



Hastings District Council

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OPEN

A G E N D A

HASTINGS DISTRICT RURAL COMMUNITY BOARD MEETING

First meeting following the 2019 Triennial Elections

Meeting Date: **Thursday, 7 November 2019**

Time: **3.45pm**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Members	Chair: To be elected Mrs S Maxwell, Mr M Buddo, Mr N Dawson and Mr J Stockley Councillors Kerr and Siers (Quorum=4)
Officer Responsible	Group Manager: Asset Management – Craig Thew
Democracy & Governance Advisor	Carolyn Hunt (Ext 5634)

Hastings District Rural Community Board – Terms of Reference

The Community Board is a separate entity to the Council. The role of the Community Board is set out in Section 52 of the Local Government Act 2002. The Council is authorised to delegate powers to the Community Board.

Membership (6 members)

Chair (elected by the Board)

Deputy Chair (elected by the Board)

4 Elected Community Board Members

1 Mohaka Ward Councillor

1 Kahuranaki Ward Councillor

Quorum – 4 members

DELEGATED POWERS

General

1. To maintain an overview of services provided by the Council within the Community Board's area.
2. To represent, and act as an advocate for, the interests of the community represented.
3. To consider and report on all matters referred to the Board by the Council, or any matter of interest or concern to the Community Board.
4. To communicate with community organisations and special interest groups within the community;
5. To undertake any other responsibilities that are delegated to it by the Council.
6. To appoint a member of the Community Board to organisations approved by the Council from time to time.

LONG TERM PLAN/ANNUAL PLAN/POLICY ISSUES

7. Authority to make a submission to the Long Term Plan/Annual Plan process on activities, service levels and expenditure (including capital works priorities) within the Board's area or to make a submission in relation to any policy matter which may have an effect within the Board's area.

ROADING AND TRAFFIC

8. Authority to exercise the Council's powers and functions in relation to roads within the Board's area under the following sections of the Local Government Act 1974:
 - Section 335 (vehicle crossings);
 - Section 344 (gates and cattle stops);
 - Section 355 (overhanging trees).
9. Authority to exercise the Council's statutory powers (including any relevant powers conferred by bylaw) over roads within the Board's area in respect of:
 - (i) Road user behaviour at intersections;
 - (ii) Controls on stopping or overtaking
 - (iii) Controls on turning
 - (iv) Pedestrian safety,
 - (v) Footpath maintenance and improvements.
 - (vi) Accident investigation studies, lighting and other safety works
10. For the avoidance of doubt, nothing in this delegation authorises a Community Board to deal with a matter, in the exercise of delegated authority, in a manner which is conflict with any policy or decision of the Council or any standing committee of the Council in relation to the same matter.

HASTINGS DISTRICT COUNCIL
HASTINGS DISTRICT RURAL COMMUNITY BOARD
MEETING

THURSDAY, 7 NOVEMBER 2019

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 3.45pm

A G E N D A

1. Apologies

At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

2. Conflict of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Democratic Support Manager (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

3. Confirmation of Minutes – No minutes to confirm

4. Declarations of Rural Community Board Members

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5. Voting Systems for Certain Appointments

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REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

**FROM: GENERAL COUNSEL
SCOTT SMITH**

SUBJECT: DECLARATIONS OF RURAL COMMUNITY BOARD MEMBERS

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 The purpose of this report is to describe the process for receiving the declarations of the members of the Hastings District Rural Community Board.
- 1.2 This first meeting of the Board following the 2019 triennial elections will be opened by the Chief Executive, Mr Nigel Bickle, in the Chair. The Chief Executive will receive and witness the oral declarations of Rural Community Board members and Council Appointees to the Board (**Attachment 1 (a)**)
- 1.3 The Chief Executive will remain in the chair until the Board has elected a chair and that person has made the declaration of the chair of the Rural Community Board.

2.0 BACKGROUND – TE HOROPAKI

- 2.1 Schedule 7, Part 1, clause 21 of the Local Government Act 2002 states:

“The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the mayor or chairperson has made and attested the declaration required under clause 14”

- 2.2 Schedule 7, Part 1, clause 14 of the Local Government Act 2002 states:

“(1) A person may not act as a member of a local authority until –

- (a) That person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and*
- (b) A written version of the declaration has been attested as provided under subclause (2)*

(2) The written declaration must be signed by the member and witnessed by

-
- (a) the chairperson; or*
- (b) the chief executive of the local authority.”*

2.3 Section 54 of the Local Government Act 2002 applies the above provisions to community boards as if they were local authorities.

