

Whangarei District Council Meeting

Agenda

Date: Thursday, 29 March, 2018

Time: 10:30 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Karakia/Prayer	
2. Declarations of Interest	
3. Apologies	
4. Public Forum	1
Public Forum	
5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council	
5.1 Minutes Whangarei District Council 22 February 2018	3
5.2 Minutes Whangarei District Council 28 February 2018	9
6. Decision Reports	
6.1 2018 Code of Conduct Review	15
6.2 Recommendation to Increase Contract Award Value CON12006	33
6.3 Amendment to Resource Management Act Delegations	35
6.4 Council Benchmarks 2016-2017	37
7. Information Reports	
8. Public Excluded Business	
8.1 Closed Minutes Whangarei District Council 22 February 2018	
8.2 Sale of 211 Port Road	
8.3 Trustee appointments - Whangarei Art Museum Trust	
8.4 Road Legalisation	
9. Closure of Meeting	

4. Public Forum

Meeting: Council
Date of meeting: 29 March 2018
Reporting officer: C Brindle (Senior Democracy Adviser)

1 Purpose

To afford members of the Community an opportunity to speak to Council and to report on matters raised at previous public forums when appropriate.

2 Summary

Public Forum

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application setting out the subject matter and the names of the speakers to the Chief Executive at least 2 working days before the day of the meeting.

Speaker:

Time	Speaker	Topic
10.30am	Brian May	Various subjects

Report on previous Public Forum

Where practicable actions taken on matters raised by previous speakers are reported back to public forum.

Speaker	Subject
Erin	Mobility/disability Parking bylaw
Report Thank you for the petition requesting traffic calming on Keyte Street. Council prioritise all the traffic calming requests based on a number of factors including road classification, pedestrian activity, crash history, road geometry, traffic volumes etc.	

Based on an annual budget of approximately \$100k council implement traffic calming on 1 – 2 streets every year. This year's traffic calming budget is already committed to implement traffic calming on Manse Street and Lupton Avenue. Council also plan to implement traffic calming on Churchill Street in the next round.

Traffic calming may slow down vehicles to some extent but it may not necessarily stop people from making poor decisions. Keyte Street already has traffic calming measures in place in the form of kerb build-outs and a roundabout. However, council will consider Keyte Street for additional traffic calming in the next round and prioritise it against other streets on the programme.

Item 5.1**Whangarei District Council Meeting Minutes**

Date: Thursday, 22 February, 2018
Time: 10:30 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

Cr Morgan opened the meeting with a karakia/prayer.

2. Declarations of Interest

Item 6.3 Whangarei Aquatic Centre Lease

Item 1.2 Stonehaven Village Trust – Debt Retirement

3. Apology

Cr Greg Innes (late arrival)

Moved By Cr Tricia Cutforth

Seconded By Cr Anna Murphy

That the apology be sustained.

Carried

4.1 Public Forum

Erin Frances Judkin – Speed bumps on Keyte Street

Erin Judkins submitted a petition, containing 214 signatories, on behalf of residents and other concerned members of the district.

Letters in support of the petition from the Police, People Potential and Whau Valley School, were also submitted.

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council

5.1 Minutes Whangarei District Council 14 December 2017

Moved By Cr Sue Glen

Seconded By Cr Shelley Deeming

That the minutes of the Whangarei District Council meeting held on Thursday 14 December 2017 having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

5.2 Confirmation of Minutes Extra ordinary Council 19 December 2017

Moved By Cr Anna Murphy

Seconded By Cr Sharon Morgan

That the minutes of the Whangarei District Council meeting held on Tuesday 19 December 2017 having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

6. Decision Reports

6.1 Elected Member appointments

Moved By Cr Tricia Cutforth

Seconded By Cr Crichton Christie

That Council;

- a) notes the appointment of Councillor Benney to the Community Funding Committee and that the Committee Terms of Reference be updated accordingly.

- b) appoints Councillor Benney to represent Council on the following outside organisations:
- Youth Advisory Panel (Sector/Reference Group)
 - Citizens Advice Bureau Whangarei Inc (Community Sector Reference Group)
 - Kamo Community Inc (Community Group)
 - Tikipride Community House.
- c) Appoints Cr Benney to replace Councillor Murphy as Council's representative on the Walking and Cycling Reference Group.

Carried

6.2 Public Notice of Intention to Vest Land, Containing the Hikurangi Multi-use Hardcourt Facility, as Recreation Reserve

Moved By Cr Greg Martin

Seconded By Cr Anna Murphy

That the Whangarei District Council approve the public notice of its intention to declare Part Allot N5 PSH Of Hikurangi to be a Recreation Reserve and to hear any submissions or objections received.

Carried

6.3 Whangarei Aquatic Centre Lease

Moved By Cr Stu Bell

Seconded By Cr Cherry Hermon

That the Whangarei District Council approves the lease of the Recreation Reserve (Section 1 SO 482411), on which the Whangarei Aquatic Centre is located, to Sport Northland, for \$1.00, for a period of 33 years, with two 33 year rights of renewal.

Amendment:

Moved By Cr Phil Halse

Seconded By Cr Vince Cocurullo

That the Whangarei District council approves the lease of the Recreation Reserve (Section 1 SO 482411), on which the Whangarei Aquatic Centre is located, to Sport Northland, for \$1.00, for a period of 33 years.

Procedural motion

Moved By Cr Shelley Deeming

Seconded By Cr Cherry Hermon

That the item being discussed lie on the table and be referred back to the 29 March 2018 Council meeting.

Carried

Declaration of Interest: Her Worship the Mayor as Council appointee to the Sport Northland Trust.

