



Nelson City Council

te kaunihera o whakatū

**Nelson City Council
Governance Statement
2010 - 2013**

Adopted April 2011

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2.0 Introduction

2.1 What is a governance statement?

A governance statement is a requirement of Section 40 of the Local Government Act 2002. A new governance statement is required within six months of each triennial election and is updated as necessary.

This section requires the statement to include information on the following matters:

- Functions, responsibilities and activities of the Council
- Local legislation and bylaws
- Electoral and representation arrangements, and the way these can be changed
- Governance structures, processes, membership and delegations
- Elected representatives' roles and conduct
- Meeting processes
- Consultation policies, Maori liaising policies and equal employment opportunities policy
- How Councillors make decisions, and how they relate to management staff
- The key planning and policy documents and the process for their review
- Public access to the Council and the elected members
- How to request official information

2.2 Council's functions, responsibilities and activities

The purpose of the Council as set out in the Local Government Act 2002, is to enable democratic local decision making to promote the social, economic, environmental, and cultural well-being of Nelson and its residents in the present and future.

The Council is also committed to taking a sustainable development approach through the services it provides and in the way that it operates as an organisation.

The Local Government Act 2002 requires local authorities to act in accordance with the following principles in relation to its governance:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; and
- a local authority should ensure that the governance structures and processes are effective, open, and transparent; and

- a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities are separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
- a local authority should be a good employer; and
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and well understood by all parties; and
- a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region.

3.0 Essential services and amenities

To achieve the purpose set out for the Council in the Local Government Act, the Nelson City Council has divided its work into the following significant activities:

- Water supply
- Waste water
- Stormwater and flood protection
- Transport
- Solid waste management
- Environmental management
- Regulatory compliance
- Parks and open space
- Recreation and leisure
- Community facilities
- Economic and tourism support
- Managing emergencies and natural hazards
- Social development
- Culture, heritage and arts
- Heart of Nelson
- Democracy and administration (including property management).

Detailed information including budgets for each of these activities is included in the Council's Long-Term Council Community Plan (LTCCP or Community Plan) which was completely revised in 2009, and the more detailed estimates, which are available from the Council offices and the libraries. The Community Plan's financial information will be updated in the Annual Plan.

4.0 Nelson's vision for the future

The 2009 Long-term Council Community Plan (LTCCP) includes six community outcomes or goals for Nelson. These were compiled following an extensive consultation process in 2005. They are what the residents of Nelson see as the broad goals for their community. The six community outcomes for Nelson are:

Healthy land, sea, air and water - we protect the natural environment

We treasure, protect and restore the special places, landscapes, native species and natural ecosystems of Nelson. Natural biodiversity is widely understood and valued. Introduced species have a place, and pests are controlled. Open spaces are linked and productive land is protected. Waste and pollution are minimised so we have clean water, clean seas, clean air, and healthy flora, fauna and soils. The kaitiakitanga of tangata whenua iwi is recognised and the whole community is well informed and involved in caring for the environment, ngā taonga tuku iho. Nelson is a place where everyone can enjoy the natural environment while it is protected for the future. We recognise the importance of a healthy environment for tourism, and minimise the impacts of human activities on the environment.

People-friendly places - we build healthy, accessible and attractive places and live in a sustainable region

Urban and rural areas are designed to be child, family and people-friendly. We think and plan regionally and act locally within that context. We have good quality, sustainable, integrated, affordable and effective public transport, infrastructure, energy-use and transport networks. We are proud of our developing cycleway network. Growth is well managed and there is little waste or pollution. Attractive, safe, accessible and walkable 'city villages' provide for people of all ages and abilities through good urban design. There is a full range of affordable, healthy, attractive and energy-efficient housing and community facilities with more intensification in urban areas and a clear urban/rural boundary. We have a good range of sports and recreation facilities for all ages, including youth and older residents. We protect, enhance and interpret Nelson's human heritage and historic sites.

A strong economy - we all benefit from a sustainable, innovative and diversified economy

We all participate in the regional economy and it meets people's needs. We are a business-friendly region, and economic activity is sensitive to the environment, heritage and people of Nelson. We are skilled and adaptable and we see the benefits of a wide range of high-value industries and businesses. We enjoy high quality employment, education and training opportunities. Small, locally-owned businesses are an essential part of the community and central city. Our youth can live, learn and work in Nelson. We invest in skills development and our people so we can enjoy balanced and healthy lives. We recognise, support and celebrate innovation and achievement.

Kind, healthy people - we are part of a welcoming, safe, inclusive and healthy community

We are a tolerant, supportive and diverse community. We respect each other and what each contributes, including Māori culture, traditions and people. We take pride in the warm welcome we give to visitors and new arrivals. Everyone is included and involved, can participate in decision-making and is able to enjoy a good quality of life, wherever they come from and whatever their age, abilities or income. We nurture our young people so Nelson is a safe and healthy place for everyone to grow up and live. We have adequate policing and well-designed public spaces providing a feeling of safety and security in our homes and communities. We have high quality and accessible recreation, education, health and community facilities. There is more attention to health promotion with quality primary and secondary health care accessible to all. We are a resilient community, able to cope with disasters or emergencies.

