shall ensure that at least one of their elected members attends.

7.6 Annual meetings shall be held within three months of the end of the financial year and the business of such meeting shall include the financial accounts for the previous year.

7.7 Budget estimates for the following financial year shall be prepared and supplied to the Councils no later than 31 January in each year for their approval.

7.8 Meeting procedures shall be in accordance with NZS 9202: 2003, or such other version of standing orders as mutually agreed between the parties, except to the extent that specific provision is contained herein and is not contrary to law.

<table>
<thead>
<tr>
<th>8.0</th>
<th>Joint Committee Financial Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.1</td>
<td>The Joint Committee shall provide financial and management accounting records and reports which provide sufficient detail to enable the committee and the Councils to assess performance of each separate business activity within the Landfill.</td>
</tr>
<tr>
<td>8.2</td>
<td>The administering authority shall circulate a draft budget prior to the meeting at which the Joint Committee is to consider the estimates for recommendation to the Councils.</td>
</tr>
<tr>
<td>8.3</td>
<td>Surpluses and deficits shall be received and borne by the Councils in the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32%</td>
</tr>
<tr>
<td>8.4</td>
<td>All amounts payable by each Council shall be paid within one calendar month of notification of the amount payable. If any Council shall consistently fail to make payments as required by this clause the Joint Committee may impose a penalty on the defaulting Council which shall be met by such Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.0</th>
<th>Duties of the Individual Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>To comply with the resource and regulatory consents relating to the operation.</td>
</tr>
<tr>
<td>9.2</td>
<td>The Councils shall make bylaws to ensure the efficient operation of the refuse disposal facility and set and adopt fees and charges and licensing procedures.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>9.3</td>
<td>To establish and operate transfer stations and to adopt charges in relation to such transfer stations.</td>
</tr>
<tr>
<td>10.0</td>
<td><strong>Changes in Participation</strong></td>
</tr>
<tr>
<td>10.1</td>
<td>The establishment and operating costs of the Councils up to the time of any Change in Participation shall be safeguarded as far as possible.</td>
</tr>
<tr>
<td>10.2</td>
<td>The addition or withdrawal of any party shall require agreement of the Councils.</td>
</tr>
<tr>
<td>11.0</td>
<td><strong>Staff Appointments</strong></td>
</tr>
<tr>
<td>11.1</td>
<td>Where any Council is involved in the provision of staff or services, such Council shall be reimbursed for the cost of such persons or services.</td>
</tr>
<tr>
<td>11.2</td>
<td>It is recognised that it will be desirable for the staff required to be employed by one of the Councils.</td>
</tr>
<tr>
<td>12.0</td>
<td><strong>Facility Manager</strong></td>
</tr>
<tr>
<td>12.1</td>
<td>The Facility Manager appointed by the Administering Authority shall be a suitably qualified person who shall report to the Joint Committee and attend its meetings and will be responsible for the day to day operations at the landfill site.</td>
</tr>
<tr>
<td>12.2</td>
<td>During any further development the Facility Manager, as appointed by the Administering Authority, shall be considered to be the officer responsible for all development activities unless otherwise directed by the Joint Committee.</td>
</tr>
<tr>
<td>13.0</td>
<td><strong>Secretarial Services</strong></td>
</tr>
<tr>
<td>13.1</td>
<td>Secretarial and Accounting services shall be provided by the Administering Authority.</td>
</tr>
<tr>
<td>13.2</td>
<td>The functions to be fulfilled shall include:</td>
</tr>
<tr>
<td>13.3</td>
<td>All documents to be signed on behalf of the Joint Committee shall be signed by the Chairman (or in his absence one elected member of that Committee) together with such other person authorised by the Administering Authority.</td>
</tr>
<tr>
<td>14.0</td>
<td><strong>Commencement and Duration</strong></td>
</tr>
<tr>
<td>14.1</td>
<td>This Joint Committee shall commence from the date of this agreement and shall continue thereafter until terminated by agreement of the Councils.</td>
</tr>
<tr>
<td>14.2</td>
<td>On termination of this agreement the assets shall be applied, first, in the repayment of all debts, second, in the repayment of any capital contributions, advances or sums of money that may have been made or may be due to any of the Councils, third, the surplus, if any,</td>
</tr>
</tbody>
</table>
shall be distributed between the Councils in the following shareholding percentage:

Hastings District Council – 63.68%
Napier City Council – 36.32%

14.3 In the event of a short-fall on the termination of this agreement the Councils shall contribute in the following shareholding percentage:

Hastings District Council – 63.68%
Napier City Council – 36.32%

to such short-fall, with any necessary adjustments being made to reflect any amounts due by or to any individual Council at termination.

