

A Quick Guide to how Council Works Hurunui District Council



Local Governance Statement





LOCAL GOVERNANCE STATEMENT

An explanation of the Hurunui District Council's processes

November 2010



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INTRODUCTION

This Governance Statement is prepared in accordance with Section 4.0 of the Local Government Act 2002. The purpose is to give the reader information on the responsibilities, structure and governance processes of the Hurunui District Council. The term ‘governance’ broadly speaking means the way in which rules and policies are administered.

The Council’s ten year plan (the Hurunui Long Term Community Plan 2009 – 2019) and website (www.hurunui.govt.nz) also provide information about Council policies, plans for the future and how money is spent.

The Governance Statement will be updated within six months after each local election of members of the local authority (Council) and whenever the Council considers it appropriate.

HOW TO CONTACT US

Initial Contact

Members of the public are welcome to contact Council staff if they have any enquiries or want to give the Council information. Any member of the Council’s staff can be contacted by phoning 314-8816 if in the Amberley free calling area. Amuri and Hanmer Springs residents can call toll free on 315-8400, and Cheviot residents can call toll free on 319-8812. Council staff may be emailed either through the website (www.hurunui.govt.nz) or directly to the staff member. Staff member email addresses follow this format: *firstname.surname@hurunui.govt.nz*

Elected Members Details

Contact phone numbers for Elected Members (the Mayor and Councillors) are listed in Section 4 of this document.

Council Service Centres

Amberley
District Office
66 Carters Road
Ph 314-8816
Fax 314-9181

Amuri
(Library/Service Centre)
School Road
Culverden
Ph / Fax 315-8946

Cheviot
39 Hall Street
Ph 319-8862
Fax 319-8861

Hanmer Springs
(Library/Service Centre)
cnr Cheltenham & Amuri Ave
Ph / Fax 315-7912

The Hurunui District Council offers numerous opportunities for the community to participate in the decision-making process throughout the year. The Council will inform residents when key plans and policies are being developed or resolved and will invite community input or feedback.

1 FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

The purpose of the Hurunui District Council is to enable democratic local decision-making to promote the social, economic, environmental and cultural well-being of the Hurunui district in the present and for the future.

In meeting its purpose, the Hurunui District Council has a variety of roles, including but not limited to:

- Facilitating solutions to local needs
- Advocacy on behalf of the local community with central government, other local authorities and other agencies
- Formulating the District’s strategic direction in partnership with the community through the Hurunui Community Plan, and reporting on progress made in achieving identified community outcomes
- Deciding the services and activities that are to be undertaken by the Council



- ❑ Ensuring local communities are encouraged to be part of the decision making processes of local government
- ❑ Development of local resources
- ❑ Management of local infrastructure including network infrastructure (such as roads, sewage disposal, water, storm water, flood and river control works) and community infrastructure (libraries, parks and recreational facilities)
- ❑ Environmental management through the Hurunui District Plan
- ❑ Administering various regulations and upholding the law, including formulating and enforcing bylaws
- ❑ Ensuring effective succession of Elected Members

2 LEGISLATION

There are a number of Acts of Parliament which apply to the Council or which are administered by the Council. The Hurunui District Council is not bound by any local legislation or Acts that apply specifically to it.

3 THE ELECTORAL SYSTEM AND THE OPPORTUNITY TO CHANGE IT

The Hurunui District Council currently operates its elections under the ‘first past the post’ electoral system (FPP). This form of voting is used in parliamentary elections to elect Members of Parliament to constituency seats. Electors (voters) vote by indicating their preferred candidates, and the candidates that receive the most votes are declared the winners regardless of the proportion of votes those candidates obtained.

The other option permitted under the Local Electoral Act 2001 is the ‘single transferable vote’ electoral system (STV). This system is used in District Health Board elections. 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 five percent 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.

The Council’s last review of electoral systems was prior to the October 2010 triennial election. No change was made to the electoral system for the 2010 elections. Accordingly, either the Council could resolve to change the system for the 2016 elections or to conduct a poll, or electors could demand a poll.

