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## **Kaipara District Council**

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# **Minutes**

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<b>Meeting</b>	Kaipara District Council
<b>Date</b>	Tuesday 11 July 2017
<b>Time</b>	Meeting commenced at 9.00 am Meeting concluded at 12.34 pm
<b>Venue</b>	Northern Wairoa War Memorial Hall, Hokianga Road, Dargaville
<b>Status</b>	Confirmed

### **Membership**

Chair: Mayor Greg Gent

Members: Councillor Peter Wethey (Deputy Mayor)  
Councillor Anna Curnow  
Councillor Victoria Del la Varis-Woodcock  
Councillor Julie Geange  
Councillor Libby Jones  
Councillor Karen Joyce-Paki  
Councillor Jonathan Larsen  
Councillor Andrew Wade

Seán Mahoney  
**Democratic Services Manager**  
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**Ordinary Meeting of Kaipara District Council, Tuesday 11 July 2017 in Dargaville**
**1 Opening**
**1.1 Karakia**

Councillor Del la Varis-Woodcock opened the meeting with a karakia.

**1.2 Present**

Mayor Greg Gent, Councillors Peter Wethey (Deputy Mayor), Anna Curnow, Victoria Del la Varis-Woodcock, Julie Geange, Libby Jones, Karen Joyce-Paki, Jonathan Larsen and Andrew Wade

**In Attendance**

Name	Designation	Item(s)
Glennis Christie	General Manager Finance	All
Curt Martin	General Manager Infrastructure	All
Duncan McAulay	General Manager Strategy and Performance	All
Venessa Anich	General Manager Community	All
Peter Marshall	General Manager Corporate Services	All
Dean Nuralli	Regulatory Manager	All
Jessica Hollis	Resource Consents Manager (Acting)	All
Heidi Clark	Communications Manager	All
Sue Hodge	Parks and Community Manager	All
Howard Alchin	Policy Manager	All
Sean Mahoney	Democratic Services Manager	All
Lisa Hong	Administration Assistant	All (Minute-taker)

**1.3 Apologies**

Nil.

**1.4 Confirmation of Agenda**

The Committee confirmed the Agenda.

**1.5 Conflict of Interest Declaration**

Nil.

**1.6 Resolution Register and Action Tracker**

The resolution register and action tracker was noted.

## 1.7 Notices of Motion

### 1.7.1 Notice of Motion 1

**Councillor Jonathan Larsen**                      **30 June 2017**

- a) *That Council approve all appointments to current and future plan hearing panels (including variations and changes); and*
- b) *That any current delegations be amended to reflect this approval requirement; and*
- c) *That these changes take effect immediately.*

**Carried**

Councillor Curnow wishes to record her vote against the motion.

### 1.7.2 Notice of Motion 2

**Councillor Jonathan Larsen**                      **30 June 2017**

**Moved**      **Larsen/Wethey**

- 1) *That the Chief Executive develop a policy for the appointment of independent commissioners; and*
- 2) *That the policy include:*
  - a) *the process for Council appointment to, and removal from the list of commissioners; and*
  - b) *standardising of commissioner remuneration; and*
  - c) *the requirement for Council approval of appointments of commissioners for resource consent hearings, and a procedure for appointment including:*
    - i) *an alphabetical acceptance and refusal process to remove bias; and*
    - ii) *a public register recording the process followed in point a); and*
    - iii) *a process allowing applicants to refer disputes over appointments decisions to Council for resolution; and*
    - iv) *mechanisms to allow qualified elected members to sit on hearing panels if Council decides to do so.*
- 3) *That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure; and*
- 4) *That any related current delegations be amended to reflect policy; and*
- 5) *That the policy be presented to Council for approval at 09 October 2017 meeting.*

*Standing Order were suspended to allow an amendment to the motion.*

**Del la Varis-Woodcock/ Wethey**

*Standing Orders were returned.*

**Gent/Del la Varis-Woodcock**

**Carried**

### 1.7.3 Notice of Motion 3

**Councillor Jonathan Larsen                      30 June 2017**

- 1 ) *That the Chief Executive:*
- a) *Investigate the possibility of:*
- i) *Livestreaming of Council meetings (live video); and*
- ii) *Uploading of video of Council meetings to the Council website for public viewing (on-demand video); and*
- iii) *Reports the findings of the investigations and resultant recommendations back to Council at the 26 September 2017 meeting.*

