

**AGENDA AND SUPPORTING PAPERS FOR
THE FIRST MEETING OF THE WEST COAST REGIONAL COUNCIL
FOLLOWING THE 2013 TRIENNIAL ELECTION**

STARTING TIME: 10.30 am.

DATE: 31 OCTOBER 2013

VENUE: COUNCIL CHAMBERS, WEST COAST REGIONAL COUNCIL
388 MAIN SOUTH ROAD, GREYMOOUTH.

Following the Inaugural Meeting new and re-elected Councillors are invited to attend a session run by the CEO and Council Management Team, to familiarise themselves with Council buildings, management team members, key policies and operations.

THE WEST COAST REGIONAL COUNCIL

NOTICE is hereby given that the first meeting of THE WEST COAST REGIONAL COUNCIL following the 2013 triennial election will be held in the Council Chambers at 388 Main South Road, Greymouth commencing at 10.30 am. on Thursday, 31 October 2013.

CHRIS INGLE
CHIEF EXECUTIVE OFFICER

AGENDA

The meeting will be chaired by the Chief Executive Officer until a Chairman is elected.

ITEM	PAGE	BUSINESS
1.	-	Welcome and Apologies
2.	1	Introductions. Reading aloud and signing the enclosed Declaration as required Schedule 7, Clause 14 of the Local Government Act 2002.
3.	2	Election of Chairman; then Deputy Chairman and Chair of Resource Management Committee; to be followed by the making and attesting of the Chairman's declaration.
4.	3	General Explanations of various legislation affecting members required by of the Local Government Act 2002.
5.	4	Declaration of Members Interests.
6.	5 – 8	Salaries Payable to Chairman and Councillors for the Interim Period Following the Election.
7.	9	Establishing Council Committees
8.	10 – 19	Appointment of Council representatives to other Committees.
9.	20	Standing Orders.
10.	21-32	Councillors Code of Conduct.
11.	33-45	Governance Statement.
12.	46	Schedule of Ordinary Meetings.
13.		Adoption of Audited Annual Report for Year to 30 June 2013. (Audit Report and final version of Annual Report circulated pre-meeting).

DECLARATION BY MEMBER

I,

declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the West Coast region, the power, authorities, and duties vested in or imposed upon me as a Member of The West Coast Regional Council by virtue of the Local Government Act 2002 the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Greymouth this 31st day of October 2013.

Signature

Signed in the presence of

Chris Ingle
Chief Executive Officer

DECLARATION BY CHAIRPERSON

I,

declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the West Coast region, the power, authorities, and duties vested in or imposed upon me as a Chairman of The West Coast Regional Council by virtue of the Local Government Act 2002 the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Greymouth this 31st day of October 2013.

Signature

Signed in the presence of

Chris Ingle
Chief Executive Officer

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 11 October 2013
 Subject: **General Explanations Pursuant to Clause 21 of
 Schedule 7 of the Local Government Act 2002**

Local Government Official Information And Meetings Act 1987

The purpose of this Act is:

- (i) to make official information held by local authorities more freely available;
- (ii) to provide for proper access by each person to official information relating to that person which is held by local authorities;
- (iii) to provide for the admission of the public to meetings of local authorities;
- (iv) to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of these purposes.

Local Authorities (Members' Interests) Act 1968

This Act consolidated and amended the law relating to the making of contracts between local authorities and the members thereof, and to the restrictions on the actions of such members when matters in which they have a pecuniary interest are under consideration.

Pecuniary is defined as relating to money.

Members attention is drawn in particular to Clause 6, which requires a member of a local authority or committee not to discuss or vote on matters in which they have a pecuniary interest.

Clause 3 gives an exemption for payments made by a local authority in respect of all contracts made by it with the member or their interest to a limit of \$25,000. This amount may be exceeded only with the prior approval of the Office of the Auditor General.

I attach a form of declaration of interest for completion. Please return the completed forms to the Corporate Services Manager.

Secret Commissions Act 1910

This Act requires both Councillors and staff not to receive or seek gifts or rewards for Council's services.

Crimes Act 1961

Sections 105 deal with bribery and corruption of officials, which includes both Councillors and Staff. Section 105A deals with the corrupt use of Official Information.

Securities Act 1978

This Act deals with offers of Securities to the Public.

RECOMMENDATION

That this report be received.

Robert Mallinson
 Corporate Services Manager.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2013
Subject: **Declaration of Members Interests**

The Local Authorities (Members’ Interests) Act 1968 (and amendments), places restrictions upon contracts between a local authority and its members.

The main restriction is:-

- (a) Except with the prior approval of the Audit Office, the total value of all contracts entered into in any financial year in which an Elected Member is interested may not exceed \$25,000.

The Act provides also that no member of a local authority shall discuss nor vote on any matters in which he has, directly or indirectly, a pecuniary interest (this includes the resolution of payment of accounts).

An Elected Member is deemed to have an interest in a contract where the contract is to be made in the following circumstances.

- (a) With an Elected Member personally.
- (b) With a company where the Elected Member or his spouse singly or between them own ten per cent or more of the issued capital of that company or another company controlling that company.
- (c) With a company where the Elected Member or his spouse is a member of the company and also the Managing Director, General Manager or Branch Manager of that company.
- (d) With a company controlled by a company of which an Elected Member or his spouse is a member and also Managing Director, General Manager or Branch Manager.

To enable me to ensure that the provisions of this Act are not breached, would you please supply below, on a confidential basis, the names of companies and other entities in which you consider you have an interest in terms of this Act.

Robert Mallinson
Corporate Services Manager.

Each Elected Member to Declare their Personal Interests below:

Elected Member
Name(s) of Companies
.....
.....
Date

(Note: This Information is kept confidential)

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2013
Subject: **Salaries, Mileage and Allowances Payable to Councillors**

The Remuneration Authority issued a determination recently covering the period from 13 October 2013 to 30 June 2014. The determination was:

Chair: \$70,250
Deputy Chair: \$35,125
Councillors: \$30,300

Elected member salaries are paid monthly from the day after the day on which the official result of the election is declared by public notice.

All Councillors will be paid at the Councillor rate till the date that the Chair and Deputy Chair are elected at the inaugural meeting of the new Council.

The Chair and Deputy Chair salaries will apply from the date of election of these positions at the inaugural meeting.

Mileage involved in attending Council meetings and other Council business is reimbursed at 77c/km for the first 5,000 km and at 37c/km for distances > 5,000 km. However there is a 30 km threshold. The first 30 km of the round trip from the member's home to Council to home is not reimbursed, in accordance with the Remuneration Authority determination.

I also attach a copy of the policy on reimbursement of elected member expenses and allowances. This policy was approved by the Remuneration Authority in early 2011 and I have resubmitted it for their approval without amendment to cover the current triennium.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

**Local Government Act 2002
(Schedule 7, ss.6 to 13)**

SECTION 1 – NAME OF LOCAL AUTHORITY West Coast Regional Council

Contact person for enquiries:

Name: Robert Mallinson Designation: Corporate Services Manager

Email: rm@wcr.govt.nz Telephone: 03) 7680466 ext 234

SECTION 2 – DOCUMENTATION OF POLICIES

List the local authority's policy documents which set out the policies, rules and procedures relating to the expenses and allowances payable to elected members.

There are no specific documents in existence with regard to payment of expenses and allowances payable to elected members.