6.4 Temporary Road Closure - Tactical Urbanism and City Centre Plan Launch

Moved By Cr Sue Glen

Seconded By Cr Tricia Cutforth

That Council;

1. Approves the following road be temporarily closed to ordinary traffic for the launch of tactical urbanism in accordance with the Local Government Act (1974).
 - a. Butter Factory Lane from the Butter Factory property boundary to the Curves property boundary
 - i. Date of closure: Friday 23 February 2018
 - ii. Period of closure: 4:00pm – 8:00pm.
2. Delegates to the Mayor of the Whangarei District Council and the Infrastructure General Manager the power to consider objections and cancel or amend any or all of the temporary closure if applicable.

Carried

6.5 Solid Waste Contract Update

Moved By Cr Shelley Deeming

Seconded By Cr Vince Cocurullo

That the Whangarei District Council endorses the report.

Carried

Cr Bell requested his vote against be recorded.

7. Information Reports

7.1 Report on the 2017 By-Election for the Denby Ward

Moved By Cr Vince Cocurullo

Seconded By Cr Crichton Christie

That Council notes the report on the Denby By-Election held in December 2017.

Carried

Cr Innes joined the meeting at 11.12am during discussion on Item 7.1.

7.2 Interim Camping in Public Place Summer Monitoring and Enforcement Report

Moved By Cr Cherry Hermon

Seconded By Cr Greg Innes

That Whangarei District Council receives the report.

Carried

8. Public Excluded Business

Moved By Cr Cherry Hermon

Seconded By Cr Sue Glen

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Legal proceedings	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Stonehaven Village Trust – Debt Retirement		
1.3	Employment Matter		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:		
Item	Grounds	Section
1.1	To maintain legal professional privilege	Section 7(2)(g)
1.2	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
1.3	To protect the privacy of natural persons	Section 7(2)(a)
	To maintain legal professional privilege	Section 7(2)(g)

Carried

9. Closure of Meeting

The meeting closed at 1.33pm

Confirmed this 29th day of March 2018

Her Worship the Mayor Sheryl Mai (Chairperson)

Item 5.2**Whangarei District Council Meeting Minutes**

Date: Wednesday, 28 February, 2018
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Scribe C Brindle (Senior Democracy Adviser)

1. Karakia/Prayer

2. Declarations of Interest

Item 5.3 - LTP 2018 - 28 Consultation Document - Supporting Documents

3. Apologies

There were no apologies.

4. Confirmation of Minutes of Previous Meeting of the Whangarei District Council

There were no minutes for confirmation.

5. Decision Reports

5.1 Fees and Charges 2018 to 2019

Moved By Cr Sue Glen

Seconded By Cr Greg Innes

That Whangarei District Council:

- a) Adopt the Statement of Proposal for 2018-19 fees and charges listed in Table A below which are subject to the Special Consultative Procedure process under the Local Government Act 2002.
- b) Resolve to seek public submissions on these fees and charges in accordance with the Special Consultative Process.

Table A: 2018-19 fees and charges subject to the Special Consultative Procedure

	Refer Attachment 2: Statement of Proposal
Resource Management fees and charges	Page 24
Health Act fees and charges – relating to food businesses	Pages 15,16
Gambling Act and Racing Act consent fees and charges	Page 17
Cemetery fees and charges	Page 10

- c) Adopt the proposed 2018-19 fees and charges listed in Table B for consultation pursuant to Section 82 of the Local Government Act 2002.

Table B: 2018-19 fees and charges not subject to the Special Consultative Procedure

	Refer Attachment 1: Proposed Fees and Charges
Dog, Stock Control and Impounding fees and charges	Page 4
Food Premises – Other registered premises	Page 16
Swimming Pool Inspection fees and charges	Page 27

Building Control fees and charges	Page 5 – 9
Rubbish Disposal fees and charges	Page 25
Drainage fees and charges	Page 14
Transport fees and charges	Page 27
Library fees and charges	Page 18-20
Parks and Reserves fees and charges	Page 22,23
Water fees and charges	Page 27 -28
Laboratory fees and charges	Page 17, 18
Official Information fees and charges	Page 21
Photocopying fees and charges	Page 23
Searches fees and charges	Page 26
Bylaw Enforcement fees and charges	Page 9
Land Information Memorandum fees and charges	Page 9
Cameron Street Mall Permits	Page 11

- d) Authorise the Chief Executive to make minor amendments, drafting typographical or presentation corrections necessary to the Proposed Fees and Charges and the Statement of Proposal prior to consultation.

The motion was Carried

Procedural motion

Moved By Cr Stu Bell

Seconded By Cr Tricia Cutforth

That Item 5.1 be adjourned until after Item 5.3.

Carried

Discussion resumed on Item 5.1 following Item 5.3.

The meeting adjourned from 10.06am to 10.30am to enable staff to check the recommendations were legislatively compliant.

Following the break amended recommendations were circulated and subsequently adopted.

5.2 Draft policies for approval for consultation

Moved By Cr Anna Murphy

Seconded By Cr Sharon Morgan

That Council

1. Adopts the statement of proposal and draft rates remission and postponement policy and early payment of rates policy which are subject to the Special Consultative Procedure process under the Local Government Act 2002.
2. Adopts the statement of proposal and draft revenue and financing policy which are subject to the special consultative procedure process under the Local Government Act 2002.
3. Adopts the statement of proposal and draft development contributions policy which are subject to the special consultative procedure process under the Local Government Act 2002.
4. Resolves to seek public submissions on these draft policies in accordance with the special consultative process.
5. Authorises the Chief Executive to make any necessary drafting typographical or presentation corrections to the attached supporting documents prior to consultation.

