



# LOCAL GOVERNANCE STATEMENT



Responsibility: Corporate

COUNCIL **D O C U M E N T**

Under review - April 2020

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# Local Governance Statement



Responsibility:	Community and Corporate Group Manager
First adopted:	23 October 2003
Historic revision dates:	2006; 2008; 2011 resolution 10/56; November 2013, May 2017
Next review date:	October 2019
Review frequency:	3 yearly Within 6 months of each Triennial Election
Approval authority:	Delegated by Council to Corporate Group Manager in 2011
Consultation required:	None
Record number:	DocSet ID number - 500090
Associated documents:	Acts of Parliament, Council strategies, policies, bylaws etc

## INTRODUCTION

### He hupu whakataki

Council adopted its first Governance Statement in October 2003, renewed it in 2006 and 2008, 2011, 2014, 2017 and produced this version in April 2020. The Governance Statement:

- clarifies the governance and the management responsibilities
- clarifies the governance role and expected conduct of Elected Members
- describes the effective, open and transparent processes used by Council
- describes the separation of regulatory and non-regulatory responsibilities
- explains the good employer requirements.

Local Governance Statements ensure the community has information on the processes the Council follows when making decisions and taking action, and how the community can influence these processes.

## FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

### Haepapa ki nga kawenga me nga mahi

The purpose of the South Waikato District Council is to enable democratic local decision-making to provide good quality local infrastructure, public services and regulatory functions at the least possible cost to the households and business of the South Waikato District in the present and the future.

Council has overall responsibility and accountability for the direction and control of Council's activities in furthering community well-being outcomes.

Council has involvement in a number of activities including district infrastructure, environmental development (including regulatory functions), community development, provision of suitable recreation and leisure facilities, community consultation and economic development.

A key to the efficient running of the Council is the clear division between the roles of Council (elected members) and management. Elected members concentrate on setting the strategic vision and policies, while management is concerned with implementing policy and strategy.

While many of the Council's functions have been delegated, the overall responsibility for achieving the vision and community outcomes of the district ultimately rests with Council. The Council discharges this responsibility by

maintaining effective systems of internal control. Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives of the Council will be achieved.

## LEGISLATION

### Hanganga ture

In fulfilling the above purposes, South Waikato District Council exercises the powers and fulfils responsibilities as described and conferred by legislation covering areas such as:

## NATIONAL AND REGIONAL

- Airports
- Building Controls
- Civil Defence and Emergency Management
- Dog Control and Stock Impounding
- Fire Protection
- Housing
- Litter Control
- Mining and Quarries
- Pollution
- Public Health (minor)
- Reserves, Cemeteries and Crematoria
- Resource Management
- Revenue
- Road Transport and Highways
- Urban Transport
- Water and Soil

## LOCAL GOVERNMENT ACT 2002

Section 46(1) of the Local Government Act 2002 states that Councillors can be held liable for losses reported by the Auditor General under Section 44 of the Local Government Act 2002 resulting from negligence or unlawful action by the elected Council.

## DECISION-MAKING PRINCIPLES AND PROCESSES

A local authority must act in accordance with a number of principles pursuant to section 14 of the Local Government Act. This includes but is not limited to conducting business in an open, transparent and democratically accountable manner. Part 6 of the Local Government Act 2002,

Sections 76 to 90 provide the requirements for decision making and consultation.

## REGULATORY

Part 8 of the Local Government Act deals with regulatory, enforcement and coercive powers of local authorities.

This part of the Act provides local authorities with powers to make bylaws, powers of enforcement to enforce all regulatory measures including bylaws and infringement offences, and powers to undertake activities in relation to water services, including discharge or sewage and trade wastes.

## **LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

This Act is designed to make official information held by local authorities more freely available. It:

- provides for proper access by each person to official information relating to that person, which is held by local authorities
- provides for the admission of the public to meetings of local authorities
- protects official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest
- preserves personal privacy
- establishes procedures for the achievement of those purposes.

## **SECRET COMMISSIONS ACT 1910**

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 fined up to \$1,000, or both. A conviction, therefore, would trigger the provisions of the Local Government Act 2002 and result in removal of the Member from office.

## **CRIMES ACT 1961**

It is unlawful for an elected member (or officer) to:

- Accept or solicit for themselves 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 person's, monetary gain or advantage.

These offences are punishable by a sentence of up to 7 years' imprisonment. A conviction, therefore, would trigger the provisions of the Local Government Act 2002 and result in removal of the Member from office.

## **SECURITIES ACT 1978**

This Act 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 (eg, prospectus) contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## **LOCAL AUTHORITIES' (MEMBERS' INTERESTS) ACT 1968**

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, South Waikato District Council exceed \$25,000 in any financial year.

Elected members are prohibited from participating in any Council decision 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 a member's spouse contracts with the Council or has a pecuniary interest.

Members must declare their interest at Council meetings where matters in which they have a pecuniary interest arise. 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.

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.

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.

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 limit. Failure to comply may mean, in the event of a conviction, elected Members can be removed from office.

## LOCAL LEGISLATION

Authority is also conferred on the South Waikato District Council (or its predecessors) by name under the Tokoroa Agricultural and Pastoral Association Empowering Act 1968.

## BYLAWS

*Bylaw means any rule or regulation which is made by any local authority by virtue of any Act now or hereafter to be in force, and which is termed a bylaw in the Act by virtue of which it is so made.*

Acting under legislation relating to local bylaws, the South Waikato District Council has in force the following:

### **Bylaws Administration Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to advise the service of notices and the powers of entry that apply to other Council bylaws. It allows Council to suspend and revoke licences issued under other bylaws and deals with offences against Council bylaws. Provisions within this bylaw also allow the removal of works or structures constructed in breach of Council's bylaws.

### **Cemeteries Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to regulate activities to maintain, preserve, and embellish and set standards for the operation of cemeteries under the control of the Council.

### **Cultural and Recreational Facilities 2017 – due for review January 2023**

The purpose of this bylaw is to provide for the full and proper use and enjoyment by the public of the cultural and recreational facilities and services provided by the Council.

### **Dog Control Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to fulfil and regulate the provisions of the Dog Control Act 1996 as it pertains to the Council's Dog Control Policy as set out in the Dog Control Act 1996 ("the Principal Act").

### **Freedom Camping Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to control camp-ground and freedom camping in the South Waikato District in order to protect local authority areas, protect the health and safety of people who may visit local authority areas and protect access to local authority areas.

### **Hostels Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to control the operation of hostel type accommodation including guesthouses, rooming houses, boarding houses, private hotels, residential clubs, motels, and hostels except where these are licensed by other appropriate legislation.

