



**KAIKOURA
DISTRICT COUNCIL**

Local Governance
Statement
2013 -2016

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1. Introduction

A Local Government Statement is a collection of information about the processes through which the community can engage with the Kaikoura District Council (Council), how Council makes decisions and how citizens can influence those processes. It helps support the process of local government by promotion local democracy.

2. Function, Responsibilities and Activities

The purpose of local government, as defined in the Local Government Act 2002 is;

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

In the Act, good-quality, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—

- (a) efficient; and
- (b) effective; and
- (c) appropriate to present and anticipated future circumstances.

In meeting this purpose, Council exercises powers and fulfils responsibilities conferred on it by legislation outlined in Appendix A. The most prominent being:

- Local Government Act 2002 and 1974
- Local Government (Rating Act) 2002
- Resource Management Act 1991
- Local Government Official Information and Meetings Act 1987
- Building Act 2004
- Local Electoral Act 2001

3. Bylaws

There are also a number of Council bylaws, the details of which are set out below;

Name of Bylaw	Adopted	Review Status	Purpose
Control of Dogs Bylaw	2006	Current	To regulate the control and management of dogs
Fire Prevention (Involving Vegetation)	1999	Under review	To regulate the lighting of fires
Signs	2011	Current	To provide guidelines for permitted use of signs

Speed Limits	2008	Current	To allow Council to set speed limits in certain areas.
Waste Water Drainage Bylaw	2008	Current	To regulate waste water drainage to Council system
Water Supply	2008	Current	To protect the water supply and set out customers' entitlements and responsibilities
Stock Control	2011	Current	To control the management and movement of stock on roads
Control of Liquor and Liquor Ban	2006	Current	To control the consumption of liquor in public places

4. Representation Arrangements

4.1 Electoral System

Council currently operates its elections under the first past the post election at large electoral system. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes are declared the winner regardless of the proportion of votes that candidate(s) obtained.

The alternative option is the single transferable vote (STV) system. This system is used in the District Health Board elections. Electors rank 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 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 exclusion of the lowest polling candidate and the transfer of these votes in accordance with voter's second preference.

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. Once changed an electoral system must be used for at least the next two triennial general elections.

4.2 Representation Arrangements

Council is required to review its representation arrangements at least once every six years. This review must include the following;

- the number of elected members (between 6 and 30 including the Mayor)
- whether the elected members (other than the Mayor) shall be elected by the entire district, or whether the district will be divided into wards for electoral purposes, or whether there will be a mix of 'at large' and 'ward' representation
- if election by wards is preferred, then the boundaries and names of those wards and the number of members that will represent each ward
- whether or not to have separate wards for electors on the Maori roll
- whether to have community boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

Council must follow the procedures set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. Through the process you can make a written submission to Council and you have the right to be heard if you wish. If you make a submission you also have the 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 the matters that Council must consider in reviewing its membership and basis of election can be found in the Local Electoral Act 2001.

Council last conducted a review and decided on the current arrangements in 2011. It is not legally required to review representation again until 2017.

4.3 Current Arrangements

The Kaikoura District currently has seven Councillors plus the Mayor. The Mayor and Councillors are elected at large throughout the district.

4.4 Maori Wards and Constituencies

The Local Electoral Act 2001 also gives Council the ability to establish separate wards for Maori electors. Council may resolve to create separate 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 signed by 5% of electors within the district.

Council last had the opportunity to consider whether or not to have separate Maori wards in 2011. Council is next required to review Maori representation in 2018.

4.5 The Reorganisation Process

The Local Government Act 2002 sets out procedures which must be followed during proposals to:

- makes changes to the boundaries of the district
- create a new district or dissolve a current district
- create a unitary authority i.e. transfer all the functions of the Canterbury Regional Council to the Kaikoura District Council
- transfer a particular function or functions to another council.