A fun, creative culture - we are proud of our creative local culture and regional identity

We are proud of our region, our communities and our diverse heritage. There is a wide range of recreation, arts and leisure opportunities for everyone to take part in. We have a strong sense of community, enhanced by activities, festivals, events and celebrations that reflect our distinct environment and people. We understand that our heritage contributes to our distinctive identity, so we value, protect, interpret and celebrate our human heritage and historic places - Māori and more recent. We value and support those things that make Nelson special and unique - our people, art and crafts, the café culture, the outdoors, local food and wines, boutique shops and the relaxed atmosphere.

Good leadership - our leaders are proactive, innovative, and inclusive

We work together as a region, think of the generations that will follow and listen to the full range of views. Everyone has the opportunity to participate in the community's major decisions and information is easy to obtain. Leaders consult with and understand their communities and work for the good of all, including the wider region. Our leaders inspire respect, take responsibility for their decisions and act to improve the big issues facing our community. All sectors of the community and region work effectively together. We support and mentor our youth to become the leaders of the future.

4.1 Council's contribution to achieving Community Outcomes

Achieving the community's goals requires a 'whole of community' approach – Council can't achieve them on its own – but Council has a significant role. Council activities and services are provided, ultimately, to sustain and improve community wellbeing. Most Council activities contribute to achieving several of these goals.

4.2 Council priorities

Council listens to what residents want through submissions, letters, meetings, surveys, consultation processes and regular feedback. In considering how it will achieve the Community Outcomes, so it can deliver what the community wants, Council has set the following priorities based on this input:

1. Putting Nelson's regional identity on the radar
2. Sustainability, particularly environmental sustainability
3. Sustainable economic development
4. Nelson as a centre for arts creativity
5. Building and maintaining strong relationships with iwi/Māori
6. Safeguarding and promoting our heritage
7. Regional programmes, working co-operatively with Tasman

District Council

8. Development of community facilities and infrastructure

5.0 Roles of elected members

5.1 The Mayor

The current Mayor is Aldo Miccio. The Mayor is elected by the city as a whole and, as one of the elected members, shares the same responsibilities as other members of Council. In addition, the Mayor has the following roles:

- Leadership of the community and the other elected members; and
- Chairing Council meetings and being responsible for ensuring the orderly conduct of business as set out in the Council's standing orders (a set of procedures adopted by it for the conduct of its meetings); and
- Acting as the ceremonial head of the Council on behalf of Nelson.

5.2 The Deputy Mayor

The Deputy Mayor is recommended for the position by the Mayor, appointed by Council, and steps in when the Mayor is unavailable. The current Deputy Mayor is Ali Boswijk.

5.3 The Portfolio Holders

Portfolio Holders are appointed by Council to be the Council face and voice on matters pertaining to their portfolio. The Portfolio Holders for each Council area of responsibility by topic is:

- Community Services – Councillor Pete Rainey
- Infrastructure – Councillor Gail Collingwood
- Governance – Councillor Ian Barker
- Policy and Planning – Councillor Rachel Reese
- Economic Development – Councillor Rachel Reese

5.4 The Councillors

Like the Mayor, Councillors in Nelson are elected by the City as a whole. The City does not have any wards or community boards. Councillors have equal standing and may be appointed to one or more committees and working parties. They also may represent the Council on outside organisations and through attendance at civic events. The majority of the work of elected members occurs in attendance at Council meetings. Councillors are also expected to provide leadership in the Community.

The current (2010-13) Nelson City Councillors are:

Ali Boswijk (Deputy Mayor)	Kate Fulton
Derek Shaw	Michael Ward
Eric Davy	Paul Matheson
Gail Collingwood	Pete Rainey
Ian Barker	Rachel Reese
Jeff Rackley	Ruth Copeland

6.0 Committees

Prior to the 2010 local body elections, Council decided to deal with all business through regular full Council meetings, rather than delegating areas to committees.

The 2010 – 2013 Council has chosen to stay with full Council meetings however decided to hear business in topics – Community Services, Infrastructure, Governance and Policy and Planning. Council meetings take place in a three weekly meeting cycle alternating between a Community Services and Infrastructure meeting followed by a Governance and Policy and Planning meeting.

However, Council still has a number of other committees that deal with matters relating to specific functions of the Council.

These are:

6.1 Hearings Panel

Responsible for making decisions on applications for development, building and other projects covered by the Resource Management Act 1991, or other legislation where a public hearing of the proposal is required.

Membership: All Councillors

Members for Resource Management Act Hearings: Councillors I Barker, R Reese, D Shaw and G Collingwood

6.2 Audit Risk and Finance Committee

Responsible to review the Council's financial statements and to work with accountants to see that finances are being managed accurately and honestly to safeguard the Council's assets and to minimise risks for staff, management and the elected representatives.

