



COUNCIL MEETING

Commencing at 3pm

on

Tuesday 4 April 2017

**Council Chamber
District Council Building
King George Place
Timaru**

TIMARU DISTRICT COUNCIL

Notice is hereby given that a meeting of the Timaru District Council will be held in the Council Chamber, District Council Building, King George Place, Timaru on Tuesday 4 April 2017, at 3pm.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

Councillors are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Bede Carran
CHIEF EXECUTIVE

TIMARU DISTRICT COUNCIL MEETING

4 APRIL 2017

AGENDA

Item	Page	
1		Opening Prayer – Gordon Rosewall, Life Church
2		Apologies
3	1	Environment Canterbury Winter Air Plan Briefing
4		Public Forum
5		Identification of Urgent Business
6		Identification of Matters of a Minor Nature
7		Declaration of Conflicts of Interest
8	2	Confirmation of Minutes – Council Meeting – 21 February 2017
9	8	Confirmation of Minutes – Council Budget Meeting – 14 March 2017
10	12	Schedule of Functions Attended by the Mayor and Deputy Mayor and Councillors
11	15	Schedule of Functions Attended by the Chief Executive
12	17	Affixing of the Common Seal
13	18	2017/18 Annual Plan – Next Steps
14	21	Code of Conduct of Elected Members Policy
15	38	Canterbury Economic Development Company Limited – Winding Up
16	44	Temporary Closure of Talbot Street, Geraldine for the Anzac Day Parade on 25 April 2017
17	46	Safer Communities Committee – Appointment of CCS Disability Action Representative
18	47	Receipt of Community Board and Committee Minutes
19		Consideration of Urgent Business Items
20		Consideration of Minor Nature Matters
21		Public Forum Items Requiring Consideration

22	48	Exclusion of the Public
1	49	Confirmation of Minutes – Council Meeting – 21 February 2017
2	52	Receipt of Community Board and Committee Minutes
3	53	Readmittance of the Public

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 3

ECan Winter Air Plan Briefing

ECan Air Portfolio Councillors Peter Scott and Steve Lowndes and Strategy Advisor Monique Eade will be in attendance at 3pm to brief Councillors on the Environment Canterbury Winter Air Plan.

Recommendation

For information.

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017**

Report for Agenda Item No 8

**Prepared by Bede Carran
 Chief Executive**

Confirmation of Minutes –Council Meeting 21 February 2017

Minutes of the February Council meeting.

Recommendation

That the minutes of the Council meeting held on 21 February 2017, excluding the public excluded items, be confirmed as a true and correct record.

TIMARU DISTRICT COUNCIL

MINUTES OF A MEETING OF THE TIMARU DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, KING GEORGE PLACE, TIMARU ON TUESDAY 21 FEBRUARY 2017 AT 3PM

PRESENT Mayor Damon Odey, Cllrs Peter Burt, Dave Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Sally Parker, Kerry Stevens, Tracy Tierney and Steve Wills

APOLOGY Raewyn Hessel – Pleasant Point Community Board

IN ATTENDANCE Lloyd McMillan – Temuka Community Board (for public part of meeting)
Gavin Oliver – Geraldine Community Board (for public part of meeting)

Chief Executive (Bede Carran), Group Manager Infrastructure (Ashley Harper), Group Manager Environmental Services (Chris English), Group Manager Corporate Services (Tina Rogers), Group Manager Community Services (Sharon Taylor), Corporate Planning Manager (Mark Low)(for public part of meeting), Communications Manager (Stephen Doran)(for public part of meeting), Council Secretary (Joanne Brownie)

OPENING PRAYER Mark Pavelka of the Gleniti Baptist Church, offered a prayer for the work of the Council.

1 WELCOME TO COMMUNITY BOARD MEMBERS

The Mayor welcomed the Community Board representatives and reminded the meeting that while Community Board members cannot vote, they are welcome to ask questions or comment on matters that are being discussed.

2 CONFIRMATION OF MINUTES

Proposed Cllr Burt
Seconded Cllr Jack

"That the minutes of the Council meeting held on 13 December 2016, excluding the public excluded items, be confirmed as a true and correct record."

MOTION CARRIED

3 SCHEDULE OF FUNCTIONS ATTENDED BY THE MAYOR, DEPUTY MAYOR AND COUNCILLORS

Proposed Cllr Jack
Seconded Cllr Stevens

"That the schedule of functions attended by the Mayor, Deputy Mayor and Councillors be received and noted."

MOTION CARRIED

4 SCHEDULE OF FUNCTIONS ATTENDED BY THE CHIEF EXECUTIVE

Proposed Clr Wills
Seconded Clr Leslie

“That the schedule of functions attended by the Chief Executive be received and noted.”

MOTION CARRIED

5 AFFIXING OF THE COMMON SEAL

Proposed Clr Stevens
Seconded Clr O'Reilly

“That the affixing of the Common Seal to the following documents be noted:

Date Document

13 December 2016 Warrant of Appointment – Enforcement Officer and Bylaws Officer - Asset Management Analyst – Kurt Hayward

13 December 2016 Warrant of Appointment Environmental Health Support Officer, Resource Management Act Enforcement Officer and Licensing Inspector – Leia Manewell.”

MOTION CARRIED

6 CANTERBURY LOCAL AUTHORITIES TRIENNIAL AGREEMENT 2017-2019

The Council considered a report by the Chief Executive on the Canterbury Local Authorities Triennial Agreement.

Proposed Clr Tierney
Seconded Clr Lyon

- a “That Council approves the Canterbury Local Authorities Triennial Agreement 2017–19.
- b That the Mayor sign the Canterbury Local Authorities Triennial Agreement 2017-19 on behalf of the Council.”

MOTION CARRIED

7 HEALTH AND SAFETY UPDATE

The Council considered an update from the Human Resources Manager on Health and Safety activity to January 2017.

Proposed Clr Stevens
Seconded Clr Wills

“That the report be received and noted.”

MOTION CARRIED

8 2016/17 ANNUAL PLAN PROGRESS REPORT FOR SIX MONTHS ENDED 31 DECEMBER 2016

The Council considered a report by the Finance Manager, Corporate Planning Manager and Corporate Planner presenting the financial results, and progress towards achieving the key performance measures and work programme for the period ended 31 December 2016.