It also covers the appointment of a Hostel Manager and includes building maintenance, lighting, cleanliness of rooms and buildings so that visitors to those premises enjoy accommodation of a reasonable standard.

### **Keeping of Animals, Poultry and Bees Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to regulate the keeping of animals including stock, poultry and bees in the district, to ensure they do not create a nuisance or endanger the health of the public. It also controls the number of cats or kittens a household may keep in urban areas. The keeping of dogs is not covered by this bylaw; it is covered by the Dog Control Bylaw.

This bylaw also controls the keeping and slaughtering of stock in urban areas and manages the nuisance that the keeping of stock in urban areas may cause if not managed appropriately.

### **Land Transport Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to allow Council to set speed limits for all public roads in the South Waikato District except State Highways. The bylaw includes rules for the parking, stopping and standing of vehicles on District public roads, specifies loading zones and taxi stands and disabled persons' parking spaces, prohibits particular roads to certain vehicles and specifies how and when stock may be driven on public roads.

### **Property Maintenance and Nuisance Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to require private property to be maintained and managed to protect, promote and maintain public health and safety, and to protect the public from nuisances.

### **Prostitution Location and Signage Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to administer the purpose and intent of the Prostitution Reform Act 2003.

Other objectives include ensuring brothels and commercial sex premises can operate legitimately within appropriately located areas of the South Waikato District and to ensure that premises are not located too close to "sensitive sites" that children regularly congregate/frequent.

### **Public Places Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to control and manage a wide range of activities within public places to ensure that the public can continue to use and enjoy public places in going about their everyday business.

This includes protecting the public from nuisance, maintaining public health and safety in public places and minimising the potential for anti-social behaviour to occur in public places under the control of Council.

### **Solid Waste Management and Minimisation Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is to support the promotion and delivery of effective and efficient waste management and minimisation in South Waikato as required under the Waste Minimisation Act 2008.

### **Trade Waste Bylaw 2017 – due for review January 2023**

The purpose of this bylaw is for the effective management of trade waste entering the districts wastewater collection, treatment and disposal systems and applies to all Trade Premises within the South Waikato District where Trade Wastes are discharged or sought or likely to be discharged to the wastewater system.

### **Water Supply Bylaw 2015 – due for review September 2020**

The purpose of this bylaw is to protect, promote and maintain public health and safety, promoting the efficient use of water and protecting against waste or misuse of water from the water supply system.

# ELECTORAL SYSTEM

## Te punaha pōti

Under the Local Electoral Act 2001 there are two voting options for Council in conducting its election. The options are the first past the post system (FPP) and the single transferable vote option (STV).

## FIRST PAST THE POST SYSTEM

Electors vote by indicating their preferred candidate and the candidate receiving the most votes is declared the winner.

## SINGLE TRANSFERABLE VOTE SYSTEM

This system of voting is used for the District Health Boards and some local authorities. Single Transferable Votes is a system under which voters and candidates in order of preference. The number of votes required for a candidate to be elected (called a 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 and then by transfer of the proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters second preferences.

## CHOICE OF SYSTEMS AND OPTIONS FOR CHANGE

Under the Local Electoral Act 2001, the Council can resolve to change the electoral system to be used two years before a triennial election or conduct a binding poll on the question. Alternatively, electors can initiate a poll so long as at least five percent of electors have signed a petition for a poll. Once changed an electoral system must be used for at least the next two triennial elections.

## THE SOUTH WAIKATO DISTRICT CHOICE

The South Waikato's last review of the electoral system was conducted in 2017. No change was made to Council's electoral system and the triennial election for 2019 was held under the First Past The Post (FPTP) system as described above.

Before the 2022 elections, Council must consider and decide on which voting system should be in place for those elections, or whether a poll should be held to decide. Public Notice of the decision must be given and there is provision for electors to demand a poll. A poll decision is good for two elections, eg, a poll held before the 2016 elections would apply also to the 2019 elections.

## INDEPENDENT ELECTION

Council believes that the democratic election of Councillors (by Ward) by the citizens of South Waikato ensures that it is able to operate in the best interests of the district and to function independently of management.

## REPRESENTATION

### Te whakaatanga

The South Waikato District Council must review its representation and electoral systems at least every six years. When a review takes place, it must be concluded, at the latest, early in the year in which a triennial local election is due to take place. The South Waikato District Council last undertook a review during 2015 for the 2016 local elections. The next review is due in 2021 for the 2022 triennial elections.

The review determines:

- whether the number of elected members is appropriate
- whether members should be elected from wards only, or a mixture of Wards and 'at large', or 'at large' only



- whether there should be Māori wards, where the candidates are nominated and voted for only by electors who are on the Māori Parliamentary Roll. A Māori Ward may cover the whole district.
- if there are going to be wards, how many will there be, what their boundaries will be and how many councillors will be returned by each ward? And, if there is to be a mix of wards and 'at large' councillors, how many of each?

The review process involves public consultation and the right to make submissions and objections at a number of stages. Any lingering points of difference or dispute will be ruled upon by the Local Government Commission.

The last review resulted in no change to the number of elected members on Council.

## WARDS AND COMMUNITY BOARDS

The South Waikato District is made up of three wards, being the Tirau Ward, Putaruru Ward and Tokoroa Ward and the Tirau Community Board.