<table>
<thead>
<tr>
<th>15.0</th>
<th><strong>Arbitration</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>15.1</td>
<td>In the event of any dispute relating to this agreement the same shall be referred to arbitration pursuant to the Arbitration Act 1996 and each Council who is a party to the dispute shall be entitled to appoint an Arbitrator.</td>
</tr>
<tr>
<td>15.2</td>
<td>The Arbitrators before embarking on the Arbitration shall appoint an umpire whose decision shall be final in the event that the Arbitrators are unable to agree.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16.0</th>
<th><strong>Substitution</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>16.1</td>
<td>It is agreed and acknowledged that this agreement shall take effect and be in substitution for the Heads of Agreement between the parties dated 18 February 1993.</td>
</tr>
</tbody>
</table>
WASTE FUTURES JOINT COMMITTEE

Joint Waste Futures Project Steering Committee –
Terms of Reference

Background
Section 43 of the Waste Minimisation Act 2008 states that a territorial authority must adopt a waste management and minimisation plan which provides:

- objectives, policies and methods for effective and efficient waste management and minimisation,
- collection, recovery, recycling, treatment and disposal services
- facilities for waste management
- waste minimisation activities including education and public awareness; and
- a framework for funding implementation, grants and advances of money

The Solid Waste Management Committee which had been set up with Napier City Council, jointly prepared a Waste Minimisation Plan (WMMP) which was formally adopted in 2012. This committee was disestablished upon adoption of the WMMP. In early 2014 the Joint Council Waste Futures Project Steering Committee was established to meet to oversee and manage a range of programmes and interventions to achieve effective and efficient waste management and minimisation within the Omaruuri landfill catchment.

The WMMP must be reviewed every 5 years. A Waste Assessment, which is the first step of the review, has been undertaken and options are being developed for the WMMP. It is proposed that all submissions on the draft WMMP are heard by a joint committee of Napier City and Hastings District Council:

Purpose

- To approve the content of the Draft Waste Management and Minimisation Plan for public consultation.
- To hear submissions and make recommendations to the constituent Councils on the draft regional Waste Management and Minimisation Plan 2011-2017.
- To be responsible for overseeing, supporting, monitoring and reporting progress toward achieving the intent of WMMP. As well as representing the interests of participatory Councils in the WMMP.

Members
Three elected members appointed from Hastings District Council
Three elected members appointed from Napier City Council

Name
The Joint Waste Futures Project Steering Committee

Status
By agreement of the local authority members, the Joint Waste Futures Joint Project Steering Committee has been established as a Joint Committee under clause 50A of Schedule 7 of the Local Government Act 2002.

Delegated Authority
The Joint Committee will have responsibility and authority to:

1. Accept and hear submissions on the joint Waste Management and Minimisation Plan 2017-2022, and report back to the individual Councils on an as required basis.
2. To make recommendations to each participant Council on the Waste Management and Minimisation Plan.
3. To monitor performance and progress to give effect to the purpose of the WMMP and to make recommendations to the constituent Councils accordingly.

**Administering Authority and Servicing**
Hastings District Council shall administer the Joint Committee meetings.

**Meetings**
The Hastings District Council’s Standing Orders will be used to conduct the Joint Committee meetings.

The Joint Committee shall meet as and when required as agreed for the achievement of the purpose of the joint committee.

**Quorum**
The quorum at any meeting shall be not less than four (4) including not less than two representatives of each of the member bodies.

**Voting**
The members shall strive at all times to reach a consensus.

Each representative shall be entitled to one vote at any meeting.

There shall be no casting vote.

**Chairperson and Deputy Chairperson**
The Joint Committee shall also appoint by simple majority vote, a Chairperson from one Council and a Deputy Chair from the other Council.

**Variations**
Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.

Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

**Term of Office**
The primary purpose of this Joint Committee is the approval and adoption, by both Councils, of the Waste Management and Minimisation Plan 2016. However the Joint Committee will continue to meet as and when required to oversee performance of the WMMP in operation.
PART THREE

INFORMATION ON:

COUNCIL-CONTROLLED ORGANISATIONS
EXTERNAL APPOINTMENTS
Council-Controlled Organisations

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.

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 organization,
- the appointment of directors to a council organization,
- the remuneration of directors of a council organisation.

Council-controlled organisations are subject to Parts 1-6 of the Local Government Official Information and Meetings Act 1987.

Napier City Council is involved in the following council-controlled organisations:

Hawke’s Bay Museums Trust

The objectives of the Trust are to:
- hold and protect the regional collection for the people of Hawke’s Bay and to provide storage and protection for the collection,
- advance and promote the Arts in New Zealand and particularly in Hawke’s Bay,
- 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,
- 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,
- regulate and approve the disposal of collection items, and
- administer the bequests held by the Hawke’s Bay Museums Trust.

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).

Reports to: Finance Committee
Membership: Council may elect 1 representative as outlined in the Constitution and Rules (updated September 2011) of the Hawkes’ Bay Museums Trust.