The Council asked questions and made comments on various items in the report:

- As at December 2016 there was a substantial amount of uncompleted capital projects. A background document was requested providing information on what the issues are with the larger projects and why there are delays in completing them.
- Appreciation for achieving a government grant for the new toilet block in Geraldine.
- Noted the average processing date for building consents is less than the statutory timeframe.
- Concern if Council has developed a level of service that it is unable to meet in respect of monitoring of consents. Resourcing issue to address as part of 2018-28 LTP discussion.
- Food and Health Standards Limited has assured officers that the targets for food premises inspections will be met by the end of the financial year.
- New technology allowing more accurate recording of library visitor numbers was noted. (Existing traffic counter was not working)
- Parameters for APNK Wifi library sessions to be checked.
- CBD Renewals – the Chief Executive is to prepare background information on the allocation of the \$750,000 for CBD refresh/renewals, particularly relating to the rural towns.
- Washdyke Network Improvements – officers reported design work is underway. Some upgrading of Washdyke Flat Road is expected.
- Carparking Pay and Display machines – currently unfunded project is included in 2017/18 Annual Plan allowing for use of credit card/text payments.

Comment was made that the agreed level of service is being delivered and the report indicates a good outcome and bodes well for the remainder of the year – officers are to be commended accordingly.

Proposed Cllr Stevens
Seconded Cllr Parker

“That the report be received and noted.”

MOTION CARRIED

9 TENDERS COMMITTEE MEMBERSHIP

The Council considered a report by the Mayor recommending changes to the composition of the Tenders Committee.

Proposed Cllr Tierney
Seconded Cllr Wills

“That the composition of the Tenders Committee be amended as follows -

The Mayor (Chairperson)

Chairperson Policy and Development Committee
Chairperson of the appropriate Standing Committee whose work is being
tendered, or Deputy Chairperson of Policy and Development Committee if work is
in this area
Chairperson of the Environmental Services Committee
Or their respective deputies.”

MOTION CARRIED

10 RECEIPT OF COMMITTEE MINUTES

Proposed Cllr Wills
Seconded Cllr Burt

“That the minutes of the following meetings, excluding the public excluded
sections, be received:

Temuka Community Board	23 February 2017
Pleasant Point Community Board	24 February 2017
Geraldine Community Board	25 February 2017
Environmental Services Committee	7 February 2017
Community Development Committee	7 February 2017
Infrastructure Services Committee	7 February 2017
Policy and Development Committee	7 February 2017.”

MOTION CARRIED

11 EXCLUSION OF THE PUBLIC

Proposed Cllr Jack
Seconded Cllr Stevens

“That the Council resolves to exclude the public on the grounds contained in
Section 48(1) of the Local Government Official Information and Meetings Act:

Confirmation of Minutes

Property Matter – Legal Opinion

Section 7(2)(g)

The withholding of the information is necessary
to maintain legal professional privilege

Tenders Subcommittee minutes

Section 7(2)(b)(ii)

The withholding of the information is necessary
to protect information where the making
available of the information would be likely
unreasonably to prejudice the commercial
position of the person who supplied or who is
the subject of the information.

Directorship Appointments

Section 7(2)(a)

The withholding of the information is necessary
to protect the privacy of natural persons,
including that of deceased natural persons.”

MOTION CARRIED

Community Board Members in Attendance

Discussion took place on Community Board members retiring from the meeting when the public is excluded. It was agreed that the Chief Executive clarify the legal situation then Council will be in a position to clarify its practice.

12 READMITTANCE OF THE PUBLIC

Proposed the Mayor
Seconded Cllr Jack

“That the public be readmitted to the meeting.”

MOTION CARRIED

The meeting concluded at 3.50pm.

Chairperson

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 9

Prepared by Bede Carran
Chief Executive

Confirmation of Minutes –Council Budget Meeting 14 March 2017

Minutes of the February Council meeting.

Recommendation

That the minutes of the Council Budget meeting held on 14 March 2017, be confirmed as a true and correct record.

TIMARU DISTRICT COUNCIL

MINUTES OF THE BUDGET/ANNUAL PLAN MEETING OF THE TIMARU DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL BUILDING, KING GEORGE PLACE, TIMARU ON TUESDAY 14 MARCH 2017 AT 9AM

PRESENT Mayor Damon Odey, Cllrs Dave Jack, Andrea Leslie, Richard Lyon, Paddy O'Reilly, Sally Parker, Kerry Stevens, Tracy Tierney and Steve Wills

APOLOGY Cllr Peter Burt

IN ATTENDANCE Chief Executive (Bede Carran), Group Manager Infrastructure (Ashley Harper), Group Manager Environmental Services (Chris English), Group Manager Corporate Services (Tina Rogers), Group Manager Community Services (Sharon Taylor), Communications Manager (Stephen Doran), Council Secretary (Joanne Brownie)

OPENING PRAYER The Mayor offered a prayer for the work of the Council.

PROPOSED ANNUAL PLAN AND BUDGET FOR THE PERIOD 1 JULY 2017 TO 30 JUNE 2018

The Council considered the draft budget and fees and charges for the 1 July 2017 to 30 June 2018 year and the covering report by the Group Manager Corporate Services and Corporate Planning Manager.

Also considered were -

- The submission from the SC Aero Club in regard to the proposed new airport car park
- The summary of Temuka, Pleasant Point and Geraldine Community Board recommendations
- The updated infrastructure table of projects.

Councillors asked questions and sought clarification on a number of items. Arising from the general budget discussion, it was noted that social housing requirements could be considered, along with other housing providers, as part of the next Long Term Plan.

Appendix B

The Council considered the additional projects that have been proposed and require additional funding, and which were not included in the draft Budget as per Appendix B. The priorities recommended by the Community Boards for these projects were noted.

The Council agreed that all five projects in the appendix be included in the Budget –

- CBay programme room alterations
- earthquake prone buildings identification and swimming pool audits
- street tree replacement,
- accelerated LED streetlighting renewals, and
- parking machine upgrade to allow eftpos transactions.