**Lost**

### 1.7.4 Notice of Motion 4

**Councillor Jonathan Larsen                      30 June 2017**

**Moved        Larsen/Geange**

- 1 ) *That Council make its workshops open to the public (except as required under LGIOMA 1987); and*
- 2 ) *That Council uses its best endeavours to notify the details of workshops (date, time, location and subject) online and in local newspapers in conjunction with the details of Council meetings.*

**Carried**

### 1.7.4 Notice of Motion 5

**Councillor Jonathan Larsen                      30 June 2017**

**Moved        Larsen/Geange**

- 1 ) *That the Mangawhai Endowment Lands Account (MELA) committee carries out a full review of the MELA policy; and*

- 2) *That the amended policy be brought to the Council at 14 November 2017 meeting for adoption.*

**Carried**

### 1.7.5 Notice of Motion 6

**Councillor Jonathan Larsen**

**30 June 2017**

**Moved Larsen/Gent**

- 1) *That Council reviews its Reserves Contributions Fund Policy; and*
- 2) *That the Chief Executive work with Councillor Larsen (Chair), Wade and Del la Varis-Woodcock on reviewing the policy; and*
- 3) *That the amended policy be presented to the 26 September 2017 Council meeting for approval.*

*Standing Orders were suspended to allow an amendment to the motion.*

**Gent/Geange**

*Standing Orders were returned.*

**Geange/Gent**

**Carried**

## 2 Deputations and Presentations

Victoria Del la Varis-Woodcock spoke in the public forum to request support for a letter of support for a plastic bag free Dargaville.

Malcolm Halley, on behalf of Tikawhai Inc., spoke in the public forum regarding Mangawhai planning issues.

### **3 Confirmation of Minutes**

#### **3.1 Council Minutes 26 June 2017**

Democratic Services Manager 1601.21

**Moved Gent/Curnow**

*That the unconfirmed Minutes of the meeting of Kaipara District Council held 26 June 2017, be confirmed as a true and correct record.*

**Carried**

#### **3.2 Receiving of Confirmed Committee Minutes**

**Moved Gent/Curnow**

*That the confirmed minutes be received of the following meetings:*

- *Taharoa Domain Governance Committee 09 February 2017 and 04 April 2017;*
- *Pou Tu Te Rangi / Harding Park Joint Committee 16 March 2017;*
- *Audit, Risk and Finance Committee 09 March 2017; and*
- *Mangawhai Community Park Governance Committee 20 February 2017.*

**Carried**

### **4 Performance Reporting**

#### **4.1 Chief Executive's Report June 2017**

Chief Executive 2002.02.17/June

**Moved Curnow/Wethey**

*That Kaipara District Council receives the Chief Executive's Report for June 2017.*

**Carried**

## 5 Long Term Plan

### 5.1 Kaipara District Council Vision

General Manager Strategy and Performance 2302.22

Moved Larsen/Jones

*That Kaipara District Council:*

- 1 *Receives the General Manager Strategy and Performance's report 'Kaipara District Council Vision' dated 27 June 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Vision, circulated with the above-mentioned report, for use in the Long Term Plan 2018.*

**Carried**

### 5.2 Draft Long Term Plan 2018/2028 Engagement Strategy Adoption

Communications Manager 2302.22

Moved Joyce-Paki/Jones

*That Kaipara District Council:*

- 1 *Receives the Communication Manager's report 'Draft Long Term Plan 2018/2028 Engagement Strategy Adoption' dated 30 June 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Long Term Plan 2018/2028 Engagement Strategy.*