Members: The Mayor, Councillors I Barker (Chair), R Reese and G Collingwood

6.3 Joint Shareholders Committee

A joint committee with Tasman District Council to oversee the operation of the Council Controlled Organisations that are jointly owned by the two Councils; including Nelson Airport Ltd and Nelson Tasman Tourism Ltd.

Members: The Mayor (Chair), Deputy Mayor and Councillor R Reese

6.4 Nelson Regional Sewerage Business Unit

A joint committee with the Tasman District Council to manage the Regional sewerage scheme that deals with sewage and trade waste from Richmond, South Nelson, and three major industries.

Members: The Mayor, Councillors D Shaw and P Matheson

6.5 Civil Defence Emergency Management Group

A joint committee with the Tasman District Council to provide civil defence and emergency management for the Tasman and Nelson Regions.

Members: The Mayor (Chair) and Deputy Mayor

6.6 Regional Transport Committee

Responsible to prepare, for the Council, the Regional Land Transport Strategy and the Regional Land Transport Programme and changes to these documents.

Members: Councillors D Shaw, G Collingwood, I Barker (Chair), R Copeland and P Matheson

6.7 Nelson Tasman Regional Pest Management Committee

A joint committee with the Tasman District Council to develop and oversee implementation of a joint Regional Pest Management Strategy and Annual Operational Plan.

Members: Councillors I Barker, R Copeland, E Davy and M Ward

6.8 Remuneration Review Committee

To review the performance of the Chief Executive and to recommend employment conditions and remuneration relative to the office holder.

Members: The Mayor (Chair), Deputy Mayor and Councillor G Collingwood

6.9 Economic Development Committee

Responsible for the consideration of large scale events like RWC 2011 and is to provide recommendations to Council - Governance as to whether or not to consider the opportunity further.

Members: All Councillors, Councillor R Reese (Chair) and P Matheson (Deputy Chair)

6.10 Nelson Central Relief Fund Committee

Responsible for administering the Nelson Central Relief Fund, established to help relieve poverty and provide short term financial help to those in need.

Members: The Mayor (Chair) and Councillor Barker

6.11 Resource Management Act Procedures Committee

Deals with administrative and procedural matters relating to the Nelson Resource Management Plan (NRMP) and plan changes.

Members: The Mayor, Councillors R Reese (Chair) and D Shaw

6.12 Working parties

Working parties are similar to a committee but less formal and are assigned to a single issue or project for a specific time, such as air quality or community housing. Working parties may also include members of the public and staff members and usually oversee the drafting of policies before they are considered by the Council.

7.0 Elections

Elections for the Mayor and Councillors are held once every three years (triennium).

7.1 The voting system

The Council currently holds its elections under the First Past the Post (FPP) electoral system. Electors vote by indicating their choice for Mayor by placing a tick beside one of the names and the person who receives the most votes becomes Mayor. Councillors are elected the same way, with the 12 candidates who each receive the most votes becoming Councillors. Voters in this system may vote for no more than 12 candidates.

The other option permitted under the Local Electoral Act 2001, but not currently used in Nelson, is the Single Transferable Vote system (STV). Electors vote by ranking candidates in order of preference by placing a one, two, three...etc beside each candidate's name. The elector can vote for one or up to the total number of candidates on the paper. The number of votes required for a candidate to be elected, the quota, depends on the number of positions to be filled and the number of valid votes. The successful candidates are worked out as follows:

- first by counting the first preferences of all the electors and allocating these to the respective candidates,

- then by transferring a proportion of each vote received by any candidate whose number of first preferences exceeds the quota, in accordance with their electors' second preferences,
- then by excluding the lowest polling candidate and transferring their votes in accordance with their electors' second preferences,
- this process is continued until the required number of members has been elected.

7.2 Postal voting

The elections are conducted by post over a three week period to make it as convenient as possible for people to vote.

7.3 Deciding on which electoral system to use

Under the Local Electoral Act 2001:

- Council can resolve to change the electoral system to be used at the next two elections, and it must review this decision every six years. The Council undertook a review of the system in September 2008 and resolved to remain with FPP,
- At the time of the review the Council could conduct a binding poll of eligible electors on which electoral system to use,
- Or electors can demand that a binding poll be undertaken,
- Or a poll can be initiated by at least 5 per cent of eligible electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections, i.e. the electoral system cannot be changed for one election and then changed back for the next election,
- A referendum was held in 2003 to decide which electoral system would be used for the 2004 and 2007 elections. The outcome was that the FPP system was retained and the 2008 review now retains that system for the 2010 and 2013 elections.

8.0 Representation options

8.1 Māori Wards

The Local Electoral Act 2001 gives Council the ability to establish separate wards for Māori electors. Council may resolve to create separate Māori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by 5 per cent of eligible electors within the district at any time.

If Māori wards are implemented, the numbers of seats in that ward will be allocated according to the percentage of voters who are registered on the Māori electoral roll. In Nelson the number of such voters would only allow one ward.