Theatre Royal

The Council considered a report by the Group Manager Corporate Services and the Property Manager on the future upgrading required for the Theatre Royal. Councillors agreed that a project of such magnitude should be part of the Long Term Plan, rather than the Annual Plan - planning for the theatre's upgrading should be considered in conjunction with other major projects and future planning for other cultural and sporting amenities in the District. It was suggested that the orchestra pit also be included in the upgrading proposal. There was some concern at possible lengthy delays to the proposed project, as a result of it being deferred to the LTP, especially the effect of a delay on the use of the theatre until upgrades are completed.

The Council was advised that reports on what work is required and the options for the theatre upgrading, will now be prepared in the next 3-6 months and these reports will inform the consultation.

Proposed Cllr Stevens
Seconded Cllr Wills

"That the Theatre Royal proposal be considered as part of the Long Term Plan, in conjunction with other major projects and cultural/sporting amenities planning."

MOTION CARRIED

Airport Carpark Upgrading

The Council discussed the letter from the SC Aero Club, in regard to separate access to 6 dedicated carpark spaces for the club at the airport. The club is proposing that it partners with Council to undertake surfacing of the area assigned to the club, in exchange for a 3 year rent holiday and no rental being charged for the ground used for the club's carpark and lane.

While Council acknowledged the value of the aero club to the community, there was reluctance to offer the club a rent holiday. Discussion took place on whether an alternative option could be put in place to accommodate all concerned.

Proposed Cllr Stevens
Seconded Cllr Lyon

"That the Council agrees that

- Council funds a half share (\$6,000 excl GST) for aero club access and carparks and that amount be included in Appendix B (additional proposed expenditure)
- the SC Aero Club contributes a half share (ie \$6,000) of the costs
- there be no rent holiday for the club
- the lease to continue at the same rate until 2020."

MOTION CARRIED

Geraldine Community Board Recommendations (additional to Appendix B)

The Council considered the various recommendations from the Geraldine Community Board (in addition to the priorities for Appendix B items). It was agreed that the recommendations be referred to Group Managers for investigation and response.

Aoraki Development – Draft 2017/18 Statement Of Intent

The Council considered the draft Aoraki Development Statement of Intent for 2017/18.

Proposed Cllr Wills
Seconded Cllr Jack

"That the Aoraki Development Ltd Statement of Intent 2017/18 be approved."

MOTION CARRIED

Rate Increase

The Group Manager Corporate Services advised that with the updated infrastructure capital expenditure, the removal of the Theatre Royal project and the inclusion of the six projects in Appendix B, the total rate increase would be 2.6%.

Annual Plan Consultation

The Council agreed that as a result of decisions made at this meeting, there is no need for an additional consultation process as there is no significant deviation from the current Long Term Plan.

Proposed Cllr Stevens
Seconded Cllr Wills

- a "That the Council notes the proposed 2017/18 Draft Annual Plan and Budget.
- b That the Community Boards' comments be noted and the recommendations be investigated as necessary.
- c That the table of updated infrastructure projects be accepted.
- d That the projects presented in Appendix B, including the Airport Carpark upgrading, be included in the Budget.
- e That as there is no significant variation to the current Long Term Plan, Council does not undertake any additional consultation."

MOTION CARRIED

The meeting concluded at 11am.

Chairperson

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 10

Schedule of Functions Attended by the Mayor, Deputy Mayor and Councillors

Functions Attended by the Mayor

<i>1 February</i>	Met with Aoraki Migrant Centre representatives Met with Timaru Herald Editor
<i>2 February</i>	Met with Aoraki Development Chief Executive Chaired TDHL Board meeting
<i>4 February</i>	Opened Banked Track National Speed Skating Championships
<i>7 February</i>	Attended Standing Committee meetings
<i>9 February</i>	Met with SC Mountainbike Club Representatives
<i>10 February</i>	Met with ECan representative on Review of public transport services in Timaru Participated in SC Hospice Hole in One fundraiser event
<i>13 February</i>	Canterbury Mayoral Forum – Digital Enablement Strategy teleconference Met with Aoraki Development Board Chairperson Address Rotary
<i>14 February</i>	Attended Long Term Plan workshop
<i>15 February</i>	Radio interview Met with TDHL director Attended Timaru Container Terminal function
<i>17 February</i>	Met with South Pacifica Sera representatives
<i>21 February</i>	Attended Long term Plan workshop Hosted citizenship ceremony Chaired Council meeting
<i>22 February</i>	Welcomed international students to South Canterbury Met with Tennis SC representatives Attended Central Business District workshop

<i>23 February</i>	Attended Mayoral forum workshop with Canterbury Regional Economic Development Strategy reference group Attended Canterbury Mayoral forum function
<i>24 February</i>	Attended Civil Defence Emergency Management Group meeting Attended Canterbury Mayoral forum
<i>25 February</i>	Opened Geraldine Vintage Car and Machinery Anniversary Opened new classic trucks facility
<i>28 February</i>	Met with ECan Councillors
<i>1 March</i>	Chaired TDHL Board meeting Met with Timaru Herald Editor
<i>2 March</i>	Chaired Safer Communities Committee meeting
<i>6 March</i>	Hosted Southern Rail Campaign meeting Met with Aoraki Development Board members
<i>7 March</i>	Attended Health and Safety Site visits Chaired Sister Cities Subcommittee meeting
<i>8 March</i>	Met with Talbot Forest Cheese Manager Addressed Master Builders Association meeting
<i>14 March</i>	Chaired Council Budget/Annual Plan meeting
<i>16 March</i>	Attended Rural and Provincial Sector meeting Met with Office of the Auditor General representative
<i>17 March</i>	Rural and Provincial Sector meeting continuation
<i>21 March</i>	Attended Standing Committee meetings
<i>22 March</i>	Radio interview Attended Youth Initiatives Committee meeting
<i>23 March</i>	Met with Department of Corrections representatives
<i>24-26 March</i>	Attended Trustpower National Community Awards in Rotorua
<i>27 March</i>	Met with Chorus representatives Met with Arowhenua Runanga representatives Met with Aoraki Development Chief Executive
<i>29 March</i>	Attended meeting on Restorative Justice

In addition to the above duties I met with 14 members of the public on matters of concern to them.

Functions Attended by the Deputy Mayor

- 22 February* Met with Tennis SC representatives
- 6 March* Attended Orari-Temuka-Opihi-Pareora Water Zone Management Committee meeting

Functions Attended by Councillors on Behalf of the Mayor

- 11 March* Cllr Wills opened the Cancer Relay for Life event
- 25 March* Cllr Parker judged a competition for the Gleniti Baptist Church community bake-off

Recommendation

That the report be received and noted.