4 REPRESENTATION ARRANGEMENTS

The Hurunui District is divided into five wards; Amberley, Amuri-Hurunui, Cheviot, Glenmark, and Hanmer Springs. Councillors are elected from within the wards and there are no Councillors elected from the district at large (the term ‘at large’ means the entire district). The Mayor is elected from the district at large. The current Mayor is Winton Dalley.

A map showing the ward boundaries can be viewed at the Hurunui District Council offices or on the Council website at www.hurunui.govt.nz

The following table shows Councillor information and the population of each ward:



Ward	Number of Councillors	Estimated Population from 2006 Census	Councillors	
Amberley Ward	3	3699	Judith McKendry Ross Little Gary Cooper	ph 314-8308 ph 314-5841 ph 314-9229
Amuri – Hurunui Ward Ward	2	3354	Marie Black Jim Harré Dick Davison	ph 314-4142 ph 315-6162 ph 315 8015
Cheviot Ward	1	1311	Vincent Daly	ph 319-8773
Glenmark Ward	1	1143	Russell Black	ph 314-5888
Hanmer Springs Ward	1	930	Michael Malthus	ph 315-7757
Mayor		10437	Winton Dalley	ph 314-8816

* Source: Statistics NZ

4.1. Council Committees and Boards

The Hurunui District Council has many committees and uses its extensive committee structure to administer its many functions. This structure is aimed to encourage participation by the wider community and enable significant involvement of the local community-elected representatives. The Council decides on its committee structure at the beginning of each triennial period. Membership of the committees varies depending on the level of delegations and purpose of each committee and board and is also decided on every three years.

The 4 Community Ward Committees and the Hanmer Springs Community Board represent the interests of their local communities. The only Ward in the Hurunui District that does not have a Council subcommittee or Community Board is the Glenmark Ward. The Community Ward Committees' responsibilities include:

- Recreation Reserves (where no reserve committee exists)
- Ward Beautification
- Sewerage and Drainage
- Water (where no water committee exists)
- Footpaths
- Street Lighting
- Township Maintenance
- Public Halls

The Hanmer Springs Community Board's responsibilities include:

- Keeping an overview of the operation of the Hanmer Springs Township water scheme for the benefit of the users of the scheme
- Representing local concerns and recommending priorities for services and development within the water supply scheme
- Recommending the level for fees and charges for the specific water supply scheme
- Ward Beautification
- Footpaths



- Street Lighting
- Township Maintenance
- Sewerage and Drainage
- Hanmer Springs Reserve, Jacks Pass Road, and other reserves where no reserve committee exists within the ward.

Electors can demand the formation of a new Community Board. This is done by a process similar to the reorganisation process described in Section 5 of this Governance Statement.

Please refer to Appendix 1 for the Committee Structure Flowchart

4.2. Māori Wards

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for Māori electors. The Council may resolve to create separate Māori wards or to conduct a poll on the matter, or the community may demand a poll. A petition of five percent (or more) of electors can require the Council to conduct a poll. The Hurunui District Council currently does not have separate Māori wards.

4.3. Review of Representation Arrangements

The Council is required to review its representation arrangements at least once every six years. ‘Representative arrangements’ means the way in which the district is divided or where its boundaries are, and the make-up of elected members. The Council will undertake its next representation review prior to the 2013 triennial election.

This review must consider:

- The number of elected members (a minimum of six and a maximum of thirty including the Mayor)
- Whether the elected members (other than the Mayor) shall be elected by the entire district, or continue to be elected by their Ward (or a mix of both systems)
- The boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred)
- Whether or not to have separate Māori wards
- Whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes

The Council will follow the procedure set out in the Local Electoral Act 2001 when conducting this review and will also follow guidelines published by the Local Government Commission. The Act gives the public the right to make a written submission to the Council, and the right to be heard.

Electors also have the right to appeal any decisions to the Local Government Commission, which will make a binding decision on the appeal.