SECTION 3 – AUTHENTICATION OF EXPENSE REIMBURSEMENTS AND ALLOWANCES

Summarises the principles and processes under which the local authority ensures that expense reimbursements and allowances payable are properly authorised.

1. Expenditure must relate to Council related activities.
2. Expenditure claimed by Councillors is subject to approval by the Council Chairman.
3. Expenditure claimed by the Chairman is subject to approval by the Deputy Chairman.
4. All expenditure must be supported by invoices or receipts. Compliant GST invoices are required to support all expenditure claims greater than \$50.

SECTION 4 – VEHICLE IS PROVIDED

Are any elected members provided with use of a vehicle, other than a vehicle provided to the Mayor or Chair and disclosed in the remuneration information provided to the Remuneration Authority?

No

SECTION 5 – MILEAGE ALLOWANCES AND TRAVEL TIME

Rate(s) of allowances paid per kilometre as per the Remuneration Authority rules.

Restrictions on mileage claims:

- a) Travel from home to Council offices for attendance at monthly meetings and attendances at other meetings relating to Council business are reimbursed.
- b) Travel to other towns on Council business is also reimbursed.

SECTION 6 – TRAVEL AND ACCOMMODATION

Are the costs of taxis or other transport reimbursed or an allowance paid? **YES**

Transport to and from airports and other destinations while on Council business is permitted.
Taxi chits are issued as required or subsequently reimbursed.

Are car parks provided? **NO**

Are rental cars ever provided? **YES**

Made available if this is the cheapest alternative.

Summarise the rules for domestic air travel.

Available for attendance at conferences / meetings on Council business

Air Travel International **YES**

Overseas travel (including the class of travel) may only be approved by specific council resolution before the travel is undertaken.

Are subscriptions to airline clubs (such as Koru Club) paid or reimbursed **NO**

Are airpoints or airdollars earned on travel, accommodation etc., paid for by the local authority available for the private use of members? **YES**

Summarise the rules on accommodation costs.

Actual and reasonable costs are reimbursed.
"In-room" hotel charges (such as mini-bar, movies etc) will not be reimbursed and must be settled at checkout by the elected member.

Summarise the rules on meals, sustenance and incidental expenses incurred when travelling.

Actual and reasonable costs are reimbursed.
Alcoholic beverage costs will not be reimbursed.

Is private accommodation (for example an apartment) provided to any member of the local authority? **NO**

Are allowances payable in respect of accommodation provided by friends / relatives when travelling on local authority business? **NO**

SECTION 7 – ENTERTAINMENT AND HOSPITALITY

Are any hospitality or entertainment allowances payable or any expenses reimbursed? **NO**

SECTION 8 – COMMUNICATIONS AND TECHNOLOGY

Is equipment and technology provided to elected members for use at home on Council business?

PC or Laptop	NO
Fax	NO
Printer	NO
Broadband	NO
Second landline to house	NO
Consumables and stationery	NO
Mobile Phone	NO
Other equipment or technology	NO

Are any restrictions placed on private use of any of the above **NO**

Are telephone rental costs reimbursed in whole or part? **NO**

Are telephone call expenses reimbursed in whole or part? **NO**

Are any allowances paid in relation to communications and / or technology
Provided by the member relating to council business? **NO**

SECTION 9 – PROFESSIONAL DEVELOPMENT

Are any expenses reimbursed or allowances paid in respect of members' attendance at professional development courses, conferences and seminars? **YES**
(If Yes, describe - including how any allowances are calculated)
Registration and other costs may only be met by council with the prior approval of the Chair.

Are any expenses reimbursed or allowances paid in respect of subscriptions to clubs, or associations? **NO**

SECTION 10 - OTHER EXPENSE REIMBURSEMENT AND ALLOWANCES

Are any other expenses reimbursements made or allowances paid? **NO**

SECTION 11– TAXATION OF ALLOWANCES

Are any allowances (as distinct form reimbursements of actual business Expenses) paid without deduction of withholding tax? **NO**

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting October 2013
 Prepared by: Chris Ingle – Chief Executive
 Date: 11 October 2010
 Subject: **Establishing Council Committees**

Background

The Council traditionally has had a single Standing Committee – the Resource Management Committee. The Council Committee structure is set out on page 19 and 20 of the Council's LTP. Committee delegations are covered in the delegations manual.

Current Committees to be Re-constituted

1. The Resource Management Committee contains all members of Council plus appointees from the two Ngai Tahu runanga in the region (Ngati Wae Wae and Makaawhio).

The Resource Management Committee develops and facilitates consultation on all policies, plans and strategies on RMA matters, environmental management, biosecurity matters, transport matters and civil defence. The Committee oversees and directs the Council's flood warning and environmental monitoring, consents processing and compliance monitoring.

2. The Regional Transport Committee is required by Section 105 of the Land Transport Management Act and must include two appointees of the Regional Council who must be appointed as Chair and Deputy Chair of that committee. The Act requires appointments be made from the Territorial Authorities in the region plus other agencies with transport-related functions.

The Regional Transport Committee oversees the implementation and review of the Regional Land Transport Strategy. It also considers other transport matters as required, in particular determining the priorities for transport improvements in the region.

3. The West Coast Emergency Management Group is a joint committee of the four West Coast Councils, required under the Civil Defence Emergency Management Act. This committee does not need to be re-constituted following an election, though appointees do need to be re-confirmed (see following report).
4. The Greymouth Joint Floodwall Committee is a Committee of both councils under the Local Government Act. The founding document is the Greymouth Floodwalls Joint Agreement signed by both the Grey District Council and the West Coast Regional Council.

The committee has the function of co-ordinating the regional council's floodwall maintenance activities with GDC activities relating to floodwall access and amenity.

New Joint Committee to Govern Hokitika Seawall

Prior to making the decision to proceed with the Hokitika Seawall project, Council formed a joint working group comprised of elected members of the Westland District Council and the West Coast Regional Council, modelled informally on the Greymouth Floodwall Joint Committee.

It is now recommended that the Councils formalise that working group into a joint committee of the two councils, comprising three elected members of each council. A Joint Agreement can be prepared at the inaugural meeting of this joint committee, which will then be ratified by each parent Council.

RECOMMENDATION

That Council Formally Constitute the above Committees, for the 3 year term of the new Council.

Prepared for: Inaugural Council Meeting
Prepared by: Chris Ingle – Chief Executive
Date: 11 October 2013
Subject: **Appointment of Council Members to each Committee**

Council can now appoint elected members to the Committees that have been constituted.

1. Resource Management Committee

All elected members are normally appointed as members of this standing committee.

RECOMMENDATION

That all elected Councillors be appointed to the Resource Management Committee.

2. West Coast Civil Defence Emergency Management Group

This Group is a joint committee of the four Councils required by statute. The constitution of the Group is attached.

Traditionally the chair and deputy chair are appointed to the Group. The Group normally meets quarterly at the same time as the quarterly Mayors and Chair forum.

The Civil Defence Group Plan notes that the Chair and Deputy Chair hold the power to declare a state of emergency within the West Coast Region.

RECOMMENDATION

That the Council Chair be appointed to the West Coast Civil Defence Emergency Management Group and the Deputy Chair be appointed as the alternate.

3. Regional Transport Committee

This Committee of Council is required under section 105 of the Land Transport Management Act. By convention, the Chair and Deputy Chair have been appointed to this Committee. The Land Transport Management Act requires that the two Regional Council appointees must be appointed Chair and Deputy Chair of the Committee.