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 11

Schedule of Functions Attended by the Chief Executive

Functions Attended by the Chief Executive

<i>2 February</i>	Attended TDHL Board meeting
<i>3 February</i>	Attended Civil Defence Emergency Management meeting Attended Chief Executives Forum
<i>7 February</i>	Attended Standing Committees
<i>8 February</i>	Attended Equip Board meeting in Wellington
<i>9 February</i>	Attended Extraordinary Temuka Community Board meeting
<i>13 February</i>	Mid South Canterbury Roding Collaboration Met with Alpine Energy Ltd Chief Executive
<i>15 February</i>	Met with TDHL director
<i>16 February</i>	Hosted roading collaboration meeting Met with ECan representative Met with PrimePort Timaru Ltd Chief Executive
<i>17 February</i>	Met with Aoraki Development Chief Executive
<i>20 February</i>	Met with Chamber of Commerce Chief Executive Met with SC District Health Board Chief Executive
<i>21 February</i>	Attended Citizenship ceremony Attended Council meeting
<i>22 February</i>	Met with Tourism providers
<i>23 February</i>	Attended Mayoral forum workshop with Canterbury Regional Economic Development Strategy reference group Attended Canterbury Mayoral Forum function
<i>24 February</i>	Attended Canterbury Mayoral Forum Attended Civil Defence Emergency Management Joint committee meeting
<i>27 February</i>	Canterbury Economic Development teleconference Attended Community Trust Mid South Canterbury meeting

<i>28 February</i>	Met with ECan Councillors
<i>1 March</i>	Canterbury Economic Development teleconference Attended TDHL Board meeting
<i>6 March</i>	Attended Southern Rail Campaign meeting Met with Aoraki Development Board members
<i>7 March</i>	Made Health and Safety Site visits
<i>13 March</i>	Met with Aoraki Development Chief Executive Attended Valuation and Rating Steering Group meeting
<i>14 March</i>	Attended Council Budget/Annual Plan meeting
<i>15 March</i>	Attended ward tour
<i>16 March</i>	Attended Rural and Provincial Sector meeting Attended Local Government NZ Stakeholder function
<i>17 March</i>	Rural and Provincial Sector meeting continuation
<i>21 March</i>	Attended Standing Committee meetings
<i>22 March</i>	Participated in Select Committee submission via teleconference
<i>27 March</i>	Met with Chorus representatives Met with Arowhenua Runanga representatives Met with Geraldine organisations

Recommendation

That the report be received and noted.

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017**

Report for Agenda Item No 12

Affixing of the Common Seal

Recommendation

That the affixing of the Common Seal to the following documents be noted:

Date	Document
22 February 2017	Warrant of Appointment Hazardous Substances and New Organisms Act 1996 – Enforcement Officer – Rick Catchpowle
23 February 2017	Mortgage Discharge Instrument – SC Car Club Inc

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 13

Prepared by Mark Low
Corporate Planning Manager

2017/18 Annual Plan – Next Steps

Purpose of Report

- 1 The purpose of this report is to outline the next steps relating to the Annual Plan 2017/18.

Background

- 2 Council is required to prepare an Annual Plan for the 2017/18 year. This is founded on Year Three of the 2015-2025 LTP (adopted by Council in June 2015) and essentially represents a 'fine tuning' of this year. The Plan includes the reviewed budget and work programme proposed for the 2016/17 financial year. The next Long Term Plan will be prepared for the ten years beginning 1 July 2018.
- 3 Changes to the Local Government Act 2002 in 2014, mean that the Council's approach to preparing and consulting on an Annual Plan has changed. These changes mean that:
- There is no requirement to prepare information that duplicates the LTP content. As such, the Annual Plan is an exception based document and the Annual Plan 2017/18 content is reduced.
 - A Council is not required to prepare a "Draft Annual Plan" or Draft Annual Plan Summary.
 - Consultation on an Annual Plan is not required unless the differences to the LTP are 'significant' or 'material' or the Council chooses to. The Annual Plan is not required to go through a formal Special Consultative Procedure as previously carried out. If consultation is carried out, it must give effect to the consultation principles under the LGA (S82).
 - Where consultation occurs, a Consultation Document (CD) must be prepared. The focus of the CD can only be around the 'significant' and 'material' changes between the 2017/18 year in the LTP 2015-25 and the Annual Plan 2017/18.
- 4 Council considered the proposed Annual Plan and Budget 2017/18 on 14 March. At that meeting:
- The proposed budget was approved, with some changes/additions as listed below:
 - Airport Carpark Upgrading – Aero club access and carparks – half share contribution - \$6,000 (excl GST)
 - CBay Programme Room alterations - \$140,000 (excl GST)
 - An additional \$80,000 (excl GST) operating expenditure to fund an increase in private swimming pools audits and to identify Earthquake

Prone Buildings required as a result of amendments to the Building Act

- An additional \$30,000 (excl GST) operating expenditure to accelerate the implementation of the Council Street Tree policy
 - An additional \$100,000 (excl GST) to accelerate LED streetlight renewals
 - An additional \$30,000 (excl GST) for 2017/18 and \$20,000 (excl GST) for 2018/19 to upgrade parking machines
 - All other budgets/fees approved as drafted.
 - It was agreed that as there are no proposed significant or material changes to Year Three of the LTP, the 2017/18 Annual Plan will not be consulted on, as allowable under the provisions of LGA Section 95:2A.
 - It was agreed to notify and share information, outlining the Annual Plan 2017/18 major projects, changes, the rates impact and summary financial information to the wider community.
- 5 As a result of these changes, the overall rate increase is 2.60% (compared with LTP: 7.16%), with primary drivers for the reduced rate increase being:
- Careful review of all expenditure
 - Inflation component below that forecast
 - Interest rates reduced
 - Some amended timing of capital expenditure resulting in lower interest and depreciation costs
 - Increased dividend payout.