5 THE REPRESENTATION REORGANISATION PROCESS

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

- Make changes to the boundaries of the district
- Create a new district
- Create a unitary authority, i.e. transfer all of the functions of the Canterbury Regional Council to the Hurunui District Council
- Transfer a particular function or functions to another Council



The procedures for resolving each type of proposal are slightly different. In general, they start with a proposal from the local authority, the Minister of Local Government, or with a petition signed by 10 percent of electors.

Proposals for a boundary alteration or for the transfer of functions from one local authority to another will be considered by one of the affected local authorities or by the Local Government Commission if the local authorities refer the proposal to the Commission. The Commission will deal with proposals for the establishment of a new district. Any proposal cannot be implemented without a poll of electors.

Further information on these requirements can be found in the Local Government Act. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

6 ROLES AND CONDUCT

6.1 Mayor and Councillors

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

- Setting the policy direction of the Council
- Monitoring the performance of the Council
- Representing the interests of the district (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the district)
- Employing the Chief Executive (under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf)

6.2 Mayor

The Mayor is elected by the district as a whole and, as one of the elected members, shares the same responsibilities as other members of Council. In addition the Mayor has the following roles:

- Presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings as determined in Standing Orders. (Standing Orders are a set of procedures for conducting meetings.)
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy is 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 chairing committees.

6.3 Deputy Mayor

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

6.4 Council Committees

The Council may create one or more committees of Council. (See section 7 for the Hurunui District Council's 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 the Council.

6.5 Chief Executive

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, are properly performed or exercised and are in accordance with the law
- ❑ 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)

6.6 Conduct of Elected Members

Elected members have specific obligations as to their conduct under 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

6.7 Code of Conduct

All elected members are required to adhere to a Code of Conduct, which is a requirement of the Local Government Act 2002. The Code of Conduct sets out Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to the media and to the general public 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 Council may impose if an individual member breaches the Code. The Code of Conduct helps build trust and ensures that Council processes are accountable, transparent and open to the community. This code is available on request.

7 GOVERNANCE, MEMBERSHIP AND DELEGATIONS

The Council reviews its committee structures after each triennial election. Although the Council can establish or disestablish its committees at anytime, the Council sometimes makes changes to its structure at the beginning of the new triennial period. In October 2010, the Council also redesigned its committee structure in order to gain better efficiencies and focus on particular areas. The Council established three new committees: the Strategy and Policy Committee, the Regulatory Committee, and the Audit and Risk Committee. Please refer to the Council's Committee Structure shown in Appendix 1 for a full list of the committees.

Council meetings are held each month on the last Thursday of the month. A schedule of meeting dates can be found on the Council website. Further details on these committees, including their terms of reference, membership and meeting arrangements can be obtained from the above contacts or from the Council website. Council may, from time to time, establish ad hoc committees to consider particular issues.



8 **COUNCIL AND COMMITTEE MEETING PROCESSES**

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).

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 the Council. The LGOIMA contains a list of the circumstances where Councils may consider items without the public present. (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 chair 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 the Council who does not comply with Standing Orders (a set of procedures for conducting meetings).

Minutes of meetings must be kept and made publicly available, subject to the provisions of the LGOIMA.

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

During meetings of the Council, Committees or Community Boards, all Council participants (the Mayor or chair, Councillors or members) must follow Standing Orders unless they are suspended by a vote of 75 per cent (or more) of the members present. A copy of Standing Orders can be obtained on request.

9 **CONSULTATION POLICY**

9.1 **The Special Consultative Procedure**

The Local Government Act sets out the Special Consultative Procedure with the consultation principles and procedure that local authorities must follow when making certain decisions.

When adopting the Hurunui Community Plan, Annual Plan or District Plan, the Council will consult with community groups and other interested parties to seek their views on the matters it considers important and to identify issues it believes are of concern to the community.