The procedures for resolving each type of proposal are slightly different. In general a reorganisation application is made to the Local Government Commission and can be made by any person, body or group including, but not limited to, one or more affected local authorities or the Minister of Local Government. The Local Government Act 2002 details in Schedule 3 the requirements and process for a reorganisation proposal. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

5. Roles and Conduct

5.1 Elected Members (Council as a Whole)

The elected members, acting as the council, are responsible for;

- the development and approval of Council policy
- the development and adoption of the Long Term Plan

- determining the expenditure and funding requirements of the Council through the Annual Plan process, the long term financial strategy and the tri — annual funding policy
- monitoring the performance of the Council against its stated objectives and policies
- for employing, overseeing and monitoring the Chief Executive Officer.

Following 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 interest of the district.

5.2 The Mayor

The Mayor is one of the elected members, and shares the same collective responsibilities. The Mayor is elected by the District at large and has the following roles;

- being the presiding Member at meetings of the Council. The Mayor is responsible under Standing Orders for the orderly conduct of Council business at the meetings
- to lead the development of the Council's plans including the long-term plan and the annual plan, policies and budgets for consideration by the members of the territorial authority
- to appoint the deputy mayor
- to establish committees of the territorial authority
- to appoint the chairperson of each committee established
- being the chief 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 Council
- Justice of the Peace while holding office as Mayor.

5.3 Deputy Mayor

In addition to the responsibilities of councillor, the deputy Mayor is authorised to chair meetings of the Council in the Mayor's absence, and generally to perform the functions and duties of the Mayor;

- With the Mayor's consent at any time during the Mayor's temporary absence, or
- Without the Mayor's consent at any time while the Mayor is prevented by illness or other cause from performing the functions and duties or exercising the powers of office or while there is any vacancy in the office of Mayor.

5.4 Standing Committee Chairs

The Council charges the Chair of a Standing Committee with;

- overseeing the business of that Committee consistent with the powers delegated to it
- being responsible for ensuring the orderly conduct of their committees in carrying out their business.

5.5 Legislation Regarding Conduct of Elected Members

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.

5.6 Code of Conduct

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% 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 the 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 Kaikoura District Council Code of Conduct can be obtained from the Council office or viewed at www.kaikoura.govt.nz.

6. Governance Structure, Membership and Delegations

6.1 Governance Structure

The Council reviews its committee structure after each triennial election. At the last review the Council established three standing committees;

- Works and Services
- Environmental Services
- Finance and Policy

The Mayor and all Councillors are members of each standing committee. Council and committee meetings take place on the third Wednesday of every month.

Council also has a number of additional committees established for other purposes. These include;

- Hearings and Applications Committee
- Planning Committee
- CEO Performance Review Committee
- District Licensing Committee
- Airport Committee
- Development Contributions Review Committee

6.2 Conduct of Meetings

The legal requirement for Council meetings is set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some item 'in committee'. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council. The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded (these circumstances generally relate to protection of personal privacy, professionally privileged 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 Mayor or committee 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.

During meetings the Mayor and Councillors must follow standing orders (a set of procedures for conducting meetings). Council may suspend standing orders by a vote of 75% of the members present. For more information on Standing Orders contact the Executive Officer.

7. Consultation

The legislation under which Council works places a very strong emphasis on being aware of, and considering, community views and preferences during its decision-making processes.

Council provides a number of opportunities for the public to participate in its decision-making processes. One of the most important is through the Long term Plan consultation process when Council seeks feedback on priorities, services, income and expenditure and funding tools. Other formal opportunities include the Annual Plan, District Plan Changes and bylaw reviews.

The significance of the matter will also guide Council's decisions concerning the extent and nature of consultation to be undertaken with persons likely to be affected by, or interested in, the decision on the matter.

7.1 Special Consultative Procedure

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 special consultative procedure consists of the following steps:

1. Preparation of a statement of proposal and a summary
2. Make the proposal available to the public
3. Publicly notifying the proposal and the consultation being carried out on it
4. Invite submissions for at least one month
5. Hear submitters who request to be heard at a meeting of Council
6. Councillors deliberate at a Council meeting on the submissions received
7. Provide a copy of the Council's decision as a result of the submission process and its reasons to those who submitted.

