



# LOCAL GOVERNANCE STATEMENT

Amended by Council – 23.05.19 Version 2019.01

# Record of Amendments

Date	Amendment	Clause	Page Reference
14.10.10	Update the Councillors Contact Details	2	6
19.11.10	Update the list of Committees as per Council Meeting of 18.11.10	7.1 & 7.2	17-18
18.07.12	Include the Council Vision		2
18.09.12	Update the Management Team Listing	2.2	3
18.07.12	Update the Representation Review	4.1-4.4	8-11
18.09.12	Include a clause regarding updating		
18.09.12	Add Conduct Review Committee (Council Resolution- 23.08.12)	7.2	20
26.09.12	Amend reference from Chief Executive Officer to "Chief Executive"		Various Pages
27.02.14	Various amendments to reflect legislative changes and new Council committee and management structure, to insert list of bylaws, and to include the Consultation Policy and Elected Members Code of Conduct (for Council Resolution - 27.02.14)		Various Pages
	Addition of Westroads Greymouth Ltd (as per Council Meeting - 27.02.14)	7.1	18
	Addition of Waste Management to Groups (as per Council Meeting - 27.02.14)	7.3	21
23.05.19	Various amendments to reflect legislative changes and new Council committee and management structure, to insert list of bylaws, and to include the Significance and Engagement Policy and Partnership Agreement with Papatipu Rūnanga, and Statement on consideration of the Four Wellbeings.		Various Pages

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## COUNCIL VISION

**We work with the people of Westland to grow and protect our communities, our economy and our unique natural environment.**

*Council by-line in promoting Westland:*

***“Westland, the last best place”***



## 1. Introducing the Local Governance Statement

### 1.1 What is the Purpose of the Local Governance Statement?

A Local Governance Statement is a collection of information prepared under section 40 of the Local Government Act 2002 that includes information about the ways in which a local authority engages with its community and makes decisions, and the ways in which individuals can influence processes.

Consideration is given to the social, environmental, economic and cultural community wellbeings as part of this document.

### 1.2 What Information Does the Statement Contain?

To meet the purpose, this Local Governance Statement includes information on:

- (a)** the functions, responsibilities, and activities of the local authority; and
- (b)** any local legislation that confers powers on the local authority; and
- (ba)** the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under [section 158](#) or [159](#); and
- (c)** the electoral system and the opportunity to change it; and
- (d)** representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
- (e)** members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- (f)** governance structures and processes, membership, and delegations; and
- (g)** meeting processes (with specific reference to the applicable provisions of the [Local Government Official Information and Meetings Act 1987](#) and standing orders); and
- (h)** consultation policies; and
- (i)** policies for liaising with, and memoranda or agreements with, Māori; and
- (j)** the management structure and the relationship between management and elected members; and
- (ja)** the remuneration and employment policy, if adopted; and
- (k)** equal employment opportunities policy; and

(l) key approved planning and policy documents and the process for their development and review; and

(m) systems for public access to it and its elected members; and

(n) processes for requests for official information.

### **1.3 The Legal Requirement for Council to have a Local Governance Statement**

Section 40 of the Local Government Act 2002 (LGA 2002) requires Council to have a Local Governance Statement.

### **1.4 Amendments to this document**

This document shall be maintained by the Executive Assistant who shall amend it in accordance with:

- a) any instructions to that affect given by the Council and any delegated authorised to amend it; or
- b) any need for typographical, grammatical or other minor amendment where the intention of the Council is not altered.

## **2. How to Contact Us**

### **2.1 Initial Contact**

In the first instance members of the public should contact Council staff if they have an information or service request. Any member of the Council's staff can be contacted by phoning 03 756 9010 or Freephone 0800 474 834. Council staff may be emailed either via a website enquiry through the Council Website at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz), at [council@westlanddc.govt.nz](mailto:council@westlanddc.govt.nz); or directly to the staff member.

Staff members email addresses follow this format:

[firstname.surname@westlanddc.govt.nz](mailto:firstname.surname@westlanddc.govt.nz)

### **2.2 Council Office**

Street Address: 36 Weld Street, Hokitika 7810

Email: [council@westlanddc.govt.nz](mailto:council@westlanddc.govt.nz)

Monday to Friday 8.30 am to 4.30 pm

Telephone (03) 756 9010

Fax (03) 756 9045

Any initial contact regarding Council services should be made to the Council Office. Any complaints about advice given by Council staff should be directed to the Chief Executive.