8.2 Electoral Representation and Boundary Review

A representation and boundary review (i.e. to consider whether Councillors should be elected 'city-wide', or on the basis of wards, the number of wards, and whether there should be any Māori wards) is required to be undertaken by Council at least once every six years. The Council at its meeting held on 20 August 2009 resolved that:

- The Council shall consist of 13 Members, including the Mayor; and
- The members of the Council shall be elected by the electors of the City as a whole; and
- There shall be no community boards established within the Nelson City Council area.

8.3 Community Boards

Many councils around New Zealand have community boards within their boundaries. These are to represent smaller, distinctive communities of interest within a council area, for example the Motueka and Golden Bay Community Boards in the Tasman District. Nelson has no community boards.

9.0 Elected members' role, conduct and relevant legislation

The Local Government Act 2002 requires that all councils have a Code of Conduct for their elected members. The Nelson City Council adopted its first Code of Conduct on 10 April 2003. The code may be amended or replaced at a meeting of the full Council, provided that this motion is supported by 75% of the members present, but cannot be revoked without replacement. A full copy of the code is on the Council's website and also available from the Council offices.

The main principles in the code are that elected members are obliged to act in good faith and conscientiously perform their duties in a professional manner with honesty and integrity as well as with reasonable care and diligence. The code also sets out principles for working with the public and staff and the process to be followed in the event of an alleged breach of the code.

There are a number of specific pieces of legislation applying to the conduct of elected members, including the following:

9.1 Local Government Act 2002

Section 27 Schedule 7 of the Act sets out the requirement for a local authority to adopt a set of standing orders for its meetings and those of its committees. Section 16 of this schedule also provides that a member may be required to leave a meeting if such a ruling is made under the standing orders.

9.2 Local Authorities (Members Interests) Act 1968

Section 6 of this legislation sets out the restriction that a member of a local authority or committee is not to discuss or vote on a question in which they have a financial interest.

Section 3 of the Act provides for restrictions on contracts between the Council and its elected members. If there is any doubt over the nature of their interest in a matter, the member is encouraged to discuss the situation with the Chief Executive, before the issue is discussed or voted upon.

9.3 Local Government Official Information and Meetings Act 1987

This Act requires councils to make official information available to the public. It provides for:

- access to information by the public on information held by the Council on themselves;
- transparency and accountability in decision making through providing for public admission to meetings of local authorities unless there is good reason to restrict public access such as a discussion of commercially sensitive information;
- protects official information held by local authorities and the deliberations of local authorities where it is in the public interest and/or personal privacy needs to be preserved;
- establishes procedures for the achievement of these purposes; and
- establishes rules relating to the access of members of the public to meetings.

9.4 Secret Commissions Act 1910

Under this Act it is unlawful for an elected member 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 pay fines up to \$1000, or both. A conviction would trigger the removal provisions of the Local Government Act 2002 and result in the removal of the member from office.

9.5 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; or
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

9.6 Securities Act 1978

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.

10.0 Council staff

10.1 Role of the Chief Executive

The Chief Executive is the only person directly employed by the Council. All other staff are employed by the Chief Executive. The responsibilities of the Chief Executive are:

- implementing the decisions of Council;
- providing advice to Council;
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised;
- ensuring separation of the Council's regulatory and non-regulatory functions;
- managing the activities of Council effectively and efficiently;
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council;
- providing leadership for the staff of Council;
- employing staff, including negotiation of the terms of employment for the staff; and
- delegating responsibilities to staff.

One of these responsibilities is to ensure the separation of regulatory and non-regulatory functions of Council. In practice, the separation of responsibilities between regulatory and non-regulatory is achieved by:

- appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications to which the Council, or a Council Controlled Organisation is, or could be perceived to be an interested party;
- delegation to the Hearings Panel of some of Council's regulatory powers in respect of hearing, considering and determining all matters regarding resource consents under the Resource Management Act 1991, Sale of Liquor Act 1987, and Fencing of Swimming Pools Act; and
- delegation to appropriate regulatory staff of Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

10.2 Staff organisation

The Council management structure is grouped into the following divisions:

Strategy and Planning

This division will use a matrix operating structure to ensure that it has sufficient capacity and capability to develop and maintain the Council's integrated policy and planning framework, undertake research to enable the provision of informed advice, provide strategic policy advice, and monitor the implementation of policies and plans.

Strategy and Planning are responsible for making strategic decisions/recommendations about our assets after seeking input and advice from across the organisation, especially from the divisions who are responsible for the operational management of the assets and the delivery of services.

Regulatory

This division is responsible for ensuring that the Council's unitary authority, statutory and regulatory functions are kept separate from its service delivery activities and functions. These functions will be delivered through the Building, Resource Consents and Parking Business Units.

Network Services

This division is responsible for the operational management of roading, subdivisions, traffic management, parks, reserves, gardens, recreation facilities, community housing, cemeteries, cremation services, Council owned and leased property, waste management (transfer station, landfill, recycling), sewerage, stormwater and water supply services.