3.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

A) That the Hastings District Rural Community Board receives the report titled Declarations of Rural Community Board Members

Attachments:

1  Rural Community Board Members Declaration CG-14-26-00120

a) Declaration by Members (including Council appointees)

English Version

“I, (Full name), declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as Member of the Hastings District Rural Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act”.

Māori Version

*Ko ahau, ko «**Ingoa_Tuatahi_Te_Ingoa**» e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Heretaunga, hei **Mema** o te Poari Hapori Taiwhenua ā-Rohe o Heretaunga e ai hoki ki te Ture Kāwanatanga ā-Taiao 2002, ki te Ture Kāwanatanga ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei”.*

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE
JACKIE EVANS**

SUBJECT: VOTING SYSTEMS FOR CERTAIN APPOINTMENTS

1.0 PURPOSE AND SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

1.1 Clause 24 (3) of Schedule 7 of The Local Government Act 2002 requires that every act or question coming before a local authority must be done or decided by open voting. In other words, the Council or the Board cannot hold a secret ballot to determine who gets appointed to any position or positions.

1.2 Clause 25 of Schedule 7 gives two systems for:

- a) the election or appointment of the deputy mayor;
- b) the election or appointment of a chairperson and deputy chairperson;
- c) the election or appointment of representatives on other organisations.

1.3 The 2 systems, are called in the Act, System A and System B.

1.4 System A –

- a) provides that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority present and voting; and
 - b) has the following characteristics:
 - (i) there is a first round of voting for all candidates; and
 - (ii) if no candidate is successful in getting a majority in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - (iii) if no candidate is successful in the second round there is a third, and if necessary subsequent, rounds of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - (iv) in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- e.g. If there are 3 candidates and all 6 members are present and vote, the majority is 4

Round 1 - Candidate A 3 votes
Candidate B 2 votes
Candidate C 1 vote

Candidate A does not have 4 votes, the required majority, so
Candidate C is excluded

Round 2 - Candidate A 4 votes
Candidate B 2 votes
Candidate A has the majority and is successful

1.5 System B –

- a) provides that a person is elected or appointed if he or she receives more votes than any other candidate; and
- b) has the following characteristics:
 - (i) there is only 1 round of voting; and
 - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

1.6 There is no casting vote in these situations, as Clause 25 provides for ties to be resolved by lot.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

A) That the Hastings District Rural Community Board receives the report titled Voting Systems for Certain Appointments

Attachments:

There are no attachments for this report.

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

FROM: MANAGER: DEMOCRACY AND GOVERNANCE
JACKIE EVANS

SUBJECT: ELECTION OF CHAIR AND DEPUTY CHAIR

1.0 PURPOSE AND SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

- 1.1 The purpose of this report is for the Chief Executive to call for nominations to elect a Chair for the Hastings District Rural Community Board following the completion of declarations by the members of the Board.
- 1.2 That a member of the Hastings District Rural Community Board be appointed as Chair.
- 1.3 The wording for the Declaration of the Chair is attached (**Attachment 1**).

2.0 RECOMMENDATIONS - *NGĀ TŪTOHUNGA*

- A) That the Hastings District Rural Community Board receives the report titled Election of Chair and Deputy Chair
- B) That _____ be appointed as Chair of the Hastings District Community Board for the next triennium 2019-2021.
- C) That _____ be appointed as Deputy Chair of the Hastings District Community Board for the next triennium 2019-2021.

Attachments:

1  Chair Declaration wording

CG-14-26-00131

a) Declaration by Chair, Hastings District Rural Community Board

English Version

*“I, (Full name), declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as **Chair** of the Hastings District Rural Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act”.*

Māori Version

*Ko ahau, ko «**Ingoa_Tuatahi_Te_Ingoa**» e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Heretaunga, hei **Tiamana** o te Poari Hapori Taiwhenua ā-Rohe o Heretaunga e ai hoki ki te Ture Kāwanatanga ā-Taiao 2002, ki te Ture Kāwanatanga ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei”*

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

**FROM: GENERAL COUNSEL
SCOTT SMITH**

SUBJECT: CONFLICTS OF INTEREST

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 The purpose of this report is to inform members about the following Conflicts of Interest statement that appears on order papers for Council and Committee meetings.
- 1.2 An explanation of the Local Authorities (Members' Interests) Act 1968 appears in the Legal Officers report under Agenda Item 8, Legislation Affecting Members. However, Members may also have non-pecuniary conflicts of interest.
- 1.3 The Conflict of Interest statement serves as a reminder to members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.
- 1.4 The current wording of the statement is as follows:

“Conflicts of Interest

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Executive Advisor/ Manager Office of the Chief Executive (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member”.