## Executive Team

Name	Position	Phone	Email
<b>Simon Bastion</b>	Chief Executive	03 756 9010	<a href="mailto:ce@westlanddc.govt.nz">ce@westlanddc.govt.nz</a>
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<b>David Inwood</b>	Group Manager: District Assets	03 756 9010	<a href="mailto:david.inwood@westlanddc.govt.nz">david.inwood@westlanddc.govt.nz</a>
<b>Te Aroha Cook</b>	Regulatory Services Manager	03 756 9010	<a href="mailto:tearoha.cook@westlanddc.govt.nz">tearoha.cook@westlanddc.govt.nz</a>
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<b>Kim Hibbs</b>	People and Capability Manager	03 756 9010	<a href="mailto:kim.hibbs@westlanddc.govt.nz">kim.hibbs@westlanddc.govt.nz</a>
<b>Diane Maitland</b>	Executive Assistant	03 756 9010	<a href="mailto:diane.maitland@westlanddc.govt.nz">diane.maitland@westlanddc.govt.nz</a>



## Mayor, Councillors and Runanga Kaitaki

Mayor		Email Address
Mayor Bruce Smith		<a href="mailto:Mayor.Smith@westlanddc.govt.nz">Mayor.Smith@westlanddc.govt.nz</a>
<b>Northern Ward</b>		
Cr Graeme Olson		<a href="mailto:Cr.Olson@westlanddc.govt.nz">Cr.Olson@westlanddc.govt.nz</a>
Cr Jane Neale		<a href="mailto:Cr.Neale@westlanddc.Govt.nz">Cr.Neale@westlanddc.Govt.nz</a>
Cr Durham Havill		<a href="mailto:Cr.Havill@westlanddc.Govt.nz">Cr.Havill@westlanddc.Govt.nz</a>
<b>Hokitika Ward</b>		
Cr Desmond Routhan		<a href="mailto:Cr.Routhan@westlanddc.Govt.nz">Cr.Routhan@westlanddc.Govt.nz</a>
Cr David Carruthers		<a href="mailto:Cr.Carruthers@westlanddc.govt.nz">Cr.Carruthers@westlanddc.govt.nz</a>
Deputy Mayor Cr Latham Martin		<a href="mailto:Cr.Martin@westlanddc.govt.nz">Cr.Martin@westlanddc.govt.nz</a>
<b>Southern Ward</b>		
Deputy Mayor Cr Helen Lash		<a href="mailto:Cr.Lash@westlanddc.govt.nz">Cr.Lash@westlanddc.govt.nz</a>
Cr Gray Eatwell		<a href="mailto:Cr.Eatwell@westlanddc.govt.nz">Cr.Eatwell@westlanddc.govt.nz</a>
<b>Te Rūnanga O Ngāti Waewae And Te Rūnanga O Makaawhio Kaitaki (or their representatives)</b>		
Ngāti Waewae Kaitaki Francois Tumahai		<a href="mailto:Ch.Tumahai@westlanddc.govt.nz">Ch.Tumahai@westlanddc.govt.nz</a>
Te Rūnanga O Makaawhio Kaitaki Tim Rochford		<a href="mailto:Ch.Rochford@westlanddc.govt.nz">Ch.Rochford@westlanddc.govt.nz</a>

### **3. Functions, Responsibilities and Activities of the Council**

#### **3.1 Functions**

Under the Local Government Act 2002 (LGA),

(1) The purpose of local government is—

**(a)** to enable democratic local decision-making and action by, and on behalf of, communities; and

**(b)** to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The LGA states that the role of a local authority is to—

**(a)** give effect, in relation to its district or region, to the purpose of local government stated in [section 10](#); and

**(b)** perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.

#### **3.2 Responsibilities**

The Westland District Council has interpreted these obligations to mean that it has the overall responsibility and accountability for the proper direction and control of the District's activities. This responsibility and accountability includes:

- Providing a leadership focus for the District.
- Formulating the District's strategic direction.
- Managing the principal risks facing Westland.
- Administering various regulations and upholding the law.
- Safeguarding the public interest.
- Ensuring the integrity of management control systems.
- Ensuring the effective succession of elected members.
- Promoting economic and social development of the District and acting as an advocate on behalf of community interests.
- Planning for a sound and sustainable physical and human environment and enforcing relevant regulations.
- Providing and maintaining infrastructural, physical, and utilities services.
- Providing and maintaining recreational facilities and facilitating the provision of social and community services.
- Reporting to ratepayers on the above.

### **3.3 General and Local Legislation**

Westland District Council also has legislative responsibilities and obligations under a number of Acts of Parliament, including:

- Building Act 2004
- Civil Defence and Emergency Management Act 2002
- Dog Control Act 1996
- Health Act 1956
- Health and Safety at Work Act 2015
- Land Transport Act 1998
- Land Transport Management Act 2003
- Local Electoral Act 2001
- Local Government Act 2002
- Local Government Rating Act 2002
- Local Government, Official Information and Meetings Act 1987
- Public Bodies Leases Act 1969
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012

And such further legislation and amendments that Government from time to time may impose on local authorities.

There is no local legislation applicable in Westland.

### **3.4 Activities**

The Council groups the work it does under eight Activity Groups.

These groups are:

- **Elected Representatives**

Governance, Meetings and Committees, Council Support, Council Consultation and Reporting.

- **Planning, Customer Service & Regulatory Services**

Animal Control, Building Control, Customer Service, District Plan, Environmental Health, Inspection and Compliance, Resource Management Act, Liquor Licensing.

- **Roading**

Bridges, Emergency Repairs, Footpaths, Transportation, Road Legalisation, Road Maintenance, Capital Developments, Capital Replacements.