Carried

5.3 LTP 2018 - 28 Consultation Document - Supporting Documents

Moved By Cr Shelley Deeming

Seconded By Cr Anna Murphy

That Council

- a) Adopts the supporting documents to the Long-Term Plan 2018-2028 Consultation Document listed below;
 - a. Proposed financial strategy
 - b. Proposed infrastructure strategy
 - c. Proposed statements of service provision
 - d. Forecast financial statements
 - e. Significant forecasting assumptions

- f. Funding impact statement.
- b) Authorises the Chief Executive to make any necessary drafting typographical or presentation corrections to the attached supporting documents prior to consultation.

Carried

*Declaration of interest: Cr Martin, Hikurangi Swamp.
Cr Cocurullo requested his vote against be recorded.*

Item 5.1 was taken after Item 5.3.

Item 5.4 was taken after Item 5.1.

5.4 Adoption of the LTP 2018 - 28 Consultation Document

Moved By Cr Greg Innes

Seconded By Cr Sharon Morgan

That Council

- a) Notes that the 2018-2028 Long Term Plan Consultation Document has been audited and approved by Audit New Zealand, and their opinion is included in the Consultation Document.
- a) Adopts the 2018-2028 Long Term Plan Consultation Document in accordance with the requirements of the Local Government Act 2002.
- b) Authorises the Chief Executive to make any necessary drafting, typographical or presentation corrections to the 2018-2028 Long Term Plan Consultation Document.

Carried

Cr Cocorullo requested his vote against be recorded.

6. Public Excluded Business

There was no business conducted in public excluded.

7. Closure of Meeting

The meeting concluded at 11.06am

Confirmed this 29th day of March 2018

Her Worship the Mayor Sheryl Mai (Chairperson)

6.1 2018 Elected Member Code of Conduct Review

Meeting: Council
Date of meeting: 29 March 2018
Reporting officer: Jason Marris (Democracy and Assurance Manager)

1 Purpose

To present an updated Elected Member Code of Conduct for adoption.

2 Recommendations

That Council;

1. Agrees that the updated 2018 Elected Member Code of Conduct retains the ability for members of the public to make a complaint
2. Agrees that the updated 2018 Elected Member Code of Conduct retains the provision for the full Council to be the decision-maker for all complaints where the breach of the Code of Conduct is found to be material
3. Agrees that the updated 2018 Elected Member Code of Conduct includes the provision to allow the Chief Executive only to select the external pool of independent investigators at the start of the triennium
4. Agrees that the updated 2018 Elected Member Code of Conduct allows the Chief Executive to select an independent external investigator from outside of the pool for any complaint where circumstances require it
5. Adopts the updated 2018 Elected Member Code of Conduct located at Attachment One, incorporating the decisions above
6. Delegates the authority to make the editorial and typographical changes to the 2018 Elected Member Code of Conduct to the Mayor and Chief Executive, if required.

3 Background

In 2017, Council had two briefings to discuss a review of the 2013 Whangarei District Council Code of Conduct against a new template Code of Conduct provided by Local Government New Zealand (LGNZ). At its 27 July 2017 meeting, Council resolved to continue with the 2013 Whangarei District Council Code of Conduct.

At a February 2018 meeting, Council resolved to review Part Four of the 2013 Whangarei District Council Code of Conduct. Part Four relates to the investigation process for elected

member code of conduct complaints. This was reviewed at a Council briefing on 15 March 2018.

4 Discussion

The 15 March 2018 council briefing discussed the LGNZ template with the aim of including aspects of it in Part Four of the current 2013 Whangarei District Council Elected Member Code.

The key recommendations and options from the briefing are listed below. Note that any amendment to the Elected Member Code of Conduct requires a 75% majority of the members present.

1. The current code of conduct allows the public to make a complaint about an elected member. The LGNZ template states that only elected members and the Chief Executive may make a complaint. To ensure clarity, the council is being asked if it wants to continue with the status quo, or limit who can make a complaint to only elected members and the Chief Executive.

Options: Council can decide to continue to allow members of the public to lodge a complaint, or not.

2. The current code of conduct has the full Council as the decision-maker for those code of conduct complaints found to be more than minor. The LGNZ template provides the option for full Council or a Committee of Council to make the decisions for complaints where the breach has been found to be material.

Options: Council can decide that full Council makes the decision for all material breaches of the Code, or that the decision making be delegated to a Committee of council.

3. The LGNZ template requires all complaints to go to an external independent investigator who is selected from a pool of investigators. The membership of that pool is determined by the Chief Executive, in consultation with the Mayor. To promote a clear demarcation of elected member involvement in the complaint process, Council could allocate the role of selecting the pool of independent investigators to the Chief Executive.

Options: Council can decide to have a pool of investigators chosen by the Chief Executive in consultation with the Mayor or alternatively have the Chief Executive only select the membership.

4. The LGNZ template does not allow for an independent external investigator to be called upon from outside of the pool if circumstances require it, such as managing conflicts, or requiring specific expertise.

Options: Council can decide that the Chief Executive, in consultation with the Mayor or the Chief Executive only (depending on decision three above) be provided the ability to use an independent investigator from outside of the pool, if circumstances require it.

5. The updated Elected Member Whangarei District Council Code of Conduct is located at Attachment One. All of the recommended changes have been highlighted. It has been drafted following direction provided by Council at the 15 March briefing. Elected members have the ability to vote on each individual recommendation, so they have been provided separately for decision.

Option: Recommendation five asks Council to adopt the Updated 2018 Whangarei District Council Code of Conduct, incorporating the decisions made prior. If Council does not agree with recommendation five, the previous four recommendations are nullified, and the current 2013 Code of Conduct remains in force.

There is one other administrative change to the 2013 Code of Conduct. The current code refers to the Securities Act 1978. This has since been updated and renamed to the Financial Markets Conduct Act 2013. The responsibilities of Council under the new Financial Markets Conduct Act 2013 have not changed. This amendment has been made in the updated Code of Conduct at Attachment One. If Council agrees to recommendation five, this change is captured. If not, staff will have a recommendation ready to include this change in the 2013 Code of Conduct.