Next Steps

- 6 A draft information publication outlining the Annual Plan has been prepared and will be sent to Councillors separately. This will also be distributed with The Courier community newspaper on 13 April and the information will be available on the Council's website. Stakeholders will be written to, outlining the Annual Plan process for this year and directing them to related information.
- 7 Steps for the remainder of the process through to the adoption of the Annual Plan 2017/18 are:
- | | |
|-------------------|---|
| 13 April | Annual Plan 2017/18 Information publication distributed via The Courier and Council website |
| April-June | Prepare final Annual Plan document |
| 20 June | Annual Plan 2017/18 distributed to Council |
| 27 June | Annual Plan 2017/18 and Rates Resolution adopted. |

Options

- 8 Section 95 of the Local Government Act 2002 requires the Council to prepare and adopt an annual plan for each financial year prior to the commencement of the relevant financial year to which it relates, ie on or before 30 June.

Identification of Relevant Legislation, Council Policy and Plans

Local Government Act 2002

Timaru District Long Term Plan 2015-25

Assessment of Significance

- 9 This matter is not considered significant under the Council's Significance and Engagement Policy.

Consultation

- 10 Community consultation carried out in preparing the Annual Plan has included pre-consultation with community boards on projects in their communities and related information.
- 11 Extensive consultation occurred on the 2015-25 Long Term Plan, including the 2017/18 (Year Three) year of the plan. The Council considered all feedback and adopted the plan in June 2015.
- 12 Any feedback received on the Annual Plan 2017/18 information will be directed to assist with development of the 2018-28 Long Term Plan.

Other Considerations

- 13 There are no other considerations.

Funding Implications

- 14 There are no funding implications above the existing Annual Plan budget.

Conclusion

- 15 Changes to the LGA 2002 have enabled a new approach to the preparation and engagement on the Annual Plan 2017/18. This year, the plan will not be consulted on, but information about the plan will be distributed across the district. The Annual Plan will be adopted in June.

Recommendations

- (a) That this report be received and noted.
- (b) That the **Group Manager Corporate Services be delegated authority to make changes to the Annual Plan 2017/18 Information brochure based on Council's consideration.**
- (c) That the **Annual Plan 2017/18 Information brochure be approved for public release.**

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 14

Prepared by **Tina Rogers**
 Group Manager Corporate Services

Code of Conduct of Elected Members Policy

Purpose of Report

- 1 The purpose of this report is to present the Code of Conduct of Elected Members policy for approval.

Background

- 2 The Code of Conduct is required by the Local Government Act 2002. Schedule 7, Clause 15 states:

“(1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

(2) The code of conduct must set out—

(a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members, including—

(i) behaviour toward one another, staff, and the public; and

(ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that—

(A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and

(B) relates to the ability of the local authority to give effect to any provision of this Act; and

(b) a general explanation of—

(i) the Local Government Official Information and Meetings Act 1987; and

(ii) any other enactment or rule of law applicable to members.

(3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.

(4) A member of a local authority must comply with the code of conduct of that local authority.

(5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.

(6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.

(7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

- 3 This policy was last adopted in February 2016. Subsequently a review of Conflicts of Interests for Elected Members and staff has been completed, and Local Government New Zealand (LGNZ) has provided guidance on Codes of Conduct. This has informed the changes that are proposed in this review.
- 4 Changes to the Code of Conduct require support from 75% of members present.

Options

- 5 The options are:
- The proposed Code of Conduct is adopted.
 - The proposed Code of Conduct is amended as appropriate and adopted.

Identification of relevant legislation, Council policy and plans

Local Government Act 2002

Assessment of Significance and Engagement

- 6 This matter is not deemed significant under the Council's Significance and Engagement Policy.

Consultation

- 7 No public consultation has occurred regarding the Code of Conduct.

Other Considerations

- 8 There are no other considerations relevant to this matter.

Funding Implications

- 9 There are no funding implications associated with the Code of Conduct.

Conclusion

- 10 The Code of Conduct has been revised based on an external review and LGNZ guidelines.

Recommendation

That Code of Conduct for Elected Members Policy be adopted.

Code of Conduct for Elected Members Policy

Approved by:

Council

Date

Approved:

23 February 2016

Keywords:

Conduct, Behaviour, Elected Members

1.0 Purpose

This code of conduct provides guidance on the standards of behaviour that are expected from the Mayor and elected members of Timaru District Council. The code applies to elected members in their dealings with:

- each other
- Council staff
- the general public
- the media.

The objective of the code is to enhance:

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

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

- an agreed statement of roles and responsibilities
- agreed general principles of conduct
- specific codes of conduct applying to particular circumstances or matters.

2.0 Background

Legislative Requirements

The Local Government Act 2002 (the Act) includes a requirement that each local authority adopt a code of conduct. Schedule 7, clause 15 of the Act is repeated as follows:

15 Code of conduct

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.

- (2) The code of conduct must set out –
 - a) understandings and expectations adopted by the local authority about the manner in which members may conduct themselves while acting in their capacity as members including –
 - i) behaviour toward one another, staff, and the public; and
 - (a) is received by, or in the possession of, an elected member in his or her capacity as an elected member; and
 - (b) relates to the ability of the local authority to give effect to any provision of this Act; and
 - b) a general explanation of –
 - i) the Local Government Official Information and Meetings Act 1987; and
 - ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

Review

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

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

Legislative Summary

This is a summary of the legislative requirements that have some bearing on the duties and conduct of elected members.

Local Authority (Members' Interests) Act 1968

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

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

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

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

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

Local Government Official Information and Meetings Act 1987

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

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

Secret Commissions Act 1910

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

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

Crimes Act 1961

Under this Act it is unlawful for an elected member, or officers to:

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

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

Financial Markets Conduct Act 2014⁹³

The Financial Markets Conduct Act (FMC) 2013 essentially places elected members in the same position as company directors whenever council offers financial products to the public. Elected members may be personally liable if investment documents contain untrue statements and may be liable for criminal prosecution if the requirements of the FMC Act are not met.

3.0 Key Definitions

Elected Member – all those members elected to the Timaru District Council and Community Boards.

4.0 Policy

4.1 General Principles

The code of conduct is based on the following general principles of good governance:

- **Accountability**
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Duty to uphold the law**
Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Honesty and integrity**
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Leadership**
Members should promote and support these principles by example, and should always endeavour to act in the best interests of the community.
- **Objectivity**
Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.