- **Water Supplies**

Kumara, Arahura, Hokitika, Ross, Harihari, Whataroa, Franz Josef, Fox Glacier, and Haast Township Supplies.

- **Wastewater**  
Hokitika, Kaniere, Franz Josef, Fox Glacier and Haast reticulated wastewater systems.
- **Solid Waste Management**  
Transfer stations, Open landfills, Closed landfills, Urban Refuse Collection, Waste Minimisation and Recycling.
- **Community Activities**  
Cemeteries, Elderly Housing, Community Halls, Libraries, Parks and Reserves, Community Development and Assistance, iSite, Events, Museum, Swimming Pools.
- **Other Operational Activities**  
Stormwater, Commercial Buildings, Land and Buildings, Jackson Bay Wharf, Street Furniture, Monuments, Public Toilets, Civil Defence and Emergency Management.

## **4. Electoral Systems and Representation Arrangements**

### **4.1 Electoral System**

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

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). This system is used in district health board elections. Further information on STV can be obtained from Council's Electoral Officer.

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

On 23 August 2018, the Westland District Council gave public notice of its final proposal for representation arrangements to apply for the Council for the elections to be held on 12 October 2019. Notification of the right to appeal or object was also given. No appeals or objections were received in respect of the resolution, therefore the representation arrangements for the Westland District Council's 2019 local elections will be the same as in the final proposal.

### **4.2 Wards and Constituencies**

The Council will comprise 8 members elected from three wards, with the Mayor being elected at large.

The three wards reflect the following identified communities of interest:

Ward	Description
<b>Northern Ward</b>	All that part of Westland District north of the Mikonui River but excluding Hokitika and Kaniere.
<b>Hokitika Ward</b>	All that part of Westland including the town of Hokitika, the area north to Three Mile and including the areas to the east known as Blue Spur, Brickfield, Kaniere Township and the extension of Kaniere onto the Lake Kaniere Road.
<b>Southern Ward</b>	All that area of Westland south of the Mikonui River.

The population that each member will represent is:

Ward	Estimated Population	Members	Population per Member
<b>Northern Ward</b>	3210	3	1070
<b>Hokitika Ward</b>	3500	3	1167
<b>Southern Ward</b>	2080	2	1040

### 4.3 Representation Options

#### 4.3.1 Maori Wards

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll. A petition of five percent of electors can require the Council to conduct a poll.

Currently, the Council has not resolved to create Maori Wards and there has not been any demand for a poll to do so.

#### 4.3.2 Community Boards

Westland District Council has no Community Boards.

### 4.4 Changing Representative Arrangements

The Council is required to review its representation arrangements at least once every six years. The Council conducted a review in 2018.

It is not legally required to begin to review representation again until 2024.

This review must include the following:

- The number of Elected Members (between six and 30 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 Maori 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 must follow the procedure set out in the Local Electoral Act 2001 when conducting this review and should also follow guidelines published by the Local Government Commission. The Act gives electors the right to make a written submission to the Council, and the right to be heard if they wish.

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

## **5. Reorganisation Processes**

### **5.1 Changing the District's Boundaries or Functions**

Local government reorganisation, as set out by the LGA 2002 s. 24, may provide for one or more of the following matters:

- (a)** the union of districts or regions:
- (b)** the constitution of a new district or region, including the constitution of a new local authority for that district or region:
- (c)** the abolition of a district or region, including the dissolution or abolition of the local authority for that district or region:
- (d)** the alteration of the boundaries of any district or region:
- (e)** the transfer of a statutory obligation from one local authority to another:
- (f)** the assumption by a territorial authority of the powers of a regional council:
- (g)** the establishment of a local board area, including the establishment of a local board for that local board area:
- (h)** in relation to a local board, other than a local board established under the [Local Government \(Auckland Council\) Act 2009](#),—

- (i) the means by which the chairperson is elected; and
- (ii) whether the local board may include appointed members:
- (i) the abolition of a local board area:
- (j) the alteration of the boundaries of a local board area:
- (k) the union of 2 or more local board areas.

The purpose of the local government reorganisation provisions of this Act is to improve the effectiveness and efficiency of local government by—

- (a) providing communities with the opportunity to initiate, and participate in considering, alternative local government arrangements for their area; and
- (b) requiring the Commission, in consultation with communities, to identify, develop, and implement in a timely manner the option that best promotes good local government.

**Who may make a reorganisation application?**

(1) A reorganisation application may be made to the Commission by any person, body, or group, including (but not limited to)—

- (a) 1 or more affected local authorities; or
- (b) the Minister.

(2) A reorganisation application must be made to the chief executive officer of the Commission.

**6. Roles and Conduct**

**6.1 Mayor and Councillors’ Roles**

- The Mayor and the Councillors of the Westland District Council have the following roles:
- Setting the policy direction of Council
- Monitoring the performance of 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 whole of the Westland 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 Role and Powers of the 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:

41A Role and powers of mayors

(1) The role of a mayor is to provide leadership to—

(a) the other members of the territorial authority; and

(b) the people in the district of the territorial authority.

(2) Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.

(3) For the purposes of subsections (1) and (2), a mayor has the following powers:

**(a)** to appoint the deputy mayor:

**(b)** to establish committees of the territorial authority:

**(c)** to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—

**(i)** may make the appointment before the other members of the committee are determined; and

**(ii)** may appoint himself or herself.

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

**(a)** removing, in accordance with [clause 18](#) of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or

**(b)** discharging or reconstituting, in accordance with [clause 30](#) of Schedule 7, a committee established by the mayor under subsection (3)(b); or

**(c)** appointing, in accordance with [clause 30](#) of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

**(d)** discharging, in accordance with [clause 31](#) of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

(6) To avoid doubt, a mayor must not delegate any of his or her powers under subsection (3).

(7) To avoid doubt,—

**(a)** [clause 17\(1\)](#) of Schedule 7 does not apply to the election of a deputy mayor of a territorial authority unless the mayor of the



territorial authority declines to exercise the power in subsection (3)(a):

**(b)** [clauses 25](#) and [26\(3\)](#) of Schedule 7 do not apply to the appointment of the chairperson of a committee of a territorial authority established under subsection (3)(b) unless the mayor of the territorial authority declines to exercise the power in subsection (3)(c) in respect of that committee.

### **6.3 Deputy Mayor's Role**

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

### **6.4 Committee Chairperson's Role**

The Council has created one Standing Committee of Council. A committee chairperson is responsible for:

- Presiding over meetings of the committee.
- Ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual.
- A committee chairperson may be removed from office by resolution of Council.

### **6.5 Chief Executive's Role**

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 is responsible to their local authority for—

(a) implementing the decisions of the local authority; and

(b) providing advice to members of the local authority and to its community boards, if any; and

(c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and

**(d)** ensuring the effective and efficient management of the activities of the local authority; and

**(da)**facilitating and fostering representative and substantial elector participation in elections and polls held under the [Local Electoral Act 2001](#); and

**(e)**maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and

**(f)**providing leadership for the staff of the local authority; and

**(g)**employing, on behalf of the local authority, the staff of the local authority (in accordance with any remuneration and employment policy); and

**(h)**negotiating the terms of employment of the staff of the local authority (in accordance with any remuneration and employment policy).

The Chief Executive is the only employee of the Council, and the only person who may lawfully give instructions to other staff. Any complaint about individual staff members should therefore be directed to the Chief Executive and not elected members or departmental managers. Any complaints about the CE should be directed in the first instance to the Mayor or Deputy Mayor and this can be done through any elected member.

The Chief Executive has an annual performance review, which all Councillors contribute to in a public excluded meeting. The Council will only monitor performance against criteria that have been identified and agreed with the Chief Executive in advance, and are focused on organisational operation and delivery of the core services.

## **6.6 Code of Conduct**

All elected members are required to adhere to Council's Code of Conduct. Once adopted the Code of Conduct may only be amended by a 75% of the members present.

The code of conduct sets out—

**(a)**understandings and expectations adopted by the local authority about the manner in which members mayconduct 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

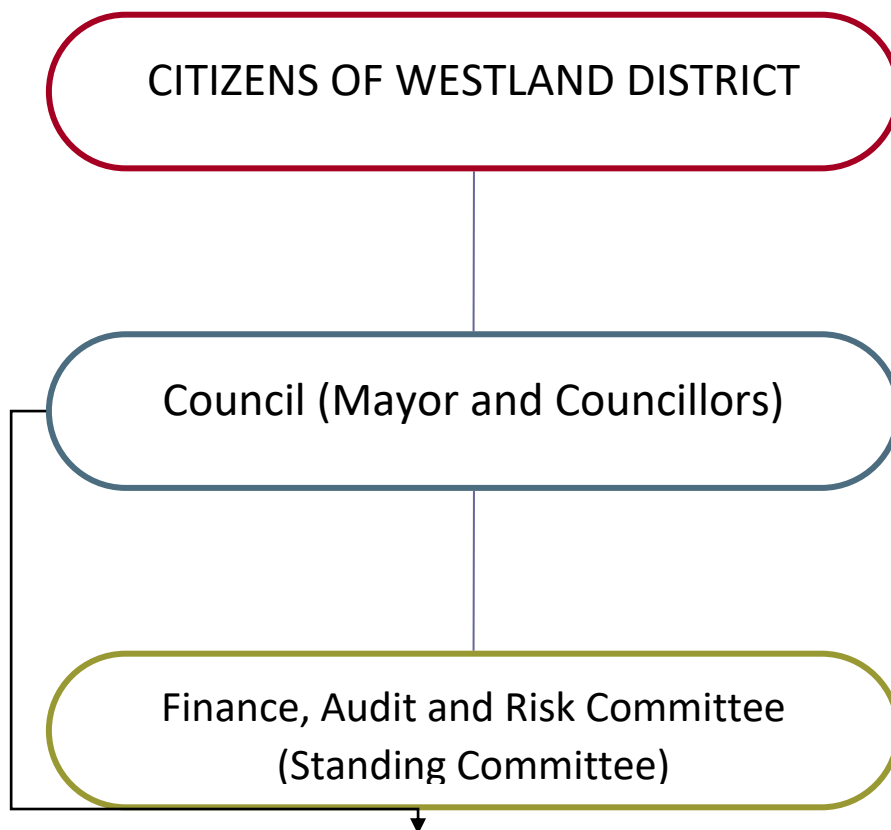
**(ii)**any other enactment or rule of law applicable to members.

The Code of Conduct is available on the Council's Website.

## 7. Governance and Management Structure

### 7.1 Governance Structure

#### The Westland District Council Governance Structure



#### Council Controlled Organisations



A key to the efficient running of local government is that there is a clear division

between the role of Council and that of management. The Westland District Council elected members concentrate on setting policy, strategy, and determining the level of financial resources. The Council then reviews progress. Management is concerned with implementing Council policy and strategy.

### **Council Controlled Organisations**

#### **Westland Holdings Ltd**

Westland Holdings Limited (WHL) is the governance link between Council and its trading entities. The company is responsible for ensuring the trading organisations meet their statutory, commercial and public obligations as defined in their Statements of Intent. These are reviewed annually by WHL on behalf of Council, with reference to the objectives determined in the Long-Term Plan, along with each company's individual strategy.

The presence of a holding company is intended to facilitate objective governance, whilst enabling the trading organisations to operate on commercial principles. The Board's directors are appointed by Council:

- Albert Brantley (Chair)
- Joanne Conroy
- Chris Gourley
- Chris Rae

#### **Westroads Ltd**

Westroads Limited main activity is that of a general contractor based in Hokitika and Greymouth (Westroads Greymouth Ltd) as well as depots and staff throughout South Westland. It also operates a crushed metal plant in Greymouth. In 2014 it purchased Trenching Dynamix Ltd, a specialist buried horizontal infrastructure installation company.

#### **Destination Westland**

From 30 June 2018, the merger of Council's current CCOs of Hokitika Airport Limited and Westland District Property Limited took effect. The merged CCO is known as Destination Westland and has a commercial focus, continuing to manage the portfolios that were previously under Hokitika Airport Limited and Westland District Property Limited.

Destination Westland operates the Hokitika Airport which is the principal airport on the West Coast.

In addition, Destination Westland manages some of the Council's property portfolio, previously overseen by Westland District Property Limited. This includes the sale and leasing of property; managing the leasing and occupation of mining rights; management of Pensioner Housing, Hokitika Swimming Pool, Jacksons Bay Wharf. From 3 July 2018, Destination Westland started managing the Hokitika i-SITE, West Coast Wilderness Trail, Hokitika Museum and Council's events portfolio including the Hokitika Wildfoods Festival.

## **7. Governance and Management Structure cont.**

### **7.2 Council Committees**

The Council reviews its committee structures after each triennial election. The Council has established the following committees:

#### **Standing Committee:**

#### **Finance Audit and Risk Committee**

##### **Purpose:**

##### **To:**

Advise Council in its management and execution of its obligations in relation to its overall financial performance and prudence, on the robustness of its Administration's internal and external control systems and provide reasonable assurance in relation to the integrity and reliability of financial and non-financial reporting processes used. In particular advice is to be provided on:

1. The robustness of the internal control framework and governance practices in place;
2. The integrity and appropriateness of internal and external reporting;
3. The robustness of risk management systems, processes and practices;
4. The independence and adequacy of internal and external audit functions;
5. The measure of compliance with applicable laws, regulations, standards and best practice guidelines;
6. The robustness of controls to safeguard the Council's financial and non-financial assets; and
7. The level of certainty that any obligations under the Treaty of Waitangi are considered when consulting on financial, audit and risk decisions.
8. Undertake the functions delegated to it.

**Other Committees:**

**Tenders Committee**

**Reporting To:** Council

**Constitution:** Deputy Mayor Martin  
Cr Carruthers  
Cr Olson

**Meeting Frequency:** The Committee Will Meet As Required

**Reporting To:** Council

**Quorum:** Two.

**Objective:**

1. To approve conforming tenders with value in excess of \$100,000 with preference to lowest conforming tender.
2. To approve the extension of the term of contracts in accordance with Special Conditions of the contracts, subject to good performance and there be no chance of a new tender delivering more attractive rates/outputs.
3. Overhead review of contractor performance.

**Dog Control Hearing Committee**

**1. Reporting To**

The Committee reports to Council.

**2. Constitution**

The Committee will comprise of the following:

Chair: Cr Carruthers

Deputy Chair: Cr Olson

Member(s): His Worship the Mayor

**3. Meeting Frequency**

The Committee will meet as required.

**4. Quorum**

The quorum is a majority of members.

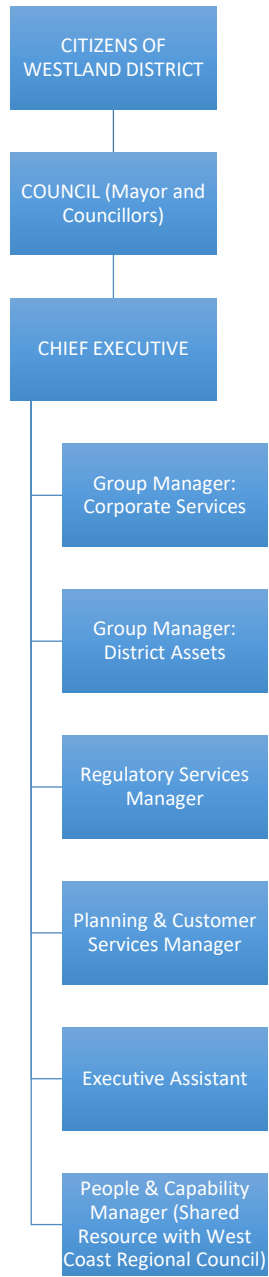
## **5. Responsibility**

Hearing and adjudicating objections from dog owners to classifications of dog owners and/or dogs under the Dog Control Act 1996 as per the following sections:

- Objection to classification as probationary owner (s22)
- Objection to disqualification (s26)
- Objection to classification of dangerous dog (s31(3))
- Objection to classification of menacing dog (by nature) (s33B)
- Objection to classification of menacing dog (by breed) (s33D)
- Barking dog abatement notice (s55(2))
- Retention of dog threatening public safety (s71(4))



### 7.3 Management Structure



## **Groups:**

### **Chief Executive**

- Receives good policy advice.
- Delivers all services to the desired standard.
- Delivers the Annual and Long Term Plan.
- Complies with the law.
- Employment of staff

### **District Assets**

- Operating, maintaining and improving Council's infrastructural assets.
  - roading
  - water services
  - recreational assets
  - cemeteries
  - buildings
  - solid waste disposal
  - Transportation planning
  - Asset Management.

### **Planning and Customer Service**

- Frontline Customer Service
- Resource management consenting, compliance monitoring and enforcement
- Policy development and implementation under the Resource Management Act 1991, including review of the District Plan, and connecting RMA functions to wider community visioning and concept planning exercises.
- Advising Council on a variety of planning matters such as central government legislation, regional plans and policies, and future growth scenarios.

### **People and Capability**

- Recruitment
- Talent development
- Pay and benefits
- Employment Relations
- Health and Safety

### **Corporate Services**

Provide effective financial management within the policies adopted by Council.

- Financial inputs
- Preparation of the Annual Report, Annual Plan, and Long Term Plan, Ensuring the Council Controlled Organisations meet their reporting requirements.
- IT/GIS support

## **Regulatory Services**

The management and delivery of regulatory functions of Council. This includes Building Control, Animal Control, Environmental Health, Liquor Licencing, Compliance, and associated Bylaws. Maori Liaison Officer, with an oversight of Council's statutory obligations to strengthen the capacity of Maori to take part in local government and its decision making processes.

## **Executive Assistant**

Provides the Mayor and Councillors and the Chief Executive with a comprehensive and efficient administrative and secretarial service and facilitates and maintains a professional link between the Mayor, Councillors, Chief Executive and Executive Team.

### **7.4 Delegations**

Council is assigned powers to act by a wide range of legislation, trust deeds and documents. In order to allow its Committees and the Chief Executive to carry out their functions, Council has to delegate some these powers to act. The Chief Executive has to further delegate a number of these powers to allow Council staff to carry out their functions.

All delegations of power are contained in the Council's Delegations Manual copies of which may be obtained from Council's Office.

## **8. Meeting Processes**

### **8.1 The Rules for Meetings and Standing Orders.**

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

All Council and Committee meetings are open to the public unless there is reason to consider some item 'in committee'.

The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information and, the maintenance of public health, safety and order.

The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Mayor or Committee Chair is responsible for maintaining order at meetings and may, at his 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). The Council has adopted the NZS 9202 model standing orders for territorial authorities.

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

Public Notification of Meetings is in accordance with NZS 9202:2003.

During meetings of the Council or Committees, all Council participants (the Mayor, Chair or Councillors or Members) must follow Standing Orders unless Standing Orders are suspended by a vote of 75% (or more) of the members present.

In addition the Council Code of Conduct sets out the expectations of the behaviour, which elected members expect of each other at meetings.

## **9. Consultation Policies**

### **9.1 Consultation Policy**

The Council has a Consultation Policy in place (adopted in 2005 and reviewed in 2012). A copy of the Consultation Policy is available on the Council Website.

### **9.2 Special Consultation Procedure under Local Government Act 2002**

The Local Government Act sets out certain consultation principles and a procedure that is followed when making certain decisions. This procedure, the special consultative procedure, is outlined in sections 83, 86 and 87 of the LGA 2002.

Principles of Consultation must be undertaken in accordance with best practice consultation principles given in section 82 of the LGA 2002.

Under section 76AA of the LGA 2002, Council is required to have a Significance and Engagement Policy.