RECOMMENDATION

That the Council Chair and Deputy Chair be appointed as Council representatives on the Regional Transport Committee, as Chair and Deputy Chair, respectively, of the Regional Transport Committee

4. Greymouth Floodwall Joint Committee

This is a Joint Committee of both the Grey District Council and the West Coast Regional Council to deal with "coordinating the management of the maintenance of the Greymouth Floodwalls". Three elected representatives are appointed from each Council.

It has been usual to appoint the three Grey Constituency Councillors as the three West Coast Regional Council representatives.

RECOMMENDATION

That the three Grey Constituency Councillors be appointed as West Coast Regional Council representatives on the Greymouth Floodwall Committee.

5. Hokitika Seawall Joint Committee

This is a new Joint Committee involving both the Westland District Council and the West Coast Regional Council. Three elected representatives are required from each Council.

RECOMMENDATION

That the two Westland Constituency Councillors plus the Council Chairman be appointed as West Coast Regional Council representatives on the Hokitika Seawall Joint Committee.

6. Regional Animal Health Committee

This is a committee organised by TB Free which meets regularly to consider Bovine Tb disease management and to give policy advice and feedback to the Board. In the past a Councillor with farming interests has been appointed.

RECOMMENDATION

That Councillor Robb be re-appointed to the Regional Animal Health Committee.

7. Development West Coast Appointments Panel

The four West Coast councils are responsible for jointly appointing a trustee to Development West Coast. The process for appointing a trustee is set out in the Trust Deed, in Schedule 3. Each of the four councils must appoint a person to an "Appointments Panel".

It is recommended that the Council appoint the Council Chairman to the DWC Appointments Panel, noting that the three Mayors make up the other members of this Panel.

Once appointed to the panel, the Trust Deed states that the appointee must act independently and is not responsible to the Council that appointed him. The appointee holds his position until he resigns or until the Council removes him from the panel.

RECOMMENDATION

That the Council Chairman be appointed to the DWC Appointments Panel, pursuant to Schedule 3 of the Trust Deed.

Chris Ingle
Chief Executive

CONSTITUTING AGREEMENT

WEST COAST CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

PART I - FORMATION

1. Parties

- 1.1** Each of the following local authorities is a party to this agreement and a member of the West Coast Civil Defence Emergency Management Group:
- West Coast Regional Council
 - Buller District Council
 - Grey District Council and
 - Westland District Council

2. Definitions

In this agreement:

- 2.1** "Act" means the Civil Defence Emergency Management Act 2002.
- 2.2** "The West Coast Region" means the western part of the South Island of New Zealand comprising of the three constituent territorial authorities of Buller District, Grey district and the Westland District.
- 2.3** "Co-ordinating Executive Group" means the Co-ordinating Executive Group to be established under clause 17 of this agreement.
- 2.4** "Regional Council" means the West Coast Regional Council.
- 2.5** "Group" means the West Coast Civil Defence Emergency Management Group.
- 2.6** "Group Controller" means a person appointed under clause 12.1(a) of this agreement as a group controller.
- 2.7** "Member" means a Local Authority that is a member of the Group or any civil defence emergency management group, as the context may require.
- 2.8** "Party" means a party to this agreement.

3. Term of Agreement

- 3.1** This agreement shall commence once all the parties to this agreement have executed this agreement under common seal.
- 3.2** This agreement shall expire on the date on which the Act is repealed or on any other date specified in an enactment.
- 3.3** This agreement shall be reviewed immediately after reviewing the Group Plan.

4. Purpose of Agreement

- 4.1** The purposes of this agreement are to:
- (a) provide for the establishment of the Group in fulfilment of the parties' obligations under section 12 of the Act; and
 - (b) set out the functions, powers, and duties of the Group and members; and
 - (c) provide for the administrative arrangements of the Group.

5. Formation and Membership of the Group

- 5.1** Pursuant to section 12 of the Act, the parties, must unite in appointing the Group as a joint standing committee under the provisions of section 114S of the Local Government Act 1974 (and Schedule 7 Section 30(1) of the Local Government Act 2002 which comes into force on 1 July 2003), and by each member authority passing a resolution to that effect prior to 1 June 2003.
- 5.2** The Joint Standing Committee will be known as the West Coast Civil Defence Emergency Management Group.
- 5.3** Under section 13(1) of the Act every party to this agreement must be a member of the Group.
- 5.4** The members of the Group will be the West Coast Regional Council and all those territorial authorities that lie wholly within the boundaries of the West Coast Region. Each member is to be represented on the Group by one person only, being the mayor/chairperson of that local authority or an alternate representative who has been given the delegated authority to act for the mayor/chairperson.
- 5.5** An alternate representative must be an elected person from that territorial authority under section 13(4) of the Act.
- 5.6** Under section 114S(4) of the Local Government Act 1974 (and schedule 7 Section 30 (9) of the Local Government Act 2002) the powers to discharge any representative on the Group and appoint his or her replacement shall be exercisable only by the member that appointed the representative.

6. Representatives to have Full Delegated Authority

- 6.1** Each member agrees to confer full-delegated authority on its representative (and alternate representative) to the Group to exercise the functions, powers, and duties of members under sections 16 and 17 of the Act.
- 6.2** 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.

7. Requirement to Maintain the Group

- 7.1** In accordance with section 12(2) of the Act, section 114P(5) of the Local Government Act 1974 (and Schedule 7 Section 30(5)(b) of the Local Government Act 2002) must not be read as permitting any member to discharge or reconstitute the Group.
- 7.2** Upon members' representatives on the Group being discharged under section 114R(3) of the Local Government Act 1974 (and Schedule 7 Section 30(9) of the Local Government Act 2002), members shall as soon as practicable appoint representatives to the Group with the same delegated functions, duties and powers as their predecessors.

PART II - POWERS, FUNCTIONS AND DUTIES

8. Powers of the Group

- 8.1** Pursuant to section 18 of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or any other person.

8.2 Without limiting the generality of clause 8.1 of this agreement, the Group may

14

- (a) recruit and train volunteers for civil defence emergency management tasks; and
- (b) conduct civil defence emergency management training exercises, practices, and rehearsals; and
- (c) issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or its civil defence emergency management plan; and
- (d) provide, maintain, control, and operate warning systems; and
- (e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
- (f) exercise any other powers that are necessary to give effect to its civil defence emergency management plan.

9. Functions of the Group

9.1 In accordance with section 17 of the Act, the functions of the Group, and of each party as a member of the Group, are to -

- (a) in relation to relevant hazards and risks, -
 - (i) identify, assess, and manage those hazards and risks; and
 - (ii) consult and communicate about risks; and
 - (iii) identify and implement cost-effective risk reduction.
- (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in the West Coast region; and
- (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in the West Coast region; and
- (d) respond to and manage the adverse effects of emergencies within the West Coast; and
- (e) carry out recovery activities; and
- (f) when requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the West Coast and any other requests for assistance from other civil defence emergency management groups); and
- (g) work proactively and cooperatively with Local Authority neighbours to the West Coast CDEM Group area, and CDEM groups formed by those authorities, in CDEM planning and management; and
- (h) within the West Coast region, promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act; and
- (i) monitor and report on compliance within the West Coast region with the Act and legislative provisions relevant to the purpose of the Act; and
- (j) develop, approve, implement, and monitor the West Coast Emergency Management Group plan and regularly review the plan; and

- (k) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and
- (l) promote civil defence emergency management within the West Coast that is consistent with the purpose of the Act.