- **Openness**
Members should be as open as possible about their actions and those of the council, and should be prepared to justify their actions.
- **Personal judgment**
Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Public interest**
Members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Respect for others**
Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of council staff.
- **Stewardship**
Members must ensure that the council uses resources prudently and for lawful purposes, and that the council maintains sufficient resources to meet its statutory obligations.

4.2 Roles and Responsibilities

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

Elected Members

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

- the development and adoption of council policies, plans and budgets
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive
- ensuring the council fulfils its responsibilities to be a "good employer" and meets the requirements of the Health and Safety at Work Act 2015
- representing the interests of the residents and ratepayers of the Timaru District Council. On election, the members' first responsibility is to the district as a whole.

Unless otherwise provided in the Local Government Act 2002 or in Standing Orders, the council can only act by majority decisions at meetings. Each member has one vote, provided however that the Mayor shall also have a casting vote if such vote is specifically authorised by Council's legally adopted and approved Standing Orders. Any individual member, including the Mayor, has no authority to act on behalf of the council unless the council has expressly delegated such authority.

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. Under section 41A of the Local Government Act, the Mayor also has powers regarding leading the development of Council plans, policies and budgets, appointing a Deputy Mayor, establishing committees and appoint chairperson's to each committee.

The Mayor also has the following roles:

- A presiding member at council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings, as determined in standing orders;
- An advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council;
- A ceremonial head of council;
- A Justice of the Peace, while the Mayor holds office; and
- To provide leadership and feedback to other elected members on teamwork and chairmanship of committees

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

Deputy Mayor

The Deputy Mayor must either be appointed by the Mayor or be elected by the members of council, at the first meeting of the council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, 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.

Committee Chairpersons

The council may create one or more committees of council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council, and as set out in the council's Delegations Manual.

Committee chairpersons may be called on to act as official spokesperson on a particular issue. They may be removed from office by resolution of council.

Chief Executive

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

- implementing the decisions of the council
- providing advice to the council and community boards

- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority, including negotiation of the terms of employment for the staff of the local authority.

4.3 Relationships and Behaviours

This part of the code sets out the council's agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the council has decided to include of its own initiative.

Relationships with Other Elected Members

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

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct.
 - maintains public confidence;
 - is open and honest;
 - is courteous;
 - is focused on issues rather than personalities;
 - avoids abuse of meeting procedures, such as a pattern of unnecessary notices of motion and/or repetitious points of order; and
 - avoids aggressive, offensive or abusive conduct, including the use of disrespectful or malicious language.

Relationships with Staff

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

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

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the council's obligations to act as a good employer and may expose the council to civil litigation and Office of the Auditor General audit sanctions or affect the risk assessment of council's management and governance control processes undertaken as part of the council's audit.

Relationships with the Community

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

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

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

Given that the performance of the council requires the trust and respect of individual citizens, members will:

- interact with members of the public in a fair, respectful, equitable and honest manner;
- be available to listen and respond openly and honestly to community concerns;
- consider all points of view or interests when participating in debate and making decisions;
- treat members of the public in a courteous manner; and
- act in a way that upholds the reputation of the local authority.

Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of council. From time to time, individual members will be approached to comment on a particular issue either on behalf of council, or as an elected member in their own right. This part of the code deals with the rights and duties of councillors when speaking to the media on behalf of council, or in their own right.

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

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

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

- media comments must not state or imply that they represent the views of council
- where an elected member is making a statement that is contrary to a council decision or council policy, the member must not state or imply that his or her statements represent a majority view. Media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff
- media comments must not be misleading and should be accurate within the bounds of reasonableness..

Confidential Information

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

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

Members will disclose to other members and, where appropriate the chief executive, any information received in their capacity as an elected member that concerns the council's ability to give effect to its responsibilities.

Members who are offered information on the condition that it remains confidential will inform the provider of the information that it is their duty to disclose the information and will decline the offer if that duty is likely to be compromised.

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

Conflicts of Interest

A conflict of interest arises when the personal interest of an Elected Member of the Council conflicts with their responsibilities as an Elected Member. Put simply, a conflict occurs where a member serves or attempts to serve two or more interests that are not compatible.

Personal interests may be pecuniary or non-pecuniary:

- **Pecuniary:**
A pecuniary interest refers to an actual or potential financial gain or loss for the person, their family, friends or close associates.
- **Non-Pecuniary:**
A non-pecuniary interest refers to an interest that is not financial or monetary but arises from such things as personal relationships, beliefs or involvement in social, cultural, religious or sporting activities.

A conflict of interest may be actual, perceived or potential:

- **Actual:**
An actual conflict of interest occurs when there is a conflict between a person's official duties and responsibilities in serving the public interest, and their personal interest.
- **Perceived:**
A perceived conflict of interest occurs when a reasonable person, knowing the facts, would consider that a conflict of interest may exist, whether or not this is the case. A perceived conflict is just as important as an actual conflict.
- **Potential:**
A potential conflict of interest occurs where a person has a personal interest that could conflict with their official duties in the future.

A conflict of interest extends to family members and close associates:

- **Family member:**
Spouse/partner, parents, siblings and children
- **Close associates**
Questions of judgement and degree arise when considering friends and other associates. Simply being acquainted with someone, or having worked with them, or having had official dealings with them, will not usually create any problem. However, a longstanding, close, or very recent association or dealing might. The key test is to consider how a reasonably informed third party would view the situation.

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

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

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

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

- any employment, trade or profession carried on by the member or the member's spouse for profit or gain
- any company, trust, partnership etc for which the member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the member has a beneficial interest and which is in the Timaru District
- the address of any land where the landlord is the Timaru District Council and:
 - the member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the member or spouse is a partner, or a company of which the member or spouse is a director, or a trust of which the member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the member's actions during the course of their duties as a member.

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*.

Speaking broadly, there are five main actions that can be taken:

Remove: Remove the Elected Member from all involvement with the conflict;
Restrict: Restrict an Elected Member's involvement to certain tasks or responsibilities; and

Relinquish:	Relinquish the private interest that is creating the conflict
Review:	Review of task completed by third party
Retain:	Retain the conflict (i.e. simply being aware the conflict exists but not action required) by recording in the interests register

Some situations will need to be the subject of discretionary judgements as and when they arise. Conflicts of interest sometimes cannot be avoided, and can arise without anyone at fault. But they need to be managed carefully. When a conflict arises Elected Members should contact the Chief executive immediately to discuss further action.