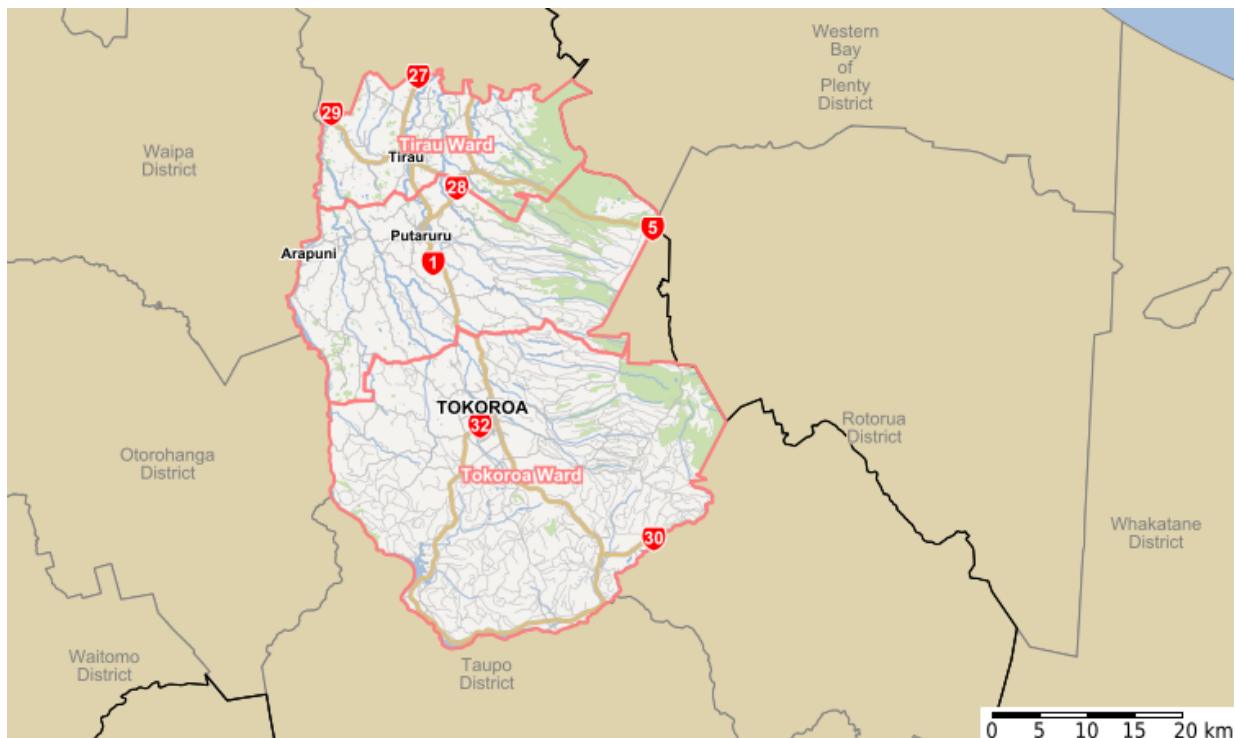


Figure 1. Map indicating wards in the South Waikato District Council area.

The number of elected representatives for each ward and/or community board area is dependent on the number of resident electors within a particular ward and /or community board boundary. The larger the number of resident electors within a particular ward and /or community board – the larger the number of elected representatives.

<b>Mayor</b>	One (1) elected for District
<b>Ward Councillors (11 in total)</b>	Tirau (1)
	Putaruru (3)
	Tokoroa (6)
<b>Community Board Members</b>	Tirau (4)

The South Waikato District Community elects the Mayor and ten Councillors at each triennial local election. These elections are held every three years in October. The last triennial election was held in October 2019.

The Mayor is elected “at large”, ie, by all the eligible voters of the district. Councillors are elected from three Wards: Tīrau Ward (1 member), Putāruru Ward (3 members) and Tokoroa Ward (6 members). Candidates standing for election from a ward are nominated and voted for by the eligible electors (resident and non-resident) of that ward only. However, a candidate does not be a resident of the Ward in which they are standing for election.

“Eligible electors” are persons who are on the Parliamentary Electoral Roll and are either residents of the South Waikato District, or live outside the district but own property within it, and have applied to be “ratepayer electors” of the district.

## **COMMUNITY BOARD**

A Community Board represents an area known as a “community”. The Board comprises both elected members and any Councillors appointed by Council from the Ward that corresponds to that community.

There is one Community Board in the South Waikato District Council area, the Tīrau Community Board, which has four elected and one Council-appointed member (the Tīrau Ward Councillor).

Community Boards must be included in the Review of Representation and Electoral Systems. Although a Community Board (leading up to the election of a Community Board) can be created at any time, abolition of a Community Board can only be undertaken as part of a review of representation and electoral systems.

## **MAORI WARDS AND CONSTITUENCIES**

The Local Electoral Amendment Act 2002 also gives Council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition sign by 5 percent of electors within the district.

The Council considered whether or not to have separate Maori wards in February 2018 as part of its representation review. The Council decided not to have a separate Maori ward for the 2019 election. This will next be considered by Council in 2021.

# MEMBERS' ROLE AND CONDUCT

## Te mahi me te whanonga o ngā mema

The Mayor and Councillors of South Waikato District Council have the following roles:

- setting the policy direction of Council
- monitoring performance of Council
- representing the interests of the district's residents
- employing the Chief Executive

While many of Council's functions have been delegated, the overall responsibility for maintaining effective systems of internal control ultimately rests with Council. Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives will be achieved.

A person may not act as a member of South Waikato District Council until that person has made a declaration in accordance with Clause 14, Schedule 7, of the Local Government Act 2002. Members of South Waikato District Council must abide by the Standing Orders adopted by Council.

## The Mayoral Role

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members in Council.



In addition, the Mayor has the following roles:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orders conduct of business meetings (as determined by the 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 with the knowledge and support of the Council.
- Ceremonial head of Council.
- Provider of leadership to Council and feedback to other elected members on teamwork and chairing of Committees

Mayor Jenny Shattock  
Business: 07 885 0716  
Jenny.Shattock@southwaikato.govt.nz

## The Deputy Mayor Role



The Deputy Mayor is appointed by the Mayor after the triennial election. The Deputy Mayor exercises the same roles as other elected members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Bill Machen

TOKOROA  
Mobile: 027 471 5899  
Bill.Machen@southwaikato.govt.nz

# Elected Members

## Kaikaunihera



Hamish Daine  
TOKOROA  
Mobile 0211 259 225  
Hamish.Daine@southwaikato.govt.nz

Gary (Puku) Petley  
TOKOROA  
Mobile 0274 836 809  
Gary.Petley@southwaikato.govt.nz



Marin Glucina  
TOKOROA  
Mobile 0210 284 3214  
Marin.Glucina@southwaikato.govt.nz

Peter Schulte



TIRAU  
Mobile: 021 434 933  
Peter.Schulte@southwaikato.govt.nz



Thomas Lee  
TOKOROA  
Mobile: 0213 321 292  
Thomas.Lee@southwaikato.govt.nz

Alex Jansen  
TOKOROA



Mobile: 0279 581 906  
Alex.Jansen@southwaikato.govt.nz



Hans Nelis  
PUTARURU  
Mobile: 0210 552 306  
Hans.Nelis@southwaikato.govt.nz

Arama Ngapo-Lipscombe  
TOKOROA  
Mobile: 0275 339 988  
Arama.Ngapo-Lipscombe@southwaikato.govt.nz



Sandra Wallace  
PUTARURU  
Mobile: 0210 291 3702  
Sandra.Wallace@southwaikato.govt.nz





## Role of the Tirau Community Board

The Community Board is constituted under section 49 of the Local Government Act 2002 to:

- represent and act as an advocate for the interests of its community
- consider and report on any matter referred to it by the Council
- report any issues of interest or concern to the Community Board
- make an annual submission to the Council on expenditure in the community
- maintain an overview of services provided by the Council within the community
- act as a channel of communication between the community and Council
- undertake any other responsibilities delegated by the Council.