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 for 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 being reasonably practicable. The statement must be included on an agenda for a Council meeting.
- ❑ **Step Two:** *Public notice.*
The Council must publish a notice of the proposal and of the consultation being undertaken in one or more daily newspapers, or in other newspapers of equivalent circulation. .
- ❑ **Step Three:** *Receive submissions.*
The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. At least one month (from the date of the notice) must be allowed 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 a 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. There is no prescribed format for such a summary.



The Council must follow the Special Consultative Procedure before it:

- Adopts its Hurunui Community Plan (LTCCP) or Annual Plan or District Plan
- Amends the Hurunui Community Plan
- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery for a significant activity that is not provided for in the Hurunui Community Plan. (For example, changes from Council delivery to a private sector organisation.)

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 MANAGEMENT STRUCTURES AND RELATIONSHIPS

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, rather than the Mayor or Councillors.

Please refer to Appendix 2 for a diagram of Council's management structure

11 KEY APPROVED PLANNING AND POLICY DOCUMENTS

11.1 Hurunui District Plan

The District Plan was made operative in October 2003. The District Plan is the Council's principal planning document, setting out the methods and processes Council will use to manage the district's natural and built environment. This Plan will be reviewed and updated by the Council over the next two years and will be completed in 2013.

The District Plan outlines which activities that may have an effect on the environmental well-being of the district, are permitted and which are controlled. Controlled activities may either require resource consent or in some cases may be prohibited.

Both the District Plan and the District Plan Maps are available on the Council's website (www.hurunui.govt.nz).

11.2 Hurunui Community Plan

Under the Local Government Act 2002, the Council is required to develop a Long Term Plan (LTP) in consultation with the community. The Hurunui District Council's current LTP is called the Hurunui Long Term Community Plan (HLTCP) and has been operational since 1 July 2009. It covers ten years and will be reviewed and updated every three years. It also contains the Annual Plan for the next year, and in the following two years, the Council will publish an Annual Plan. Each Annual Plan will describe the work programme to deliver that year's 'slice' of the HLTCP.

The HLTCP considers the social, environmental, economic and cultural wellbeing of current and future communities. The plan is developed with community input and builds on what has been done already.

The net effect of the Long Term Plan requirement is that the Council and the community are working together to build a better community.

11.3 Community Outcomes

Community outcomes outline the aspirations of the community and are owned by the community. They are developed in partnership with the community through consultation with community groups and the community at large.



The purposes of the identification of community outcomes are to:

- Provide opportunities for communities to discuss their desired outcomes in terms of the present and future social, economic, environmental, and cultural well-being of the community
- Allow communities to discuss the relative importance and priorities of identified outcomes to the present and future social, economic, environmental, and cultural well-being of the community
- Provide scope to measure progress towards the achievement of community outcomes
- Promote better co-ordination and application of community resources
- Inform and guide the setting of priorities in relation to the activities of the local authority and other organisations

11.4 Significance Policy

The Council is required to define what a 'significant' decision is. Identifying if a decision is significant will guide the Council as to the appropriate provision of consultation and information. This policy is included in the Council's HLTCP, and is on the Council's website.

11.5 Development/Financial Contributions Policy

The Local Government Act 2002 allows Councils to consider the use of development contributions for costs of community facilities expected as the district grows. The Council has adopted a Financial Contributions Policy through the District Plan and a Development Contributions Policy through the Hurunui Community Plan. Both policies are available in the HLTCP and on the Council's website.

12 REQUESTS FOR OFFICIAL INFORMATION

12.1 Local Government Official Information and Meetings Act 1987

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

Once a request is made the Council must supply the information unless reasons exist for withholding it. The 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

The Council must answer requests within twenty 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.

12.2 Personal Information Requests

Where possible, requests should include specific details as to the desired information. Personal information can only be requested by the person concerned or by a properly authorised agent of the person concerned.