Support Services

The division is responsible for providing a broad range of support services across Council to enable it to function smoothly, effectively and efficiently. A large component of the work involves maintaining a strategic oversight and responsibility for their area of functionality. It is also responsible for maintaining an oversight of Council's Controlled Trading Organisations.

Community Relations

This division is responsible for the development of systems and processes that improve the effectiveness of the community's involvement in local government decision-making. It is expected to achieve this by:

- Developing engagement and consultation guidelines, processes and tools to be used throughout the organisation, and

- Designing and managing specific customer, stakeholder and partnership group consultation and engagement processes especially for priority projects

In addition Community Relations is responsible for providing a range of communication services to Council.

Community Services

This division is responsible for the operational management of the Customer Service Centre, Broadgreen House, Founders Heritage Park and the Libraries.

It is also responsible for:

- Providing Council's Social Development, Recreation, Environmental, Heritage, Arts and Culture initiatives;
- Providing Emergency Management Services;
- Championing the "Single Organisation Customer Service" goal and overseeing the provision of excellent customer service;
- Contributing to the region's economic development and tourism support activities.

Finance

This division is responsible for providing strategic financial planning to Council and the organisation, and for maintaining an oversight of Council's finances focussed on ensuring we meet our financial Key Performance Indicators.

Office of the Mayor and Chief Executive

This division is responsible for ensuring that Executive Support Services are available to the Mayor, Deputy Mayor, Councillors and the Chief Executive.

11.0 Equal Employment Opportunities

The principle of Equal Employment Opportunities (EEO) is an essential component of staff management and the Council is committed to integrating it into human resource management strategies. EEO is not just about creating a workforce where men and women are treated equally, rather it is recognition that diversity is appreciated and valued. EEO enhances the work and personal environments of employees, both current and future. The Council will continue with the on-going development of human resource policies, practices and procedures to ensure that the recruitment, development and advancement of staff as well as the availability of opportunities occurs in an open and transparent manner regardless of age, gender, ethnicity, religion, sexual preference, disability and/or political beliefs. These strategies will recognise diversity, enhance

the workplace and enable staff to contribute to the on-going success of the organisation.

12.0 Unitary Authority – a dual role for Nelson City Council

As a unitary authority, the Council has the combined responsibilities and functions of both a territorial (local) and regional council. This is different from most other local authorities in New Zealand. More often a regional council is a separate organisation with several territorial authorities (city or district councils) within its borders. Other unitary authorities are the Auckland, Gisborne, Marlborough, Tasman and the Chatham Islands District Councils.

The main effect of being a unitary authority is that Nelson City Council undertakes a wider range of functions and activities at both a local and regional level.

13.0 Nelson City Council Bylaws as at April 2011

Amendments to the Local Government Act that came into force from October 2007 require governance statements to contain information on Council's bylaws. Throughout 2007 Council reviewed its bylaws to update those it wished to keep and repeal those that were no longer applicable. The bylaws between the numbers listed have been repealed.

NUMBER	NAME	GENERAL DESCRIPTION	EFFECTIVE DATE	REVIEW DATE
No 195	Recreational Marina	Regulating the use of the Marina and associated facilities. <i>This Bylaw will be revoked when the Navigation Safety Bylaw (No. 218) is adopted by Council</i>	29 July 1994	1 July 2008
No 205	Navigation and Safety	Regulates the use of pleasure craft and commercial vessels within the waters of Nelson City, and provides the rules on piloting ships within the harbour. <i>This Bylaw will be revoked when the Navigation Safety Bylaw (No. 218) is adopted by Council.</i>	1 Aug 2002	1 July 2008
No 206	Control of Drinking in Public Places	Establishes areas within the urban area of the City where the possession or drinking of alcohol is prohibited	16 April 2009	16 April 2019
No 207	Parking & Vehicle Control	Provides the means for the Council to establish vehicle parking areas and other vehicle control measures, and to regulate their use. Includes provisions banning the use of skateboards in high density pedestrian areas.	31 Dec 2004	31 Dec 2009
No 208	Advertising Commercial Sexual Services	Controls advertising associated with brothels.	20 May 2011	20 May 2021