- 1.6 Clause 19.7 of the Hastings District Rural Community Board Standing Orders provides as follows:

“Financial conflicts interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter".

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

- A) That the Hastings District Rural Community Board receives the report titled Conflicts of Interest**

Attachments:

There are no attachments for this report.

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD
MEETING DATE: THURSDAY 7 NOVEMBER 2019
**FROM: GENERAL COUNSEL
SCOTT SMITH**
SUBJECT: LEGISLATION AFFECTING MEMBERS

1.0 PURPOSE AND SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

- 1.1 The Chief Executive has asked for a report for Councillors and Community board members summarising legislation affecting elected members. Such a paper is attached to fulfil the requirements of clause 21 of schedule 7 of the Local Government Act 2002 (**Attachment 1**).
- 1.2 The paper refers specifically to councillors rather than “members”. Members of the Rural Community Board are similarly bound by the same provisions in respect of the operations of the Board.

2.0 RECOMMENDATIONS - *NGĀ TŪTOHUNGA*

- A) That the Hastings District Rural Community Board receives the report titled Legislation Affecting Members**

Attachments:

1  Legislation affecting members

CG-14-1-01535

KEY LEGISLATION AFFECTING COUNCILLORS IN THEIR DUTIES**A) Local Government Act 2002**

This is the main piece of legislation setting out the role and functions of councils.

It covers a huge range of council functions. Key areas include:

- Purpose of Local Government and Role and Powers of Local Authorities
- Structure and Reorganisation of Local Government
- Local Government Commission
- Governance and Management of Local Authorities, Local Boards and Community Boards
- Council-controlled Organisations and Council Organisations
- Decision-making
- Consultation
- Community Outcomes
- Planning - The Long-Term Plan
- Infrastructure Strategy
- Annual Report
- Financial Management
- Borrowing & Security
- Water Services
- Bylaws
- Enforcement Powers
- Development Contributions
- Offences and Legal Proceedings
- Reorganisation of Local Authorities
- Minister's Powers in relation to Local Authorities
- Constitution of Communities
- Provisions regarding members & meetings & employment matters

B) Local Government Act 1974

The provisions of the Local Government Act 1974 remain in relation to roading and some drainage provisions.

C) Secret Commissions Act 1910

This makes it an offence for a councillor to accept (or attempt to obtain) for the councillor or any other person a gift, inducement or reward for doing or not doing something. The maximum penalty is seven years imprisonment.

There are similar provisions against bribery in the Crimes Act (also a maximum penalty of 7 years imprisonment)

D) Local Authorities (Members' Interests) Act 1968

This is a very important Act.

It is designed to maintain *natural justice*, to ensure that councillors' decisions are not affected by any personal motive.

Pecuniary Interest

A councillor must not discuss or vote on any matter in which the councillor or his/her spouse has a direct or indirect pecuniary (i.e. monetary) interest.

A failure to abide by the pecuniary interest prohibition is an offence and is likely to lead to prosecution and removal from office.

If you believe you have a pecuniary interest, you need to declare your interest to the meeting (you do not need to give details). You need to ensure that the minutes of the meeting subsequently record your declaration and abstention from discussion and voting.

The Council maintains a voluntary register of councillors' interests to assist staff in giving councillors help with this area. It is, however, your responsibility as a councillor to declare a potential interest, not the staff's responsibility to police it.

Contracts

A councillor cannot be involved in contracts with a council for which total payments exceed \$25,000 in a financial year. This includes contracts made by the councillor, or their spouse, or contracts with any company in which the councillor or the councillor's spouse has ten percent or more of the issued capital or of which either the councillor or spouse is the managing director or general manager (however named).

It may be possible to obtain prior Audit New Zealand approval for contracts greater than \$25,000.

An example of a pecuniary interest

A member who voted on a roading proposal affecting a shopping centre in which he had a shop was held to have a pecuniary interest.