**Carried**



### 5.3 Papers that lay on the table May 2017

#### 5.3.1 Long Term Plan 2018/2028 Financial parameter setting

General Manager Finance 2302.22.01

**Moved Wethey/Curnow**

*That Kaipara District Council:*

- 1 *Receives the General Manager Finance/General Manager Strategy and Performance's report 'Long Term Plan 2018/2028 Financial parameter setting' dated 24 April 2017; and*
- 2 *Advises the Chief Executive of their initial view about appropriate levels for rates and debt to provide a reference point that will govern the production of the Long Term Plan 2018/2028 and supporting documents; and*
- 3 *Notes that changes to asset management plans, activity service levels and new initiatives may test the initial parameters and that the process is iterative in nature; and*
- 4 *Notes that any deviation from the initial parameters will require justification and subsequent Council approval.*

**Carried**

**The meeting adjourned at 10.48 am.**

**The meeting recommenced at 10.54 am.**

#### 5.3.2 Review of rating structure

Revenue Manager 2304.03/LTP 2018 2028

**Moved Jones/Joyce-Paki**

*That Kaipara District Council:*

- 1 *Receives the Revenue Manager's report 'Review of rating structure' dated 26 April 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Confirms the appropriateness of the current rating structure and directs the Chief Executive to prepare the Long Term Plan material on this basis at this point; and*
- 4 *Notes that subsequent reviews of targeted rating of the Three Waters (water supply,*

*stormwater and wastewater) and rating policies will be presented to Council and that consideration of the impact of the general revaluation will need to be complete before the rating structure can be finalised for the Revenue and Financing Policy and Funding Impact Statement - Rating Tools.*

**Carried**

## **6 Information Papers**

### **6.1 Resource Legislation Amendment Act 2017: Overview of main changes**

**Policy Manager 3825.0**

**Moved Geange/Del la Varis-Woodcock**

*That Kaipara District Council receives the Policy Manager's report 'Resource Legislation Amendment Act 2017: Overview of main changes' dated 29 June 2017, and Attachments 1-3, and the information contained therein.*

**Carried**

### **6.2 Policy Register Review Programme**

**General Manager Strategy and Performance 2128.01**

**Moved Wethey/Curnow**

*That Kaipara District Council:*

- 1 receives the General Manager Strategy and Performance's report 'Policy Register Review Cycle' dated 27 July 2017 and the information therein; and*
- 2 that the Mayor reviews and provides feedback for a further report to Council; and*
- 3 notes the amendments made to the review dates.*

**Carried**

### 6.3 Mangawhai Community Advisory Panel – Recommendations for the Mangawhai Community Plan

**Policy Manager** 3802.04/Advisory Panel

**Moved** Curnow/Wethey

*That Kaipara District Council:*

- 1 *Receives the Policy Manager's report 'Mangawhai Community Advisory Panel – Recommendations for the Mangawhai Community Plan' dated 13 June 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives the recommendations from the Community Advisory Panel on the Mangawhai Community Plan, as tabled at the Council meeting 11 July 2017; and*
- 4 *Formally acknowledges and thanks the Community Advisory Panel for their commitment and work on behalf of the community.*

**Carried**

## 7 Decision Papers

### 7.1 Local Government New Zealand Remits

**LGNZ 2017** Annual General Meeting Remits

**Moved** Wade/Del La Varis-Woodcock

That the Kaipara District Council endorse the remits as advocated by Deputy Mayor Peter Wethey in the attached document.

**Carried**

### 7.2 Rates setting, assessment and invoicing process

**General Manager Finance** 2306.18

**Moved** Wade/Gent

Additional papers were tabled by the General Manager Finance (attached)

*That Kaipara District Council:*

- 1 *Receives the report from the General Manager Finance, 'Rates setting, assessment and invoicing process' dated 28 June 2017;*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Confirms that the Chief Executive has authority to implement the Council's decision on rate setting, including to take all necessary steps to assess and invoice the rates as set in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.*

**Carried**

### 7.3 Private Seal Extension Policy Options

**General Manager Infrastructure 4101.01**

**Moved Wethey/Wade**

*That Kaipara District Council:*

- 1 *Receives the General Manager's report 'Private Seal Extension Policy Options' dated 28 June 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Provides feedback and confirms its preferred option for private seal extensions to allow staff to formulate a policy for Council's consideration.*

**Carried**

**Moved Larsen/Geange**

That item 8.2 'Crown Support' be moved to Open Meeting. [NB: now item 9.1.]

**Carried**

## 8 Public Excluded Council Minute items: 11 July 2017

The meeting went into Public Excluded session at 11.44 am.

Moved Curnow/Wethey

That the public be excluded from the following part of the proceedings of this meeting namely:

- Confirmation of Minutes Public Excluded 26 June 2017
- Mangawhai Holiday Park Wastewater Connection Agreement
- Kaipara District Council Water Supply Risks

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under s48(1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

<b>General subject of each matter to be considered:</b>	<b>Reason for passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
Confirmation of minutes 26 June 2017	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Mangawhai Holiday Park Wastewater Connection Agreement	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
Kaipara District Council Water Supply Risks	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

Carried

## 9 Open Council Minutes Tuesday 11 July 2017

The meeting moved back into Open Session at 12.20 pm.

Moved Wade/Jones

*That the public be re-admitted to the meeting and resolutions made whilst in Public Excluded be confirmed in Open Meeting once the relevant parties have been informed.*

Carried

### 9.1 Crown Support

Democratic Services Manager 1203.01

The Democratic Services Manager tabled the report as item 9.1 (**attached**).

Moved Wade/Curnow

*That the Kaipara District Council:*

- 1 *Receives the Democratic Services Manager's report 'Crown Support' dated 03 July 2017; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to the Chief Executive to consult with and receive direction from the Crown Manager, subject to prior discussion with the Mayor and Deputy Mayor and communication to the full Council.*

Carried

## 10 Closure

The meeting closed at 12.34 pm.

Confirmed 14 August 2017

Chair Mayor Gent

**File Number:** 2306.18 **Approval for Agenda**

**Report To:** Council

**Meeting Date:** 11 July 2017

**Subject:** Rates setting, assessment and invoicing process

**Date of Report:** 28 June 2017

**From:** Glennis Christie, General Manager Finance

**Report purpose**  **Decision**  **Information**

**Assessment of significance**  **Significant**  **Non-significant**

### Summary of process

Statutory considerations for rates setting, assessment and invoicing are set out in the Local Government Act 2002 (LGA) and the Local Government (Rating) Act 2002 (LGRA) and are supported by the Chief Executive's statutory responsibilities to Council and Council delegations.

The LGRA requires Council to set by Council resolution the rates for the financial year. The rates can only be set once Council has adopted its Annual Plan for that year, including the Funding Impact Statement. Once a rates resolution is resolved, Council has legal authority to assess and collect rates, as well as charging penalties for outstanding amounts.

Council set the rates for 2017/2018 on 26 June 2017.

The next part of the process is managed by the Chief Executive and officers in accordance with the LGA and LGRA. Under section 42(2) of the LGA, the responsibilities of the Chief Executive include: implementing the decisions of the local authority (section 42(2)(a) LGA); and ensuring the effective and efficient management of the activities of the local authority (section 42(2)(d) LGA). In addition, some aspects of the process occur under officer delegations. Under section 132 of the LGRA Council may delegate the exercise of functions, duties or powers under the LGRA, except certain functions, duties or powers relating to setting rates.

The basis for assessing rates is contained in section 43 of the LGRA and section 44 states that the basis of liability for rates is the delivery of a rates assessment.

The LGRA also defines the contents of the rates assessment notice (section 45) and the rates invoice (section 46).

The delivery of the rates assessment and the rates invoice are prescribed in sections 48 and 136.

An important step in the rates setting, assessment and invoicing process is the legal review of the rates resolution, the Funding Impact Statement (rating tools), and the templates for the rates assessment, invoice and the invoice for metered water supply. A legal review was conducted before the rates were set on 26 June 2017.

### Recommendations

*That Kaipara District Council:*

- 1 *Receives the report from the General Manager Finance, 'Rates setting, assessment and invoicing process' dated 28 June 2017;*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of s79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Confirms that the Chief Executive has authority to implement the Council's decision on rate setting, including to take all necessary steps to assess and invoice the rates as set in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.*

### **Reason for report**

Following the adoption of the Rates Resolution for 2017/2018 at the 26 June 2017 Council meeting, Council requested information on the rates assessment and invoicing process.