The purpose of the Westland District Council's Significance and Engagement Policy (SEP) is — To enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities. To provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters. To articulate the relationship between the significance of a matter and the corresponding level of engagement of parties that is required.

The Council believes in the importance of having a SEP as it provides a useful and accountable decision-making framework for both the Council and the community

The Significance and Engagement Policy, which includes details of statutory consultation requirements, can be found on the Council's website.

The Council can and does consult outside of the special consultative procedure. When it is adopting its Long Term Plan, Annual Plan or District Plan it will hold formal meetings with community groups and other interested parties. At these meetings the Council will seek

views on the matters the Council considers to be important and identify issues of concern to the community.

The special consultative procedure consists of the following steps:

**(a)** prepare and adopt—

**(i)** a statement of proposal; and

**(ii)** if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with [section 83AA](#)); and

**(b)** ensure that the following is publicly available:

**(i)** the statement of proposal; and

**(ii)** a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with [section 82\(1\)\(d\)](#); and

**(iii)** a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and

**(c)** make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as is reasonably practicable as a basis for consultation; and

**(d)** provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and

**(e)** ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—

**(i)** is given a reasonable opportunity to do so; and

**(ii)** is informed about how and when he or she may take up that opportunity.

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.

### **9.3 Liaising with Māori – Te Tangata Whenua O Te Tai Poutini**

The Council at their meeting on the 26 July 2018 resolved to extend an invitation to the Chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to attend and participate in Council Meetings and the Business of Council, in acknowledgement of, and to further strengthen, Council's partnership with Mana Whenua of Westland.

Council included the Chairs of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio as full members of the Finance, Audit and Risk Committee and are able to participate in Council Meetings.

A Memorandum of Understanding establishes the protocol between the Westland District Council, Te Rūnanga O Ngāti Waewae and Te Rūnanga O Makaawhio.

The MOU:

- provides a framework for the parties to work together towards improving Westland;
- provides mechanisms and resources that assist the Rūnanga to participate in Council policy, planning, and other decision-making processes
- facilitates the sharing of information to build a better understanding that enhances collaboration and strategic thinking about Westland's future
- identifies strategic opportunities to work closely together for the betterment of Westland district; and
- builds iwi capacity and capability to partner with local government.

The Council is therefore committed to acknowledging the unique perspectives of Papatipu Rūnanga and is further committed to strengthening our relationship with Papatipu Rūnanga as a result of the Partnership Agreement.

## **10. Equal Employment Opportunity Policy**

### **10.1 Equal Employment Opportunity Policy**

The Council is committed to the principles of Equal Employment Opportunity for all its employees and accordingly will act in accordance with the following policy:

- People with the best skills and qualifications to do particular jobs are employed regardless of their gender, race, marital status, physical impairment, or sexual preference.

- All employees will have a fair and equitable chance to compete for appointment or promotion and to pursue their careers.
- The recruitment and promotion of employees is based on merit.
- All employees have equitable access to training and skills development.

## **11. Key Planning and Policy Documents**

### **11.1 Long Term Plan (LTP)**

In accordance with section 93 of the LGA 2002, the Council adopted its fifth Long Term Plan (LTP) in June 2018. The LTP was adopted following the special consultative procedure set out in section 93A of the LGA 2002.

The purpose of the LTP is to:

- Describe the activities of Council.
- Describe community outcomes.
- Provide integrated decision making and co-ordination of resources.
- Provide a long-term focus for decisions and activities of council.
- Provide a basis for accountability to the community.

The LTP is the central focus for the Council's future over the next 10 years. The plan will be reviewed by 30 June 2021 and will be reviewed every three years thereafter. It is important to note that Council cannot significantly deviate from the LTP without re-engaging the community through the special consultative procedure. In other words, once the plan is adopted it determines the Council's direction for the next three years. The LTP is subject to audit.

The LTP is the Council's key document and contains information on:

- **Groups of Activities:** The LTP shows the level of service Council will provide for each activity, the assets employed and the total costs (both capital and operating) to Council for providing those services.
- **Financial Strategy:** to underpin prudent financial management, with an analysis of the key factors likely to impact on the Council (population change, investment in infrastructure etc.)
- **Infrastructure:** to make explicit how Council envisages it will manage its roads, water, wastewater and stormwater facilities over the next 30 years.

- Variations between the LTP and earlier assessments of water services, sanitary services and waste management within the District.
- Forecast financial statements: Detailed forecasts for three years and summary forecasts for the seven years after the first three.
- Details of any Council-controlled organisations, its objectives, scope of activities and targets.
- Funding Impact Statement: How the rates are going to be allocated/charged to ratepayers.
- A Revenue and Financing policy: who pays for services provided, why and how
- Significant Forecasting assumptions and associated risks to the financial estimates. A summary of the Council's Significance and Engagement Policy.
- Development of Maori Capacity to Participate in Council Decision-making.
- How Council will develop Māori capacity to contribute to the decision making process.
- Describe community outcomes; good access to health services, a safe and caring community, lifelong educational opportunities, a treasured natural environment, a buoyant district economy and enjoying life in Westland.