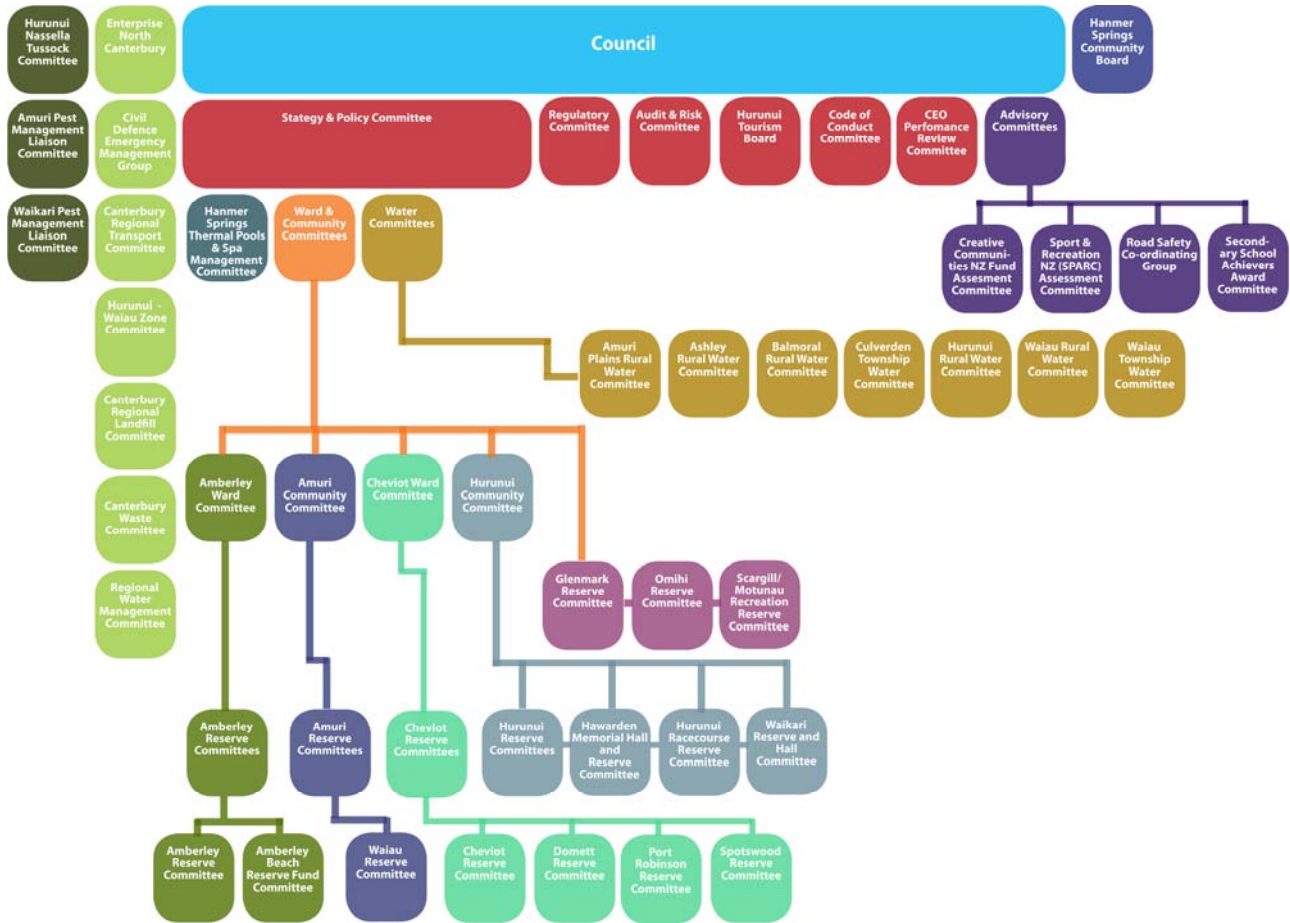


12.3 Information Classified As Confidential

Information which has previously been treated as confidential or has been handled by the Council or its predecessors 'in committee' can only be released by the Chief Executive following a written application, subject to it not being contrary to the public interest to release such information.



Appendix 1 **Committee Structure Flowchart**





Appendix 2 Diagram of Council's Management Structure