## Elected Board Members

The Tirau Community Ward has four members and the Tirau Ward Councillor. This board looks after interests across the Tirau. Members are listed below:



Kevin Slater (Chairperson)  
Mobile: 0272 402 267  
Kevin.Slater@southwaikato.govt.nz



Kerry Purdy  
Mobile: 027 542 7158  
Kerry.Purdy@southwaikato.govt.nz



Sharon Burling-Claridge  
Phone: 07 883 1776  
Sharon.Burling-Claridge@southwaikato.govt.nz

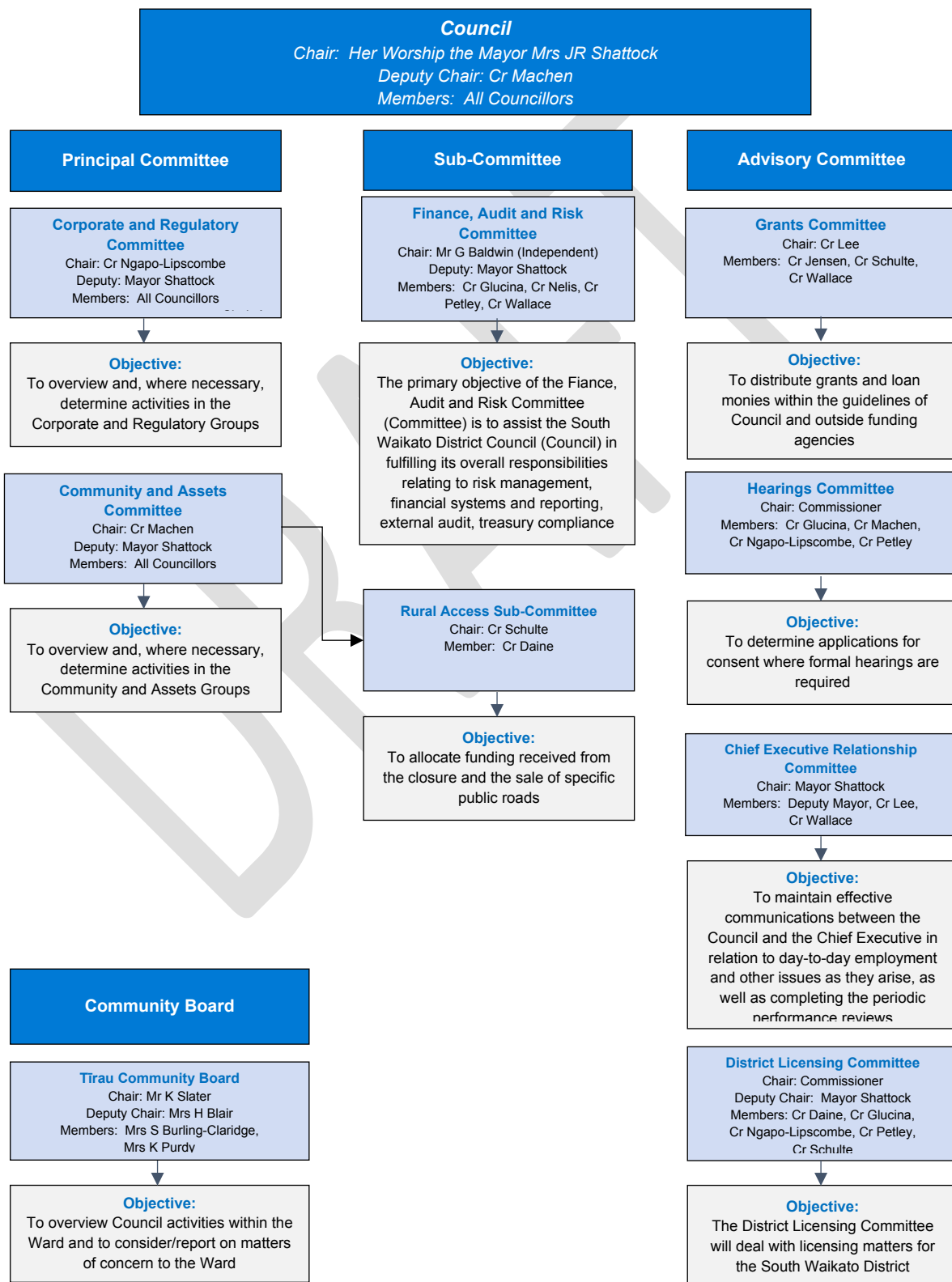


Holly Blair  
Mobile: 021 259 1914  
Holly.Blair@southwaikato.govt.nz

# COUNCIL AND COMMITTEE STRUCTURE

Te hanganga komiti

## Council Committee Structure





# COUNCIL COMMITTEES

## Te hananga o te kaunihera me ngā komiti

The Mayor 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, as set out in Council resolutions confirming the Mayor's governance structure and as amended by time to time through Council resolution. A committee chairperson may be removed from office by resolution of Council. Elected members have specific obligations as to their conduct in the following legislations.

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive Officer, 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, and the Financial Markets Conduct Act 2013 to ensure appropriate governance arrangements to provide for effective monitoring and risk reduction for financial services.
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit. • The Local Government Official Information and Meetings Act 1987 ensuring that conduct of public business is transparent and publicly accessible.
- The Health and Safety at Work Act 2015 ensuring that the safety of our employees, visitors, customers, contractors, volunteers and the general public is of paramount importance and maintained.

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 per cent or more vote of the Council. The code sets out the Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to the media and to the general public 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 sanctions that the Council may impose if an individual breaches the code. Copies of the full code of conduct may be obtained from any of the Council offices or library and on the website [www.southwaikato.govt.nz](http://www.southwaikato.govt.nz)

Council has eight principal committees and one advisory committee to monitor and assist in the effective discharge of Council's responsibilities. These are:

## PRINCIPAL COMMITTEES

- Corporate & Regulatory Committee – meet every six weeks
- Community & Assets Committee – meet every six weeks
- Hearings Committee - meet as required to hear and determine applications under the Resource Management Act 1991 and the Sale and Supply of Liquor Act 2012.
- Grants Committee - meetings are held twice a year to coincide with Council's normal funding rounds
- Chief Executive Relationship Committee - are based on a schedule of meetings contractually agreed to with the Chief Executive.
- Finance Audit and Risk Committee
- Rural Access Sub-Committee
- District Licensing Committee



### **Council also has representatives on the following two Committees**

- The Waikato Region Civil Defence Emergency Management Group Committee is administered by Waikato Regional Council.
- The Regional Land Transport Committee is administered by Waikato Regional Council.

## **ADVISORY COMMITTEES**

- Waikato Region Civil Defence Emergency Management Group Committee (Joint Committee)

This committee is responsible for providing additional assurance on the integrity of the information being presented, as well as operational aspects of these activities of Council.