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

- Adopts the Long Term Plan (LTP) or Annual Plan
- Amends an LTP

- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery of service for a significant activity.

7.2 Consultation and Liaison with Maori

Council recognises its obligation under the Local Government Act 2002 to establish and maintain processes to provide opportunities to Maori and to contribute to its decision making process and make information available to Maori for this purpose.

The Council has Runanga representatives on all of its Committees other than the three standing Committees which are made up of elected members only.

8. Management Structure and Relationships

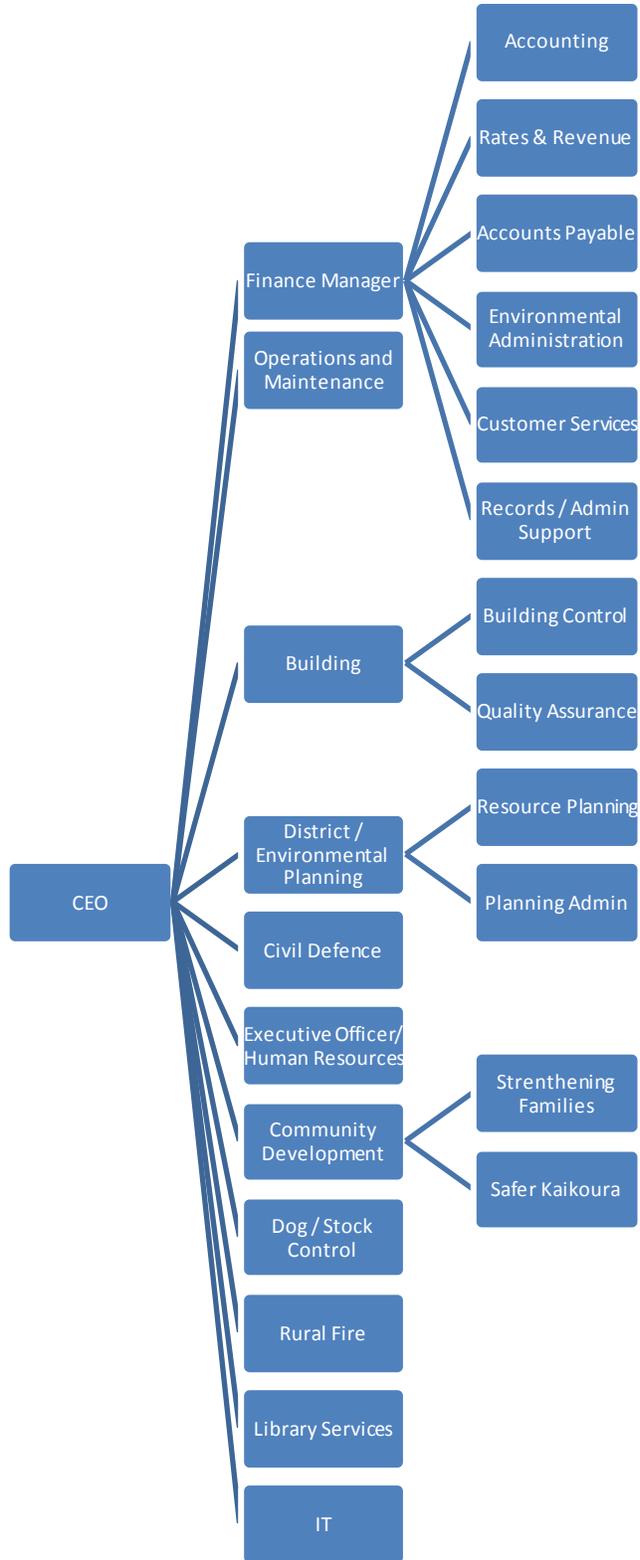
The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibility is to employ other staff on behalf of the Council, to implement Council decisions and to provide advice to the Council. Under the Local Government Act, the Chief Executive is the only person who may lawfully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

8.1 Chief Executive

The Chief Executive Officer is Mr Stuart Grant. He can be reached on 03 319 5026 or by emailing stuart.grant@kaikoura.govt.nz.

8.2 Management Structure

The Kaikoura District Council has a very flat management structure with most staff reporting directly to the Chief Executive Officer. A basic overview is shown on the next page.



9. Equal Employment Opportunities Policy

Council is firmly committed to the principles and practices of Equal Employment Opportunities in employment and believes that all employment related decisions should be made on merit.

People will not be disadvantaged because of:

- Gender
- Sexual orientation
- Marital status
- Religious belief
- Race
- Ethnic or national origins

Council endeavours to create and maintain a safe and supportive working environment for its employees and customers.

The Council's Equal Employment Opportunities Policy is included in the Long Term Plan.

10. Significant Documents

A copy of the following documents can be obtained from the Council Office or on Council's website www.kaikoura.govt.nz. The documents can also be viewed at the Kaikoura District Library.

10.1 Annual Plan and Report

The Local Government Act 2002 requires that Council prepares and adopts an Annual Plan and Annual Report each financial year. The special consultative procedure is used for adopting the Annual Plan. The Annual Report is adopted by Council resolution.

10.2 District Plan

The Resource Management Act requires local authorities to prepare a District Plan. The District Plan is the Council's primary planning document for managing the effects of land use development in the district in a sustainable way. The current District Plan became operative on 23 June 2008. The Plan is due to be reviewed in 2018. A copy of the Plan is available from the Council Office.

10.3 Elected Members Code of Conduct

Schedule 7 of the Local Government Act 2002 requires Council to adopt a code of conduct for elected members. The current Code of Conduct was adopted on 18 December 2013. A copy of the document is available from the Council Office.

10.4 Long Term Plan

The Local Government Act 2002 requires Council to adopt a Long Term Plan (LTP) which is a document which sets the direction of Council for the next 10 years. It is reviewed every three years using the Special Consultative Procedure.

10.5 Funding and Finance Policies

Section 102 of the Local Government Act 2002 requires that Council adopts funding and financial policies. Council's Revenue and Financing Policy is contained in the Long Term Plan along with its Liability Management Policy, Investment Policy, Rating Policies and Development Contributions Policy.

11. Accessing Information and Contacting Council

11.1 Contact Details for Kaikoura District Council

Location: 34 Esplanade, Kaikoura
Hours: Monday – Friday 8.00am – 4.00pm
Postal Address: P O Box 6, Kaikoura 7340
Phone: 03 319 5026
Email: kdc@kaikoura.govt.nz
Fax: 03 319 5308
Website: www.kaikoura.govt.nz

11.2 Contact details for Elected Members

Mayor Winston Gray	0274 345 037
Deputy Mayor John Diver	0274 359 143
Councillor Tony Blunt	0274 398 269
Councillor Geoffrey Harmon	021 369 498
Councillor Julie Howden	0275 432 559
Councillor Craig Mackle	0274 390 399
Councillor Derrick Millton	027 226 5002
Councillor Darlene Morgan	0226 144 125

11.3 Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from 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 the request is made 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 local of waahi tapu;
- prejudice public health or safety;
- compromise legal professional privilege;
- disadvantage the local authority while carrying out negotiations or commercial activities; or
- allow information to be used for improper gain or advantage.

Council must answer requests within 20 working days (although there are certain circumstances where this timeframe may be extended) and it may also charge for the information provided.

In the first instance you should address requests for official information to the Executive Officer (03 319 5026 or email kdc@kaikoura.govt.nz).

Appendix A: Legislation that confers obligations or responsibility on the Kaikoura District Council

- Airport Authorities Act 1966
- Animals Act 1967
- Animals Law Reform Act 1989
- Arts Council of New Zealand Toi Aotearoa Act 1994
- Auctioneers Act 1928
- Biosecurity Act 1993
- Building Act 1991
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910
- Citizens Act 1977
- Civil Aviation Act 1990
- Civil Defence Emergency Management Act 2002
- Civil List Act 1979
- Commerce Act 1986
- Companies Act 1993
- Conservation Act 1987
- Consumer Guarantees Act 1993
- Copyright Act 1994
- Counties Insurance Empowering Act 1941
- Crimes Act 1961
- Dangerous Goods Act 1974
- Decimal Currency Act 1964
- Disabled Persons Community Welfare Act 1975
- District Courts Act 1947
- Dog Control Act 1996
- Earthquake Commissions Act 1993
- Electricity Act 1992
- Employment Relations Act 2000
- Energy Companies Act 1992
- Engineering Associations Act 1961
- Fencing Act 1978
- Fencing and Swimming Pools Act 1987
- Fire Services Act 1975
- Food Act 1981
- Foreshore and Seabed Endowment Revesting Act 1991
- Forest and Rural Fires Act 1977
- Gambling Act 2003
- Good and Services Tax Act 1985
- Harbours Act 1950
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Health and Safety in Employment Act 1992
- Higher Salaries Commission Act 1977
- Historic Places Act 1993
- Holidays Act 2003
- Housing Act 1955
- Housing Corporation Act 1974
- Human Rights Act 1993
- Impounding Act 1955
- Income Tax Act 1994
- Injury Prevention, Rehabilitation and Compensation Act 2001
- Insolvency Act 1967
- Interpretation Act 1999
- Land Act 1948
- Land Drainage Act 1908
- Land Transfer Act 1952
- Land Transport Act 1998
- Libraries and Mechanics' Institute Act 1908
- Litter Act 1979
- Local Authorities (Members' Interest) Act 2003
- Local Electoral Act 2001
- Local Government (Rating) Act 2002
- Local Government Act 2002
- Local Government Official Information and Meetings Act 1987
- Machinery Act 1950
- Marine Farming Act 1971
- Marine Reserves Act 1971
- Meat Act 1981
- Minimum Wage Act 1983
- Municipal Insurance Act 1960
- National Provident Fund Restructuring Act 1990
- New Zealand Bill of Rights Act 1990

- New Zealand Geographical Boards Act 1946
- New Zealand Library Association Act 1939
- New Zealand Walkways Act 1990
- New Zealand Public Health and Disability Act 2000
- Noxious Plants Act 1978
- Oaths and Declarations Act 1957
- Ombudsmen Act 1975
- Parental Leave and Employment Act 1987
- Pawnbrokers Act 1908
- Plumbers and Gasfitters and Drainlayers Act 1976
- Privacy Act 1993
- Property Law Act 1952
- Prostitution Reform Act 2003
- Public Bodies Contracts Act 1959
- Public Bodies Leases act 1969
- Public Finances Act 1989
- Public Trust Act 2001
- Public Works Act 1981
- Queen Elizabeth the Section National Trust Act 1977
- Railway Safety and Corridor Management Act 1992
- Rating Valuations Act 1998
- Rates Rebate Act 1973
- Reserves act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978
- Securities Transfer Act 1991
- Smoke-free Environment Act 1990
- Soil Conservation and Rivers Control Act 1941
- Sovereign's Birthday Observance Act 1952
- Stamp and Cheque Duties Act 1971
- Standards Act 1988
- Statutes Amendment Acts 1936-1951
- Statutory Land Charges Registration Act 1928
- Summary Offences Act 1981
- Survey Act 1986
- Swimming Pools Act 1987
- Te Ture Whenua Maori Act 1993
- Telecommunications Act 1987
- Transit New Zealand Act 1989
- Transport Act 1962
- Treaty of Waitangi Act 1975
- Trespass Act 1980
- Trustee Act 1956
- Unit Titles Act 1972
- Wild Animal Control Act 1977
- Wildlife Act 1953