### **Background**

Statutory considerations for rates setting, assessment and invoicing are set out in the Local Government Act 2002 (LGA) and the Local Government (Rating) Act 2002 (LGRA). These are supported by the Chief Executive's statutory responsibilities to Council and Council delegations.

Section 23 of the LGRA requires Council to set by Council resolution the rates for the financial year. The rates can only be set once Council has adopted its Annual Plan for that year, including the Funding Impact Statement. The rates set must also be in accordance with the relevant provisions of Council's Long Term Plan and the Funding Impact Statement in its Annual Plan.

Once the rates are set, the rates as set can be assessed and invoiced.

The format and content of the land rates assessment notice, the land rates invoice and the water rates invoice are reviewed and approved by legal counsel.

### **Degree of significance**

This report is essentially an information report and, as such, is not significant in terms of Council's Significance and Engagement Policy.

### **Factors to consider**

#### ***Community views***

The community would expect that the rates setting, assessment and invoicing is statutorily compliant.

#### ***Policy impacts***

Not applicable for this report.

#### ***Financial considerations***

Rates fund the majority of Council activities so it is important to accurately assess and invoice the rates.



### **Legal considerations/delegation**

Section 42(2) of the LGA sets out the responsibilities of the Chief Executive. The ones pertinent to the rates assessment and invoicing process are as follows:

#### *“42 Chief executive*

*(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—*

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

....

*“(d) ensuring the effective and efficient management of the activities of the local authority”.*

The statutory procedure for assessing rates is contained in the Local Government (Rating) Act 2002 Section 44(1) and (2) which states as follows:

#### *“44 Notice of rates assessment*

*(1) A local authority must deliver a rates assessment to a ratepayer to give notice of the ratepayer’s liability for rates on a rating unit.*

*(2) A ratepayer is liable for rates on a rating unit when the local authority for that unit to the ratepayer.”*

The rates assessment has to comply with Section 45 of the LGRA.

The statutory procedure for invoicing rates is contained in the Local Government (Rating) Act 2002 Section 46(1) and (2) which states as follows:

#### *“46 Rates Invoice*

*(1) If a rates payment is due for a particular period, the local authority must deliver to the ratepayer a rates invoice for the rating unit for that period.*

*(2) A rate invoice must clearly identify the following ...”*

Under Section 132 Council may delegate the exercise of functions, duties or powers under the LGRA, except certain functions, duties or powers relating to setting rates. Council is not able to delegate its power of delegation. Council adopted the LGRA delegations on 28 October 2014. The Chief Executive, General Manager Finance and the Revenue Manager were delegated authority for the LGRA delegations.

**File number:** 1203.01 **Approved for agenda**   
**Report to:** Council  
**Meeting date:** 11 July 2017  
**Subject:** **Crown Support**  
**Date of report:** 03 July 2017  
**From:** Seán Mahoney, Democratic Services Manager  
**Report purpose**  **Decision**  **Information**  
**Assessment of significance**  **Significant**  **Non-significant**

**Resolution to exclude the public**

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution</i>	<i>Ground(s) under Section 48(1) for the passing of the resolution</i>
<i>Crown Support</i>	<i>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

**Summary**

Peter Winder has been appointed Crown Manager to Kaipara District Council with effect from 20 June 2017. The Terms of Reference for this appointment will require Council to consider how it will interact with the Crown Manager over matters of consultation and direction.

**Recommendation**

*That the Kaipara District Council:*

- 1 Receives the Democratic Services Manager's report 'Crown Support' dated 03 July 2017; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Delegates to the Chief Executive to consult with and receive direction from the Crown Manager, subject to prior discussion with the Mayor and Deputy Mayor.*

**Reason for the recommendation**

Agreeing a framework for receiving consultation and direction will enable the Crown Manager and Council to handle matters arising in a timely manner.