## **DELEGATIONS**

### **Ngā mana whakahaere**

Council has delegated a range of responsibilities to Committees, the Mayor, various Councillors, the Chief Executive, and some staff. There are also sub-delegations to specified staff. A copy of the Delegations Manual can be viewed at Council Offices.

## **MEETING PROCESSES**

### **Ngā tikanga hui**

## **LEGISLATION**

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).

## **STANDING ORDERS**

Council applies the New Zealand Standard - Model Standing Orders for Meetings of Local Authorities and Community Boards NZS 9202:2003. Meeting procedures are separately identified in Part 2 of that Standard.

## **CONSULTATION**

The public can be part of Council's decision-making process through various consultation processes, as prescribed by Sections 75 - 90 of the Local Government Act 2002. These include the Annual Planning process, the Long Term Planning process and new policy or bylaw consultation. These provisions were changed so that a special consultation procedure is required only if the Annual Plan differs from the Long Term Plan significantly. In addition, Council's Significance and Engagement Policy provides a set of general principles to be considered when consulting. A special consultation procedure was not used for the 2019-20 Annual Plan and due to the impacts of Covid-19 in 2020, a special consultation was required.

The Local Government Act 2002 has specific procedures that Council must follow when making certain types of decisions. The special consultative procedure is used for the Annual Planning and Long Term Planning processes. The procedure consists of the following steps:

### **STEP 1: PREPARATION OF A STATEMENT OF PROPOSAL AND A SUMMARY (CONSULTATION DOCUMENT)**

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 inspection at Council offices, and may be made available elsewhere. The Council must also prepare a full and fair summary of the proposal, which must be distributed as widely as Council considers to be reasonably practicable. That statement must be included on an agenda for a Council meeting.

## **STEP 2: PUBLIC NOTICE**

The Council must publish a notice on the Council website and will utilise other online platforms and tools that the Council has available. The Council is required to publish a notice in one or more local newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.

## **STEP 3: RECEIVE SUBMISSIONS**

The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. At least 1 month (from the date of the notice) must be allowed for submissions.

## **STEP 4: DELIBERATE IN PUBLIC**

All meetings where the Council deliberates on the proposal, or hears submissions, must be open to the public (unless there is a reason to exclude the public under LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.

## **STEP 5: FOLLOW UP**

A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

Council must, legally, follow the Special Consultative Procedure before it:

- adopts a Long Term Plan (LTP)
- annual plan if there is a significant change
- amends a long term plan
- adopts, revokes, reviews or amends a bylaw
- changes the mode of delivery for a significant activity that is not provided for in a long term plan (for example, changes from Council delivery to delivery by a Council Controlled Organisation, or from a council controlled organisation to a private sector organisation)
- the Council may be required to use the special consultative procedure under other legislation, such as the Resource Management Act and it may use this procedure in other circumstances if it wishes to do so.

# POLICIES FOR LIAISING WITH AND MEMORANDUM OF AGREEMENTS WITH MĀORI

## Ngā kaupapa here mo te whakatakotoranga o nga whakaahuatanga whakaaetanga mo ngā tangata māori

The Council has an obligation to take into account the principles of the Treaty of Waitangi and to recognise and provide for the special relationship between Māori, their culture, traditions, land and taonga. Council embraces the principles of the Treaty of Waitangi, acknowledges the importance of Kingitanga in the District and values its partnerships with both mana whenua (people of the area) and maataa waka (urban Māori/’other canoes’).

The Council acknowledges Raukawa as having tangata whenua status in the South Waikato District and operates in terms of the protocol for consultation on Resource Consents agreement.

The Council has developed working relationships with Raukawa in the form of a Memorandum of Understanding.

## CORPORATE STRUCTURE

### Te hanganga umanga

### The Chief Executive

A key to the efficient running of any Council is that there is a clear division between the role of elected members and that of management. Council appoints a Chief Executive to manage the Council operations. The Chief Executive is accountable to the Mayor and Councillors.

The Chief Executive is appointed by Council in accordance with Section 42 and Clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages Council’s policies and objectives within the budgetary constraints established by Council. Under Section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:



Ben Smit  
Chief Executive  
Phone: 07 885 0780  
Ben.smit@southwaikato.govt.nz

- implementing the decisions of Council
  - providing advice to 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 Council effectively and efficiently
  - maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council
- providing leadership for the staff of Council
    - employing staff (including negotiation of the terms of employment for the staff).
    - anyone on the Council staff may stand for office as an elected member, but must resign as a member of staff if elected

The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of Council, implement Council decisions and provide advice to the Council. Under the Act, the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should, therefore, be directed to the Chief Executive, not the Mayor or Councillors.

The Chief Executive has statutory powers conferred by the Local Government Act 2002 and other powers at Council's discretion. The Chief Executive has appointed Group Managers to manage key areas of the Council's operations. South Waikato District Council has an Executive Team of the Chief Executive, three Group Managers, Chief Financial Officer, Economic Development Manager, the Communications Manager and the Human Resources Manager. The Team Leader Executive Support also report directly to the Chief Executive.

## POLICY AND DECISION-MAKING PROCESSES

### Ngā kaupapa here me ngā tukanaga whakataunga

#### Policy

A policy is a statement of position which is used to guide decision-making. It provides a framework (often including rules, procedures and/or criteria) within which the Council operates.

These are the many reasons why Council have created a policy:

- To provide a framework for staff enabling them to get on with their work
- To ensure consistent decisions are made across the organisation
- To provide some transparency of the Council's decision-making processes for the wider public
- To be efficient in the way we work – one well thought-out decision in the form of a policy can be applied to many cases
- To meet our statutory requirements. Policy-making is not just about writing a set of rules or statements, it is also about spending time giving consideration to the issues and options relating to the policy. There are generally two decisions to be made:
  - Is a policy the best mechanism for addressing the issues? Are there any alternative or complementary techniques, for example, public education programmes or published guidelines?
  - If a policy is an appropriate method, what should the policy say?

#### Decision-Making

Almost everything that the Council does involves a decision. In keeping with its overall purpose of enabling democratic local decision-making, the Local Government Act 2002 prescribes the process by which decisions must be made by a local authority.

In the course of decision-making, local authorities must:

- Identify the significance of an issue or decision, and meet particular procedural requirements for a significant decision
- Identify whether a decision is significantly inconsistent with any policy or plan adopted by that local authority (although other policies and plans may also be relevant)
- Promote compliance with the principles of consultation
- Consider community views and preferences during the decision-making process
- Provide opportunities for Maori contribution to decision-making processes
- Consider all reasonably practical options
- Assess the options by considering the costs and benefits of each option, the extent to which they achieve community outcomes in an integrated and efficient manner, and their impact on the capacity of the local authority to meet its statutory obligations.

While the decision-making requirements of the Local Government Act 2002 must apply to each decision, the legislation does give Council some jurisdiction to make judgements about the extent to which options are assessed

and decisions are recorded. In essence, a judgement on how best to comply with the requirements will depend on the relative importance of the issue to the district and its complexity. Council must consider the significance of all relevant matters (as mentioned above), the principles of local government, the extent of the Council's resources and the extent to which the nature of the decision allows the opportunity to consider the views and preferences of other people.

## KEY DOCUMENTATION AND PUBLICATION

### Tuhinga matua me te whakaputanga

Policy and strategy making applies to various areas of Council operation; from internal organisational issues such as resource procurement, to district-wide Council issues such as regulating dogs. Regional and national policies and strategies can also directly affect the Council's decision-making although Council is not responsible for developing such documents. Some of Council's policies and strategies are required by law. Others have been developed in response to other issues, for example, community concerns.

Just as policy is a statement of position, strategy provides a general direction for the organisation, or a part of the organisation, to achieve a certain state in the future. Strategies often define what that desired state might look like and actions for achieving it. In addition to the above, strategies help the organisation move in a common direction. Some of the key documents that Council have are outlined below.

### Long Term Plan

The Long Term Plan is effectively an organisational strategic plan. The Long Term Plan sets out everything Council intends to deliver and how over a ten-year period. All other planning documents should be consistent with it. Long Term Plans consider the provision of good quality local infrastructure, public services and regulatory functions at the least possible cost to households and business to the current and future communities.

The latest Long Term Plan is 2018-2028. The Long Term Plan will be reviewed and superseded with the Long Term Plan 2021-2031 due for completion in June 2021.

### District Plan

An important plan of Councils is the District Plan. The District Plan (a legislative requirement courtesy of the Resource Management Act 1991) encourages the sustainable use of natural and physical resources of the district in a way which provides for community wellbeing. The District Plan provides a framework for administering resource consents.

It covers matters relating to the management of the use, development or protection of land and any associated natural and physical resources for which the Council has responsibility. Council promotes the orderly and sustainable management and development of the district's natural and physical resources.

### Annual Plan

In the years that a Long Term Plan is not reviewed, Council must produce an annual plan. The Annual Plan covers one financial year and should reflect the levels of service and associated budgets as shown for that year in the adopted Long Term Plan. Any variations are required to be identified and reasons given for these variations. The Annual Plan is essentially:

- an opportunity to make minor adjustments to its work programme planned in the Long Term Plan;
- to confirm the proposed budget
- and as a means of communicating its projects and programmes to the public.

Historically legislation has prescribed that a special consultative procedure must be used. These provisions have been relaxed so that, within certain guidelines, a special consultation procedure is not required for every Annual Plan.

### Annual Report

On completion of each financial year, Council must then produce an Annual Report which assesses the actual performance over that year compared to that initially set in the Long Term Plan or Annual Plan for that year.



## COUNCIL POLICIES AND STRATEGIES

Council has a number of policies and strategies covering a range of the Council activities. You can find these documents on our South Waikato District Council website <https://www.southwaikato.govt.nz/our-council/strategies-plans-policies-bylaws/policies>

### Funding and Financial Policies

Council is required to produce a Financial Strategy as part of its Long Term Plan, and a number of funding and financial policies. Many of these feature in the Long Term Plan, including:

- Revenue and Financing Policy
- Funding Impact Statement
- Investment Policy
- Liability Management Policy
- Rating Policy (including Rates Remission and Postponement Policies)
- Significance and Engagement Policy
- Partnerships with Private Sector Policy
- Development and Financial Contribution Policy
- Appointment of Directors to Council Controlled Organisations (CCOs) Policy

### Asset Management Plans

Asset Management Plans are blueprint documents for the broad-based funding requirements for the district's infrastructure and have strong linkages to the production of the Funding and Financial Policies and LTP. These plans focus on asset management, asset service levels, depreciation and replacement of the district's major infrastructural assets. Council's asset management plans were last reviewed in 2019 and are reviewed every three years, with reviews to coincide with each LTP. These plans ensure that Council can continue to meet the levels of service required for essential services in the future.

To comply with new legislative requirements, it is intended that advanced Asset Management Plan functions and techniques, will be included in future Asset Management planning process.

## PUBLIC ACCESS TO COUNCIL AND ELECTED MEMBERS

**Te urunga a te iwi ki te kanuihera me nga kaikaunihera**

### COUNCIL

Council has a branch office in Putāruru and an agency at the Tīrau Information Centre, with the main office in Tokoroa. Office hours are from 8am to 5pm in Tokoroa and Putāruru (weekdays), and 9am to 5pm in Tīrau, 7 days a week.

Council can be contacted after hours for emergency services on (07) 885 0340.

### COUNCILLORS

Councillors' contact information is available through our website ([www.southwaikato.govt.nz](http://www.southwaikato.govt.nz)), or on request from the Council offices.

## REQUESTS FOR OFFICIAL INFORMATION

**Ngā tono mo nga korero whaimana**

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.

Once a request is made, the Council must supply the information, unless there are grounds for withholding it. LGOIMA states 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 Māori 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.

Council must still determine whether any of these grounds outweigh the interests of the public in having the information disclosed. If not, the information must be released.

Any refusal will be accompanied by specific reasons and it is the right of the person refused to have the Council's decision reviewed by the Ombudsman.

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.

It is preferred that, wherever possible, such requests for information be in writing, as this will avoid confusion and ensure that the request is actioned by the appropriate Officer. Requests for information should be addressed to The Chief Executive, South Waikato District Council, Private Bag 7, Tokoroa 3444.

## **DOCUMENTS HELD BY SOUTH WAIKATO DISTRICT COUNCIL**

### **Ngā tuhinga i pupurihia kei te kaunihera o Waikato ki te tonga**

A large group of documents, covering a wide range of formats and subjects, reflecting its many functions and complex administrative history, is held by the South Waikato District Council. Documents held include:

- Annual Plan
- Annual Report
- Asset Management Plans, including service drawings
- Cemetery Records
- Correspondence Files
- Financial and Accounting Records and Statements
- Indexed Minutes Records
- Legal Documents
- Long Term Plan
- Organisational Policies
- Rating Records
- Special Reports
- Property Files



- Valuation Rolls
- Waste Management Strategy
- Water Management Plan

Previous administrations from which records are held include:

- Matamata County Council
- Putāruru Borough Council
- Tokoroa Borough Council

Documents are also held for many bodies associated with the previous local administrations, as listed above. These include:

- Lichfield Domain Board
- Putāruru Domain Board
- Putāruru Town Board
- Tīrau Cemetery Committee
- Tīrau Cemetery Trustees
- Tīrau Domain Board
- Tokoroa Town Board
- Tokoroa Town Committee
- Tokoroa Township Committee.