As a consequence of the LGA 2002 Amendment Act 2014, the LTP is now required to also include:

- the infrastructure strategy, and,
- the projected number of rating units within the District.

## **11.2 The Annual Plan**

The year in which a Long Term Plan is adopted this document becomes the Annual Budget for that year. For the two years between reviews of the LTP Council will adopt an Annual Plan through the special consultative procedure set out in sections 83 & 85 of the Local Government Act 2002.

This Annual Plan will focus on the budgets for the current financial year and the setting of rates. This document will not be able to significantly deviate from the LTP.



### **11.3 The Policy Manual**

All policies adopted by the Westland District Council are contained in a policy manual. This is available on request from the Executive Assistant.

### **11.4 The Westland District Plan**

The Westland District Plan was adopted on 16 May 2002. This Plan sets out the framework of objectives, policies, and methods to be used to achieve integrated management of the effects of the use, development, and protection of the natural and physical resources of Westland District. Some of the methods to be used include rules controlling the effects of land use and land subdivision.

The Plan has been prepared to fulfil the requirement of Part V of the Resource Management Act 1991 that there be, at all times, one district plan for each territorial authority district. Implementation of the Plan's policies and methods is intended to assist the Council to carry out its functions under the Act. The Plan is one of a number of initiatives to be used by the Council to achieve the (sustainable management) purpose of the Act.

The District Plan is available on the Council's Website at [www.westlanddc.govt.nz](http://www.westlanddc.govt.nz) and at Council's Office, 36 Weld Street, Hokitika.

### **11.5 Bylaws**

Council reviewed most of its bylaws in 2018, and made changes following submissions and hearings. New bylaws are generally required to be reviewed within 5 years, and revised bylaws within 10 years of the most recent revision.

- [Airport Charges Bylaw 1998](#) – revised 2 July 2018 – next review by July 2028
- [Dog Control Bylaw 1997](#) – revised 2 July 2018 – next review by July 2028
- [Fencing Bylaw 1991](#) – revised 2 July 2018 – next review by July 2028
- [Freedom Camping Bylaw](#) – adopted Nov 2018  
- [Appendix A. Maps of Prohibited Freedom Camping Sites](#)  
- [Appendix B. Maps of Responsible Camping Sites](#)
- [Alcohol Control Bylaw 2018](#) – approved 2 July 2018 – review by July 2023
- [Refuse and Recycling Bylaw 1992](#) – revised 2 July 2018 – next review by July 2028

- [Speed Limits Bylaw 2006](#) – revised 2 July 2018 – next review by July 2028
- [Speed Limits Bylaw 2006 Attached Schedule](#)
- [Trading in Public Places Bylaw 2008](#) – revised 2 July 2018 – next review by July 2028
- [Traffic and Parking Bylaw 2013](#) – revised 2 July 2018 – next review by July 2028
- [Waste Water Bylaw 2018](#) – approved 2 July 2018 – next review by July 2023
- [Water Supply Bylaw 2016](#) – 23 June 2016 – review by June 2021
- [Wildfoods and Other Events Bylaw 2003 incorporating the Wildfoods and Other Events Amendment Bylaw 2006](#) – revised 2 July 2018 – next review by July 2028

The following Bylaws have been revoked:

- Jackson Bay Wharf Bylaw 2001 – Revoked 27 March 2014

## 12. Local Government Official Information and Meetings Act 1987 (LGOIMA)

### 12.1 Requests for LGOIMA

The LGOIMA allows people to request official information held by Council. It contains rules for how such requests should be handled, and provides a right to complain to the Ombudsman in certain situations. The LGOIMA also has provisions governing the conduct of meetings.

In responding to LGOIMA's, Council will consider the principle of availability

The principle of availability underpins the whole of the LGOIMA. The Act explicitly states that:

*The question whether any official information is to be made available ... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that **the information shall be made available unless there is good reason for withholding it.***

Official information means **any information held** by Council.

It is not limited to documentary material, and includes material held in **any format** such as:

- written documents, reports, memoranda, letters, notes, emails and draft documents;

- non-written documentary information, such as material stored on or generated by computers, including databases, video or tape recordings;
- information which is known to Council, but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee or member of Council in their official capacity);
- documents and manuals which set out the policies, principles, rules or guidelines for decision making by an agency;
- the reasons for any decisions that have been made about a person.

### **Information held by elected members and employees**

Information held by elected members (ie, mayors and councillors) and officers and employees of an agency in their official capacity is deemed to be held by Council.

Any requests for information will be provided in accordance with the LGOIMA.

A charge shall be made to recover all reasonable costs incurred by Council in providing the information. Council has adopted a set of fees and charges for requests under LGOIMA. These are on the Council website under fees and charges. An estimation of cost prior to providing the information can be made available.

Requests for official information should be addressed to the Chief Executive and emailed to [LGOIMA@westlanddc.govt.nz](mailto:LGOIMA@westlanddc.govt.nz)