NUMBER	NAME	GENERAL DESCRIPTION	EFFECTIVE DATE	REVIEW DATE
No 209	Control of Dogs	Allocates areas within the urban area of the City where dogs are either welcomed or banned, and provides controls to protect the environment and residents from the effects of dogs.	11 April 2005	11 April 2010
No 210	Speed Limits	Provides the means for the Council to introduce different speed limits for different parts of the City. <i>This Bylaw is currently under review.</i>	24 Dec 2004	24 Dec 2009
	Amendment No 1- Enner Glynn School	Introduces a variable speed limit outside the Enner Glynn School which restricts vehicle speed to 40km/hr before and after school hours.	17 Jan 2005	17 Jan 2010
	Amendment No 2 – Cable Bay Road and Saxton Road West and Nayland Road South	Extends the 50km/hr speed limit on Cable Bay and Nayland Road South.	1 March 2006	1 March 2010
	Amendment No 3 – St Vincent Street and Jenner Road	Introduces a 40km/hr speed limit on narrow portions of St Vincent Street and Jenner Road.	1 Nov 2006	1 Nov 2010
	Amendment No 4 - Main Road Stoke, Salisbury Road and Locking Street	Changes to speed limits on Main Road Stoke, Salisbury Road and Locking Street.	20 Sep 2010	20 Sep 2015
No 211	Reserves	Provides some additional controls in relation to the public use of reserves.	10 July 2006	10 July 2011
	Amendment No 1 (clauses 7.2 and 14.2	To amend clauses of the Bylaw.	28 May 2009	28 May 2014

NUMBER	NAME	GENERAL DESCRIPTION	EFFECTIVE DATE	REVIEW DATE
	Amendment No 2 (clause 13.1)	To amend clauses of the Bylaw.	28 Jan 2010	28 Jan 2015
No 212	Stormwater	Provides minimum standards for discharges and sets out procedures required to be followed to prevent contaminants entering the Council stormwater system.	13 April 2007	13 April 2012
No 213	Trading in Public Places	Provides for the licensing of street traders and regulates the use of public places for trading and soliciting.	5 June 2007	5 June 2012
No 214	Trade Waste	Provides the minimum standards for, and the means to control, discharges to the Council Wastewater system.	1 Oct 2007	1 Oct 2012
No 215	Miscellaneous Matters	Provide controls in relation to barbed wire fences, animals, caravans, and refuse disposal	9 June 2008	9 June 2013
No 216	Burial and Cremation	Regulating the use of the Council cemeteries	25 August 2008	25 August 2013
No 217	Water Supply	Providing for the supply and use of the Council water supplies and the catchments.	13 October 2008	13 October 2013
No 219	Numbering of Buildings	Requiring the display of street numbers for buildings within the City	2 June 2009	2 June 2014
No 218	Navigation and Safety	This Bylaw will combine the Recreational Marina Bylaw and Navigation and Safety Bylaw to regulate navigable waters within Nelson city.	Submissions received, hearings held and the final Bylaw is being drafted.	

NUMBER	NAME	GENERAL DESCRIPTION	EFFECTIVE DATE	REVIEW DATE
No 220	Camping Bylaw	Provides for the protection of the public from nuisance, and to protect, promote and maintain public health and safety by providing for the management, regulation and restriction of freedom camping within the Nelson City Council District.	20 May 2011	20 May 2016

14.0 Māori contribution to decision making processes

The Council encourages all residents including Māori to participate in Council's decision making processes.

The Council Kaumātua Andy Joseph advises the Mayor and Chief Executive on tikanga (Maori customs), pōwhiri (welcomes on the marae), blessings and other ceremonies.

Council is currently implementing a Memorandum of Understanding (MOU) with local iwi, and works with Urban Māori groups. This MOU was first signed in 2005 and was being reviewed in 2011. It is the primary means for Council to coordinate its efforts to provide opportunities for all Māori to participate in its decision making processes whilst recognising the mana of the tangata whenua iwi. Initiatives include regular Kotahitanga Hui where iwi representatives, Councillors and senior managers meet to discuss issues of mutual interest.

Representatives of the Māori community are also involved in Council working groups on relevant issues, and the Mayor is a standing member of the Whakatu Marae Management Kōmiti.

Council has also created a Kaihautuu position within the Executive Team to advise Council and Councillors on Māori issues and to liaise between iwi and the Council.

There are six local iwi associated with the Whakatū Marae in Nelson:

Ngāti Kuia

Ngāti Koata*

Ngāti Rārua*

Ngāti Tama*

Ngāti Toa Rangatira

Te Ātiawa*

Representatives of four (*) of these iwi meet six weekly as Tiakina te Taiao Ltd to consider resource management issues, replacing a former Nelson Iwi Resource Management Advisory Komiti (NIRMAK). Tiakina te Taiao provides advice about which iwi need to be consulted about specific resource consent applications, explains iwi environmental concerns, and sets up hui to assist good decision making. Council staff hold similar separate hui with Ngāti Kuia and Ngati Toa on resource management and environmental issues.

15.0 Decision making processes

Part 6 of the Local Government Act 2002 imposes a number of requirements on Council decision making processes. The main principles that must be followed are:

- the identification of options, and assessing options by considering the benefits and costs of each option;
- determining the extent to which community outcomes would be promoted;
- determining the impact of decisions on the present and future needs of the community;
- taking into account the relationship of Māori, their culture, traditions and relationships with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other taonga;
- taking into account community views; and
- identification and explanation of inconsistent decisions or decisions not in accordance with Council policies and plans.

16.0 Taking part in decisions

You can take part in the decisions made by the Council in the following ways:

16.1 Public consultation

Consultation by Council is the seeking and obtaining of information and feedback from the community to assist the Council to make informed decisions. Consultation processes range from the informal to the formal and may include processes dictated by legislation. A copy of Council's consultation policy is available on the Council's internet site or at Civic House.