## CHANGING THE GOVERNANCE STATEMENT

### Te whakarerekē i te tauākī whakahaere

The Governance Statement must be updated as Council considers appropriate [Section 40 (3) of the Local Government Act 2002 (LGA)]. Council must have a Governance Statement within six months after each triennial election [Section 40 (2) LGA].

Changes to Standing Orders require a vote of not less than 75% of the members present. Standing Orders must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 or any other Act (Clause 27 Schedule 7 Local Government Act).

# APPENDIX 1: COUNCIL STRUCTURE

Tāpiritanga tuatahi: Te hanganga o te kaunihera

## MAYOR AND COUNCILLORS



Jenny Shattock QSM JP - Mayor (Elected at large)  
(07) 885 0716 Bus Phone  
(027) 441 6230 Mobile  
(07) 886 8120 Home Phone  
[Jenny.Shattock@southwaikato.govt.nz](mailto:Jenny.Shattock@southwaikato.govt.nz)



Bill Machen - Deputy Mayor  
(Tokoroa Ward)  
(07) 886 7139 Home Phone  
(027) 471 5899 Mobile  
[Bill.Machen@southwaikato.govt.nz](mailto:Bill.Machen@southwaikato.govt.nz)



Hamish Daine  
(Tokoroa Ward)  
(021) 125 9225 Mobile  
[Hamish.Daine@southwaikato.govt.nz](mailto:Hamish.Daine@southwaikato.govt.nz)



Marin Glucina  
(Tokoroa Ward)  
(07) 886 5168 Bus Phone  
(07) 886 8821 Home Phone  
(021) 028 43214 Mobile  
[Marin.Glucina@southwaikato.govt.nz](mailto:Marin.Glucina@southwaikato.govt.nz)



Alex Jansen  
(Tokoroa Ward)  
(027) 958 1906 Mobile  
[Alex.Jansen@southwaikato.govt.nz](mailto:Alex.Jansen@southwaikato.govt.nz)



Thomas Lee  
(Tokoroa Ward)  
(07) 885 5542 Bus Phone  
(07) 886 9405 Home Phone  
(027) 332 1292 Mobile  
[Thomas.Lee@southwaikato.govt.nz](mailto:Thomas.Lee@southwaikato.govt.nz)



Hans Nelis  
(Putaruru Ward)  
(021) 055 2306 Mobile  
[Hans.Nelis@southwaikato.govt.nz](mailto:Hans.Nelis@southwaikato.govt.nz)



Arama Ngapo-Lipscombe  
(Tokoroa Ward)  
(027) 533 9988 Mobile  
[Arama.Ngapo-Lipscombe@southwaikato.govt.nz](mailto:Arama.Ngapo-Lipscombe@southwaikato.govt.nz)



Gary (Puku) Petley  
(Putaruru Ward)  
(027) 483 6809 Mobile  
[Gary.Petley@southwaikato.govt.nz](mailto:Gary.Petley@southwaikato.govt.nz)



Peter Schulte  
(Tirau Ward)  
(07) 883 1887 Home Phone  
(021) 434 933 Mobile  
[Peter.Schulte@southwaikato.govt.nz](mailto:Peter.Schulte@southwaikato.govt.nz)



Sandra Wallace  
(Putaruru Ward)  
(021) 0291 3702 Mobile  
[Sandra.Wallace@southwaikato.govt.nz](mailto:Sandra.Wallace@southwaikato.govt.nz)

# APPENDIX 1: COUNCIL STRUCTURE (CONTINUED)

Tāpiritanga tuatahi (ano): Te hanganga o te kaunihera

## TĪRAU COMMUNITY BOARD



Kevin Slater  
(Chairperson)  
(07) 883 9117 Home Phone  
(027) 240 2267 Mobile  
[kevin.slater62@gmail.com](mailto:kevin.slater62@gmail.com)



Holly Blair  
(021) 259 1914 Mobile  
[ewanandholly@hotmail.com](mailto:ewanandholly@hotmail.com)



Sharon Burling-Claridge  
(07) 883 1776 Home Phone  
(021) 432 949 Mobile  
[cadillacafe@xtra.co.nz](mailto:cadillacafe@xtra.co.nz)