Deputy Mayor Faye White has been appointed for the 2016-19 triennium. Chairperson is elected jointly by Council and Hastings District Council.
Hawke’s Bay Local Authority Shared Services Limited (HB LASS)

HB LASS Limited is a Limited Liability Company registered under the Companies Act. HB LASS is jointly owned by Central Hawke’s Bay District Council, Hastings District Council, Hawke’s Bay Regional Council, Napier City Council and Wairoa District Council. HB LASS is a council-controlled organisation as defined in Section 6 of the Local Government Act 2002.

HB LASS produces separate annual accounts. The Council share of HB LASS is included in its annual financial statements through contributions to the cost of projects completed or in progress.

The principle nature and scope of the activities of HB LASS Ltd is to:
- use joint procurement to add value to goods and services sourced for its constituent Councils,
- facilitate shared services that benefit councils and their stakeholders through improved levels of service, reduced costs, improved efficiency, innovation and/or increased value,
- pursue best practice in the management of all activities to obtain best value and minimise risk,
- demonstrate fiduciary responsibility by ensuring that its activities are adequately funded from savings achieved, levies, council contributions, or government funding where available,
- allow other councils or organisations to participate in its activities where this will benefit its constituent councils directly or indirectly, and
- represent the collective views of its shareholders in matters with which it is associated.

Reports to: Finance Committee
Membership: Chief Executive represents Napier City Council

Hawke’s Bay Airport Limited

This is a company incorporated under the Companies Act and is owned by the Crown, Hastings District Council and Napier City Council. Napier City Council has a 26% shareholding. Hawke’s Bay Airport Ltd produces separate annual accounts. Napier City Council makes no payments to Hawke’s Bay Airport Ltd and there is no financial provision included in Council budgets. The Napier City Council share in Hawke’s Bay Airport Ltd is included in its annual financial statements as an investment, valued using the equity method of accounting.

Reports to: Finance Committee
Membership: No council representation
**External Appointments**

Elected members are also appointed to a number of external bodies in the Hawke’s Bay region. A list of the current external appointments is as follows:

<table>
<thead>
<tr>
<th>Name of organisation /meeting</th>
<th>Council appointment for 2016-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ahuriri Business Association Inc.</td>
<td>Deputy Mayor, Faye White</td>
</tr>
<tr>
<td>Art Deco Trust</td>
<td>Councillor Wright</td>
</tr>
<tr>
<td>Creative Arts Napier Inc.</td>
<td>Councillor Wright</td>
</tr>
<tr>
<td>Earthquake Survivors’ Afternoon Tea Organising Committee</td>
<td>Deputy Mayor, Faye White and Councillor Wise</td>
</tr>
<tr>
<td>HB Holt Planetarium Trust</td>
<td>Councillor Brosnan</td>
</tr>
<tr>
<td>HB Medical Research Foundation</td>
<td>Councillor Wise</td>
</tr>
<tr>
<td>HB Sports Council</td>
<td>Councillor Price</td>
</tr>
<tr>
<td>Health Advocacy Trust</td>
<td>Councillor McGrath</td>
</tr>
<tr>
<td>Historic Places Trust</td>
<td>Councillor Brosnan</td>
</tr>
<tr>
<td>IWays Shared Paths</td>
<td>Councillor Price</td>
</tr>
<tr>
<td>Keep Napier Beautiful</td>
<td>Councillor Boag</td>
</tr>
<tr>
<td>LIFT Hawke’s Bay Governance Group</td>
<td>Mayor</td>
</tr>
<tr>
<td>Local Alcohol Committee</td>
<td>Councillor Price</td>
</tr>
<tr>
<td>Napier City Business Inc.</td>
<td>Councillor White</td>
</tr>
<tr>
<td>Napier Civic Field of Remembrance Committee (RSA)</td>
<td>Councillor Wise</td>
</tr>
<tr>
<td>Napier Disability Advisory Group</td>
<td>Councillor Boag</td>
</tr>
<tr>
<td>Neighbourhood Support Trust</td>
<td>Councillor Brosnan</td>
</tr>
<tr>
<td>Port Noise Liaison Committee</td>
<td>Councillors Hague and McGrath</td>
</tr>
<tr>
<td>Positive Ageing Trust Hawke’s Bay</td>
<td>Councillor Boag</td>
</tr>
<tr>
<td>Pukemokimoki Marae Trust</td>
<td>Councillor Hague</td>
</tr>
<tr>
<td>Regional Cycling Project Delivery Group including Cycling Project Delivery Group</td>
<td>Councillor Taylor</td>
</tr>
<tr>
<td>Rotary Pathways Trust</td>
<td>Councillor Hague</td>
</tr>
<tr>
<td>Taradale Marketing Association</td>
<td>Councillor Wright</td>
</tr>
</tbody>
</table>