16.2 Public attendance at meetings

Members of the public are welcome to attend meetings of the Council and its committees. Members of the public do not have speaking rights at meetings unless the Chairperson invites someone to speak. However members of the public are welcome to attend the public forum which is held at the beginning of each Council meeting. Persons attending may address the Council on matters of concern during this time, after making arrangements to do so with a Council Administration Adviser. All public meetings are advertised in Live Nelson or the Nelson Mail, and the meeting agendas are available to the public on the website, at Civic House and at the Public Libraries two days before the meeting concerned.

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and

Meetings Act 1987 (LGOIMA). All Council and committee meetings must be open to the public unless there is good reason to consider an item 'in committee', when the item is deemed to be confidential and members of the public are asked to leave the room until discussion on the item is complete. LGOIMA contains a list of the limited circumstances where Council may consider items with the public excluded. These circumstances generally relate to the protection of personal privacy, professionally privileged or commercially sensitive information and the maintenance of public health, safety and order.

The Council agenda is a public document, although parts of it may be withheld if the confidentiality circumstances apply. The Mayor or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders. Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made available to the public subject to the provisions of the LGOIMA. For an ordinary meeting of Council, at least fourteen days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called with three working days notice. During meetings the Mayor and Councillors must follow standing orders. Council may suspend the standing orders by a vote of 75% of the members present and voting.

16.3 Deputations

Groups or organisations may present their views to the Council. They must request this in writing at least 10 days before the meeting, explaining to the Administration Advisers what it is they wish to present. Council standing orders give the meeting chairperson the right to decline to receive a deputation if there is good reason to do so, for example if its presentation is offensive or repetitious.

16.4 Petitions

The presentation of a petition to the Council is also subject to certain requirements. You can get help with meeting attendance, deputations and petitions by contacting a Council Administration Adviser.

17.0 Communicating with the public

The Council keeps the public informed on its activities through a range of methods and media including:

- *Live Nelson*, a free fortnightly publication sent to households and non resident ratepayers on request;
- the Council website at www.nelsoncitycouncil.co.nz;
- newspaper advertisements with legal announcements such as resource consent or election notices, and others such as calls for tenders;

- press releases, radio interviews, public presentations and forums;
- social media; and
- consultation and engagement activities.

The Council also conducts frequent surveys as well as an annual telephone survey of a sample of residents.

18.0 Delegation of responsibilities

To ensure efficiency and effectiveness in the conduct of a local authority's business, Schedule 7 s32 of the Local Government Act enables local authorities to delegate most of its responsibilities, duties, or powers to committees, subordinate decision making bodies, members, or officers. There are some exceptions where specific powers cannot be delegated.

The Council Delegations Register sets out:

- the background to the responsibilities of the Council, individual councillors and the Chief Executive;
- the principles of delegation; and
- the actual delegations made by the Council, its committees and Chief Executive.

When deciding which powers to delegate, and to what level, the Council and the Chief Executive will balance the following needs:

- for the Council to operate efficiently and effectively;
- for the Council to concentrate on its policy-making role and for the Chief Executive and staff to implement Council policy and administer Council facilities and services;
- for the Council's operations to be carried out in an open and fair manner;
- for those with responsibility for a task or function to have the authority necessary to carry it out effectively; and
- for all statutory requirements to be properly observed.

Principles relevant to the Delegations Register are that:

- delegations are made to positions, not to specific persons;
- delegations must be recorded in the Delegations Register; and
- decisions made under delegated authority cannot be subsequently overturned by the Council

A copy of the Delegations Register is available on request from Civic House or by calling 546 0200.

19.0 Requests for information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. All requests for information are deemed to be a request made under LGOIMA so there is no need for the person concerned to refer to this Act. However they need to be specific about the information they wish to have provided. Once a request is made, Council must supply the information within 20 working days unless there is a specified reason for withholding it. These reasons are set out within LGOIMA.

The purpose of the law is to:

- enable more effective participation by the public in the actions and decisions of local authorities, and
- promote the accountability of local authority members and officials.

19.1 What information can I ask for?

You can ask for:

- access to any specified official information;
- information about or reasons for decisions made directly affecting you;
- internal policies, principles, rules or guidelines, and/or
- meeting agendas and minutes of the Council, including those not open to the public.

19.2 How do I make a request for information?

Making a request is straightforward. The best way is to put your request in a letter to:

The Chief Executive
Nelson City Council
PO Box 645
NELSON

or email to enquiry@ncc.govt.nz

19.3 Can the Council withhold information?

Once a request is made, the Council must supply the information promptly unless good reason exists for withholding it. The LGOIMA says that information may only be withheld if release of the information would:

- endanger the safety of any person;
- prejudice maintenance of the law;
- compromise the privacy of any person;

- reveal confidential or commercially sensitive information;
- cause offence to tikanga Māori or would disclose the location of wāhi tapu;
- prejudice public health or safety;
- compromise legal professional privilege;
- disadvantage the local authority while carrying out negotiations or commercial activities; or
- allow information to be used for improper gain or advantage.