5 Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

6 Attachment

1. 2018 Whangarei District Council Elected Member Code of Conduct

Code of Conduct

Elected Members

Amended March 2018

Table of contents

PART 1 INTRODUCTION	3
• <i>Public interest</i>	3
• <i>Honesty and integrity</i>	3
• <i>Objectivity</i>	3
• <i>Accountability</i>	3
• <i>Openness</i>	4
• <i>Personal judgment</i>	4
• <i>Respect for others</i>	4
• <i>Duty to uphold the law</i>	4
• <i>Stewardship</i>	4
• <i>Leadership</i>	4
PART 2 ROLES AND RESPONSIBILITIES OF ELECTED MEMBERS	4
PART 3 RELATIONSHIPS AND BEHAVIOURS	4
RELATIONSHIPS WITH OTHER MEMBERS	4
RELATIONSHIPS WITH STAFF	5
RELATIONSHIPS WITH THE COMMUNITY	5
CONTACT WITH THE MEDIA	5
CONFIDENTIAL INFORMATION	5
CONFLICTS OF INTEREST	6
STANDING ORDERS	7
ETHICS	7
DISQUALIFICATION OF MEMBERS FROM OFFICE	7
PART 4 COMPLIANCE AND REVIEW	8
BREACHES OF THE CODE	8
PRINCIPLES	8
COMPLAINTS	8
INVESTIGATION, ADVICE AND DECISION	8
MATERIALITY	8
PENALTIES AND ACTIONS	9
MATERIAL BREACHES	9
STATUTORY BREACHES	9
REVIEW	10
APPENDIX ONE – RELEVANT LEGISLATION	11
LEGISLATION BEARING ON THE ROLE AND CONDUCT OF ELECTED MEMBERS	11
LOCAL AUTHORITY (MEMBERS' INTERESTS) ACT 1968	11
LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987	11
SECRET COMMISSIONS ACT 1910	11
CRIMES ACT 1961	11
FINANCIAL MARKETS CONDUCT ACT 2013	12
APPENDIX TWO – PROCESS FOR THE DETERMINATION AND INVESTIGATION OF COMPLAINTS	13

Part 1 Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires each local authority to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

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

- each other
- the chief executive
- all staff employed by the chief executive on behalf of Council
- the media
- the general public.

The objective of the code is to enhance:

- the effectiveness of Council as the autonomous local authority with statutory responsibilities for the good local government of the Whangarei District
- the credibility and accountability of 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 (recorded in Part 2 of the code)
- agreed general principles of conduct (recorded in Part 3 of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part 3 of the code).

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.

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

- **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.
- **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.
- **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.
- **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.

- **Openness**

Members should be as open as possible about their actions and those of 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.

- **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.

- **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.

- **Stewardship**

Members must ensure that Council uses resources prudently and for lawful purposes, and that Council maintains sufficient resources to meet its statutory obligations.

- **Leadership**

Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part 2 Roles and responsibilities of elected members

Elected members, acting as Council, are responsible for:

- development and adoption of Council policy
- monitoring the performance of Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the chief executive
- representing the interests of the residents and ratepayers of the Whangarei District. (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, Council can act only by majority decisions at meetings and each member has one vote (unless where Council has resolved to give the Chairperson a casting vote). Any individual member (including the mayor) has no authority to act on behalf of Council unless Council has expressly delegated such authority.

Part 3 Relationships and behaviours

This part of the code sets out 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 Council has decided to include of its own initiative.

Relationships with other 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 and 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 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 or the chief executive review committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise Council's obligations to act as a good employer and may expose Council to civil litigation and audit sanctions.

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 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.

Contact with the media

In dealings with the media, elected members must clarify whether or not they are communicating a Council or a committee view, or are expressing a personal view.

Confidential information

In the course of their duties members will occasionally 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.

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 Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Conflicts of interest

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 concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Local Authorities (Members' Interests) Act 1968 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 in any financial year, unless prior approval has been obtained.

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 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 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 Whangarei District
- the address of any land where the landlord is Whangarei 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 immediately seek guidance from the chief executive.

Members may also contact the Audit Office 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. The chief executive must also seek approval from the Audit Office 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 disqualified from office.

Standing orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Whangarei 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 (including campaigning)
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the chief executive if any gifts are accepted
- where a gift to the value of \$500 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.

Whangarei District Council requires elected members who are declared bankrupt to notify the chief executive as soon as practicable after being declared bankrupt.

Part 4 Compliance and review

Breaches of the Code

Members must comply with the provisions of this Code (LGA 2002, schedule 7, s. 15(4)). Any member, **member of the public** or the chief executive, who believes that the Code has been breached by the behaviour of a member, may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles.

Principles

The following principles will guide any processes for investigating and determining whether or not a breach under this Code has occurred:

- that the approach for investigating and assessing a complaint will be proportionate to the apparent seriousness of the breach complained about;
- that the roles of complaint, investigation, advice and decision-making will be kept separate as appropriate to the nature and complexity of the alleged breach; and
- that the concepts of natural justice and fairness will apply in the determination of any complaints made under this Code. This requires, conditional on the nature of an alleged breach, that affected parties:
 - have a right to know that an investigation process is underway;
 - are given due notice and are provided with an opportunity to be heard;
 - have a right to seek appropriate advice and be represented; and
 - have their privacy respected.

Complaints

All complaints made under this Code must be made in writing and forwarded to the chief executive. On receipt of a complaint the chief executive must forward that complaint to an independent investigator for a preliminary assessment to determine whether the issue is sufficiently serious to warrant a full investigation¹.

Members, the chief executive and members of the public may make a complaint under this Code.

Investigation, advice and decision

The process, following receipt of a complaint, will follow the steps outlined in **Appendix Two**.

Materiality

An alleged breach under this Code is material if, in the opinion of the independent investigator, it would, if proven, bring a member or the council into disrepute or, if not addressed; reflect adversely on another member of the council.

¹ On behalf of the Council, the Chief Executive will, shortly after the start of a triennium **or as needed**, prepare, ~~in consultation with the Mayor~~, a list of investigators. The Chief Executive may prepare a list specifically for the council, prepare a list jointly with neighbouring councils or contract with an agency capable of providing appropriate investigators, such as Equip.

Penalties and actions

Where a complaint is determined to be material and referred to a meeting of full Council the nature of any penalty or action will depend on the seriousness of the breach.

Material breaches

In the case of material breaches of this code, Council may require one of the following:

1. a letter of censure to the member;
2. a request (made either privately or publicly) for an apology;
3. a vote of no confidence in the member;
4. removal of certain council-funded privileges (such as attendance at conferences);
5. restricted entry to council offices, such as no access to staff areas (where restrictions may not previously have existed);
6. limitation on any dealings with council staff so that they are confined to the chief executive only;
7. suspension from committees or other bodies; or
8. an invitation for the member to consider resigning from the council.

Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- attend a relevant training course; and/or
- work with a mentor for a period of time; and/or
- participate in voluntary mediation (if the complaint involves a conflict between two members); and/or
- tender an apology.

The process is based on the presumption that the outcome of a complaints process will be made public unless there are grounds, such as those set out in the Local Government Official Information and Meetings Act 1987 (LGOIMA), for not doing so.

Statutory breaches

In cases where a breach of the Code is found to involve regulatory or legislative requirements, the complaint will be referred to the relevant agency. For example:

- breaches relating to members' interests (where members may be liable for prosecution by the Auditor-General under the Local Authority (Members' Interests) Act 1968);
- breaches which result in the council suffering financial loss or damage (where the Auditor-General may make a report on the loss or damage under s. 44 LGA 2002 which may result in the member having to make good the loss or damage); or
- breaches relating to the commission of a criminal offence which will be referred to the Police (which may leave the elected member liable for criminal prosecution).

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 require a resolution supported by 75 per cent of the members of the council present at a council meeting where the amendment is considered.

Council may formally review the Code as soon as practicable after the beginning of each triennium. The results of that review will be considered by the council in regard to potential changes for improving the Code.

Appendix One – Relevant Legislation

Legislation bearing on the role and conduct of elected members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in Council's library or in the office of the chief executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where a member's 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 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 Audit Office 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. The chief executive must also seek approval from the Audit Office 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 Council, other councillors, any employee of Council or any member of the public.

Secret Commissions Act 1910

Under this Act it is unlawful for an elected member (or officer) 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. 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 officer) 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 of up to seven years. Elected members convicted of these offences will also be automatically ousted from office.

Financial Markets Conduct Act 2013

The Financial Markets Conduct Act 2013 (previously the Securities Act 1978) essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Appendix Two – Process for the determination and investigation of complaints

Step 1: Chief executive receives complaint

On receipt of a complaint under this Code the chief executive will refer the complaint to an independent investigator selected from the agreed pool. The chief executive may refer the complaint to an independent investigator outside of the pool if circumstances require it, such as to manage conflicts or to seek specific expertise. The chief executive will also:

- inform the complainant that the complaint has been referred to the independent investigator and the name of the investigator, and refer them to the process for dealing with complaints as set out in the Code; and
- inform the respondent that a complaint has been made against them, the name of the investigator and refer them to the process for dealing with complaints as set out in the Code.

Step 2: Investigator makes preliminary assessment

On receipt of a complaint the investigator will assess whether:

1. the complaint is frivolous or without substance and should be dismissed;
2. the complaint is outside the scope of the Code and should be redirected to another agency or process;
3. the complaint is non-material; and
4. the complaint is material and a full investigation is required.

In making the assessment the investigator may make whatever initial inquiry is necessary to determine the appropriate course of action. The investigator has full discretion to dismiss any complaint which, in their view, fails to meet the test of materiality.

On receiving the investigator's preliminary assessment, the chief executive will:

1. where an investigator determines that a complaint is frivolous or without substance, inform the complainant and respondent directly and inform other members (if there are no grounds for confidentiality) of the investigator's decision;
2. in cases where the investigator finds that the complaint involves a potential legislative breach and outside the scope of the Code, forward the complaint to the relevant agency and inform both the complainant and respondent of the action.

Step 3: Actions where a breach is found to be non-material

If the subject of a complaint is found to be non-material the investigator will inform the chief executive and recommend a course of action, if any, appropriate to the breach, such as;

- that the respondent seek guidance from the Chairperson or Mayor;
- that the respondent attend appropriate courses or programmes to increase their knowledge and understanding of the matters leading to the complaint.

The chief executive will advise both the complainant and the respondent of the investigator's decision and any recommendations, neither of which are open to challenge. Any recommendations made in response to a non-material breach are non-binding on the respondent and the council.

Step 4: Actions where a breach is found to be material

If the subject of a complaint is found to be material the investigator will inform the chief, who will inform the complainant and respondent. The investigator will then prepare a report for the council on the seriousness of the breach.

In preparing that report the investigator may:

- consult with the complainant, respondent and any affected parties;
- undertake a hearing with relevant parties; and/or
- refer to any relevant documents or information.

On receipt of the investigator's report the chief executive will prepare a report **for a meeting of full Council**, which will consider the findings and determine whether or not a penalty, or some other form of action, will be imposed. The chief executive's report will include the full report prepared by the investigator.

Step 5: Process for considering the investigator's report

Depending upon the nature of the complaint and alleged breach the investigator's report may be considered by the full council, excluding the complainant, respondent and any other 'interested' members, **or a committee (the Code of Conduct Committee) established for that purpose.**

~~In order to avoid any suggestion of bias, a Code of Conduct Committee may often be the best mechanism for considering and ruling on complaints. Committees should be established at the start of a triennium with a majority of members selected from the community through either an application process or by invitation.~~

The Council **or committee** will consider the chief executive's report in open meeting, except where the alleged breach concerns matters that justify the exclusion of the public, such as the misuse of confidential information or a matter that would otherwise be exempt from public disclosure under s.48 of the LGOIMA, in which case it will be a closed meeting.

Before making any decision in respect of the investigator's report the **Council** will give the member against whom the complaint has been made an opportunity to appear and speak in their own defence. Members with an interest in the proceedings, including the complainant and the respondent, may not take part in these proceedings.

The form of penalty that might be applied will depend on the nature of the breach and may include actions set out in **Part Four** of this Code.

~~In accordance with this Code councils will agree to implement the recommendations of a Code of Conduct Committee without debate.~~

6.2 Recommendation to Increase Contract Award Value

Meeting: Whangarei District Council
Date of meeting: 29 March 2018
Reporting officer: Kevin Barry – Roading Projects Engineer

1 Purpose

To increase contract value for CON12006 – Chip Seal and Asphaltic Resurfacing

2 Recommendation/s

That the Council

- a. Approve the contract value for CON12006 – Chip seal and Asphaltic Resurfacing be increased by \$720,000.00 excluding GST from \$23,081,318.31 to \$23,801,318.31 (excluding GST).

3 Background

The Chipseal and Asphaltic Resurfacing contract (CON12006) was awarded to Downer New Zealand Ltd on 1 June 2012 for the amount of \$7,790,705.00. The contract involves the resurfacing of the Whangarei District Council sealed network, comprising of 100km of chipseal and 2km of asphalt per annum.

4 Discussion

The contract was let for an initial three-year period in 2012 and makes provision for extending for a further two years (1+1). The second of the one year extensions was approved by Council in August 2016 to a total contract value of \$18,881,318.31.

On 25th May 2017 Council approved an extension of the contract for a further period of one year from 1 July 2017 to 30 June 2018. The contract value was increased by \$4,200,000.00 (excluding GST) to the total current contract value of \$23,081,318.31 (excluding GST).

During the 2017/18 season, additional works to the value of \$520,000.00 (excluding GST) were required for the rehabilitation and asphaltting works of Bank St. In addition, Roading have assisted the Parks & Recreation Department with resurfacing of carparks for a value of \$200,000.00.

4.1 Financial/budget considerations

A breakdown of the additional costs is provided in the following table:

Item	Variation	Amount (excl. GST)
1.	Rehabilitation and asphaltting works of Bank St	\$520,000.00
2.	Resurfacing of carparks	\$200,000.00
	TOTAL	\$720,000.00

A breakdown of cost for the whole contract is provided in the following table:

Description	Amount (excl. GST)
Original contract value	\$7,790,705.00
Revised contract value (rollover approved May 2017)	\$23,081,318.31
Amount of previously approved variations	\$15,290,613.31
Amount of this variation	\$720,000.00
Total revised contract value	\$23,801,318.31

These additional Roading Department works will be funded from the 2017/18 sealed road pavement rehabilitation category and the Parks Department works from the Carpark and Path renewals category.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6.3 Amendment to Resource Management Act, Environment Court Delegation

Meeting: Whangarei District Council

Date of meeting: 29 March 2018

Reporting officer: Melissa McGrath

1 Purpose

To approve an amendment to delegation G18, Resource Management Act 1991, Environment Court proceedings of the Delegation Manual to include incidental applications that may be appropriately made by Council, or other parties, during the course of those proceedings.

2 Recommendation/s

That the Council

1. Approve the following amendment to delegation G18 of the Delegation Manual 2014:

G18	Authority to defend against those appeals that cannot be settled, in mediation or before the Environment Court, including the authority to reach agreement while in mediation or at Court, <u>and to make, or attend to, any applications that may be appropriate, or be lodged with the Court in the course of those appeals,</u> in consultation with Council's solicitors.	Chief Executive General Manager Planning and Development District Plan Manager
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3 Background

Upon reviewing the Council delegation manual, it has been found to be unclear as to who has delegation to approve incidental applications to the Environment Court.

As worded delegation G18 within the Delegations Manual 2014 does not provide certainty for users as to what delegation applies to the approval of incidental application that may be appropriately made by Council or other parties, during the course of Environment Court proceedings.

4 Discussion

Council has received 20 appeals against the rural, coast, landscape and minerals plan changes. To reasonably progress mediation of these appeals Council must have the ability to lodge incidental applications to the Environment Court. The Environment Court has a broad range of powers, however, these applications might include applications to strike out district plan appeals (in whole or in part), requests for further and better particulars of appeals, or an application security costs or a costs award associated with district plan appeals.

The Environment Court has issued a minute instructing all parties engaged with the rural, coast, landscape and minerals plan changes appeals, of an extremely tight timeframe to proceed, Council needs to prepare and respond quickly.

5 Significance and engagement

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy.

6.4 Council Benchmarks 2016-2017

Meeting: Whangarei District Council
Date of meeting: 29 March 2018
Reporting officer: Alan Adcock (General Manager – Corporate/CFO)

1 Purpose

To provide Council with financial benchmarking data.

2 Recommendation

That Council notes the financial benchmarking data in the report.

3 Background

This report is a summary of information obtained from the 2016/17 Annual Reports of the G9 Councils. The G9 Councils are provincial councils that are broadly similar to Whangarei District Council. The other 8 Councils in the G9 are Tauranga City Council, Hastings District Council, New Plymouth City Council, Whanganui District Council, Rotorua Lakes Council, Palmerston North City Council, Napier City Council and Gisborne District Council.

Benchmarking

Benchmarking provides a means by which we can compare our organisation to other similar organisations. Benchmarking is often seen as a league table with the best organisations on the top and the worst performing organisations below. However, as is often the case, the situation is more complicated than that.

Organisations are not identical so information must be used with care. For example, on the surface, Gisborne District Council has considerably higher rates per resident than Whangarei District Council. However, Gisborne District is a Unitary Authority and their rates include regional council functions so they should be higher than WDC. For that reason, it is also important that we don't overly focus on a single benchmarking indicator. Rather we should look at all the indicators and gain a general impression of how we are performing.

Used properly benchmarking provides information that allows us to ask questions about whether we are making the right tradeoffs and can identify areas for improvement. In order to make the comparisons meaningful we have to compensate for the different size of each council. For example, Tauranga with a population of over 134,000 will clearly spend more money on works and services than Gisborne and Whanganui with populations of approximately 45,000. We've benchmarked councils on a "per resident", "per rating unit", "per km²" (geographical size) and as a proportion of total revenue or expenditure.

4 Discussion

4.1 Rates and Revenue

Previous data has shown that Whangarei District Council rates are among the lowest in the country. This information confirms that our rates are low relative to our peers.

On average the G9 Councils collect just over \$1000 in rates for every person (not ratepayer) in the district. WDC collects \$992 (approx. 7% less than the average). Napier City Council (\$833) and Hastings District Council are the only G9 councils that collect less rates per resident than WDC. If we use rates per rating unit as a comparison, then only Napier City Council (\$1,999) is lower than WDC (\$2,050 per rating unit), approximately 14% less than the average (\$2397).

While WDC has introduced rates rises approximately 7% above the level of inflation and population growth over the last two financial years, it is interesting that we are still at the lower end of our peer councils.

While rates are generally the single largest source of council revenue, other sources of funding such as roading subsidies, user charges, and investment income all assist council to pay for the services to the community.

4.2 Subsidies and Grants

Like most Councils, WDC has consistently targeted roading subsidies to maximize the return for ratepayer dollars.

Currently, subsidies make up 11% of WDC income which equals the G9 average. This is a reduction from the previous year (13%) and reflects year to year variations in the roading program. Three Councils got a significantly higher proportion of their income from subsidy Gisborne District (23%), Whanganui District (19%) and Hastings District (17%).

4.3 Total Revenue

On average rates make up 63% of the total revenue of the G9 Councils. In WDC's case just over half (55%) of our revenue comes from rates, the second lowest of the group after Napier (49%). This suggests that WDC continues to be effective at obtaining funds from sources other than rates.

The WDC's total revenue (rates, subsidies, investment income fees and charges) per resident is \$1789, just above the G9 average of \$1737.

4.4 Expenditure

Whangarei District Council's expenditure per resident (\$2003) is above the G9 average (\$1678). This is a change from last year, where WDC was well below the G9 average. This change is largely attributable to the one off non-cash adjustment for the transfer of Mangakahia/Loop Roads to NZTA. If this is removed the WDC measure reduces to \$1569.

Differences between an individual council and the average can be for a number of reasons. One scenario is a council is performing better than average at managing its costs, another may be that it provides a lower level of service than average in some areas.

Generally, the councils with greater population density (Tauranga, Napier/Hastings, and Palmerston North) have the lowest expenditure per resident. It is possible that higher population density helps lower costs of infrastructure (water supplies, wastewater, roading networks etc.).

4.5 Debt

Whangarei District Council's debt per resident is \$1,806. This is higher than the average for the G9 Councils (\$1,483).

Debt levels for the G9 councils vary significantly, ranging from less than \$800 per resident through to over \$2600 per resident. For a variety of reasons, Councils are generally very conservative when it comes to taking on debt.

4.6 Personnel costs

Whangarei District Council has the lowest personnel cost per resident and the smallest proportion of personnel costs to total expenditure of all the G9 Councils.

WDC spends 14% of its budget on personnel costs compared to the G9 average of 24%. Using a different measure WDC's personnel expenditure per resident is \$281 per resident compared to the G9 average of \$387 per resident. The data suggests that WDC keeps very tight control of our personnel costs, and that recent increases in staff numbers have kept pace with growth driven demand and revenues.

4.7 Consultants and legal fees

WDC spent about 1% of its budget on consultants and legal fees, less than the average for G9 councils of 3%.

What does this mean?

As noted above one must be careful about reading too much in to benchmarking data as we are not always comparing "apples with apples". In this case we could make the following conclusions:

- WDC has low rates compared to other councils
- WDC has generally been successful in its strategy to fund as much work as possible from subsidies and other non-rate income (e.g. user charges and debt)
- WDC controls its costs quite well and spends slightly less than average on providing its services to residents
- WDC has low personnel expenditure.
- WDC has higher debt than average but this is reducing.

Overall it suggests Council has a history of strong financial management which is continuing. This is backed up by Standard and Poors who have given Council an AA credit rating with a stable outlook.

4.8 Another perspective.

The analysis presented in this report is based on analysis prepared by staff from data in the 2016/17 Annual Reports of G9 councils.

Late last year WDC participated in a sector wide benchmarking survey conducted by PWC - the Australasian LG Performance Excellence Program. This is a comprehensive and detailed survey covering many aspects of council operations, including Human Resources, Financial Management, Infrastructure Planning and Risk Management. A copy of the report will be included in next month's agenda.

5 Significance and engagement

Council conducts a wide range of benchmarking activities to better understand comparative performance and value across key services; and use this information to inform budget setting, prioritise and drive improvement and ensure members have the opportunity to compare performance with other similar councils.

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via report publication on the website, Council News.

6 Attachment

Council Benchmarks 2016/2017

Breakdown of Spend at each Council to June 2017

	Tauranga	Hastings	New Plymouth	Wanganui	Rotorua	Palmerston North	Napier	Gisborne	Whangarei	Avg
Population	134,600	73,245	80,000	43,560	65,280	83,500	61,040	47,734	89,700	76,836
Rates (000)	\$ 144,850	\$ 70,770	\$ 80,292	\$ 55,750	\$ 82,231	\$ 87,720	\$ 50,840	\$ 55,966	\$ 89,002	\$ 80,980
Rates/Head	\$ 1,076	\$ 966	\$ 1,004	\$ 1,280	\$ 1,260	\$ 1,051	\$ 833	\$ 1,172	\$ 992	\$ 1,070
Total Revenue	\$ 198,745	\$ 126,880	\$ 144,038	\$ 89,772	\$ 111,456	\$ 127,199	\$ 103,108	\$ 88,554	\$ 160,494	\$ 129,323
Revenue/Head	\$ 1,477	\$ 1,732	\$ 1,800	\$ 2,061	\$ 1,707	\$ 1,523	\$ 1,689	\$ 1,855	\$ 1,789	\$ 1,737
Rates/Revenue	73%	56%	56%	62%	74%	69%	49%	63%	55%	63%
Subsidies & Grants	\$ 6,007	\$ 21,757	\$ 11,187	\$ 17,308	\$ 11,159	\$ 7,980	\$ 5,298	\$ 20,092	\$ 17,555	\$ 13,828
Subsidies/Revenue	3%	17%	8%	19%	10%	6%	5%	23%	11%	11%
Personnel Costs	\$ 47,685	\$ 29,399	\$ 35,838	\$ 16,856	\$ 25,485	\$ 38,811	\$ 31,315	\$ 19,051	\$ 25,174	\$ 29,736
Personnel/Total Exp	24%	26%	28%	22%	22%	34%	35%	20%	14%	24%
Personnel / Head	\$ 354.27	\$ 401.38	\$ 447.98	\$ 386.96	\$ 390.40	\$ 464.80	\$ 513.02	\$ 399.11	\$ 280.65	\$ 387.00
Consultants & Legal Fees	\$ 9,786	\$ 5,174	\$ 149	\$ 2,597	\$ 2,589	\$ -	\$ -	\$ 1,988	\$ 1,070	\$ 3,867
Consultants & Legal Fees / Total Exp	5%	5%	0%	3%	2%	0%	0%	2%	1%	3%
Consultants & Legal Fees / Head	\$ 72.70	\$ 70.64	\$ 1.86	\$ 59.62	\$ 39.66	\$ -	\$ -	\$ 41.65	\$ 11.93	\$ 50.33
External Contractors	\$ -	\$ 23,297	\$ -	\$ 13,673	\$ 30,305	\$ -	\$ -	\$ -	\$ 33,612	\$ 25,222
External Contractors / Total Exp	0%	20%	0%	18%	26%	0%	0%	0%	19%	20%
External Contractors / Head	\$ -	\$ 318.07	\$ -	\$ 313.89	\$ 464.23	\$ -	\$ -	\$ -	\$ 374.72	\$ 328.25
Expenditure	\$ 199,847	\$ 113,847	\$ 130,315	\$ 75,988	\$ 118,276	\$ 115,831	\$ 89,675	\$ 96,288	\$ 179,665	\$ 125,704
Expenditure/Head	\$ 1,485	\$ 1,554	\$ 1,629	\$ 1,744	\$ 1,812	\$ 1,387	\$ 1,469	\$ 2,017	\$ 2,003	\$ 1,678
Debt	\$ 355,396	\$ 60,741	\$ 110,000	\$ 94,050	\$ 168,750	\$ 97,000	\$ -	\$ 37,679	\$ 162,000	\$ 123,609
Debt/Head	\$ 2,640	\$ 829	\$ 1,375	\$ 2,159	\$ 2,585	\$ 1,162	\$ -	\$ 789	\$ 1,806	\$ 1,483
KM ²	134	5,229	2,324	2,373	2,615	395	106	8,386	2,712	2,699
Expenditure/KM ²	\$ 1,486,957	\$ 21,773	\$ 56,074	\$ 32,020	\$ 45,232	\$ 293,243	\$ 849,195	\$ 11,482	\$ 66,248	\$ 318,025
Rating units	54,281	30,642	36,320	21,427	29,529	32,810	25,429	22,269	43,415	33,788
Rates/RU	\$ 2,669	\$ 2,310	\$ 2,211	\$ 2,602	\$ 2,785	\$ 2,674	\$ 1,999	\$ 2,513	\$ 2,050	\$ 2,397
Revenue/RU	\$ 3,661	\$ 4,141	\$ 3,966	\$ 4,190	\$ 3,774	\$ 3,877	\$ 4,055	\$ 3,977	\$ 3,697	\$ 3,827
Expenditure/RU	\$ 3,682	\$ 3,715	\$ 3,588	\$ 3,546	\$ 4,005	\$ 3,530	\$ 3,526	\$ 4,324	\$ 4,138	\$ 3,720
Surplus/Deficit/RU	\$ (20)	\$ 425	\$ 378	\$ 643	\$ (231)	\$ 346	\$ 528	\$ (347)	\$ (442)	\$ 107

* Data/Information used in above table is for Y/E June 2017.

RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Minutes Whangarei District Council 22 February 2018	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Property Sale		
1.3	Appointment Whangarei Art Museum Trust		
1.4	Road Legalisation		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	To protect information where the making available of the information would disclose a trade secret.	Section 7(2)(b)(i)
1.2	To enable the Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
1.3	To protect the privacy of natural persons including that of a deceased person.	Section 7(2)(a)
1.4	To maintain legal professional privilege. To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations).	Section 7(2)(g) Section 7(2)(i)

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.