The moral of the story is:

“When in doubt, don't discuss it or vote on it and make sure your abstention is recorded.”

E) Local Government Official Information and Meetings Act 1987

The principal purposes of this Act are:

- To make official information held by local authorities more freely available.

- To provide for proper access by each person to official information relating to that person.
- To provide for the admission of the public to meetings of local authorities.
- To protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the protection of personal privacy.

The fundamental principle of the Act is that information should be made available unless there is good reason for withholding it. A number of procedures are set out under the Act for the achievement of this principle and these purposes. The Council's standing orders are in many respects a combination of parts of the Local Government Act 2002 and the requirements of the Local Government Official Information and Meetings Act 1987.

F) Crimes Act 1961

Sections 105 and 105A of the Crimes Act 1961 prescribe a maximum penalty of seven years' imprisonment for any member or officer found guilty of bribery and corruption as well as any member or officer of the Council who corruptly uses information to obtain a pecuniary gain for that person or any other person. Section 99 defines bribery and makes it clear that both staff and councillors are covered by the provisions.

G) Resource Management Act 1991

Members of the Council on the Hearings Committee and members of the Planning & Regulatory Committee will have extensive involvement with this Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

H) Financial Markets Conduct Act 2013

The Council is subject to the Financial Markets Conduct Act 2013 in relation to the issue of securities to the public, in particular the form and content of prospectuses.

I) Local Electoral Act 2001

This Act and its subordinate regulations control the running of council elections.

J) Local Government (Rating) Act 2002

This Act provides a code for the setting and collection rates.

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE
JACKIE EVANS**

**SUBJECT: REMUNERATION FOR THE NEW TERM OF THE
HASTINGS DISTRICT RURAL COMMUNITY BOARD**

1.0 PURPOSE AND SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

- 1.1 The purpose of this report is to advise the Rural Community Board of the remuneration which will be paid to members for the new term of the Board.
- 1.2 This report concludes by recommending that that the information be received.

2.0 BACKGROUND – *TE HOROPAKI*

- 2.1 The level of remuneration for Mayor, Councillors, committee chairpersons and Rural Community Board members of the Council is set by the Remuneration Authority. This is set on the basis of the population, expenditure and asset base of each local authority.
- 2.2 Community Board salaries have been based on the Community Board population. This does not mean that the Community Board salary is a fixed multiple of its population; rather it means that there is relativity between the Board's population and the remuneration of its members.

3.0 REMUNERATION SYSTEM

- 3.1 For the Hastings District Council the remuneration set by the Authority which took effect from 1 July 2019 is set out below:
- Community Board Chairperson \$15,036.00
 - Community Board Member \$7,518.00
- 3.2 The Council's expenses policy, which applies to all elected members is currently being updated and will be presented to the Board at its meeting 2 December 2019.

4.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

- A) That Hastings District Council Rural Community Board receives the report titled Remuneration for the New Term of the Hastings District Rural Community Board**
- B) That the Hastings District Rural Community Board note that the following remuneration is payable to members:**
- **Community Board Chairperson \$15,036.00**
 - **Community Board Member \$7,518.00**

Attachments:

There are no attachments for this report.

REPORT TO: HASTINGS DISTRICT RURAL COMMUNITY BOARD

MEETING DATE: THURSDAY 7 NOVEMBER 2019

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE
JACKIE EVANS**

SUBJECT: DATE OF FIRST ORDINARY MEETING

1.0 PURPOSE AND SUMMARY - *TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA*

- 1.1 The purpose of this report is to obtain a decision from the Board on the date of its first ordinary meeting.
- 1.2 Schedule 7, part 1, section 21(5)(d) of the local government act 2002 requires the Board to set a date and time for its first ordinary meeting following the triennial local authority elections.
- 1.3 The first ordinary meeting of the Rural Community Board is proposed to be held on Monday, 2 December 2019 at 2.00pm.
- 1.4 The Board can either adopt the proposed date and time, or set another date and time.

2.0 RECOMMENDATIONS - *NGĀ TŪTOHUNGA*

- A) That the Hastings District Rural Community Board receives the report titled Date of First Ordinary Meeting.**
- B) That the first ordinary meeting of the Hastings District Rural Community Board be held on Monday, 2 December 2019 commencing at 2.00pm.**

Attachments:

There are no attachments for this report.