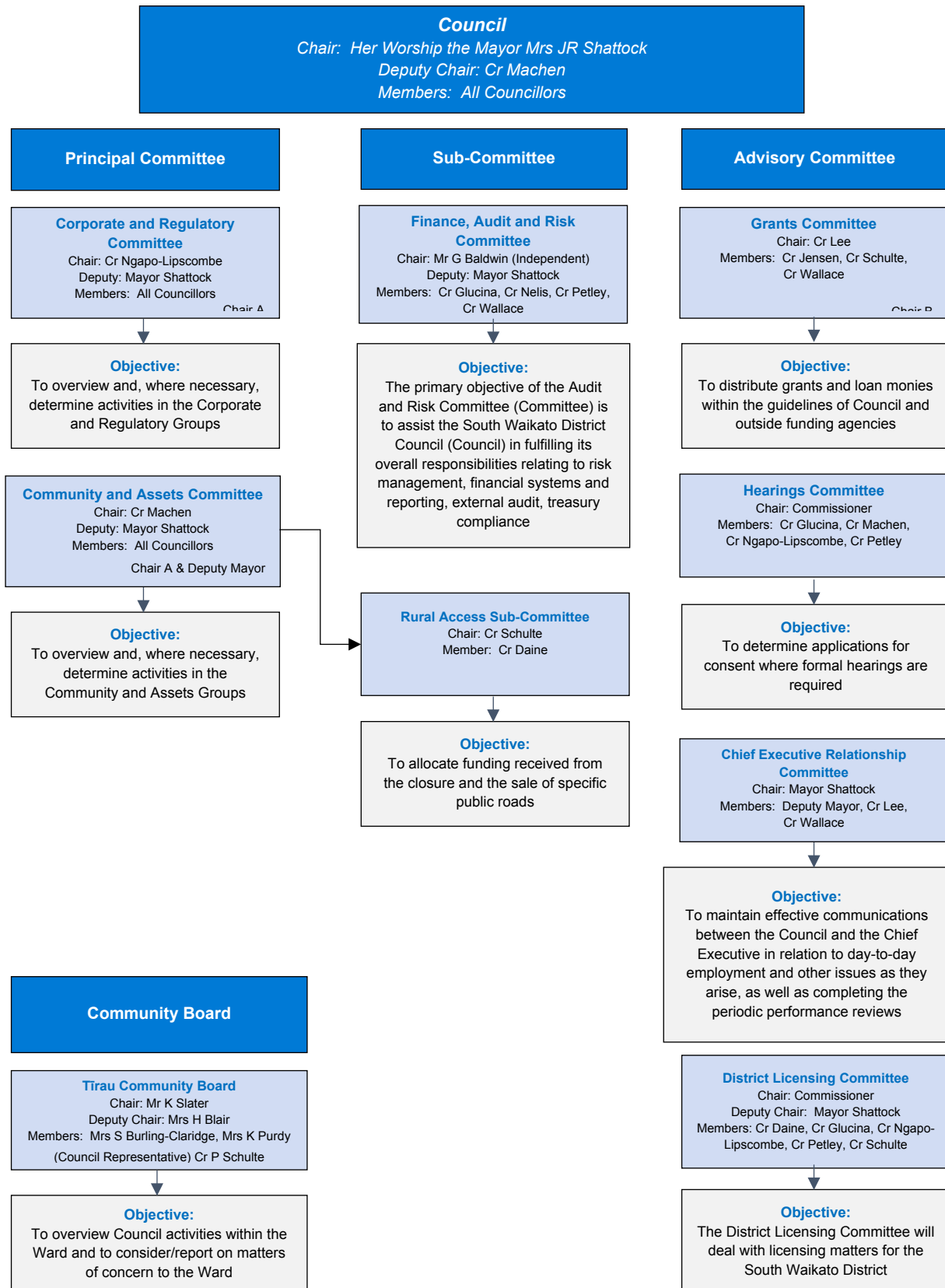


Kerry Purdy  
(07) 883 1282 Home Phone  
(027) 542 7158 Mobile  
[Kerry.Purdy@icloud.com](mailto:Kerry.Purdy@icloud.com)

# APPENDIX 2: COMMITTEE STRUCTURE

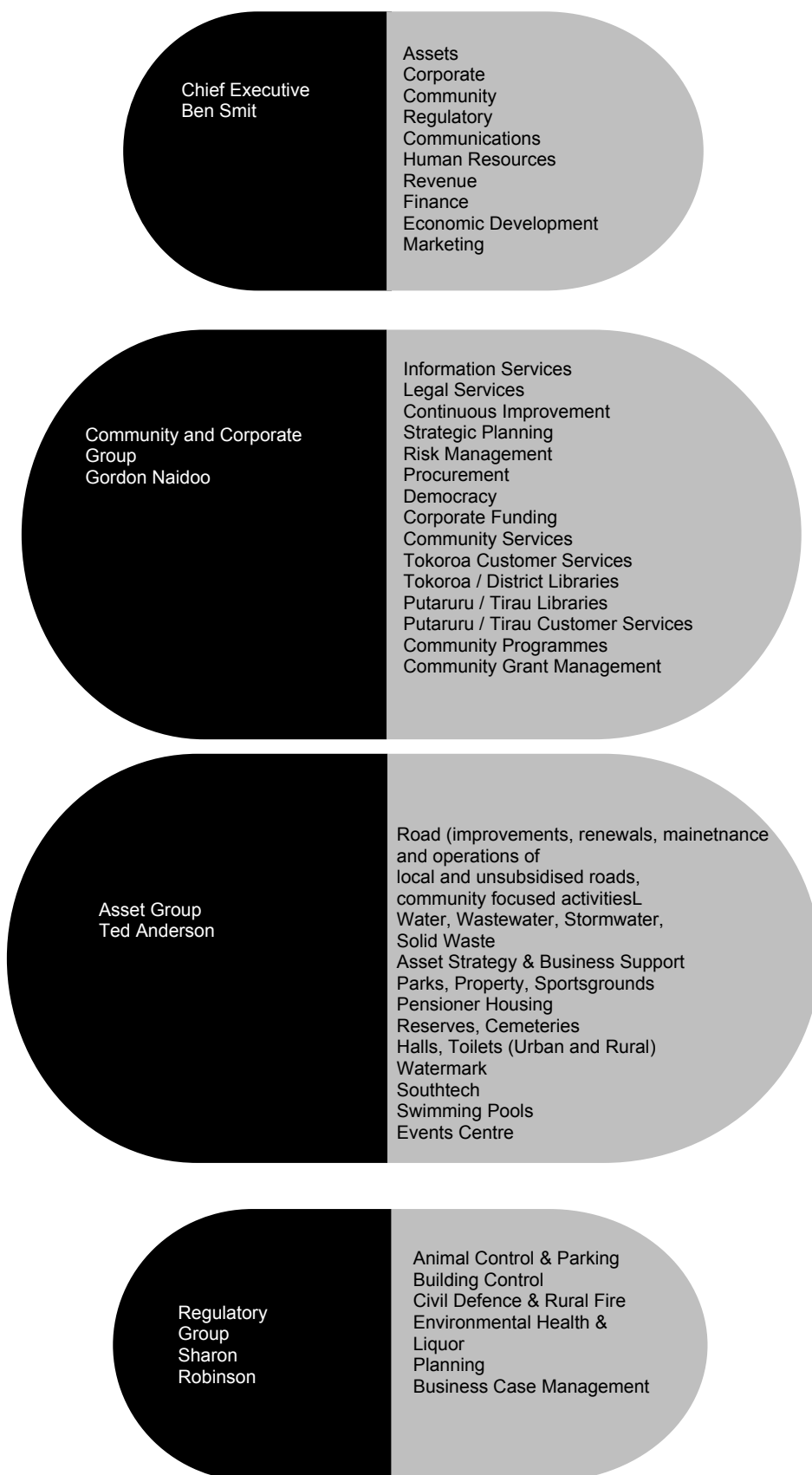
## Tāpiritanga tuarua: Te hanganga komiti

### Council Committee Structure



# APPENDIX 3: ORGANISATION STRUCTURE

## Tāpiritanga tuatoru: Te hanganga umanga



## RELEVANT DELEGATIONS

### Ngā mana whakahaere e pā ana

Refer to the Delegations Manual.

## REFERENCES AND RELEVANT LEGISLATION

### Ngā tohutoro me ngā ture whakapono

- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987

## ANNOTATIONS

### Ngā kohinga

Res No	Date	Subject/Description
401/03	23/10/03	Local Governance Statement adopted
107/05	24/03/05	New Local Governance Statement adopted
560/06	26/10/06	Statement Amended to bring into line with Delegations Manual (new Chief Executive Relationship Committee Added), Corporate Structure amended
4625/08	13/03/08	New Local Governance Statement adopted
10/56	31/03/11	Updated Local Governance Statement adopted
14/038	13/02/14	Updated Local Governance Statement adopted