9.2 The Group also has any other functions that are conferred or imposed by or under the Act or any other enactment.

9.3 For the purposes of clauses 9.1(i) to (k) of this agreement, legislative provisions relevant to the purpose of the Act include, but are not limited to, the provisions in the following Act that may be relevant to civil defence emergency management:

- (a) Biosecurity Act 1993; and
- (b) Building Act 1991; and
- (c) Fire Service Act 1975; and
- (d) Forest and Rural Fires Act 1977; and
- (e) Hazardous Substances and New Organisms Act 1996; and
- (f) Health Act 1956; and
- (g) Health and Safety in Employment Act 1992; and
- (h) Local Government Act 1974 & Local Govt Act 2002; and
- (i) Maritime Transport Act 1994; and
- (j) Resource Management Act 1991; and
- (k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j) above.

10. Responsibilities of Members

10.1 Each member of the Group will:

- (a) appoint one elected representative each to the Group in accordance with clauses 5.4 and 7 of this agreement (section 13(4)); and
- (b) appoint its chief executive officer or senior manager to the Co-ordinating Executive Group (CEG) (section 20); and
- (c) participate in the preparation of and agree the civil defence emergency management group plan for the West Coast region (Section 17(1)(i)); and
- (d) contribute technical expertise and resources to maintain an effective group and local level response capability (17(1)(b) and (c)); and
- (e) provide to the Group the information or reports that may be required by the Group for emergency management purposes (17(1)(c)).

10.2 Each territorial authority member of the Group will:

- (a) be responsible for the reduction, readiness, response and recovery arrangements required of it under the Act and the civil defence emergency management group plan, to the standards agreed by the Group; and
- (b) pursuant to section 223D of the Local Government Act 1974 (and Section 95 of the Local Government Act 2002), provide adequate information to their communities each year, by way of their annual plan, informing them of the planned activities of the CDEM Group and any significant implications for the community.

11. Powers of Members

11.1 Pursuant to sections 16 and 18 of the Act, each member of the Group may:

- (a) acquire, hold, and dispose of real or personal property for the use of the Group; and
- (b) remunerate its representative or alternate representative on the Group for the cost of that person's participation in the Group; and
- (c) exercise any powers or functions conferred on a member under the Act.

12. Duty to Appoint Group Controller

12.1 In accordance with section 26 of the Act, the Group must appoint:

- (a) a suitably qualified and experienced person to be the Group Controller for the West Coast region; and
- (b) a suitably qualified and experienced person to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.

12.2 A person appointed under clause 12.1 of this agreement shall have the functions set out in section 28 of the Act.

13. Appointment of Local Controllers

13.1 In accordance with section 27(1) of the Act, the Group may appoint one or more persons to be a Local Controller.

13.2 It is the intention of the Group that, unless a territorial authority indicates otherwise, Local Controllers will be appointed for each territorial authority in the Group.

14. Duty to Appoint Person who may Declare State of Local Emergency

14.1 In accordance with section 25 of the Act, the Group must appoint at least one representative of a member of the Group as a person authorised to declare a state of local emergency for the West Coast Region.

14.2 In accordance with section 25(5) of the Act, the Mayor of a territorial authority or an elected member of the territorial authority designated to act on behalf of the Mayor or if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

PART III – ADMINISTRATION**15. Duty to Prepare, Approve and Review West Coast Civil Defence Emergency Management Group Plan**

15.1 The Group must prepare and approve a civil defence emergency group plan within two years of constituting the Group, under section 54 of the Act, and commence a review of that plan at least every 5 years thereafter, under section 56 of the Act.

16. Emergency Management Office

16.1 West Coast Civil Defence Emergency Management Group will determine the need for and establish if necessary an Emergency Management Office on the West Coast.

16.2 The Emergency Management Office may carry out such functions as are assigned to it by the Group, but must not carry out any functions of the administering authority under the Act.

16.3 West Coast Civil Defence Emergency Management Group will employ staff for the Emergency Management Office in accordance with the principles of the Local Government Act.

17. Co-ordinating Executive Group

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

The chief executive officer of each member or a senior person acting on the person's behalf; and

- a) a senior representative of the police assigned for the purpose by the Commissioner of Police; and
- b) a senior representative of the fire service assigned for the purpose by the National Commander; and
- c) the chief executives of the district health boards on the West Coast representing the district health boards within the West Coast, or a person(s) acting on their behalf:
- d) any other persons that may be co-opted by the Group.

17.2 The functions of the Co-ordinating Executive Group shall include:

- (a) Providing advice to the Group and any committees or subcommittees of the Group; and
- (b) Implementing as appropriate decisions of the Group; and
- (c) Overseeing the implementation, development, maintenance, monitoring, and evaluation of the Group Plan.

18. Meetings

18.1 The New Zealand Standard for model standing order (NZS 9202 : 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group was a local authority and the principal administrative officer of the administering authority was its principal administrative officer. Representatives of members of the Group may agree to use other standing orders only in accordance with section 19(1) of the Act.

18.2 The Group shall hold all meetings at such times and place(s) as agreed for the performance of the functions, duties and powers delegated under this agreement.

18.3 The West Coast Civil Defence Emergency Management Group meetings will only be held when the four (4) constituent members are present.

18.4 Pursuant to section 2.22.3 of the NZS9202, each member shall have one vote.

19. Chairperson and Deputy Chairperson

19.1 On the constitution of the Group, following a local election, and in the event the Chairperson or Deputy Chairperson leaving their Group office, the members of the Group shall elect a Group Chairperson and Deputy Chairperson, under the provisions of section 114K of the Local Government Act 1974 (and Section 24 of schedule 7 of the Local Government Act 2002);

19.2 The Group's Chairperson and Deputy Chairperson will hold office for a term of three years or such a lesser period as may be determined by the Group. The term of office of an appointed chairperson or deputy chairperson ends if that person ceases to be a representative of a member of the Group.

20. Casting Vote

- 20.1** As general statements of principle, the following shall apply:
- (a) The casting vote is to be used in the best interests of the West Coast Region represented by members considered together; and
 - (b) The casting vote is to be used in the best interests of all members considered together.
- 20.2** Members shall use their best endeavours to avoid use of a casting vote by obtaining consensus.
- 20.3** In the event of clauses 20.1 to 20.2 being unable to be applied, section 24(1)(b)(i) of schedule 7 of the Local Government Act 2002 will apply, whereby the Chair will be able to exercise a casting vote mindful of the interests of all members of the Group.

21. Administering Authority

- 21.1** Under section 23 of the Act the administering authority for the Group is the West Coast Regional Council.
- 21.2** Under section 24(2) of the Act the administrative and related services referred to in clause 21.1 of this agreement include services required for the purposes of the Local Government Act 1974, the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under section 114S of the Local Government Act 1974 (and Section 30 Schedule 7 of the Local Government Act 2002).
- 21.3** The costs for the provision of administrative and related services that may be required of the administering authority under section 24 of the Act are to be included in the Group's annual budget.

22. Funding

- 22.1** Each territorial authority member of the Group will be responsible for funding the reduction, readiness, response and recovery arrangements required in its district.
- 22.2** The Group shall agree a budget every year. The budget shall be prepared by the Administering Authority and approved by the Group at a meeting conducted in accordance with clause 18 of this agreement.
- 22.3** The funding of the West Coast CDEMG budget will be agreed between the four local authorities. The budget will include:
- (a) Administering authority costs;
 - (b) Emergency Management Office costs if necessary;
 - (c) Costs associated with the preparation and approval of the Group Plan;
 - (d) The costs of Group reduction, readiness, response and recovery activities as determined by the Group; and
 - (e) Such other Group expenses as the Group may decide.
- 22.4** CEG and Group meetings will be held on a rotational basis amongst the four local authorities based on the principle of costs lie where they fall basis.

23. Entering Contracts

- 23.1** The parties agree that the West Coast Regional Council may exercise the functions, powers and duties of the Group in relation to contracts for the provision of (any) goods or services provided for in the Group budget.
- 23.2** The West Coast Regional Council will enter into contracts under clause 23.1 in its own name rather than the name of all members of the Group,

notwithstanding that the contract is for the purposes of performing the functions, powers and duties of the Group.

- 23.3** Any financial liability that the West Coast Regional Council assumes under a contract entered into under clause 23.1 is to be met from the Group budget.
- 23.4** Pursuant to section 3 of the Public Bodies Contracts Act 1959, two officers of the West Coast Regional Council, one of whom is the chief executive or acting chief executive, may sign a contract entered into under clause 23.1.
- 23.5** Ownership of copyright in any reports commissioned by the West Coast Regional Council under clause 23.1 shall vest in the members jointly.
- 23.6** During a state of emergency contracts may be entered into on behalf of the Group by the persons set out in section 94(1) of the Act.

24. Arbitration

- 24.1** Any dispute arising out of the interpretation of this agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 24.2** If the parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time of the Westland District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 24.3** In this clause time shall be of the essence and the parties agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

25. Variations

- 25.1** In the event of any circumstances arising that were unforeseen by the parties at the time of entering into of this agreement the parties hereby record their intention that they will negotiate in good faith to add to or vary this agreement so to resolve the impact of those circumstances in the best interests of:
 - (a) The members of the Group collectively; and
 - (b) The West Coast community represented by the members of the Group collectively.
- 25.2** Any member may propose a variation, deletion or addition to this agreement by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 25.3** Once a proposed variation, deletion or addition to this agreement has been put to the Group, this agreement is not amended until each member executes under common seal a written amendment to the agreement giving affect to the proposed variation, deletion or addition.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2013
Subject: **Standing Orders**

Background

Every Council is required to adopt a set of Standing Orders for the conduct of its Meetings and Committees [Local Government Act 2002 – Schedule 7 Clause 27(1)].

The Council has previously adopted New Zealand Standard NZS 9202: 2003 Model Standing Orders. A copy of NZS 9202 has been provided to each elected member.

Appendix H of NZS 9202 provides for the provision of a casting vote to the Chairperson, if desired.

An amendment, adoption or suspension of Standing Orders requires the vote of not less than 75% of the members present.

RECOMMENDATION

That Council adopt the Model Set of Standing Orders NZS 9202: 2003; excluding Appendix H.

Robert Mallinson
Corporate Services Manager.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2013
Subject: **Code of Conduct**

Background

The Local Government Act, Schedule 7, Clause 15, requires every local authority to adopt a Code of Conduct for its members.

I attach a copy of the existing Code of Conduct, first adopted by Council in 2003.

Any amendment or adoption of a new code requires a vote of not less than 75% of the members present.

RECOMMENDATION

That Council adopt the attached code of conduct.

Robert Mallinson
Corporate Services Manager



THE WEST COAST
REGIONAL COUNCIL

CODE OF CONDUCT

CONTENTS

INTRODUCTION	1
ROLES AND RESPONSIBILITIES	2
Elected Members	2
Chairperson.....	2
Deputy Chairperson	3
Committee Chairpersons	3
Chief Executive.....	3
RELATIONSHIPS AND BEHAVIOURS	3
Relationships with Other Members.....	4
Relationships with Staff.....	4
Relationships with the Community	4
Contact with the Media	4
Confidential Information.....	5
Conflicts of Interest	5
Standing Orders	6
Ethics.....	6
Disqualification of Members from Office	6
COMPLIANCE AND REVIEW.....	7
Compliance	7
Conduct Review Committee.....	7
Responses to Breaches of the Code	7
Review.....	8
LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS	8
Local Authority (Members' Interests) Act 1968	8
Local Government Official Information and Meetings Act 1987	8
Secret Commissions Act 1910.....	9
Crimes Act 1961	9
Securities Act 1978	9

1. INTRODUCTION

Schedule 7 Clause (15) of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

This code of conduct provides guidance on the standards of behaviour that are expected from the Chairperson and elected members of the West Coast Regional Council. This code applies to elected members in their dealings with:

- each other.
- the Chief Executive.
- all staff employed by the Chief Executive on behalf of the council.
- the media.
- the general public.

The objective of the code is to enhance:

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

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

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

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

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

- **Public interest:** Members should serve only the interests of the region as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity:** Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity:** Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire region, not the constituents that elected them.
- **Accountability:** Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

- **Openness:** Members should be as open as possible about their actions and those of the council, and should be prepared to justify their actions.
- **Personal judgment:** Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others:** Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability.
- **Duty to uphold the law:** Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship:** Members must ensure that the council uses resources prudently and for lawful purposes, and that the council maintains sufficient resources to meet its statutory obligations.
- **Leadership:** Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

2. ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Chairperson, and the role of the Chief Executive.

Elected Members

Elected members, acting as the council, are responsible for:

- the development and adoption of council policy;
- monitoring the performance of the council against its stated objectives and policies;
- prudent stewardship of council resources;
- employment of the Chief Executive;
- representing the interests of the residents and ratepayers of the West Coast Regional council.

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the council can only act by majority decisions at meetings. Each member has one vote. Any individual member has no authority to act on behalf of the council unless the council has expressly delegated such authority.

The Chairperson

The Chairperson is elected by the members of the council at the first meeting following the triennial election. As one of the elected members, the Chairperson shares the same responsibilities as other members of council. In addition to this the Chairperson has the following roles:

- presiding member at council meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders).
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council.
- ceremonial head of council.

- providing leadership and feedback to other elected members on teamwork and chairmanship of committees.
- Justice of the Peace (while the Chairperson holds office).

The Chairperson is obliged to follow the same rules as other elected members with respect to making public statements and committing the council to particular course of action unless acting in accordance with the rules for media contact on behalf of the council under a delegation of authority from the council.

The Chairperson may be removed from the office of Chairperson by resolution of Council.

The Deputy Chairperson

The Deputy Chairperson must be elected by the members of council, at the first meeting of the council. The Deputy Chairperson exercises the same roles as other elected members, and if the Chairperson is absent or incapacitated, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers, of the Chairperson (as summarised above). The Deputy Chairperson may be removed from office of Deputy Chairperson by resolution of Council.

Committee Chairpersons

The council may create one or more committees of council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council, and as set out in the council's Delegations Manual. Committee chairs may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of council.

The Chief Executive

The Chief Executive is appointed by the council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the council's policies and objectives within the budgetary constraints established by the council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of council
- providing advice to the council
- 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 the local authority effectively and efficiently.
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority.
- providing leadership for the staff of the local authority.
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

3. RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968.

Relationships with Other Members

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

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

Relationships with Staff

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

- recognise that the Chief Executive is the employer (on behalf of council) of all council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee.
- make themselves aware of the obligations that the council and the Chief Executive have as employers and observe those requirements at all times.
- treat all employees with courtesy and respect.
- observe any guidelines that the Chief Executive puts in place regarding contact with employees.
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee.
- avoid publicly criticising an employee in ways that reflect on the integrity of the employee.
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Chairperson.

Relationships with the Community

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

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

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

Contact with Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of council. From time to time, individual members will be approached to comment on a particular issue either on behalf of

council, or as an elected member in their own right. This part of the code deals with the rights and duties of councillors when speaking to the media on behalf of council, or in their own right.

The following rules apply for media contact on behalf of council:

- the Chairperson is the first point of contact for the official view on any issue. Where the Chairperson is absent, any matters will be referred to the Deputy Chairperson or relevant committee chairperson.
- the Chairperson may refer any matter to the relevant committee chairperson or to the Chief Executive for their comment
- no other member may comment on behalf of council without having first obtained the approval of the Chairperson.

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

- media comments must not state or imply that they represent the views of council or a majority view.
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the integrity of staff.

Confidential Information

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

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

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

Conflicts of Interest

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

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

Additionally, elected members are prohibited from participating in any council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest. Members must declare their interests at council meetings where matters in which they have a pecuniary interest arise.

Members shall make a general declaration of interest as soon as practicable after election of any such interests. These declarations are recorded in a register of interests maintained by council. The declaration must notify the council of the nature and extent of any interest.

If the member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the member should seek guidance from the Chief Executive immediately and the decision will be advised to the Chairperson.

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

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

Standing Orders

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

Ethics

The West Coast Regional Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of council developed in accordance with that determination.
- not influence, or attempt to influence, any council employee to take actions that may benefit the member, or the member's family or business interests
- not use council resources for personal business (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$50.00 or more is accepted by a member, immediately disclose this to the Chief Executive.

Disqualification of Members from Office

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

The council does not require elected members who are declared bankrupt to notify the Council of that fact.

4. COMPLIANCE AND REVIEW

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. Explanations of the obligations that these place on elected members appears in Section 5.

Conduct Review Committee

The committee will be established if and when required.

All alleged breaches of the code will be reported to the above committee. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

The committee will investigate the alleged breach and prepare a report for the consideration of council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint, explaining when and how they will get the opportunity to put their version of events.

The council will consider the report in open meeting of council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

Responses to Breaches of the Code

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

Where there are statutory provisions:

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

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

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

- censure
- removal of the elected member from council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Chairperson or Chair of a committee.

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

Review of Code of Conduct

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

Council will formally review the code as soon as practicable after the beginning of each triennium.

5. LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Full copies of these statutes are available upon request.

Local Authority (Members' Interests) Act 1968

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

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

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

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

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

Local Government Official Information and Meetings Act 1987

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

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

Secret Commissions Act 1910

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

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

Crimes Act 1961

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

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

These offences are punishable by a term of imprisonment of 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

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

THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
Prepared by: Robert Mallinson – Corporate Services Manager
Date: 11 October 2013
Subject: **Governance Statement**

Background

Section 40 of the Local Government Act 2002 (LGA 2002) requires local authorities to prepare a Local Governance Statement. The existing Governance Statement (attached) was adopted by Council at the previous triennial meeting in October 2010.

Council is required to adopt a new Governance Statement within six months of the Triennial Elections.

RECOMMENDATION

That Council adopt the attached Governance Statement.

Robert Mallinson
Corporate Services Manager



THE WEST COAST
REGIONAL COUNCIL

GOVERNANCE STATEMENT

CONTENTS

GOVERNANCE STATEMENT INTRODUCTION	1
FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES	1
LOCAL LEGISLATION.....	1
ELECTORAL SYSTEMS	1
CONSTITUENCIES.....	2
REPRESENTATION ARRANGEMENTS	2
ROLES AND CONDUCT	3
GOVERNANCE STRUCTURES.....	5
CONDUCT OF MEETINGS.....	5
CONSULTATION POLICY	5
SUMMARY OF SIGNIFICANCE POLICY AND HOW TRIGGERED	7
MANAGEMENT STRUCTURES AND RELATIONSHIPS	8
EQUAL EMPLOYMENT OPPORTUNITY POLICY.....	8
KEY APPROVED PLANNING AND POLICY DOCUMENTS.....	9
PUBLIC ACCESS	9
ELECTED MEMBERS DETAILS	10
REQUEST FOR OFFICIAL INFORMATION	11

1. INTRODUCTION

Section 40 of the Local Government Act 2002 (LGA 2002) requires local authorities to prepare a "Local Governance Statement" that includes information on the following matters:

- Functions, responsibilities and activities of the local authority
- Details of any local legislation
- The electoral system used, and the opportunities to change it.
- Representation arrangements
- Members roles and conduct
- Governance structures
- Meeting processes
- Consultation policies
- Policies for liaising with Maori
- Management structure
- Equal Employment Opportunity Policy and Approved Planning & Policy Documents
- Public Access

Council is required to readopt a Governance Statement within six months of every triennial election.

2. FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

The purpose of the West Coast Regional Council is to enable democratic local decision making to promote the social, economic, environmental and cultural well-being of the West Coast Region in the present and for the future.

The role of the West Coast Regional Council is:

- To give effect to the purpose mentioned above.
- To perform the duties conferred on it by the Local Government Act and other enactments.

3. ELECTORAL SYSTEMS

The West Coast Regional Council currently operates its elections under the first past the post electoral system. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). Electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

Under the Local Electoral Act 2001 the Council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated by at least 5 per cent of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections, i.e. we cannot change our electoral system for one election and then change back for the next election.

4. CONSTITUENCIES

37

The council has three separate constituencies:

- Grey Constituency: which includes all the geographical area included within the boundaries of the Grey District Council. (Refer attached map). This constituency elects three members.
- Buller Constituency: which includes all the geographical area included within the boundaries of the Buller District Council. (Refer attached map). This constituency elects two members.
- Westland Constituency: which includes all the geographical area included within the boundaries of the Westland District Council. (Refer attached map). This constituency elects two members.

There are at present no Maori constituencies. The Local electoral Act 2001 provides for the option of establishing Maori constituency.

5. REPRESENTATION ARRANGEMENTS

The Council is required to review its representation arrangements at least once every six years. This review must include the following matters pursuant to section 19I (1) of the Local Electoral Act 2001:

- The proposed number of constituencies.
- The proposed name and boundaries of each constituency.
- The number of elected members to be elected from each constituency.

Regional Councils may have no fewer than 6 and not more than 14 elected members in total.

The Council must follow the procedures set out in the Local Electoral Act 2001 when conducting a review, and should follow the guidelines published by the Local Government Commission. The Act gives people the right to make written submissions to the Council, and also the right to be heard.

There is a right to appeal any decision on the above to the Local Government Commission which will make a binding decision on the Appeal.

Further details on matters that the council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

6. ROLES AND CONDUCT

The Chairperson and the Councillors of the West Coast Regional Council have the following roles:

- setting the policy direction of council
- monitoring the performance of the council
- representing the interests of Council (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgement in the best interests of the council)
- employing the Chief Executive (under the Local Government Act the local authority employees the Chief Executive, who in turn employs all other staff on its behalf).

The Chairperson is elected by the members of the Council at their first meeting. In addition to this, the Chairperson has the following roles as a:

- presiding member at Council meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders).
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council.
- ceremonial head of Council.
- provider of leadership and feedback to other elected members on teamwork and chairmanship of Committees.

The Chairperson may be removed from the office of Chairperson by resolution of Council.

The Deputy Chairperson is elected by the members of Council at the first meeting of the Council. The Deputy Chairperson exercises the same roles as other elected members. In addition, if the Chairperson is absent or incapacitated, or if the office of the Chairperson is vacant, the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers of the Chairperson (as summarised above). The Deputy Chairperson may be removed from the office of Deputy Chairperson by resolution of council.

The Council may create one or more committees of Council. A committee Chairperson is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. A committee Chairperson may be removed from office by resolution of Council.

The Chief Executive is appointed by the 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 the Council's policies and objectives within the budgetary constraints established by the council. Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- 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 the council effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- providing leadership for the staff of the Council
- employing staff (including negotiation of the terms of employment for the staff)

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

- schedule 7 of the Local Government Act 2002, which 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.

- the Local Authorities (Members' Interests) Act 1968, which 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).
- the Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards, which could be seen to sway them to perform their duties in a particular way.
- the Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All elected members are required to adhere to a code of conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted such a code may only be amended by a 75 percent or more vote of the council. The code sets out the Council's understanding and expectations of how the Chairperson and Councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanction that the council may impose if an individual breaches the code. Copies of the full code of conduct may be obtained from the Corporate Services Manager or from the website www.wcrc.govt.nz.

7. GOVERNANCE STRUCTURES

The Council has only one Standing Committee: The Resource Management Committee. The Resource Management Committee meets monthly on the same day as the Council Meeting.

The Resource Management Committee and Council Meeting normally take place on the second Tuesday of each month, except January.

Other committees include Regional Transport Committee (required by S105 of the Land Transport Management Act); Civil Defence Group (a joint committee of the four councils, required by S12 of the Civil Defence legislation); and the Greymouth Joint floodwalls committee.

Council may, from time to time, establish other committees to consider a particular issue.

8. CONDUCT OF MEETINGS

The legal requirements for council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Meetings are open to the public. Members of the public have speaking rights as provided for in Standing Orders. The LGOIMA contains a list of circumstances where Council's may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professional privileges or commercially sensitive information, and the maintenance of public health, safety and order). The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on 3 working days notice.

40

During meetings the Chairperson and Councillors must follow standing orders (a set of procedures for conducting meetings). The Council may suspend standing orders by a vote of 75 per cent of the members present. A copy of the code of conduct and standing orders can be obtained from the Corporate Services Manger or from the council website www.wcrc.govt.nz.

9. CONSULTATION POLICY

The Local Government Act sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, **the special consultative procedure**, is regarded as a minimum process.

The Council can consult outside of the special consultative procedure.

The special consultative procedure consists of the following steps:

- **STEP ONE:** Preparation of a statement of proposal and a summary. The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and must be available for inspection at the council office and may be made available elsewhere. The Council also has to prepare a full and fair summary of the proposal, which must be distributed as widely as the Council considers to be reasonably practicable. That statement must be included on an agenda for a council meeting.
- **STEP TWO:** Public notice. The Council must publish a notice in one or more daily newspaper, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.
- **STEP THREE:** Receive submissions. The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The Council must allow at least one month (from the date of the notice) for submissions.
- **STEP FOUR:** Deliberate in public. All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.
- **STEP FIVE:** Follow up. A copy of the decision and a summary of the reasons must be provided to submitters.

By law, the Council must follow the special consultative procedure before it:

- adopts a long-term council community plan (LTCCP) or annual plan
- amends an LTCCP
- adopts, revokes, reviews or amends a bylaw
- changes the mode of delivery for a significant activity (for example from the Council to a council-controlled organisation or from a council controlled organisation to a private sector organization) if that is not provided for in a LTCCP.

The Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

10. SUMMARY OF SIGNIFICANCE POLICY AND HOW TRIGGERED

41

This policy on significance outlines the Council's general approach to determining the significance of proposals and decisions, and includes procedures, criteria and some thresholds the Council will use in assessing which issues, proposals, decisions and other matters are significant.

It also lists assets the Council considers to be strategic assets.

The significance policy will be invoked when:

- The % threshold as set out below is triggered, or
- The Chief Executive Officer determines that a matter is significant, or
- That Council determines that a matter is significant.

Issues, proposals, decisions or other matters that are part of the normal day-to-day operations of Council will not require formal consideration for significance.

Council will not make a decision or proceed with a proposal, which it considers to be significant, unless it is first satisfied that Sections 77, 78, 80, 81 and 82 of the Act have been appropriately observed.

The procedures below are designed to ensure observance of this policy.

Definition of Significance

The Act defines significance as:

"significance, in relation to any issue, proposal, decision or any other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision or matter, as assessed by the local authority, in terms of its likely impact on, and likely future consequences for:

- The current and future social, economic, environmental, or cultural wellbeing of the Region;
- Any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- The capacity of the local authority to perform its role, and the financial and other costs of doing so."

Thresholds, Criteria and Procedures

Thresholds

Application of the thresholds is not necessarily conclusive. A matter, which does not meet any particular financial threshold, may still be significant if the criteria below suggest that it is.

Proposals or decisions, which are likely to have financial implications in excess of the following thresholds, will be treated as significant:

Decision or Proposal Threshold

An amount, which is greater than 10% of budgeted operating expenditure for a particular year.

Strategic Assets

The Council considers the following assets to be Strategic Assets:

42

ACTIVITY	ASSETS
River, Drainage and Coastal Protection Rating District works	River, Drainage and Coastal Protection Infrastructural Assets: Whataroa, Mokihinui, Saltwater Creek, Coal Creek, Franz Josef, Inchbonnie, Kaniere, Karamea, Kongahu, Kowhitirangi, Lower Waiho, Matainui, Nelson Creek, Okuru sea wall, Punakaiki sea wall, Raft Creek, Redjacks, Hokitika sea wall, Southside, Taramakau, Vine Creek, Waitangitaona, Wanganui.

11. MANAGEMENT STRUCTURES AND RELATIONSHIPS

The Local Government Act 2002 requires council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council, implement Council decisions and provide advice to the Council. Under the Local Government Act, the Chief Executive and his managers are the only persons who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Chairperson or Councillors.

The Chief Executive is Mr. Chris Ingle who can be reached on Telephone 03 7680466 or by email ci@wrc.govt.nz.

Council management is organised into four divisions. These are:

- Corporate Services** contact R. Mallinson, Manager on Telephone 03 7680466 or email: rm@wrc.govt.nz
- VCS Business Unit Manager** contact R. Beal, Manager on Telephone 03 7689674 or email: rb@wrc.govt.nz
- Consents & Compliance** contact J. Adams, Manager on Telephone 03 7680466 or email: ja@wrc.govt.nz
- Planning & Environmental** contact M. Meehan, Manager on Telephone 03 7680466 or email: mm@wrc.govt.nz

12. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Policy Statement

- The West Coast Regional Council is committed to the principle of equal opportunity in the recruitment, employment, training and promotion of its employees.
- The organisation will provide a welcoming, positive environment.
- The organisation will implement a purposeful programme of action to ensure its activities and services are carried out with an awareness of, and an intent to eliminate discrimination in the areas of race, colour, ethnic or national origin, gender, religious beliefs, marital status, family responsibilities, sexual orientation, special needs, or age.

Programme

- To ensure that recruitment policies and procedures are developed which select from the widest possible cross-section of potential staff in a non-discriminatory way.
- To review current staff policies and procedures in terms of EEO criteria.
- To maintain information sources necessary to provide appropriate detail and information for input into EEO policy development, implementation and evaluation, whilst ensuring confidentiality.
- To ensure all staff have the opportunity to participate in training and educational opportunities, including occupational safety and health issues, both inside and outside the organisation.
- To raise awareness of EEO issues throughout the organisation.

13. KEY APPROVED PLANNING AND POLICY DOCUMENTS

- Annual Plan
- Long Term Plan & Financial Strategy
- Triennial Agreement between Buller District Council, Westland District Council, Grey District Council and The West Coast Regional Council
- Regional Policy Statement
- Regional Coastal Plan
- Air Quality Plan
- Regional Plan for Discharges to Land
- Regional Land and Riverbed Management Plan
- Regional Water Management Plan
- West Coast Regional Council Enforcement Policy
- Regional Pest Plant Management Strategy
- Regional Land Transport Strategy
- Tier II Oil Spill Plan
- Civil Defence Group Plan

14 PUBLIC ACCESS

Street Address: 388 Main South Road, Paroa, Greymouth
 Postal Address: P.O. Box 66, Greymouth

Hours of Business: 8 a.m. to 5 p.m. (Calls after hours will be answered by our after hours call centre)

Telephone: 03 768 0466 A/H 0508 800 118
 Fax: 03 768 7133

Web Site: www.wcrc.govt.nz

Email: info@wcrc.govt.nz

15. COMPLAINTS

44

Any complaints regarding the West Coast Regional Council should be directed to:

The Chief Executive Officer
The West Coast Regional Council
P.O. Box 66
Greymouth

Or you can contact the Chief Executive personally on 03 768 0466.

16. REQUEST FOR OFFICIAL INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. Any request for information is a request made under LGOIMA. You do not have to say you are making a request under LGOIMA.

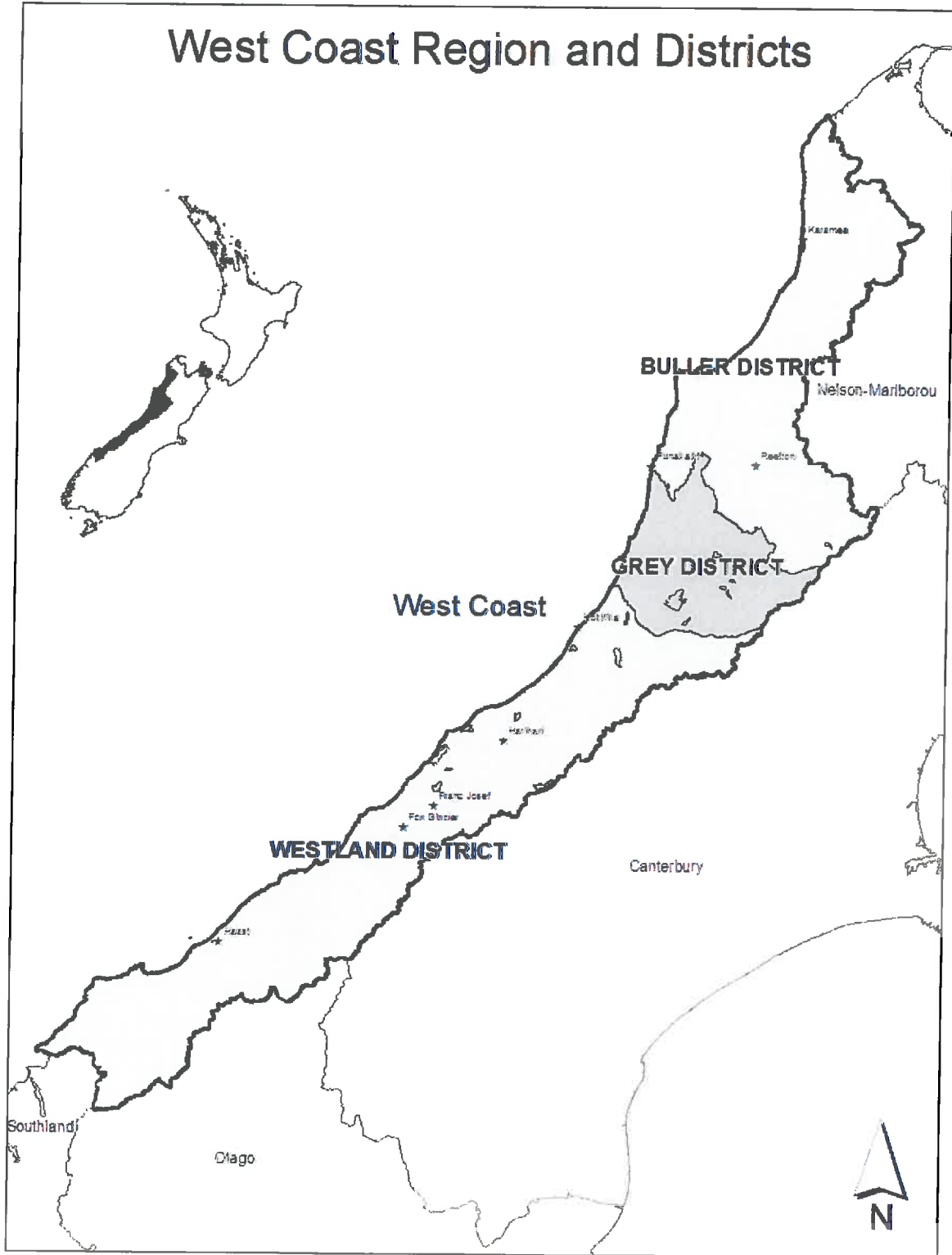
Once a request is made, the Council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- endanger the safety of any person
- prejudice maintenance of the law
- compromise the privacy of any person
- reveal confidential or commercially sensitive information
- cause offence to tikanga Maori or would disclose the location of waahi tapu
- prejudice public health or safety
- compromise legal professional privilege
- disadvantage the local authority while carrying out negotiations or commercial activities
- allow information to be used for improper gain or advantage.

The Council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The council may charge for official information under guidelines set down by the Ministry of Justice.

In the first instance you should address requests for official information to The Chief Executive, The West Coast Regional Council, P.O. Box 66, Greymouth.

West Coast Region and Districts



THE WEST COAST REGIONAL COUNCIL

Prepared for: Inaugural Council Meeting
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 11 October 2013
 Subject: **Schedule of Ordinary and Committee Meetings**

Background

Council has traditionally held its monthly meeting on the 2nd Tuesday of each month, excluding January. The November meeting is normally the second Monday.

Attached is a schedule of proposed meeting dates for the coming 12 month period.

RECOMMENDATION

That Council adopt the proposed schedule of ordinary and committee meetings below.

Robert Mallinson
 Corporate Services Manager

Council Meeting & Resource Management Committee Meetings

(Generally held 2nd Tuesday of the month – commencing at 10.30 a.m.)

November 2013	11 th (Monday)
December 2013	10 th
January 2014	No Meeting
February 2014	11 th
March 2014	11 th
April 2014	8 th
May 2014	13 th
June 2014	10 th
July 2014	8 th
August 2014	12 th
September 2014	9 th
October 2014	14 th
November 2014	10 th (Monday)
December 2014	9 th