When exercising judgement the Council needs to consider the significance of the conflict (likelihood and consequence of the conflict occurring) and the range of mitigating options available.

Members may also contact the Office of the Auditor General 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. Approval must be sought from the Office of the Auditor General for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by council.

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

Non-pecuniary conflicts of interest

In addition to the issue of pecuniary interests, rules and common law govern conflicts of interest more generally. These rules apply to non-pecuniary conflicts of interest, including common law rules about bias. In order to determine if bias exists or not members need to ask:

"Is there a real danger of bias on the part of the member of the decision-making body, in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

The question is not limited to actual bias, but relates to the appearance or possibility of bias reflecting the principle that justice should not only be done, but should be seen to be done. Whether or not members believe they are not biased is irrelevant.

Members should focus be on the nature of the conflicting interest or relationship and the risk it could pose for the decision-making process. The most common risks of non-pecuniary bias are where:

- members' statements or conduct indicate that they have predetermined the decision before hearing all relevant information (that is, members have a "closed mind"); and
- members have a close relationship or involvement with an individual or organisation affected by the decision.

In determining whether or not they might be perceived as biased, members must also take into account the context and circumstance of the issue or question under consideration. For example, if a member has stood on a platform and been voted into office on the promise of implementing that platform then voters would have every expectation that the member would give effect to that promise, however he/she must still be seen to be open to considering new information (this may not apply to decisions made in quasi-judicial settings, such as an RMA hearing).

Standing Orders

Elected members must adhere to the standing orders adopted by council under the Local Government Act 2002.

Ethics

Timaru District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

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

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years imprisonment, or if they cease to be or lose their status as an elector or of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Undischarged Bankrupt

The Council requires a member, or newly elected member who is an undischarged bankrupt to declare that fact to the Chief Executive.

4.4 Compliance with Elected Members Code of Conduct

Compliance

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

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Financial Markets Conduct Act 2013.

The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Responses to Breaches of the Code

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

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

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

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

Where there are statutory provisions:

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

In these cases the council may refer an issue to the relevant body.

Any member of the public may make a complaint, or an authorised body itself may take action of its own initiative.

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

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

5.0 Delegations, References and Revision History					
<i>5.1 Delegations - Identify here any delegations related to the policy for it to be operative or required as a result of the policy</i>					
<i>5.2 Related Documents - Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)</i>					
<i>5.3 Revision History - Summary of the development and review of the policy</i>					
5.1 Delegations					
Delegation					Delegations Register Reference
None					
5.2 References					
Title					Document Reference
5.3 Revision History					
Revision #	Policy Owner	Date Approved	Approval by	Date of next review	Document Reference
1	Group Manager Corporate Services		Council	November 2019	#829872

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 15

Prepared by **Tina Rogers**
 Group Manager Corporate Services

Canterbury Economic Development Company Limited – Winding Up

Purpose of Report

The report discusses the future of Canterbury Economic Development Company Limited (CED Co) and the recommendation from the Board that the company be wound up.

Background

CED Co was formed on 9 October 2008 by ten Canterbury councils but has been inactive for the last 5 years.

CED Co was established as a result of a national regional development funding programme that was instigated by the government at that time. Funding from the NZTE Regional Strategy Fund was only accessible as a single application made by the entire region, hence the need to establish CED Co. The purpose of the Fund was to support transformational economic development projects that would benefit regions.

CED Co is a council controlled organisation (CCO). The nine appointed directors of CED Co are Janie Annear, Bill Bayfield, Bede Carran, Mayor Kelvin Coe, David East, Nicholas Harris, Tom Hooper, Mayor Angus McKay, and Jim Palmer.

There are ten shareholders who hold an equal number of shares (ten per shareholder). Shareholders are Timaru District Council, Ashburton District Council, Hurunui District Council, Selwyn District Council, Canterbury Regional Council, Waimate District Council, Kaikōura District Council, Christchurch City Council, Mackenzie District Council, and Waimakariri District Council.

CED Co's funding bid in 2008 was successful, and central government funding was paid into the company (alongside local government funding), and then dispersed to a variety of projects run by different parts of the region. Once the initial programme was completed, CED Co was left in place in case there were any further opportunities for region-wide funding activities. There have been no further opportunities to utilise CED Co in the last five years and CED Co has been inactive since the initial projects were completed.

The CED Co Board resolved at its meeting on 6 October 2016 "That the directors recommend to the Canterbury Mayoral Forum that the company be wound up." This was subsequently discussed at the Canterbury Mayoral Forum on 24 February 2017.

The Canterbury Mayoral Forum noted that:

- there is no current need for CED Co – the NZTE Research Strategy Fund closed on 30 June 2010,
- if a CCO is required for future collaboration and/or funding applications, it would likely be more appropriate to set up a new company (if a company is required), rather than try to adapt CED Co's current Constitution. For example, if a shared services CCO was established, the Constitution would need to reflect the requirements for delivery of shared services,
- the direct and indirect costs of operating CED Co are greater than the balance of funds currently held, and may be difficult to justify in the absence of the identification of a future possible use for the company,
- the disestablishment of CED Co will have no impact on collaborative or other work being undertaken in the Canterbury region, and would not provide a barrier to any future work.

Options

The options now available are either:

- a. to agree with the recommendation from the CED Co Board to wind up the company and sign the attached Shareholders' Resolution; or
- b. to vote to continue the company.

A unanimous resolution of all shareholders is needed to wind up the company.

The implications of continuing CED Co

Even though CED Co is no longer trading and has been inactive for five years, the Board of Directors still needs to comply with the requirements of CED Co's Constitution and any other statutory duties (such as tax obligations).

In particular, CED Co's Constitution requires the Board to undertake many duties including:

- deliver a draft Statement of Intent to shareholders on or before 1 March each year,
- keep specified company records at CED Co's registered office in Timaru,
- keep accounting records, in particular financial statements, and engage the Auditor-General to audit financial statements,
- provide an annual report to shareholders,
- provide an annual return.