19.4 When will I receive an answer?

The Council must answer requests within 20 working days, although there are certain circumstances where this time-frame may be extended.

19.5 Will I have to pay for the information?

There may be a charge, but the Act states that:

- you should be told of the charge, or given an estimate, before the information is provided,
- that any charge will be related to the reasonable cost of the labour and materials involved in making the information available, and
- if you think the charge is unfair you can raise any issues with the Ombudsmen (see below).

The Council has set charges for official information according to the Ombudsmen's guidelines, which are available under official information at www.ombudsmen.parliament.nz.

Charges may include photocopying of up to 20 cents per A4 page when more than 20 pages are copied, and a labour charge after the first hour of \$38 per half hour or part thereof. The Council will only charge for information if the total cost is greater than \$10. Therefore if less than half an hour is needed to obtain the information, the Council will provide up to 50 pages free of charge. Council's charges may be reviewed from time to time.

19.6 Can I complain about a decision?

Yes. You can complain to the Ombudsmen if:

- you are refused access to any information, and you disagree with the grounds on which it was refused;
- the person handling your request does not reply to you within the time limit;
- you are not happy with the length of an extended time limit;
- you believe that you have been charged an unreasonable amount for the information; and/or

- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

Complaints about refusals to release official information should be directed to one of the Offices of the Ombudsmen: The main office is

PO Box 10 152
The Terrace
WELLINGTON

www.ombudsmen.parliament.nz

Freephone (0800) 802 602

Email: complaint@ombudsmen.govt.nz

20.0 Nelson City Council policies and plans

The Council has a large number of policy and planning documents that are available at the Council offices and public libraries. The main documents are:

- 2009 - 2019 Long-Term Council Community Plan (LTCCP),
- Annual Plan, for non-LTCCP financial years,
- Annual Report, which is released each October covering the previous financial year,
- Asset/Activity Management Plans for all significant assets, including water, transport, sewerage systems, stormwater, solid waste, community facilities, community housing and parks and reserves,
- Social Wellbeing Policy,
- Regional Policy Statement ,
- Nelson Resource Management Plan,
- Reserve Management Plans,
- Regional Arts Policy,
- Regional Land Transport Strategy, and
- Nelson City Council Land Development Manual.

21.0 Council organisations

The Council has links with many organisations that may be public, private, profit or non-profit. Each of the following Council organisations reports to Council at least annually.

The Local Government Act 2002 classifies Council organisations into four groups, depending on the relative level of control Council has over the objectives and performance of the organisation. These are Council

Organisations, Council Controlled Organisations (CCO), Council Controlled Trading Organisations (CCTO) and other significant trading organisations.

21.1 Council organisations

Council has one or more votes, or appoints one or more directors to the following:

- Arts Council Nelson
- Broadgreen Society
- Cawthron Institute Board
- Kahurangi Employment Trust
- Melrose Society
- Municipal Band Trust
- Nelson 2000 Trust
- Nelson Provincial Patriotic Council
- Nelson Tasman Business Trust
- Nelson Youth Council
- Safer Community Council
- Tahunanui Beach Holiday Park
- Talking Heads
- Tasman Regional Sports Trust
- Top of the South Scenic and Heritage Trails Trust
- Youth and Community Facilities Trust (New Hub)
- Youth Nelson

21.2 Council Controlled Organisations (CCO)

Council controls 50% or more voting rights or directors appointments on the following:

- The City of Nelson Civic Trust
- The Nelson Regional Economic Development Agency
- The Tasman Bays Heritage Trust
- The Bishop Suter Trust

21.3 Council Controlled Trading Organisations (CCTO)

Similar to the CCOs above, the CCTOs are Council-controlled (either fully owned by Nelson City Council or in a 50% partnership with Tasman District Council) and operate a trade for profit. These are:

- Nelmac Ltd

- Nelson Airport Ltd
- Tourism Nelson Tasman Ltd, trading as Nelson Tasman Tourism
- Stoke Heights Subdivision Joint Ventures (The Ridgeways)

21.4 Other significant Trading Organisations

- Port Nelson Limited

Port Companies are not classified as Council Controlled Organisations under the Local Government Act 2002. Nelson City Council owns 50% of Port Nelson Ltd with the Tasman District Council owning the other half.

22.0 Availability of the Governance Statement

This document will be available for inspection at the Council's office at 110 Trafalgar Street during ordinary business hours (Monday – Friday 8.30am to 5.00pm) or at Council's website www.nelsoncitycouncil.co.nz.

Alternatively, you can write to the Council and request a copy at:

PO Box 645

Nelson 7040

New Zealand

Or by fax:

+64 3 546 0239

Copies will also be provided to interested members of the community upon request to an Administration Adviser by phoning the Council on 03 546 0200.