## Reason for the report

The Terms of Reference for the appointment of a Crown Manager require that the Crown Manager will provide direction to Council over the matters within his remit and that the Crown Manager will consult before delivering direction. Council needs to consider how this process will occur and what practical steps need to be agreed before any decision matters arise.

## Background

Peter Winder was appointed Crown Manager on 20 June 2017. The Terms of Reference (attachment 1) have some differences to the 2016 Terms of Reference which Council needs to consider.

## Issues

Peter Winder has been appointed Crown Manager to Kaipara District Council effective from 20 June 2017, with a review in June 2018 and a termination in October 2019.

Councillor's attention should be drawn to the Extent of Authority within the terms of reference.

The 2016 Terms of Reference noted "*The Crown Manager will manage outstanding and future legal action relating to ...*" The 2017 Terms state "*The Crown Manger will provide direction on outstanding and future legal actions relating to ....*"

Council will need to consider how this direction is received and managed on. Noting that when decisions come up there will sometimes be a need to act quickly and decisively that will not meet with Council meeting timeframes. Council's current delegations allow the Chief Executive to implement many of the decisions covered in the Crown Managers Terms in consultation with the Mayor and Deputy Mayor.

Further the 2016 Terms allowed the Crown Manager to "*...make decisions relating to the legal actions...including the power to initiate and manage new legal actions, or discontinue current legal actions, that fall within their responsibilities*" This has been changed to "*direct the Council to act to address legal actions, including directing the Council to initiate new or discontinue legal actions within their management responsibilities*"

Additionally the Crown Manager is given a framework to consider the merit of initiating new or discontinuing current legal actions against the costs and resources required when making his or her decisions." *The Crown Manager must consult the Council before he or she decides to direct the Council to initiate new legal actions, or discontinue current legal actions.* "

Council should consider how this consultation occurs, when the need arises. Again, noting that consultation is required before the Crown Manager relays any direction on these issues, time may be of the essence.

The Crown Manager is required to report to Council at least every six months. This requirement was not contained in the 2016 Terms. This report is also to include any directions he or she has made. The Crown Manager may make recommendations to Council following any Court decisions on the legal actions within their responsibilities. Again these may be time critical.

Under the Local Government Act Council is required to co-operate with the Crown Manager and comply with directions. This means that it is actually the consultation that is more pertinent to Council input and discussion as much as the receipt of direction.

There are no legal decisions imminent or requiring direction at this stage. The Chief Executive has instructed lawyers re the former CE case and dealing with costs consistent with the previous Council decision not to appeal. We await the ruling on the Judicial Review later this year and future actions on this will require the Crown Manager to collaborate with Northland Regional Council (in line with the Terms of Reference).

## **Factors to consider**

### ***Community views***

The Terms of Reference are a public document and Council will need to ensure the community understands how these Terms will be implemented. The Governance statement will be updated to reflect any changes in decision making and to reflect the new Terms of Reference.

### ***Policy implications***

Nil

### ***Financial implications***

Individual directions may have financial implications and these will need to be detailed in reports to Council.

### ***Legal/delegation implications***

The Terms of Reference have been reviewed by Councils Lawyers. All direction will need to be recorded at Council meetings.

## **Options**

**Option A:** Councillors could receive all consultation meeting as a full council.

**Option B:** Council could delegate the consultation to the Chief Executive to meet with the Crown Manager and report back through monthly reporting.

**Option C:** Council could delegate to the Chief Executive to receive and consult with the Crown Manager and undertake instruction following prior notification with the Mayor and Deputy.

## **Assessment of options**

Option A allows for full disclosure over all issues, however it may prove difficult to ensure all members are fully briefed on the background to all issues. Option B may be the most pragmatic approach for matters that are already before the Courts. Option C allows for the same approach to be taken to legal matters which are managed by the Crown Manager as those which are currently not under the Crown Manager. The Mayor or Deputy could request an extraordinary Council meeting if they were uncertain of any advice

**Assessment of significance**

This does not trigger Council's significance policy.

**Recommended option**

The recommended option is **Option C**

**Next step**

Implement the delegation.

**Attachments**

- Crown Manager Terms of Reference