These requirements impose an administrative burden on the directors to ensure CED Co is meeting its obligations (which are primarily statutory obligations). There are both direct and indirect costs of ensuring CED Co satisfies its obligations. The direct costs are in the order of \$2,500 (plus GST) per annum. This is principally the cost of the audit, but there may be other sundry filing costs. The indirect costs are where there is no cash disbursement required. These are not insignificant and are difficult to measure accurately. Indirect costs include the administrative support (currently provided by Timaru District Council) to ensure CED Co meets its obligations and the time required by the directors to meet at least annually.

Continuing CED Co also exposes directors and shareholding councils to a latent risk. As an inactive company there is little or no reason for the directors to meet and this heightens the risk of inadvertent breaches under various pieces of legislation or the Constitution. While this risk may be manageable for small, closely held companies, it is much less so for a company that has public accountability.

Identification of relevant legislation, Council policy and plans

Local Government Act 2002

Assessment of Significance

This matter is not deemed significant under the Council's Significance and Engagement Policy.

Consultation

Consultation has occurred within the Chief Executives and Mayoral Forums.

Other Considerations

There are no other considerations relevant to this matter.

Funding Implications

There are no funding implications with this decision.

Conclusion

The company has completed the work that it was set up to undertake. The directors of the company are now recommending that the company be wound up.

Recommendation

That the Council approves for the company to be wound up and the Shareholders' Resolution to be signed.

CANTERBURY ECONOMIC DEVELOPMENT LIMITED

(company number 2175166)

(the "Company")

SHAREHOLDERS' RESOLUTION IN WRITING TO REMOVE COMPANY FROM REGISTER

(Sections 122, 318(1)(d)(i) and 318(2)(a) of the Companies Act 1993 (the "Act"))

NOTED that:

- A. On 6 October 2016 the directors of the Company resolved to recommend to its shareholders that the Company be wound up.

RESOLVED that:

1. The Company has ceased to carry on business, has discharged in full its liabilities to all known creditors, and has distributed its surplus assets in accordance with its constitution and the Act.
2. Any one shareholder of the Company be authorised to request that the Registrar of Companies removes the Company from the New Zealand Register of Companies for the reasons noted in 1 above.

DATED:

2017

SIGNED by the shareholders of the Company:

SIGNED for and on behalf of)
TIMARU DISTRICT COUNCIL by)

Signature

[Print Name]

Position

SIGNED for and on behalf of)
CHRISTCHURCH CITY COUNCIL by)

Signature

[Print Name]

Position

SIGNED for and on behalf of)
CANTERBURY REGIONAL COUNCIL)
by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
ASHBURTON DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
SELWYN DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
HURUNUI DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
WAIMATE DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
KAIKOURA DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
MACKENZIE DISTRICT COUNCIL by)

Signature

[Print Name])

Position

SIGNED for and on behalf of)
WAIMAKARIRI DISTRICT COUNCIL by)

Signature

[Print Name])

Position

TIMARU DISTRICT COUNCIL MEETING
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 16

Prepared by **Tracy Bell** **Andrew Dixon**
 Road Corridor Technician **Land Transport Manager**

Temporary Closure of Talbot Street, Geraldine for the Anzac Day Parade on 25 April 2017

Purpose of Report

To seek Council consideration and approval for a temporary road closure of Talbot Street, Geraldine on Tuesday 25 April 2017 to hold an Anzac Day Commemorative Parade.

Background

A request has been received from the Geraldine Returned Services Association (RSA) to temporarily close Talbot Street, Geraldine (Hislop Street to Cox Street) on Tuesday 25 April 2017, to hold an Anzac Day Commemorative Parade. The times required for the temporary closure are from 8.30am until 10.00am. This has been the custom and practice for ANZAC parades for many years.

Temporary closures of roads are usually authorised by Council Officers under delegated authority pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965 which requires public notification at least 42 days prior to the event.

Application was made by the Geraldine RSA to Council for the road closure on 22 March 2017. As this application was not received in time to comply with the 42 day processing time, the alternative is to consider utilising the provision of Sections 319 and 342 of the Local Government Act 1974 where temporary road closures can be approved by the Territorial Local Authority.

Temporary road closures approval pursuant to the Local Government Act for events has not been delegated to Council Officers and requires approval of the Council.

Identification of Relevant Legislation, Council Policy and Plans

Local Government Act 1974

Assessment of Significance

This matter is not deemed significant under the Council's Significance and Engagement Policy.

Consultation

The Timaru Police have been notified of this application and have given their consent for the event to proceed. Emergency Services will be advised of the proposed closure and there will be public notification of the temporary road closure prior to the event.

Other Considerations

There are no other considerations relevant to this matter.

Recommendation

That the Council approves the temporary closure of Talbot Street, Geraldine (from Hislop Street to Cox Street) to ordinary vehicular traffic between 8.30am until 10.00am on Thursday 25 April 2017 for the purposes of an Anzac Day Parade.

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017**

Report for Agenda Item No 17

**Prepared by Sharon Taylor
 Group Manager Community Services**

Safer Communities Committee – Appointment of CCS Disability Action Representative

At the Safer Communities Committee meeting on 2 March 2017, it was recommended that a representative of CCS Disability Action be appointed to the Safer Communities Committee.

Recommendation

That a representative from the CCS Disability Action be appointed to the Safer Communities Committee.

**TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017**

Report for Agenda Item No 18

**Prepared by Bede Carran
 Chief Executive**

Receipt of Community Board and Committee Minutes

Receipt of Community Board and Committee Minutes

Recommendation

That the minutes of the following meetings, excluding the public excluded sections, be received:

Temuka Community Board	6 March 2017
Pleasant Point Community Board	7 March 2017
Geraldine Community Board	8 March 2017
Environmental Services Committee	21 March 2017
Community Development Committee	21 March 2017
Infrastructure Committee	21 March 2017
Policy and Development Committee	21 March 2017

TIMARU DISTRICT COUNCIL
FOR THE MEETING OF 4 APRIL 2017

Report for Agenda Item No 22

Prepared by **Bede Carran**
 Chief Executive

Exclusion of the Public

Recommendation

That the Council resolves to exclude the public on the grounds contained in Section 48(1) of the Local Government Official Information and Meetings Act:

Confirmation of Minutes

Tenders Subcommittee minutes

Section 7(2)(b)(ii)

The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

District Growth Strategy

Section 7(2)(j)

The withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage.