

NORTHLAND REGIONAL COUNCIL SUPPLEMENT TO THE AGENDA

For an Ordinary Meeting of the Council to be held in the Council Chambers,
36 Water Street, Whangarei, on Wednesday, 19 March 2008 at 1 pm

File 105.2

OPEN MEETING

Item		Page
1.	Confirmation of Minutes of Environmental Management Committee Meeting held on 18 March 2008	1
2.	Code of Conduct	
3.	Draft Summary Financial Plan 2008/2009	
4.	Investment Schedule and Performance Report	
5.	Meetings Calendar for 2008	

CONFIDENTIAL MEETING

6. Annual Performance Review of Chief Executive Officer
7. Annual Salary Review of the Chief Executive Officer

Additional Items

Recommendation

That the Council agrees to consider the following items of new business for the reasons shown:

OPEN MEETING

- 1. CONFIRMATION OF MINUTES OF ENVIRONMENTAL MANAGEMENT COMMITTEE**
The Council agenda gave notice that the above information would be tabled at this meeting.
- 2. CODE OF CONDUCT**
The Council agenda gave notice that the above information would be tabled at this meeting.
- 3. DRAFT SUMMARY FINANCIAL PLAN 2008/2009**
Correction to item 14, page 86.
- 4. INVESTMENT SCHEDULE AND PERFORMANCE REPORT**
Correction to item 16, page 100.
- 5. MEETINGS CALENDAR FOR 2008**
The reason for urgency is to highlight a conflict in the proposed Draft Annual Plan Hearings and the Audit and Finance Committee meeting

CONFIDENTIAL MEETING

- 6. ANNUAL PERFORMANCE REVIEW OF THE CHIEF EXECUTIVE OFFICER**
The report to be tabled is for the information of the Council and does not require a decision at this meeting.
- 7. ANNUAL SALARY REVIEW OF THE CHIEF EXECUTIVE OFFICER**
The report to be tabled is for the information of the Council and does not require a decision at this meeting.

NORTHLAND REGIONAL COUNCIL

Minutes of the Environmental Management Committee Meeting held in the Council
Chambers,
Northland Regional Council, 36 Water Street, Whangarei, on
Wednesday 19 March 2008, commencing at 10.00 am

File 110.12

PRESENT:

Northland Regional Council

Cr Craig Brown (Chairman)
Cr Mark Farnsworth
Cr Peter Jensen
Cr John Bain
Cr Joe Carr
Cr Lorraine Hill

Far North District Council

Mrs Fiona King

Kaipara District Council

Mr Brian McEwing

Whangarei District Council

Mr Crichton Christie

Environmental Interest Groups

Mr Gerry Brackenberry

Federated Farmers

Mr Wayne Ward

Department of Conservation

Ms Hillary Aikman (on behalf)

ALSO PRESENT:

In Attendance:

Northland Regional Council

Full Meeting

Chief Executive Officer
Land Operations Manager
Administration Team Leader
Communications Officer
Biosecurity Team Leader
Manager Planning and Policy
Monitoring Manager
Environmental Reporting Coordinator
Education Officer

APOLOGIES:

Resolved: That the apologies from Mr C Jenkins and Mr A Warren for non-attendance be received.

Cr Bain : Cr Carr

1. REVIEW OF DRAFT TERMS OF REFERENCE FOR ENVIRONMENTAL MANAGEMENT COMMITTEE

File: 110.1

Report by Land Operations Manager, Bob Cathcart dated 4 March 2008.

The Committee Recommends

1. That the Committee receives the Draft Terms of Reference for the Environmental Management Committee.
2. The Committee has the power to co-opt a person as a member of the Committee to assist with special projects, or it may recommend to the Council that additional members be appointed to the Committee should it consider wider representation would be of assistance in performing its functions.
3. To review the performance of the Committee, including a review of its Terms of Reference, every 12 months.

Cr Carr : Mr Ward

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

2. REPORT ON ENVIRONMENTAL MONITORING FOR THE PERIOD 1 FEBRUARY 2008 TO 29 FEBRUARY 2008

Files 400.2 and 505.2

Report from Monitoring Manager Tony Phipps dated 5 March 2008

Resolved: That the follow-up action taken by staff resulting from monitoring or environmental/maritime incidents during February 2008 be supported.

Cr Carr : Cr Brown

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006/2016 LTCCP, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

3. STATE OF THE ENVIRONMENT REPORT 2007

File 505.2

Report from Environmental Reporting Coordinator Tanya Gray and Monitoring Manager Tony Phipps dated 4 March 2008

Moved by Cr Carr, Seconded by Mrs King

That the 2007 State of the Environment Report for Northland not be approved for publication, but remain as a draft for input from stakeholders.

On being put the motion was lost.

The Committee Recommends

1. That the 2007 State of the Environment Report for Northland be approved for publication on the Council's website and a summary document be prepared for circulation to stakeholders.
2. That the findings of this report be used to identify actions that need to be taken to mitigate resource management problems and that the proposed actions be promoted through the upcoming LTCCP review process.

Cr Brown : Cr Farnsworth

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

4. SUSTAINABLE WATER PROGRAMME OF ACTION - UPDATE

File 990.5.6.3

Report from Water and Soil Planning Team Leader, Treena Davidson, dated 27 March 2008

The Committee Recommends

1. That the report prepared by the Water and Soil Planning Team Leader titled *Update on the Sustainable Water Programme of Action* be received.
2. That a further update on the *Sustainable Water Programme of Action* be provided to the July 2008 Environmental Management Committee meeting.

Cr Bain : Cr Hill

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

5. PROPOSAL TO ESTABLISH A COMMUNITY PEST CONTROL AREA AT RAWHITI

File Number: 870.3

Report from Don McKenzie, Biosecurity Team Leader, dated 26 February 2008

Recommendation

1. That the report on the Proposal to Establish a Community Pest Control Area at Rawhiti by Biosecurity Team Leader Don McKenzie, dated 26 February 2008, be received.
2. That the area known as Te Rawhiti - Ipipiri be designated a Community Pest Control Area and that pests be controlled and managed in accordance with the management plan prepared by the landowners.

Cr Carr : Cr Bain

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are part of the Council's day-to-day operations under the Northland Pest Management Strategies and as such are provided for in the Northland Community Plan 2006-2016 and are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

Voting: Cr Hill declared an interest in this item and took no part in discussion and voting.

6. MANAGEMENT AND CONTROL OF MANCHURIAN WILD RICE

File: 815.4.1.10

Report by Biosecurity Officer Peter Joynt dated 26 February 2008.

The Committee Recommends

1. That the report Management and Control of Manchurian Wild Rice by Biosecurity Officer Peter Joynt, dated 26 February 2008, be received.
2. That the Council supports the inclusion of Manchurian Wild Rice in the National programme of Pests of National Importance managed by Biosecurity New Zealand.
3. That the Council enters into a partnership agreement with MAF Biosecurity New Zealand to ensure the long-term success of the programme.
4. That the Council continues to implement control activities at those sites of Manchurian wild rice it manages under the current programme.
5. That the Chairman of the Environmental Management Committee and Cr Farnsworth, along with staff, meet with Kaipara District Council to discuss how the District Council and its Drainage District committees can assist MAF Biosecurity New Zealand and the Regional Council to implement this programme.

Cr Brown : Mr Ward

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Northland Community Plan 2006-2116 and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

7. SPARTINA ERADICATION PROGRAMME

File Number: 815.4.1.5

Report from Land Management Officer Doug Foster dated 26 February 2008.

Resolved: That report on the Spartina Eradication Programme by Land Management Officer Doug Foster dated 26 February 2008 be received.

Cr Hill : Mrs King

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

Cr Carr declared an interest in this item and the Chairman approved his participation.

8. PROPOSED REVIEW OF NORTHLAND REGIONAL PEST MANAGEMENT STRATEGIES

File: 815.4

Report by the Biosecurity Team Leader Don McKenzie, dated 17 February 2008.

The Committee Recommends

1. That the report to review the Northland Regional Pest Management Strategies by Biosecurity Team Leader Don McKenzie dated 1 February 2008 be received.
2. That the Council resolves to review the Northland Regional Pest Management Strategies; and
3. That the Strategies be reviewed and new Strategies adopted before 30 June 2010.
4. That it be noted that pursuant to section 88(4) of the Biosecurity Act 1993, the Northland Regional Pest Management Strategies shall continue in force until amended or revoked on completion of the review, including completion of any rights of appeal.
5. That the Committee supports the work of the Council Chairman in seeking a change in status for Canada Geese in Northland.

Mr Brackenberry : Cr Bain

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for the Northland Community Plan 2006-2016, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

9. ENVIRONMENT FUND REVIEW

File 820.7

Report from Land Management Officer Environment Fund Kathy Mortimer dated 29 February 2008.

The Committee Recommends

1. That the report Environment Fund Review by Land Management Officer Environment Fund Kathy Mortimer, dated 29 February 2008, be received.
2. That the proportion of the Environment Fund allocated once during the year by the Environment Fund Sub-committee be reduced to make more funding available for allocation by staff during the year in the proportions summarised in Table 1 and detailed in Appendix 1.
3. That the Land Operations Manager be delegated authority to approve single projects up to a value of \$20,000 and that a summary of projects approved be reported to the next meeting of the Environmental Management Committee. This system will be reviewed annually.
4. That Environment Fund grants be made available for multi-year projects, up to a maximum of three years. This funding would not exceed 20% of the total amount in each targeted funding area, would be subject to Council budgets and the progress with each project would be reviewed annually during a staff inspection.
5. That applications for funding for projects requesting less than \$2000 from the Fund be made on a simplified application form.
6. That an Environment Fund Committee, a sub-committee of the Environmental Management Committee, be formed comprising Cr Brown as Chair of the Environmental Management Committee, Cr Bain, Mr Brackenberry, Cr Carr, the Manager of Policy and Planning, and the Land Operations Manager.

Cr Jensen : Mrs King

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Northland Community Plan, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

10. PRIORITISING THE PREPARATION OF RIVER MANAGEMENT PLANS

File: 815.2

Report by Land Operations Manager Bob Cathcart dated 4 March 2008.

The Committee Recommends

1. That the report on Prioritisation of Preparation of River Management Plans by Land Operations Manager Bob Cathcart dated 4 March 2008 be received.
2. That the Committee invites feed-back from the Far North, Whangarei and Kaipara District Councils on the "Top 20" order of priority.
3. That the Council reviews its level of involvement in river management and flood risk reduction through its Draft Long Term Community Plan 2009-2019, due for publication in April 2009.

Cr Carr : Cr Brown

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

**11. ESTABLISHMENT OF A KAO RIVER-WHANGAROA CATCHMENT
MANAGEMENT LIAISON COMMITTEE**

File: 830.1 2

Report by Land Operations Manager Bob Cathcart dated 26 February 2008.

The Committee Recommends

1. That the report on Establishment of a Kaeo River-Whangaroa Catchment Management Liaison Committee by the Land Operations Manager Bob Cathcart dated 26 February 2008 be received;
2. That the Council establishes a Kaeo River-Whangaroa Catchment Management Liaison Committee as recommended in the report, with the Terms of Reference and proposed membership as appended to this report, with the addition of one member to represent the farming community;
3. That Councillor Craig Brown be appointed Chairman of the Kaeo River-Whangaroa Catchment Management Liaison Committee; and
4. That the Committee be invited to review the Terms of Reference at its first meeting and report back to the Environmental Management Committee on any changes that it wishes the Council to consider.

Mrs King : Cr Hill

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Northland Community Plan, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

12. REVIEW OF PROGRESS ON THE AWANUI RIVER FLOOD MANAGEMENT PLAN

File: 830.1.10

Report by Finance and Corporate Services Manager Lisa Aubrey and Land Operations Manager Bob Cathcart, dated 4 March 2008.

The Committee Recommends

1. That the report on the review of the Awanui River Flood Management Plan by Finance and Corporate Services Manager Lisa Aubrey and Land Operations Manager Bob Cathcart dated 4 March 2008 be received.
2. That ratepayers within the Awanui River Flood Management Plan Rating Area be encouraged to consider options for funding investigations into improvements to the scheme and implementation of those improvements as part of the Long Term Community Plan process during 2008-2009.

Cr Carr : Cr Hill

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

Voting: Mrs King declared an interest in this item and took no part in the voting. The Chairman approved her participation in the discussion.

The CEO stated that he would report back to the next meeting of the Environmental Management Committee regarding work in the Awanui River mouth area.

13. PROPOSAL FOR AWANUI RIVER MANAGEMENT EXPENDITURE

File: 830.1.10

Report from Finance and Corporate Services Manager Lisa Aubrey and Land Operations Manager Bob Cathcart dated 4 March 2008.

The Committee Recommends

1. That the report on the Proposal for Awanui River Management Expenditure by Finance and Corporate Services Manager Lisa Aubrey and Land Operations Manager Bob Cathcart dated 4 March 2008 be received.
2. That the Council agrees to fund the accelerated works programme and recover the debt from surplus of revenue over expenditure from the Awanui River Flood Management Plan Rating Area.

Cr Carr : Mr Ward

3. That the Council considers the setting of a finance charge to be set at market investment interest rates for internal borrowing from general reserves.

Cr Brown : Cr Bain

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

Voting: Mrs King declared an interest in this item and took no part in the voting. The Chairman approved her participation in the discussion.

14. FUNDING OF INTERIM KAIHU RIVER MANAGEMENT PLAN WORKS

File: 830.1.3

Report from Land Operations Manager Bob Cathcart dated 4 March 2008.

The Committee Recommends

1. That the report on Funding of Interim Kaihu River Management Plan Works by Land Operations Manager Bob Cathcart, dated 4 March 2008, be received.
2. That the Council approves acceleration of the works programme on the Kaihu River by increasing the level of expenditure in 2007/2008 to include works planned for 2008/2009, and that the debt is recovered from 2008/2009 Interim Kaihu River Management Plan targeted rates.
3. That the Council considers the setting of a finance charge to be set at market investment interest rates for internal borrowing from general reserves.

Mr McEwing : Mr Ward

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

CONCLUSION

The meeting concluded at 11.55 a.m.

Northland Regional Council

Code of Conduct and Roles and Responsibilities

19 March 2008

Deleted: 1 JUNE 2003

Northland Regional Council
Code of Conduct - 19 March 2008
Reprinted 17/03/2008

Deleted: 1 June 2003

Table of Contents

1.	Introduction	4	
1.1	Overview	4	
1.2	Principles	5	
2.	Roles and Responsibilities	6	
2.1	Elected Members	6	
2.2	Chairperson	6	
2.3	Deputy Chairperson	7	
2.4	Committee Chairpersons	7	
2.5	Chief Executive	7	
2.6	Meeting Attendance	8	
3.	Relationships and Behaviours	9	
3.1	Relationships with Other Members	9	
3.2	Relationships with Staff	9	
3.3	Relationships with the Regional Community	<u>10</u>	Deleted: 11
3.4	Contact with the Media	<u>10</u>	Deleted: 11
3.5	Confidential Information	<u>11</u>	Deleted: 12
3.6	Conflicts of Interest	<u>12</u>	Deleted: 13
3.7	Standing Orders	<u>13</u>	Deleted: 15
3.8	Ethics	<u>13</u>	Deleted: 15
3.9	Disqualification of Members from Office	<u>13</u>	Deleted: 16
4.	Compliance and Review	14	Deleted: 17
4.1	Compliance	<u>14</u>	Deleted: 17
4.2	Breaches of the Code	<u>14</u>	Deleted: 17
4.3	Responses to Breaches of the Code	<u>15</u>	Deleted: 19
4.4	Review	<u>16</u>	Deleted: 20
5.	Adoption and Implementation of the Code	17	Deleted: 21
Appendix 1 – Legislation Bearing on the Role and Conduct of Elected Members		<u>18</u>	Deleted: 22
Appendix 2 – Complaint Investigation/Determination Process		<u>26</u>	Deleted: 34

Northland Regional Council

Code of Conduct

1. Introduction

1.1 Overview

[Clause 15 of](#) 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 [Chairperson](#) and elected members of the Northland Regional Council. The code applies to elected members in their dealings with:

Deleted: Chairman

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the council
- the media
- the general public.

The objectives of [this code](#) are to enhance:

Deleted: the

Deleted: is

- the effectiveness of the council as the autonomous local authority with statutory responsibilities for the good local government of the Northland Region
- the credibility and accountability of the council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and [those people with whom members may deal in the course of their duties as members](#).

Deleted: management

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in [Part Two](#) of the code)
- agreed general principles of conduct (recorded in [Part Three](#) of the code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in [Part Three](#) of the code).
- [Procedures to establish whether or not the code has been breached](#)
- [Sanctions that may be imposed if the code is breached](#).

Deleted: Section

Deleted: Section

Deleted: Section

Elected members are primarily accountable to the electors of the [region](#) 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.

Deleted: district

Deleted: 1 June 2003

Deleted:

1.2 Principles

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 region as a whole and should never improperly confer an advantage or disadvantage on any one person. Deleted: district
- **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 region, not the constituency that elected them. Deleted: district
- **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. Deleted: ward
Deleted: ,
- **Openness** - Members should be as open as possible about their actions and those of the council, and should be prepared to explain the reasoning behind their actions and decisions. Deleted: 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 the 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 the council uses resources prudently and for lawful purposes, and that the council maintains sufficient resources to meet its statutory obligations to both present and future generations.
- **Leadership** - Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

[These general principles of good governance complement, and should be read in conjunction with, the principles relating to local authorities as set out in section 14 of the Act and the governance principles as set out in section 39 of the Act.](#)

2. Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the [Chairperson](#) and Deputy [Chairperson](#), and the role of the Chief Executive.

Deleted: Chairman

Deleted: Chairman

2.1 Elected Members

Elected members, acting as the council, are responsible for:

- [representing the interests of the residents and ratepayers of the Northland Regional Council. \(On election, the members' first responsibility is to the region as a whole\)](#)
- the development and adoption of council policy
- monitoring the performance of the council against its stated objectives and policies
- prudent stewardship of council resources
- employment of the Chief Executive.

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the council can only act by majority decisions at meetings. Each member has one vote. Any individual member (including the [Chairperson](#)) has no authority to act on behalf of the council unless the council has expressly delegated such authority.

Deleted: Chairman

[Members, as individuals, must comply with:](#)

- [the requirements of this code](#)
- [those enactments and other rules of law applicable to the conduct of members. Extracts from, or brief explanations of, those enactments are set out in Appendix 1.](#)

[Members, as individuals, shall take responsibility for:](#)

- [advising of their apologies, leave of absence and other commitments that impact on the council's business](#)
- [appropriate behaviour in public forums or meetings to maintain the council's public standing.](#)

Deleted: man

2.2 [Chairperson](#)

The Chairperson is elected by the members of the council at the first meeting following the triennial election. As one of the elected members the Chairperson shares the same responsibilities as other members of council. In addition to this the Chairperson has the following roles as a:

- presiding member at council meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders)
- advocate on behalf of the [region](#). This role may involve promoting the [region](#) and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the council

Deleted: community

Deleted: community

Deleted: 1 June 2003

Deleted:

- ceremonial head of council
- providing leadership and feedback to other elected members on teamwork and chairmanship of committees
- Justice of the Peace (while the Chairperson holds office)
- [spokesperson as outlined in section 3.4 \(media contact\).](#)

The Chairperson is obliged to follow the same rules as other elected members with respect to making public statements and committing the council to a particular course of action. In addition, the Chairperson has spokesperson responsibilities as outlined in section 3.4 (media contact).

Deleted: unless acting in accordance with the rules for media contact on behalf of the council under a delegation of authority from the council

Deleted: man

2.3 Deputy Chairperson

The Deputy [Chairperson](#) must be elected by the members of council, at the first meeting of the council. The Deputy [Chairperson](#) exercises the same roles as other elected members, and if the [Chairperson](#) is absent or incapacitated, the Deputy [Chairperson](#) must perform all of the responsibilities and duties, and may exercise the powers, of the [Chairperson](#) (as summarised above). The Deputy [Chairperson](#) may be removed from office by resolution of council.

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

2.4 Committee Chairpersons

The council may create one or more committees of council. A committee chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by council, and as set out in the council's Delegations Manual. Committee chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of council.

2.5 Chief Executive

The Chief Executive is appointed by the council in accordance with sections 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the council's policies and objectives within the budgetary constraints established by the council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the council
- providing advice to the 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
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- [pursuant to section 42 of the Act](#) employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

Deleted: and community boards

Deleted: Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Deleted: 1 June 2003

Deleted:

2.6**Meeting Attendance**

Elected members are expected to attend and participate in all council meetings, standing committee meetings and subcommittee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on council documents, such as the Annual Plan and Long Term Council Community Plan.

From time to time, Working Parties will be established by the council or a standing committee to achieve specific outcomes. Councillors are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Deleted: 1 June 2003

Deleted:

3. Relationships and Behaviours

This part of the code sets out the 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.

Deleted: The majority of the code is material that the council has decided to include of its own initiative.

3.1 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.

Every elected member will act in good faith in relation to other elected members of the Northland Regional Council. No member shall make a complaint for frivolous, partisan or political reasons. Nor should any member communicate the existence or details of a complaint made under the code to the media unless a decision has been made by council to do so.

3.2 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 the 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 Chairperson.

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

Deleted: Chairman

Deleted: or the Chief Executive Review Committee.

Deleted: 1 June 2003

Deleted:

3.3 Relationships with the Regional Community

Effective council decision-making depends on productive relationships between elected members and the community at large and as such, members must act in a manner that encourages and values community involvement in local democracy.

Members should ensure that individual citizens are accorded respect in their dealings with the council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act. This includes the quasi-judicial role members fulfil on hearings (refer Appendix 2).

Members will:

- deal with members of the community in a fair, equitable and honest manner.
- be available to listen and respond to community concerns, but will avoid promising things the member cannot deliver.
- strive to understand different points of view within the community.
- make decisions that affect the community only after considering all relevant interests, arriving at balanced and sustainable decisions.
- encourage partnerships with the community so that mutual strengths can be used to achieve common goals.

Deleted: ¶
Members should act in a manner that encourages and values community involvement in local democracy.¶

3.4 Contact with the Media

The media plays an important part in local democracy. To fulfil this role the media needs access to accurate, timely information about the affairs of council. Individual Councillors can expect to be approached to comment on a particular issue either on behalf of council, or as an elected member in their own right. This part of the code deals with the rights and duties of councillors when speaking to the media.

Members have the right to communicate with the news media, but they must state clearly when they are expressing a majority, collective council view and when they are expressing a personal, minority opinion.

The following rules apply for media contact on behalf of council:

- the Chairperson or the Chief Executive is the first point of contact for the official view on any issue. Where the Chairperson is absent, any matters will be referred to the Deputy Chairperson or relevant committee chairperson. A Councillor may, however, communicate with the news media in relation to matters that are of local interest or have local implications in the Councillor's constituency. Councillors should notify the Chairperson when they make statements to the media if they believe the matter may be contentious.
- the Chairperson or the Chief Executive may refer any matter to the relevant committee chairperson for their comment
- no other Councillor may comment on behalf of council without having first obtained the approval of the Chairperson.

Deleted: In order t

Deleted: From time to time, i

Deleted: members will

Deleted: on behalf of council, or in their own right.

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

Deleted: Chairman

Deleted: or to the Chief Executive

Deleted: member

Deleted: Chairman

Elected members are free to express a personal view in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of council

Deleted: 1 June 2003

Deleted:

- where an elected member is making a statement that is contrary to a council decision or council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, to not disclose confidential information, or compromise the impartiality or integrity of staff or fellow Councillors
- in presenting a personal view members should not undermine council's policy.

Deleted: e.g.

3.4.1 Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any council or committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a council meeting, it becomes the council's position until it is lawfully changed by a subsequent council decision. All members and staff will respect this position.

The Chairperson can make statements that accurately report council decisions.

Committee Chairs can make statements that accurately report their committee's decisions, or factual statements about council or committee decisions.

Members have the right to voice their own opinion to the news media, on council/committee decisions, but they must state clearly when they are expressing a majority, collective council view and when they are expressing a personal, minority opinion.

3.5 Confidential Information

In the course of their duties members will receive information that is confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Deleted: occasionally

Deleted: may

Deleted: need to be treated as

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.

Business conducted at meetings where the public is excluded remains confidential and should not be disclosed to the public until either council decides by resolution to make it public or the Chief Executive determines, in response to a request under the Local Government Official Information and Meetings Act 1987, or the Privacy Act 1993 that there is no longer good reason to withhold it under the legislation.

Elected members should be aware that failure to observe these provisions may affect the performance of council by inhibiting information flows and undermining public confidence in the council. Failure to observe these provisions may also expose council to prosecution under the Privacy Act 1993 and/or civil litigation, and may expose individual members to responsibility for loss pursuant to section 46 of the Local Government Act 2002.

Deleted: will impede

Formatted: English (U.S.)

Deleted: 1 June 2003

Deleted:

3.5.1

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member that relates to the ability of council to give effect to any provision of the Local Government Act 2002 or any other statute under which council has responsibilities shall be disclosed by that elected member to all other elected members and, if appropriate, the Chief Executive.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved, to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

3.6

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

Conflicts of Interest include:

- A pecuniary interest in the matter before the council, which gives rise to a presumption that there is a conflict with the member's duties. The pecuniary interest may be direct or indirect and involve either financial gain or financial loss. These matters are regulated, in part, by the Local Authorities (Members' Interests) Act 1968. The provisions of that Act are summarised in Appendix 1.
- Non pecuniary interest which may give rise to a perception of conflict between interest and duty. These may be interests or relationships arising out of kinship, marriage, domestic relationships, wider family relationships, employment or membership of community organisations.

Members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests.

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 seek guidance from the Chief Executive immediately.

Members may 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. Where conflict of interest is established, members must take no part in the discussion of the matter nor the decision. In a case of doubt a member should withdraw. Members withdrawing should (in protection of their own and the council's interests) ensure that their actions are appropriately minuted.

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.

Deleted: s

Deleted: ¶
The Act 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.¶
¶
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 the have a pecuniary interest arise.¶
¶

Deleted: These declarations are recorded in a register of interests maintained by council. The declaration must notify the 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 Northland Regional Council¶
<#>the address of any land where the landlord is the Northland Regional 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 m... [1]

Deleted: also

Deleted: The later 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.

Deleted: In the event of a conviction elected members can be ousted from office.

Deleted: 1 June 2003

Deleted:

3.6.1 Register of Interests

Elected members shall make a declaration of interests following each triennial election within six weeks after the inaugural council meeting and at any time after that as soon as practicable after becoming aware of any interests. These declarations are recorded in a "Register of Interests" maintained by the council.

3.6.2 Undischarged Bankrupt

If a newly elected Member is an undischarged bankrupt he or she must notify the Chief Executive of this prior to the inaugural council meeting. If a Member is adjudicated bankrupt during the course of their term, he or she must also notify the Chief Executive of this. These Members should also provide the Chief Executive with a brief explanatory statement of the circumstances surrounding the member's adjudication and the likely outcome of the bankruptcy.

3.7 Standing Orders

Elected members must adhere to any standing orders adopted by council under the Local Government Act 2002.

Deleted: These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

3.8 Ethics

Northland Regional 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
- Only use council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- 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.

Deleted: <#>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 \$x or more is offered to a member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.¶

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. The offer and receipt of substantial gifts, including special occasion goodwill gifts must be reported to the Chief Executive. Working meals and social occasions should be undertaken in an appropriate manner.

Formatted: English (U.S.)

3.9 Disqualification of Members from Office

Pursuant to Schedule 7 of the Local Government Act elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more year's 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.

Deleted: ¶ Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require members to declare whether they are an undischarged bankrupt. This council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.¶

Deleted: 1 June 2003

Deleted:

4. Compliance and Review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

4.1 Compliance

Compliance with the code is mandatory for all elected members (Local Government Act 2002, Schedule 7, section 15(4)).

Members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members. Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix 1 to this code.

While outside agencies, such as the Audit Office, the Police etc have a role in dealing with breaches of a statutory nature, the council and its community will monitor compliance with the non-statutory provisions of the Code of Conduct.

In practice, elected members themselves are likely to play a major role in monitoring the actions of other members. It is expected that one or more members will warn members whom they suspect of breaching the Code of Conduct. If the alleged offending continues, or if a serious breach occurs, then the procedures outlined in Section 4.2 and Appendix 2 are to be followed.

4.2 Breaches of the Code

4.2.1 Principles

Principles of natural justice and fairness shall apply in determining any complaint about an alleged breach of the code.

4.2.2 Informal Complaint Resolution

The Chairperson, or Chief Executive as the case may be, shall, determine whether the subject matter of the complaint is appropriately dealt with under the Code of Conduct and if considered appropriate, shall attempt to resolve the matter through discussion with the relevant parties. If the matter is resolved by discussion, council may accept that it has been successfully concluded upon written notification by both the complainant and respondent.

When dealing with code complaints, issues raised should be resolved at the lowest possible level by the Chairperson, or the Chief Executive. The full, formal enforcement process outlined in Appendix 2 shall be reserved for the most serious cases.

Deleted: Elected members must note that they are bound to comply with the provisions of this code of conduct

Deleted: Chief Executive

Deleted: ¶ Compliance will be monitored by the Conduct Review Committee. This committee will be constituted at the first meeting after triennial elections. The Chairman will be an ex-officio member.¶

¶ All alleged breaches of the code will be reported to the above committee. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.¶

¶ The committee will investigate the alleged breach and prepare a report for the consideration of council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.¶

¶ The council will consider the report in open meeting of council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.¶

Deleted: Responses to

Deleted: The exact nature of the action the council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach. The Disciplinary Procedures detailed in Appendix 6 will be followed.¶

¶ Where there are statutory provisions:¶
<#>breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968¶
<#>breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage¶
<#>breaches relating to the commission of a criminal offence may leave the elected member liable for criminal [2]

Deleted: 1 June 2003

Deleted:

4.2.3 Trivial or Vexatious Complaints

The Chairperson or Chief Executive may exercise a discretionary power to dismiss any complaint of an alleged breach that they believe does not warrant being taken further (i.e. that is not truly a matter of conduct or that is petty or trivial).

4.2.4 Formal Serious Complaint Procedure

Any person who considers that the provisions of this code have been seriously breached by an elected member of council, shall submit to the Chairperson (or the Chief Executive if the alleged breach involves the Chairperson), a statement in writing detailing the alleged breach of the Code of Conduct together with any corroborating evidence.

The council will have the discretion to determine whether any report is considered in open or closed meeting of council. Where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public, the report will be held in closed meeting.

In accordance with Appendix 2 council shall determine whether a breach of the Code of Conduct has occurred and determine the appropriate sanction or penalty (if any).

4.3 Responses to Breaches of the Code

The exact nature of the action the council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- Breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968.
- Breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage.
- Breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases, the council may refer an issue to the relevant body. Any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the council may take the following action:

- Education
- Mentoring
- Censure
- Removal or suspension of the elected member from council committees and/or other representative type bodies.
- Removal or suspension of any special status of the member, such as Chair of a Committee.

A decision to apply one or more of these actions requires a council resolution to that effect.

4.4 Review

Once adopted, [this](#) 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 of the conduct require a resolution supported by 75 per cent or more of the members of the council present.

Deleted: a

[The](#) council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to council for [its](#) consideration and vote.

Deleted: C

Deleted: their

Deleted: 1 June 2003

Deleted:

5. Adoption and Implementation of the Code

This Code is intended to provide guidance to members and management in their relationships and the exercising of their functions and duties. It should be read in conjunction with, and does not replace, the obligations set out in the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, any other relevant Acts and Council Standing Orders.

Council at its meeting on 1 June 2003 formally adopted the initial Code of Conduct for Elected Members.

Formatted: Heading 1, Indent: Left: 0 cm, First line: 0 cm, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

Formatted: Heading 1 No Num

Deleted: 1 June 2003

Deleted:

Appendix 1 – Legislation Bearing on the Role and Conduct of Elected Members

Deleted: Appendices to the Code:

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 the council library or in the office of the Chief Executive.

Deleted: ¶

Legislation Referred to in the Code of Conduct

- Local Government Act 2002
- Local Authorities (Member's Interests) Act 1968
- Privacy Act 1993
- Local Government Official Information and Meetings Act 1987
- Secret Commissions Act 1910
- Crimes Act 1961
- Securities Act 1978

Local Government Act 2002 (extracts)

10 PURPOSE OF LOCAL GOVERNMENT

The purpose of local government is –

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future.

14 PRINCIPLES RELATING TO LOCAL AUTHORITIES

(1) In performing its role, a local authority must act in accordance with the following principles:

- (a) a local authority should –
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of –
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of wellbeing referred to in section 10;
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and

Deleted: 1 June 2003

Deleted:

- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account –
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

39 GOVERNANCE PRINCIPLES

A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of members, is clear and understood by members and the community; and
- (b) a local authority should ensure that the governance structures and processes are effective, open, and transparent; and
- (c) a local authority should ensure that, so far as is practicable, responsibility and processes for decision-making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities; and
- (d) a local authority should be a good employer; and
- (e) a local authority should ensure that the relationship between members and management of the local authority is effective and understood.

40 LOCAL GOVERNANCE STATEMENTS

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on –
 - (a) the functions, responsibilities, and activities of the local authority, and
 - (b) any local legislation that confers powers on the local authority; and
 - (c) the electoral system and the opportunity to change it; and
 - (d) representation arrangements, including the option of establishing Maori wards or constituencies, and the opportunity to change them; and
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
 - (f) governance structures and processes, membership, and delegations; and
 - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
 - (h) consultation policies; and
 - (i) policies for liaising with, and memoranda or agreements with, Maori; and
 - (j) the management structure and the relationship between management and elected members; and
 - (k) equal employment opportunities policy; and

Deleted: 1 June 2003

Deleted:

- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.
- (2) A local authority must comply with subsection (1) within 6 months after each triennial election of members of the local authority.
- (3) A local authority must update its governance statement as it considers appropriate.

41 GOVERNING BODIES

- (1) A regional council must have a governing body consisting of –
 - (a) members elected in accordance with the Local Electoral Act 2001; and
 - (b) a chairperson elected by members of the regional council in accordance with clause 25 of Schedule 7.
- (2) A territorial authority....
- (3) A governing body of a local authority is responsible and democratically accountable for the decision-making of the local authority.
- (4) A chairperson of a regional council, or a mayor of a territorial authority, is a Justice of the Peace during the time that he or she holds the office of chairperson or mayor.
- (5) An employee of a local authority who is elected to be a member of the local authority's governing body must resign from his or her position as an employee of the local authority before taking up his or her position as a member of the local authority.

43 CERTAIN MEMBERS INDEMNIFIED

- (1) A member of a local authority (or a committee, community board, or other subordinate decision-making body of that local authority) is indemnified by that local authority, whether or not that member was elected to that local authority or community board under the Local Electoral Act 2001 or appointed by the local authority, for –
 - (a) costs and damages for any civil liability arising from any action brought by a third party if the member was acting in good faith and in pursuance (or intended pursuance) of the responsibilities or powers of the local authority (or committee, community board, or other subordinate decision-making body of that local authority); and
 - (b) costs arising from any successfully defended criminal action relating to acts or omissions in his or her capacity as a member.
- (2) Subsection (1) does not apply to a member's liability for a loss under section 46.
- (3) To avoid doubt, a local authority may not indemnify a director of a council-controlled organisation for any liability arising from that director's acts or omissions in relation to that council-controlled organisation.

44 REPORT BY AUDITOR-GENERAL ON LOSS INCURRED BY LOCAL AUTHORITY

- (1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
 - (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or

Deleted: 1 June 2003

Deleted:

- (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
 - (c) a liability has been unlawfully incurred by the local authority; or
 - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.
- (2) If the Auditor-General is satisfied that a local authority has incurred a loss. The Auditor-General may make a report on the loss to the local authority, and may include in the report any recommendations in relation to the recovery of the loss or the prevention of further loss that the Auditor-General thinks fit.
- (3) The Auditor-General must send copies of the report to the Minister and every member of the local authority.

45 LOCAL AUTHORITY TO RESPOND TO AUDITOR-GENERAL

- (1) On receipt of a report from the Auditor-General, the local authority must, within 28 days, respond in writing to the Auditor-General, and send a copy of the response to the Minister.
- (2) the local authority's response must –
- (a) respond to each of the Auditor-General's recommendations; and
 - (b) include a statement as to what action, if any, the local authority intends to take in respect of the loss.
- (3) The Minister may extend the period of time within which the local authority must forward its response.
- (4) An individual member of the local authority may respond to the Auditor-General –
- (a) by making a separate response to the Auditor-General, and sending a copy to the local authority and the Minister, within the time required for the local authority's response; or
 - (b) with the consent of the local authority, by incorporating that member's response in the local authority's response.
- (5) The local authority must, as soon as practicable after the expiry of the time for forwarding its response, table in a meeting of the local authority that is open to the public a copy of the Auditor-General's report, the local authority's response, and any response of an individual member of the local authority not incorporated in the local authority's response.

46 MEMBERS OF LOCAL AUTHORITY LIABLE FOR LOSS

- (1) If the Auditor-General has made a report on a loss to a local authority under section 44, then, without limiting any other person's liability for the loss, the loss is recoverable as a debt due to the Crown from each member of the local authority jointly and severally.
- (2) if the members of the local authority or any other person or persons do not pay the amount of the loss to the Crown or the local authority within a reasonable time, the Crown may commence proceedings to recover the loss from any or all of those members.
- (3) Any amount recovered by the Crown, under subsection (2), less all costs incurred by the Crown in respect of the recovery, must be paid by the Crown to the local authority concerned.
- (4) It is a defence to any proceedings under subsection (2) if the defendant proves that the act or failure to act resulting in the loss occurred –
- (a) without the defendant's knowledge; or
 - (b) with the defendant's knowledge but against the defendant's protest made at or before the time when the loss occurred; or

- (c) contrary to the manner in which the defendant voted on the issue at a meeting of the local authority; or
- (d) in circumstances where, although being a party to the act or failure to act, the defendant acted in good faith and in reliance on reports, statements, financial data, or other information prepared or supplied, or on professional or expert advice given, by any of the following persons:
 - (i) an employee of the local authority whom the defendant believed on reasonable grounds to be reliable and competent in relation to the matters concerned;
 - (ii) a professional advisor or expert in relation to matters that the defendant believed on reasonable grounds to be within the person's professional or expert competence.

47 MEMBERS MAY BE REQUIRED TO PAY COSTS OF PROCEEDING IN CERTAIN CASES

- (1) This section applies if, in a proceeding commenced by the Attorney-General, the local authority is -
 - (a) held to have -
 - (i) disposed of, or dealt with, any of its property wrongfully or illegally; or
 - (ii) applied its property to any unlawful purpose; or
 - (iii) permitted the reserves that it must manage to be used for purposes not authorised by law; or
 - (b) restrained from acting in the ways referred to in paragraph (a).
- (2) If subsection (1) applies, costs and other expenses arising out of the proceeding or incurred in doing the things to which the proceeding relates -
 - (a) must not be paid out of general revenues by the local authority; and
 - (b) must be paid, by order of the Court, by the members of the local authority who, by voting or otherwise, assented to the acts concerned.
- (3) The court must not make an order under subsection (2) against a member of the local authority if the member proves that, in doing the act concerned, -
 - (a) the member acted in good faith and in accordance with the written advice of the solicitor to the local authority; or
 - (b) the member acted honestly and reasonably and, having regard to all the circumstances of the case, the member ought fairly to be excused.

SCHEDULE 7 – PART 1

1 DISQUALIFICATION OF MEMBERS

- (1) A person's office as a member of a local authority is vacated if the person, while holding office as a member of the local authority -
 - (a) ceases to be an elector or becomes disqualified for registration as an elector under the Electoral Act 1993; or
 - (b) is convicted of an offence punishable by a term of imprisonment of 2 years or more.
- (2) If subclause (1)(b) applies -
 - (a) the disqualification does not take effect -
 - (i) until the expiration of the time for appealing against the conviction or decision; or
 - (ii) if there is an appeal against the conviction or decision, until the appeal is determined; and

- (b) the person is deemed to have been granted leave of absence until the expiration of that time, and is not capable of acting as a member during that time, and is not capable of acting as a member during that time.
- (3) A person may not do an act as a member while disqualified under subclause (1) or while on leave of absence under subclause (2).

15 CODE OF CONDUCT

- (1) A local authority must adopt a code of conduct for members of the local authority as soon as practicable after the commencement of this Act.
- (2) The code of conduct must set out –
 - (a) understandings and expectations adopted by the local authority while acting in their capacity as members, including –
 - (i) behaviour toward one another, staff, and the public; and
 - (ii) disclosure of information, including (but not limited to) the provision of any document, to elected members that –
 - (A) is received by, or is in the possession of, an elected member in his or her capacity as an elected member; and
 - (B) relates to the ability of the local authority to give effect to any provision of this Act; and
 - (b) a general explanation of –
 - (i) the Local Government Official Information and Meetings Act 1987; and
 - (ii) any other enactment or rule of law applicable to members.
- (3) A local authority may amend or replace its code of conduct, but may not revoke it without replacement.
- (4) A member of a local authority must comply with the code of conduct of that local authority.
- (5) A local authority must, when adopting a code of conduct, consider whether it must require a member or newly elected member to declare whether or not the member or newly elected member is an undischarged bankrupt.
- (6) After the adoption of the first code of conduct, an amendment of the code of conduct or the adoption of a new code of conduct requires, in every case, a vote in support of the amendment of not less than 75% of the members present.
- (7) To avoid doubt, a breach of the code of conduct does not constitute an offence under this Act.

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. Elected members must declare his/her interests at the council and committee meetings where matters in which they have a pecuniary interest arise.

Deleted: Appendix 1 -

Deleted: 1 June 2003

Deleted:

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 [potentially invalidate the particular decision made, or the action taken by the council and](#) 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

Deleted: Appendix 2 -

Official Information

[The Local Government Official Information and Meetings Act 1987 \(LGOIMA\) contains rules relating to the disclosure of information held by a local authority to the public on request. The underlying principle of LGOIMA is that information should be made available unless there is good reason to withhold disclosure. There are a number of grounds for withholding disclosure, principally contained within Sections 6 and 7 of this Act.](#)

[The obligations of LGOIMA are binding on elected members and apply to the disclosure of information by a member in respect of any information held by that member \(in his or her capacity as a member\) to a member of the public. It does not apply to the disclosure of information to the council in accordance with the requirements of the Code of Conduct.](#)

Meetings

[LGOIMA also regulates and sets out the procedural requirements for meetings of local authorities, the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings.](#)

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:

Deleted: The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements.

- 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 the council, other councillors, any employee of the council or any member of the public.

Secret Commissions Act 1910

Deleted: Appendix 3 -

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, or both. A conviction therefore would trigger the ouster provisions

Deleted: 1 June 2003

Deleted:

in clause 1 of Schedule 7 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; or
- 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 7 years or more. Elected members convicted of these offences will also be automatically ousted from office.

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.

Deleted: Appendix 4 -

Deleted: Appendix 5 -

Deleted: Appendix 6 - Disciplinary Procedures Aim

The purpose of these Disciplinary Procedures is to ensure fair treatment of all members while maintaining the effective and efficient running of the Council.

The Disciplinary Procedures are to be read in conjunction with the Council's Code of Conduct and Roles and Responsibilities.

Disciplinary action will only be necessary if supervision, counselling and training have not brought about the work performance and standards of conduct required by the Council.

Grounds for Disciplinary Action

Incompetence or Poor Performance

Disciplinary action may be taken in cases where the member is failing to meet standards set out in the Code of Conduct and Roles and Responsibilities.

Misconduct

Misconduct includes unacceptable or irresponsible actions or omissions. Such actions or omissions are viewed as either minor and warranting a warning, or serious with the risk of dismissal.

Conduct Detrimental to the Best Interests of the Council

A member's conduct may be considered detrimental to the best interests of the Council if an offence is committed that makes the individual unsuitable for his/her type of work, or disqualifies him/her from performing it. Such conduct includes the following:

Conviction in a Court of Law of an offence which is punishable by a penalty of imprisonment; and

A second conviction in a court of law for any such offence while employed by the Northland Regional Council constitutes grounds for dismissal or summary dismissal.

Procedures

... [3]

Deleted: 1 June 2003

Deleted:

Appendix 2 – Complaint Investigation/Determination Process

This process is at all times to follow the principles of natural justice. The fundamental principles are that each party:

- Has the right to know what the investigation/determination process is, and what the potential outcomes may be.
- Is given due notice and is provided with an opportunity to be involved in the process.
- Has a right to be heard.
- Has their privacy respected as appropriate throughout the process.

Complaint Investigation Process

(The numbering relates to the attached flow diagram. The following points elaborate on the purpose and process of each stage).

1. Receipt of written complaint.
 - (i) Elected members and staff must be aware of the type of matters that the elected member's code of conduct applies to and how to access the process.
2. Chair/CEO to determine whether the subject matter of the complaint is appropriately dealt with under the Code of Conduct.
 - (i) The written complaint is passed to the Chair (or if it is about the Chair then to the CEO) who confirms that the complaint is about an elected member and who makes a decision as to whether the subject matter of the complaint is appropriate to be dealt with under the Elected Members Code of Conduct.
 - (ii) If in doubt and there isn't another statutory or other process that applies the matter should continue at this stage.
 - (iii) If the complaint doesn't fit within the code then it should be redirected in an appropriate fashion or simply declined and the complainant advised.
3. Reply to complainant within two (2) working days, in writing advising them:
 - (i) That the complaint has been received.
 - (ii) That if the complaint does not fit within the code, where it has been redirected.
 - (iii) The process that will be used to address the complaint.
 - (iv) The time frame within which they can expect a response; and
 - (v) A contact person who they can get in touch with to find out about progress of their matter.
 - (vi) It may be necessary at this stage to ask the complainant for more information so that the Council and the Respondent understand the complaint sufficiently to be able to respond.

Deleted: 1 June 2003

Deleted:

4. Advise respondent
 - (i) A copy of written complaint to be sent to the respondent (within two working days unless more detail is required and then within two (2) working days after receipt of the details requested) with the letter outlining the process to be used to address the complaint.
 - (ii) Respondent is requested to provide a response to the Chair/CEO in writing within 14 days of receipt of the complaint.
5. Chair/CEO views the **complaint** and the **response** and determines whether there is a case to answer.
 - (i) The test of whether there is a case to answer is simply a positive answer to the questions:
 - Is the complaint about an elected member?
 - If the allegations in the complaint were proven could they amount to a breach of the Code?
 - (ii) This is not an attempt to determine the truth of the complaint, simply an examination that ensures that the matter is one which should and can be dealt with under the code.
6. If the assessment is that there is no case to answer the Chair/CEO will write to the complainant and respondent and advise them of that outcome.
 - (i) That letter may be used as an opportunity to recommend action.
 - (ii) Such action could include
 - provision of information and/or education for the complainant or the respondent.
 - a change in process, practice or policy to remedy the problem.
7. If the assessment is that there is a case to answer, the Chair/CEO is to commission an investigation and/or mediation, if appropriate, as the case requires.
 - (i) The Chair/CEO will appoint an independent person to investigate and/or mediate the matter.
 - (ii) Council are involved in appointing and contracting the independent person but do not have a part to play in the investigation or determination made other than as a party with whom the investigator/mediator may consult or include in the process.
 - (iii) The Respondent will be advised in writing of the alleged nature of the breach, the process that will be followed to investigate and that if the breach is substantiated what options the council has available to it.
8. Investigator/Mediator to investigate/mediate and report to the Chair/CEO re the outcome.
 - (i) If there was a successful resolution by mediation the process goes to stages 9 and 10.
 - (ii) If the matter was not resolved by mediation or mediation is not appropriate then the process goes to stage 11.

Deleted: 1 June 2003

Deleted:

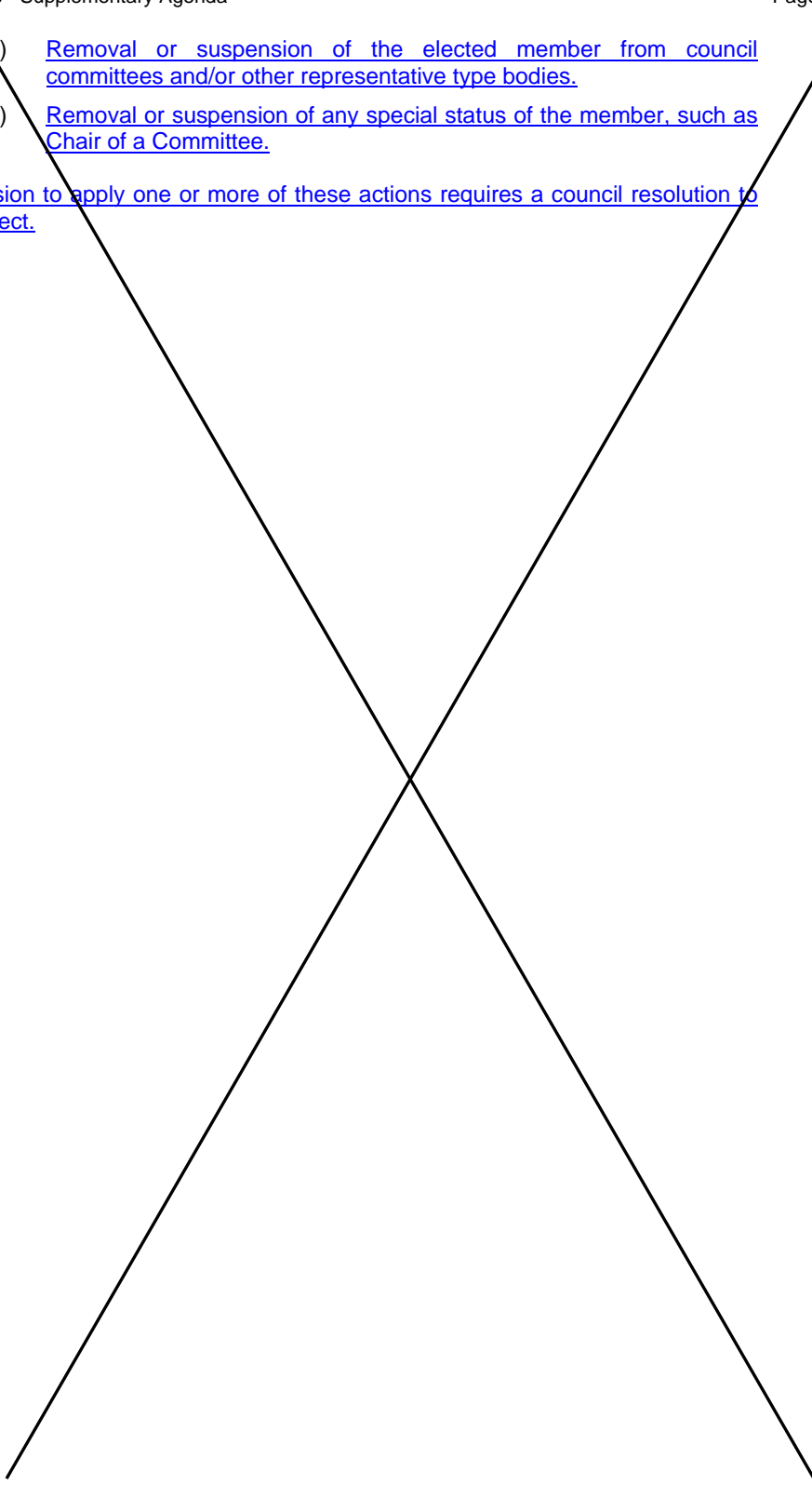
9. If the matter is resolved by mediation then the investigator/mediator shall prepare an agreement that is signed by the parties and will be subsequently provided to council.
10. Council shall consider the outcome of the mediation and, if considered appropriate, move to give effect to the terms of agreement reached in the mediation.
11. If mediation is not appropriate or not successful then a "Findings" document including a summary of agreed and disputed facts that relate to the complaint and the investigator/mediator's opinion regarding the matter is to be prepared and presented to the Chair/CEO in the first instance.
12. Council makes a decision based on findings:
- (i) Prior to making a decision, the Chair/CEO should first send a copy of the findings document to the complainant and the respondent with a letter asking them whether they agree or whether they wish to avail themselves of a final opportunity for written submissions before a council decision is made.
 - (ii) Council meets and if the findings and recommendations of the investigator are accepted by the complainant, respondent and council then they shall be applied accordingly.
 - (iii) If any party does not agree with the findings and recommendations of the investigator then all information is then placed before council who will decide if a breach has occurred.
 - (iv) In exceptional circumstances council may call for the complainant or respondent or any witnesses to give oral evidence in person. Any oral submissions may be heard by council or a subcommittee nominated for that purpose as a code of conduct hearings committee. This may be especially useful in situations where the evidence is contradictory and the credibility of the parties or a witness is an issue.
 - (v) Council, after considering the investigator's report, written submissions and hearing any further evidence (if appropriate) then decides whether a breach has occurred.
 - (vi) The Councillor complained about shall not be a part of the council decision making process and shall not be present during deliberations.
13. If council decides that the matter is finalised and no further action is required then the complainant and respondent are advised and the file closed.
- (i) There is no right of appeal. The council decision in relation to any matter is final.
14. If a breach of the code is found to have occurred council will give the respondent a 28 day opportunity to make submissions regarding penalty.
15. Following receipt of submission, council will meet to decide penalty.
- (i) Where there are no statutory provisions, the council may take the following action:
 - a) Education
 - b) Mentoring
 - c) Censure

Deleted: 1 June 2003

Deleted:

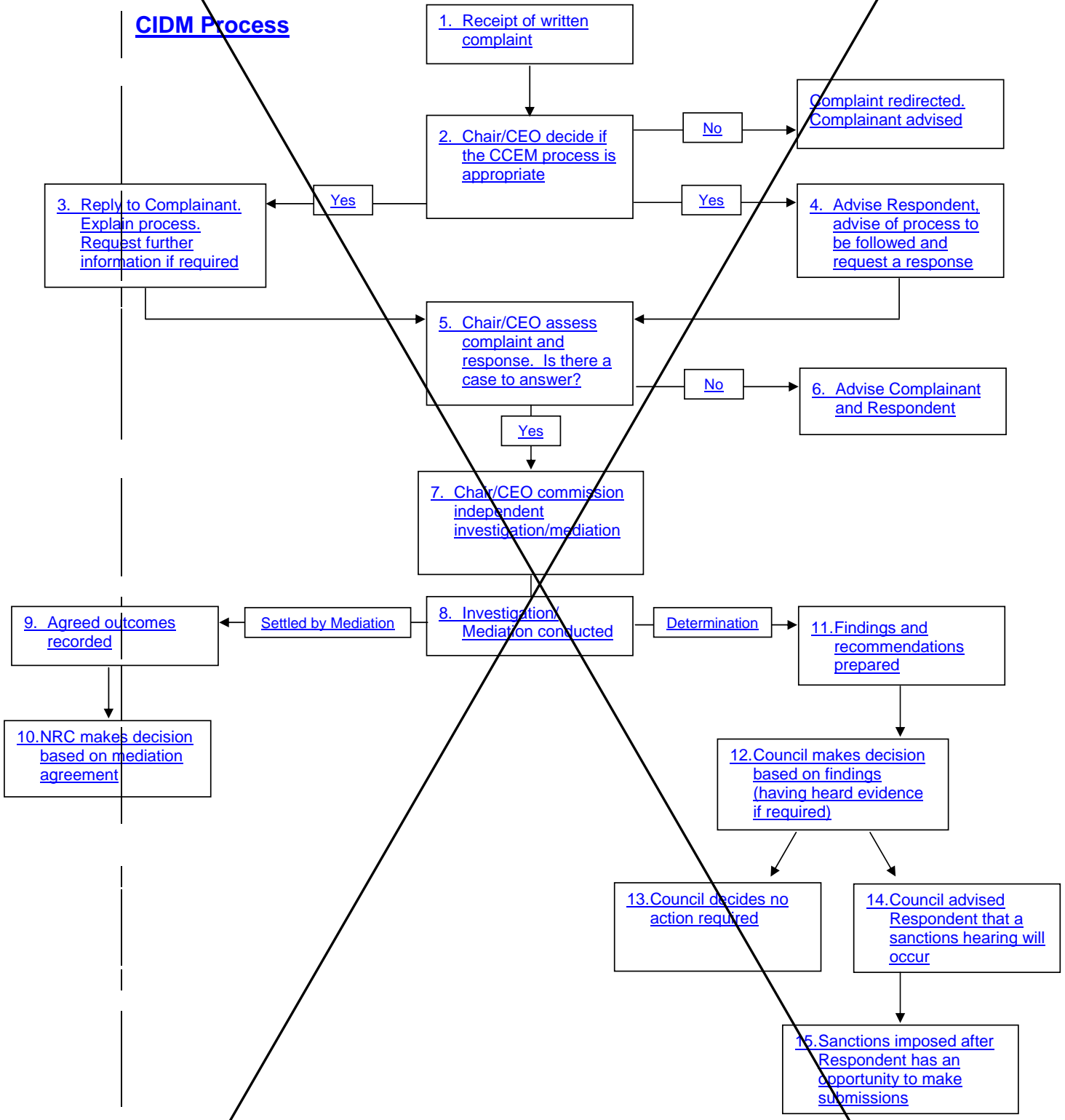
- d) [Removal or suspension of the elected member from council committees and/or other representative type bodies.](#)
- e) [Removal or suspension of any special status of the member, such as Chair of a Committee.](#)

[A decision to apply one or more of these actions requires a council resolution to that effect.](#)



Deleted: 1 June 2003
Deleted:

CIDM Process



E:\Temporary Work Area\2008 Agendas\February 27 workshop\DRAFT Code of Conduct 08.doc

Deleted: 1 June 2003
Deleted:

I agree to abide by the Northland Regional Council Code of Conduct in fulfilling the roles and responsibilities of [council](#).

Deleted: Council

I have read and understand the attached Code of Conduct.

.....
Member

.....
Dated

.....
Chief Executive

.....
Dated

Deleted: 1 June 2003

Deleted:

Page 12: [1] Deleted	Debbie Welsh	21/01/2008 14:55:00
----------------------	--------------	---------------------

These declarations are recorded in a register of interests maintained by council. The declaration must notify the 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 Northland Regional Council

the address of any land where the landlord is the Northland Regional 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.

Page 14: [2] Deleted	Debbie Welsh	21/01/2008 15:19:00
----------------------	--------------	---------------------

The exact nature of the action the council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach. The Disciplinary Procedures detailed in Appendix 6 will be followed -

Where there are statutory provisions:

breaches relating to members' interests render members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968

breaches which result in the council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the member having to make good the loss or damage

breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the council may take the following action:

censure

removal of the elected member from council committees and/or other representative type bodies

dismissal of the elected member from a position as Deputy Chairman or Chair of a committee.

A decision to apply one or more of these actions requires a council resolution to that effect.

Page 25: [3] Deleted	Debbie Welsh	22/01/2008 11:38:00
----------------------	--------------	---------------------

Appendix 6 - Disciplinary Procedures

Aim

The purpose of these Disciplinary Procedures is to ensure fair treatment of all members while maintaining the effective and efficient running of the Council.

The Disciplinary Procedures are to be read in conjunction with the Council's Code of Conduct and Roles and Responsibilities.

Disciplinary action will only be necessary if supervision, counselling and training have not brought about the work performance and standards of conduct required by the Council.

Grounds for Disciplinary Action

Incompetence or Poor Performance

Disciplinary action may be taken in cases where the member is failing to meet standards set out in the Code of Conduct and Roles and Responsibilities.

Misconduct

Misconduct includes unacceptable or irresponsible actions or omissions. Such actions or omissions are viewed as either minor and warranting a warning, or serious with the risk of dismissal.

Conduct Detrimental to the Best Interests of the Council

A member's conduct may be considered detrimental to the best interests of the Council if an offence is committed that makes the individual unsuitable for his/her type of work, or disqualifies him/her from performing it. Such conduct includes the following:

Conviction in a Court of Law of an offence which is punishable by a penalty of imprisonment; and

A second conviction in a court of law for any such offence while employed by the Northland Regional Council constitutes grounds for dismissal or summary dismissal.

Procedures

Where the Chairman or Chief Executive Officer considers that a member:

is failing to meet the standards outlined in the Code of Conduct and Roles and Responsibilities;

or where the Chairman or Chief Executive Officer receives an allegation or complaint against a member; and

or in the case of conduct detrimental to the best interests of the Council.

The Chairman shall gather the relevant facts and discuss these firstly with the Chief Executive Officer. The Chairman will consider whether the complaint has substance, and whether further action should be taken.

Page Break

If the Chairman considers that the allegation or complaint has substance, the Chairman shall inform the member of the nature of the allegation or complaint and the facts upon which it is based, and that if they are found to be true what

disciplinary action (including dismissal, if relevant) could result. This may be done verbally or in writing. The member should also be given the opportunity to seek representation or assistance.

The member shall be invited to comment on the allegation or complaint, and provide any explanation. Wherever possible, written and signed statements should be taken. The member is entitled to be shown the evidence of the allegations that the Council has, and be provided with a reasonable period of time to consider that information and make a response.

If the Chairman is not satisfied with the comments or explanation, the member shall be told that the matter is to be investigated further.

In serious cases, it may be appropriate to suspend the member on full pay while the investigation is being carried out. Suspension will be for as short a period as possible. The decision to suspend and to return the member to work lies with the Chairman.

The Chairman will also ensure that any other relevant facts or evidence is obtained by questioning everyone involved. Wherever possible, written and signed statements should be taken.

The Chairman and Chief Executive Officer shall conduct interviews with the member and the member's representative, if required, to inform the member of the results of the investigation, and to give the member an opportunity to respond.

The Chairman shall consider the results of the investigation and any explanation that has been offered before making a decision.

Any warning will be in writing and issued at a meeting where the warning is justified and explained. The Chairman and Chief Executive Officer would normally be present. The warning shall state the reason for the warning, any improvement required and details of the member's explanation. It will also state the consequences of any further misconduct or non-performance. The warning is signed and witnessed. The member is given a copy of the warning.

The Chairman may impose one of the following measures where he concludes that a complaint or allegation made against the member has been established.

oral warning

written warning - (first written and/or final written)

dismissal

summary dismissal

Page Break

Dismissals

If any member is dismissed the termination should be confirmed in writing.

The member should also be advised of their final pay entitlements and be given opportunity to prepare for their departure.

Note:

A copy of the oral warning and/or (written) warning will be put on the member's personal file and remain there for a specified length of time, on the expiry of which it will be destroyed if no further infringement has occurred.

Summary dismissal is the remedy only in instances of serious infringement of the Council's Code of Conduct and Roles and Responsibilities.

The General Principles Explained

When disciplinary action is required, the following principles are to be observed.

1. Promptness

Action should be taken as soon as possible after the breach.

2. Impartiality

Personal considerations must be put to one side. Disciplinary action should not be seen as disadvantaging a member over another individual or group.

3. Consistency

Similar disciplinary action should be taken given similar circumstances and similar offences. Precedent must always be taken in to account.

4. Non-Punitiveness

Disciplinary action is taken to prevent recurrence and make improvements, not to obtain revenge or satisfaction for the wrongs committed.

5. Fairness

The disciplinary action chosen must relate to the nature of the offence. The following factors should be considered:

5.1 Seriousness or severity of the problem/issue.

5.2 Time Span

Have other similar problems occurred in the past and over what time span?

5.3 Frequency

Is this a new problem or part of an emerging pattern?

Is the member currently subject to any warnings?

Page Break

5.4 Work History

How long has the member been on Council?

What has been the quality of performance? Conduct?

5.5 Extenuating Factors

Any extenuating or instigating circumstances must be taken into account and the member given the opportunity to explain and plead any mitigating circumstances.

5.6 Degree of Communication

To what extent has the Chairman made the member aware of standards of performance and conduct required, and the consequences of falling short?

5.7 Implications for Other Members

Examine the impact of any decision.

6. Advance Warning

Any action will be seen as unfair if it comes as a surprise. Therefore, all members should be made aware of the standards and conduct required, and of the Council's disciplinary procedures as documented in Appendix 6 of the Code of Conduct and Roles and Responsibilities. Also, a member must be given notice of any allegations against them, given an opportunity to respond, and warned of possible outcomes if the allegation is substantiated.

Only in cases of serious misconduct will summary dismissal be a possible outcome.

Appendix 2 – Complaint Investigation/Determination Process

This process is at all times to follow the principles of natural justice. The fundamental principles are that each party:

- Has the right to know what the investigation/determination process is, and what the potential outcomes may be.
- Is given due notice and is provided with an opportunity to be involved in the process.
- Has a right to be heard.
- Has the right to seek appropriate advice and counsel and to be represented.
- Has their privacy respected as appropriate throughout the process.

Elected members and staff should be aware of the type of matters that the elected members' Code of Conduct applies to and how to access the process.

Complaint Investigation Process

(The numbering relates to the attached flow diagram. The following points elaborate on the purpose and process of each stage).

1. On the receipt of a written complaint the Chair and/or the CEO will undertake an initial inquiry to determine whether the subject matter of the complaint is appropriately dealt with under the Code of Conduct.

Note: In the event of a complaint concerning the Chairperson the CEO will undertake the initial inquiry.

- (i) A positive answer to the following questions would serve as an indicator that there may be a case to answer:
 - Is the complaint about an elected member?
 - If the allegations specified in the complaint were proven could they amount to a breach of the Code?
 - (ii) If in doubt and there isn't another statutory or other process that applies the matter should continue at this stage.
 - (iii) If the complaint doesn't fit within the Code then it should be redirected in an appropriate fashion or simply declined and the complainant advised.
2. The complainant will, within three (3) working days, be advised in writing:
 - (i) That the complaint has been received.
 - (ii) That the Chair and/or the CEO will undertake an initial investigation. It will be noted that if the complaint does not fit within the Code, then it may be redirected or even declined.
 - (iii) Of the process that will be used to address the complaint.
 - (iv) The timeframe within which they can expect a response.

- (v) A contact person who they can get in touch with to find out about progress or any other matter of concern.
- (vi) The complainant may also be asked for more information so that the Council and the respondent can understand the complaint sufficiently to be able to respond.
3. The respondent will be:
- (i) Given a copy of the written complaint (within three (3) working days unless more detail is required and then within three (3) working days after receipt of the details requested) with the letter outlining the process to be used to address the complaint.
- (ii) Requested to provide a response to the Chair/CEO in writing within 14 days of receipt of the complaint.
- (iii) Advised that they may like to seek advice and/or counsel.
4. Chair and/or the CEO assess both the written complaint and the response. If the assessment is that there is no case to answer the Chair/CEO will write to the complainant and respondent and advise them of that outcome.
- (i) That letter may be used as an opportunity to recommend action.
- (ii) Such action could include:
- provision of information and/or education for the complainant or the respondent;
 - a change in process, practice or policy to remedy the problem.
5. If the assessment is that there is a case to answer, the Chair/CEO is to commission a full investigation.
- (i) The Chair/CEO will appoint either a committee of Council or an independent person to undertake the investigation.
- (ii) Terms of reference will be developed to provide guidance for those undertaking the investigation.
- (iii) The respondent will be advised in writing that:
- It has been assessed that there may be a case to answer;
 - The process that will be followed in a full investigation;
 - If a breach of the Code is substantiated what options the Council has available to it.
6. The investigation will report directly to the Chair/CEO.
7. The investigation may recommend that the matter may be more appropriately resolved by mediation
8. If the matter is resolved by mediation then an agreement shall be prepared that is signed by all the parties and will be subsequently provided to Council.
9. Council shall consider the outcome of the mediation and, if considered appropriate, move to give effect to the terms of agreement reached in the mediation.
10. If mediation is not appropriate or not successful then a "Findings" document shall be prepared which will include a summary of agreed and disputed facts that relate to the complaint and the recommendations of the investigation. The findings will be presented to the Chair/CEO for their review and then to the Council.

11. Council will make a decision:

Notes: If Councillors are involved in the investigation they must stand aside from making the decision.

The Councillor complained about shall not be a part of the Council decision making process and shall not be present during deliberations.

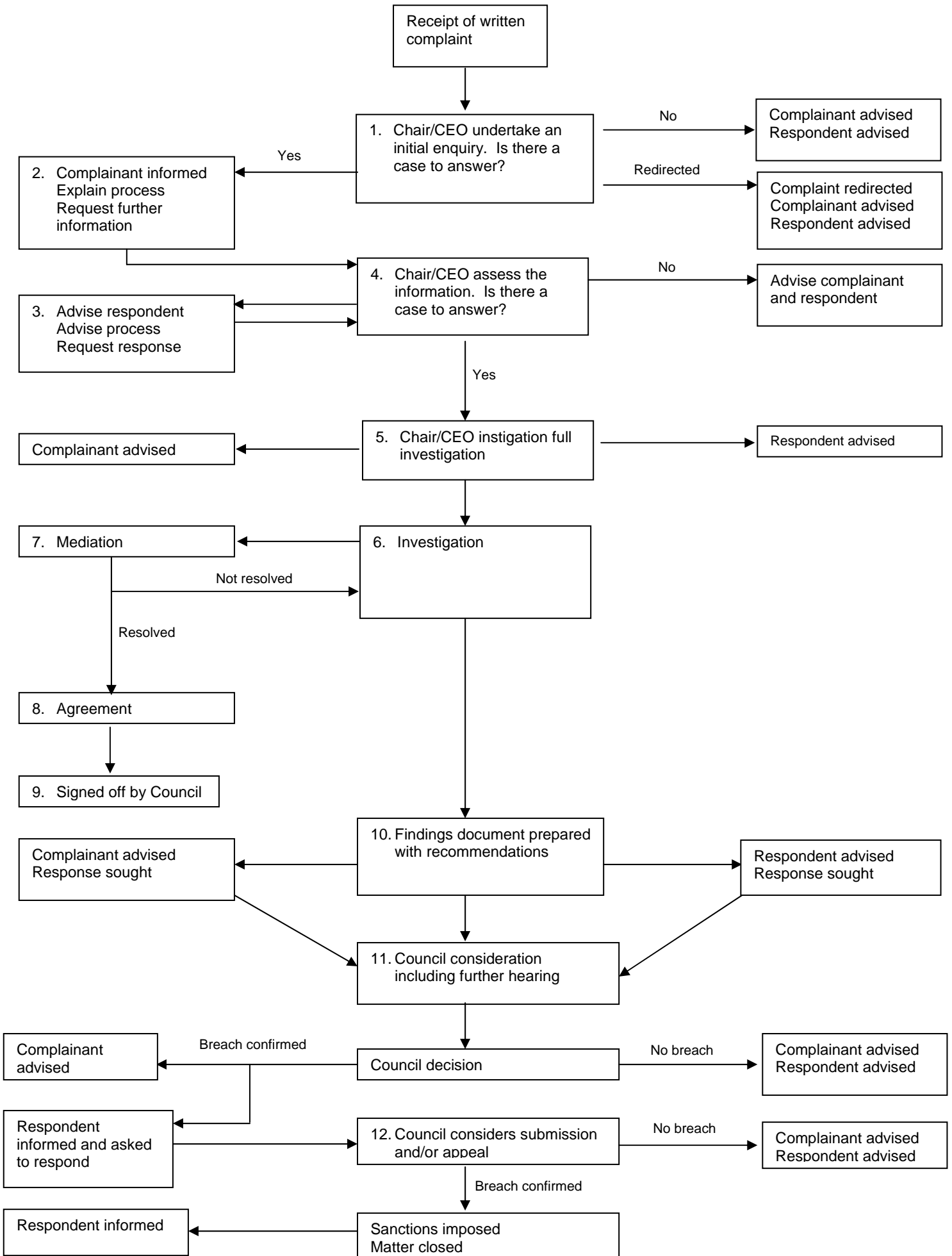
- (i) Prior to making a decision, the Chair/CEO should first send a copy of the findings document to both the complainant and the respondent with a letter asking them whether they agree or whether they wish to avail themselves of a final opportunity for written submissions before a Council decision is made.
- (ii) Council meets and if the findings and recommendations of the investigation are accepted by the complainant, respondent and Council then they shall be applied accordingly.
- (iii) If any party does not agree with the findings and recommendations of the investigation then all information is then placed before Council who will decide if a breach has occurred.
- (iv) In exceptional circumstances Council may call for the complainant or respondent or any witnesses to give oral evidence in person. Any oral submissions may be heard by Council or a subcommittee nominated for that purpose as a Code of Conduct Hearings Committee. This may be especially useful in situations where the evidence is contradictory and the credibility of the parties or a witness is an issue.
- (v) The Council, after considering the findings document, written submissions and hearing any further evidence (if appropriate) will then decide whether a breach has occurred.
- (vi) If a breach of the Code is found to have occurred the Council will determine the penalty to be imposed. Where there are no statutory provisions, the Council may take the following action:
 - a) Education
 - b) Mentoring
 - c) Censure
 - d) Removal or suspension of the elected member from Council committees and/or other representative type bodies.
 - e) Removal or suspension of any special status of the member, such as Chair of a Committee (or Council).

Note: The penalty to be imposed will be confirmed by resolution of Council.

- (vii) The respondent will be informed of the Council's determination, in writing, and will given a 28 day opportunity to make submissions regarding penalty and/or appeal the actual decision.

12. Council will consider the written submission and/or appeal and either confirm its decision or amend it. The Council will consider that the matter is finalised and no further action is required then the complainant and respondent are advised and the file closed.

CODE OF COMPLIANCE – COMPLAINTS PROCEDURE – FLOW DIAGRAM



Appendix 2 – Complaint Investigation/Determination Process

This process is at all times to follow the principles of natural justice. The fundamental principles are that each party:

- Has the right to know what the investigation/determination process is, and what the potential outcomes may be.
- Is given due notice and is provided with an opportunity to be involved in the process.
- Has a right to be heard.
- Has the right to seek appropriate advice and counsel and to be represented.
- Has their privacy respected as appropriate throughout the process.

Elected members and staff should be aware of the type of matters that the elected members' Code of Conduct applies to and how to access the process.

Complaint Investigation Process

(The numbering relates to the attached flow diagram. The following points elaborate on the purpose and process of each stage).

1. On the receipt of a written complaint the Chair and/or the CEO will undertake an initial inquiry to determine whether the subject matter of the complaint is appropriately dealt with under the Code of Conduct.

Note: In the event of a complaint concerning the Chairperson the CEO will undertake the initial inquiry.

- (i) A positive answer to the following questions would serve as an indicator that there may be a case to answer:
 - Is the complaint about an elected member?
 - If the allegations specified in the complaint were proven could they amount to a breach of the Code?
 - (ii) If in doubt and there isn't another statutory or other process that applies the matter should continue at this stage.
 - (iii) If the complaint doesn't fit within the Code then it should be redirected in an appropriate fashion or simply declined and the complainant advised.
2. The complainant will, within three (3) working days, be advised in writing:
 - (i) That the complaint has been received.
 - (ii) That the Chair and/or the CEO will undertake an initial investigation. It will be noted that if the complaint does not fit within the Code, then it may be redirected or even declined.
 - (iii) Of the process that will be used to address the complaint.
 - (iv) The timeframe within which they can expect a response.

- (v) A contact person who they can get in touch with to find out about progress or any other matter of concern.
- (vi) The complainant may also be asked for more information so that the Council and the respondent can understand the complaint sufficiently to be able to respond.
3. The respondent will be:
- (i) Given a copy of the written complaint (within three (3) working days unless more detail is required and then within three (3) working days after receipt of the details requested) with the letter outlining the process to be used to address the complaint.
- (ii) Requested to provide a response to the Chair/CEO in writing within 14 days of receipt of the complaint.
- (iii) Advised that they may like to seek advice and/or counsel.
4. Chair and/or the CEO assess both the written complaint and the response. If the assessment is that there is no case to answer the Chair/CEO will write to the complainant and respondent and advise them of that outcome.
- (i) That letter may be used as an opportunity to recommend action.
- (ii) Such action could include:
- provision of information and/or education for the complainant or the respondent;
 - a change in process, practice or policy to remedy the problem.
5. If the assessment is that there is a case to answer, the Chair/CEO is to commission a full investigation.
- (i) The Chair/CEO will appoint either a committee of Council or an independent person to undertake the investigation.
- (ii) Terms of reference will be developed to provide guidance for those undertaking the investigation.
- (iii) The respondent will be advised in writing that:
- It has been assessed that there may be a case to answer;
 - The process that will be followed in a full investigation;
 - If a breach of the Code is substantiated what options the Council has available to it.
6. The investigation will report directly to the Chair/CEO.
7. The investigation may recommend that the matter may be more appropriately resolved by mediation
8. If the matter is resolved by mediation then an agreement shall be prepared that is signed by all the parties and will be subsequently provided to Council.
9. Council shall consider the outcome of the mediation and, if considered appropriate, move to give effect to the terms of agreement reached in the mediation.
10. If mediation is not appropriate or not successful then a "Findings" document shall be prepared which will include a summary of agreed and disputed facts that relate to the complaint and the recommendations of the investigation. The findings will be presented to the Chair/CEO for their review and then to the Council.

11. Council will make a decision:

Notes: If Councillors are involved in the investigation they must stand aside from making the decision.

The Councillor complained about shall not be a part of the Council decision making process and shall not be present during deliberations.

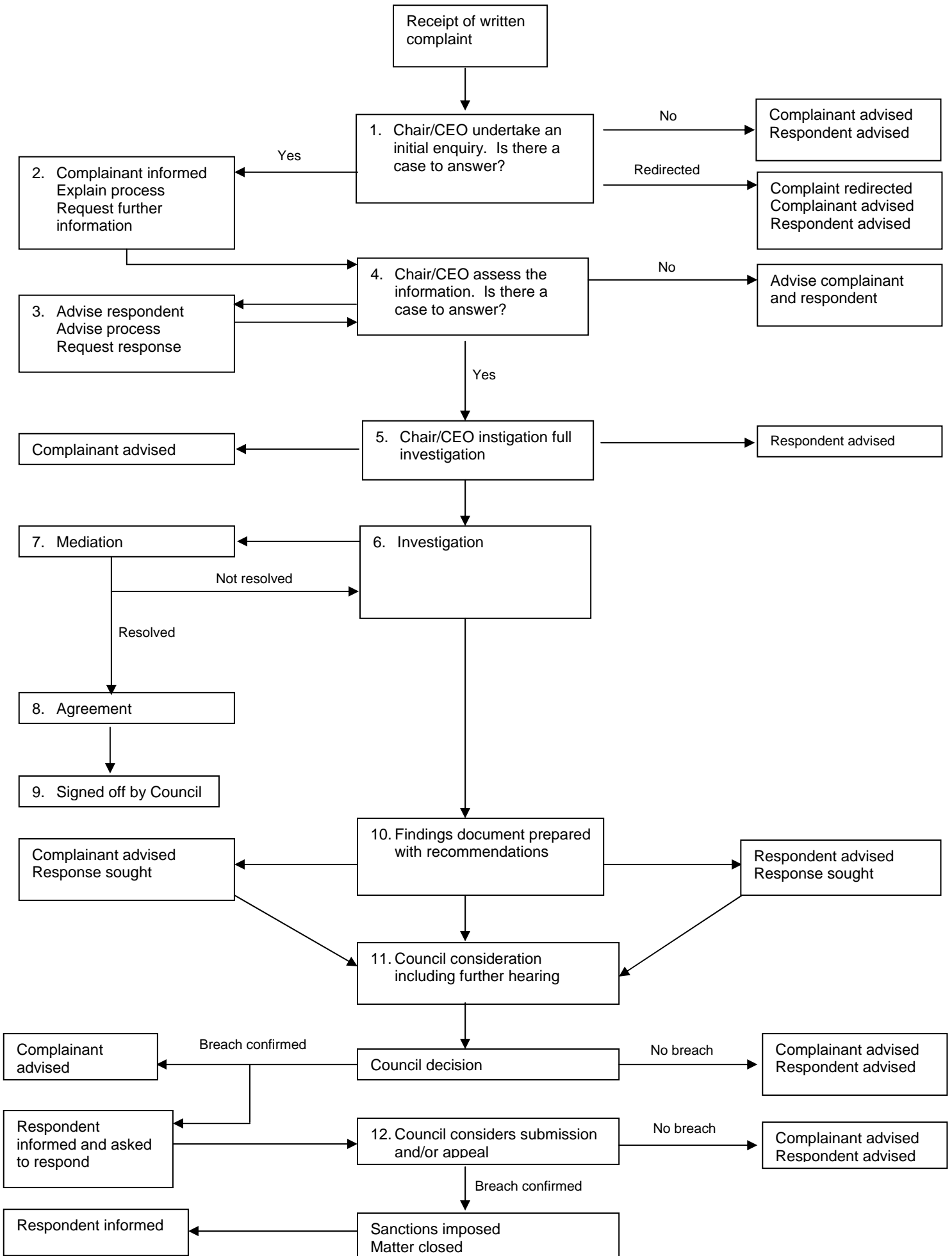
- (i) Prior to making a decision, the Chair/CEO should first send a copy of the findings document to both the complainant and the respondent with a letter asking them whether they agree or whether they wish to avail themselves of a final opportunity for written submissions before a Council decision is made.
- (ii) Council meets and if the findings and recommendations of the investigation are accepted by the complainant, respondent and Council then they shall be applied accordingly.
- (iii) If any party does not agree with the findings and recommendations of the investigation then all information is then placed before Council who will decide if a breach has occurred.
- (iv) In exceptional circumstances Council may call for the complainant or respondent or any witnesses to give oral evidence in person. Any oral submissions may be heard by Council or a subcommittee nominated for that purpose as a Code of Conduct Hearings Committee. This may be especially useful in situations where the evidence is contradictory and the credibility of the parties or a witness is an issue.
- (v) The Council, after considering the findings document, written submissions and hearing any further evidence (if appropriate) will then decide whether a breach has occurred.
- (vi) If a breach of the Code is found to have occurred the Council will determine the penalty to be imposed. Where there are no statutory provisions, the Council may take the following action:
 - a) Education
 - b) Mentoring
 - c) Censure
 - d) Removal or suspension of the elected member from Council committees and/or other representative type bodies.
 - e) Removal or suspension of any special status of the member, such as Chair of a Committee (or Council).

Note: The penalty to be imposed will be confirmed by resolution of Council.

- (vii) The respondent will be informed of the Council's determination, in writing, and will given a 28 day opportunity to make submissions regarding penalty and/or appeal the actual decision.

12. Council will consider the written submission and/or appeal and either confirm its decision or amend it. The Council will consider that the matter is finalised and no further action is required then the complainant and respondent are advised and the file closed.

CODE OF COMPLIANCE – COMPLAINTS PROCEDURE – FLOW DIAGRAM



Charging Policy 2008/2009

File 300.1

Report from Finance and Corporate Services Manager Lisa Aubrey dated 10 March 2008.

INTRODUCTION

Fees and charges that require formal adoption under Section 150 of the Local Government Act 2002 may be set during either a Long Term Council Community Plan or Annual Plan process.

The fee amendments for the 2008/09 year will be included in the draft Annual Plan for public consultation and formal approval in June 2008. However, only a Charging Policy Summary, that includes the principal policy section and the new or changed fees will be included in the draft Annual Plan.

Following approval and adoption of the draft Annual Plan, the new edition of the Charging Policy will be made available to staff and will be published on the website as an update to the Charging Policy included in the LTCCP.

GENERAL

The staff working party which reviews fees and charges each year, completed its review in February. The review resulted in some minor changes to existing policies and fee structures.

An amendment to charges for Navigation, Water Transport and Maritime Safety Bylaw Charges has also been recommended. As required by the Local Government Act 2002, it is the subject of a Statement of Proposal included separately in the agenda.

Fee changes are set out below for Council's review and approval for inclusion in the draft Annual Plan 2008/09.

AMENDED FEES AND CHARGES

Charging Policy Summary Resource and User Fees

Pursuant to:

- The Biosecurity Act 1993;
- The Building Act 2004;
- The Local Government Act 2002;
- The Local Government Official Information and Meetings Act 1987;
- The Resource Management Act 1991; and
- The Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

1. Introduction

The Resource Management Act 1991 and the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 authorise the Northland Regional Council to fix resource consent charges relating to the Council's functions and responsibilities under the Act. Charges may be set as specific amounts, as a scale of charges or as formulae. The Council has chosen to use a combination of these approaches. Section 36(1)(c) of the Resource Management Act, provides for the charging of fees to recover costs associated with:

- the **administration** of resource consents;
- the **supervision** of resource consents; and
- **monitoring** – the gathering of information necessary to effectively monitor both the state of the environment and the resource consents that have effect in the region.

Additionally, costs are recoverable under the Building Act 2004 for building consents relating to the coastal marine area, the bylaw charging provisions of the Local Government Act 2002, and the Council's Navigation Safety Bylaws. Costs may be also recovered under the authority of the Biosecurity Act 1993, the Local Government Act 2002, and under the Local Government Official Information and Meetings Act 1987.

The Council's Charging Policy defines fees and charges for the following classes:

- (i) The Building Act 2004.
- (ii) The Biosecurity Act 1993:
 - Cost recovery schedule for Northland Regional Pest Management Strategy for Nassella Tussock.
- (iii) The Local Government Act 2002:
 - Inspections, investigations and/or environmental incidents.
 - Management charges for laboratory and miscellaneous services.
 - Navigation and safety activities.
 - Inspections of dairy farms operating under the permitted activity rules for discharges to land.
- (iv) The Local Government Official Information and Meetings Act 1987:
 - Information charges.
- (v) The Property Law Act 2007
- (vi) Navigation Water Transport and Maritime Safety Bylaw Charges.
- (vii) The Resource Management Act 1991:
 - Application fees for resource consents and certificates of compliance.
 - Application fees for preparing or changing a policy statement or plan.
 - Resource consent annual management and monitoring charges.
 - Additional supervision charges for investigation of potential non-compliances and non-compliance with consent conditions.
 - Charges set by regional rules.
 - Applications for offsite farms and reviews of deemed coastal permits for marine farms pursuant to the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

The Council reviews its schedule of charges each year to provide for the recovery of the costs associated with the inspection and mitigation of adverse environmental impacts arising from the agricultural and industrial sectors.

The Council's Revenue and Financing Policy allocates the costs of monitoring various consents and classes of consents that will be recovered from consent holders. The funding targets and criteria set out in the Revenue and Financing Policy have been incorporated into the Charging Policy. The Northland

Regional Pest Management Strategies provide a schedule of cost recovery for certain works.

The Resource Management Act **consent classes** include permits to take water, permits to discharge contaminants to air, land or water; land use consents, coastal permits, and building consents in the coastal marine area. The major types of consent classes and criteria for charging purposes are as follows:

Discharges to Water (including):

- major industries
- major effluent discharges
- refuse landfills
- timber treatment plants

Other Water Permits

Discharges to Air

Coastal (including):

- moorings, jetties and structures
- marinas
- slipways and maintenance facilities
- major coastal activities

Land Use Consents

Environmental Incidents

Management charges for labour, laboratory services, supply of information and the Council plant and equipment are detailed in Appendix 16 of Volume Two of the Northland Community Plan 2006-2016. The Council delegates the right to vary these charges to the Department Managers as may be required from time to time (resolved 8 December 2004).

2. General Policies and Principles

2.1 General Principles

The principles which apply to the charges set out in the Charging Policy document are based on the requirements of Section 36 of the Resource Management Act 1991; Section 77 of the Biosecurity Act 1993, Sections 53 and 243 of the Building Act 2004, Section 13 of the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002 – as set out below:

- **Democratic Process**
The Council's role as a local authority is recognised. Thus, the costs associated with the political process are not charged directly to resource consent users.

- **Cost Recovery**
 The scale of annual charges is in some cases based on the full costs of the Council's supervision role plus a share of the costs of its state of the environment monitoring role.

Actual and reasonable costs will be recovered from resource users and consent holders where the use of a resource directly occasions costs to the Council. A contribution from the general rate meets a share of the cost where the community benefits from environmental monitoring.
- **Consistency**
 Charges will not vary greatly within classes and within the context of the scale of the activity, except where environmental incidents and non-compliance with consent conditions incur additional supervision costs.
- **Equity**
 Costs will be recovered on an equitable basis, with charging criteria applied consistently across the region. Classes of users will share the costs attributable to that class.
- **Simplicity**
 The system of establishing charges will be kept as simple and as economically efficient as possible.
- **Resource Use**
 The charges will reflect preferred resource use practices which as a consequence will require less work to be undertaken by the Council.

2.2 Time Period

The policies, formulae and charges set out in this document apply each year from 1 July to the following 30 June, or until replaced by new charges adopted during the Annual Plan special consultative procedure as prescribed by the Local Government Act 2002.

2.3 Performance

With regard to all application fees and amounts specified in this document, the Council need not perform the action to which the charge relates until the charge has been paid in full [Resource Management Act, Section 36(7)].

2.4 Remission of Charges

The Council may remit any charge referred to in this document, in part or full, on a case-by-case basis, and at its absolute discretion. [Resource Management Act, Section 36(5).]

2.5 Goods and Services Tax

The charges and formulae outlined in this document are exclusive of GST, except where noted otherwise.

2.6 Debtors

All debtors' accounts will be administered in accordance with this policy and outstanding debts will be pursued until recovered. Account offset will be considered on merit in situations where the Council is indebted to the same person.

2.7 Regulations

The Council will apply Crown charges, which may be set from time to time by Order in the Council (Regulations). [Resource Management Act, Section 36(1)(g).]

2.8 General Policies for Charges

The general policies for charges are set out in the Annual Plan, which is adopted following the Special Consultative Procedure prescribed in the Local Government Act 2002. In the case of fees for annual charges and consents applications, the policies are as follows:

- (i) The annual charges shall apply from 1 July to the following 30 June each year, or until amended by the Council.
- (ii) Account offset will be considered on merit in situations where the Council is indebted to the same person.
- (iii) Where annual charges are expected to equal or exceed \$1,000 (GST exclusive), the consent holder will be invoiced the actual costs of monitoring during the progress of the work, once costs have exceeded a prescribed sum (refer Section 4.2.5).
- (iv) Where any resource consent for a new activity is approved during the year and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the applicant subject to Clause (vi). Consents for activities in the Coastal Marine Area are also subject to the Navigation Water Transport and Maritime Safety Bylaw Charges.
- (v) A minimum fee of \$68.00 will apply to all significant recoverable charges (except for the Navigation Safety Bylaw fees) other than for new consents granted after 1 March each year when the minimum fee will be waived for the remainder of that financial year.
- (vi) In any case where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not ongoing, then the associated annual charge will be based on the actual costs of monitoring activities to the date of expiry or surrender, subject to Clause (vi) and also administrative/monitoring costs incurred as a result of the expiry/surrender of the consent.
- (vii) Where a resource consent expires during the course of the year but the activity or use continues and requires a replacement consent, then the annual charges will continue to be applied.
- (viii) Where non-compliance with resource consent conditions is encountered, or unprogrammed additional monitoring is necessary, the costs will be recovered, in addition to the set annual fee.
- (ix) Bonafide community organisations that own community structures in the coastal marine area, which are available for unimpeded public use free of charge; or consent holders undertaking activities for the principal purposes of enhancing the natural environment, may apply to the Council to waive the annual charges, and the Council may remit all or part of the user fees, pursuant to Section 36 of the Resource Management Act.
- (x) Upon application and the approval of the Chief Executive Officer, all or part of the Council's user charges for structures in the coastal marine area or activities undertaken for the purposes of protecting or enhancing the natural environment, may be remitted where cases of genuine hardship are proved.

3. Application Fees

3.1 Introduction

This part of the document deals with application charges in respect of two areas:

- applications for the preparation or change of a policy statement or plan;
- applications for resource consents, for the review of resource consent conditions, building consents and project information memoranda.

Amended or New Charges

4. Resource Consent Holder Charges

The council has reviewed the following sections within Resource Consent Holder Charges:

4.2 Introduction

Under Section 36(1)(c) of the Resource Management Act, the Council may charge for costs associated with the:

- (a) administration, supervision and monitoring of resource consents; and
- (b) for carrying out its resource management functions under Section 35 of the Act.

Administration covers how the Council records and manages the information it has on the resource consents it grants. The Council is obliged to keep “records of each resource consent granted by it” under Section 35(5)(g) of the Act, which must be “reasonably available [to the public] at its principal office” [Section 35(3)] of the Act. The Council keeps this information on hard copy files and electronic databases. The costs of operating and maintaining these systems are substantial.

The minimum fee recovers some of the costs of the administration of resource consents.

Supervision covers functions that the Council may need to carry out in relation to the ongoing management of resource consents. This can include the granting of approvals to plans and other documentation, review and assessment of self monitoring results provided by the Consent Holder, provision of monitoring information and reports to consent holders, meetings with consent holders relating to consent compliance and monitoring, and participation in liaison and/or peer review groups established under consent conditions or to address issues relating to the exercise of resource consents.

Monitoring is the gathering of information to check consent compliance and to ascertain the environmental effects that arise from the exercise of the resource consents. The Council is obliged to monitor “the exercise of the resource consents that have effect in its region” under Section 35(2)(d) of the Act.

In determining charges under Section 36 of the Resource Management Act, the Council has given consideration to the purpose of the charges and the Council’s functions under the Act. It is considered that consent holders have both the privilege of using resources and responsibilities for any related effects on the environment. It is the Council’s role to ensure that the level of effects is managed, monitored and is acceptable, in terms of sustainable management and the community’s values. The annual charges for the administration, monitoring and supervision of resource consents are based on the assumption

that those consents will be complied with and exercised in a responsible manner.

Annual resource consent management charges will be based on a set minimum fee plus, charges for consent supervision and/or monitoring undertaken by Council staff, and where appropriate a portion of costs associated with State of The Environment monitoring of resources used by consent holders, e.g., the costs of running Council's hydrological sites, water quality monitoring networks and associated surveys such as macroinvertebrate and fish monitoring. This particularly applies to water take consents both surface and groundwater and marine farms.

4.2 Annual Charges

4.2.1 Basis of Charges

The charges reflect the nature and scale of consented activities. In general, those activities having greater actual or potential effects on the environment require greater supervision and monitoring from the Council. In setting these charges, the Council has duly considered that their purpose is to recover the reasonable costs in relation to the Council's administration, supervision and monitoring of resource consents and for undertaking its functions under Section 35 of the Resource Management Act. The estimated full costs of the Council's supervision role and planned monitoring of consents will be recovered.

In respect of the Council's administration role a standard minimum annual charge will apply to cover some of the costs of operating and maintaining its consents-related information systems.

Where appropriate, a proportion of the costs of **monitoring the state of the environment** (Section 35(2)(a)) is incorporated in the charge to the Consent Holder. In such cases, the Council has had particular regard to Section 36(4)(b)(iii), i.e., the extent that the monitoring relates to the likely effects of consent holder's activities or the extent that the likely benefit to consent holders exceeds the likely benefit of the monitoring to the community. The costs to the Council associated with this activity may be shared between consent holders and the community. This recognises that there is value and benefit to the community of work the Council undertakes with respect to monitoring the state of the environment. In the Council's judgement this is a fair and equitable division.

In relation to swing/pile moorings within the Marine 4 Management Areas which meet the permitted activity criteria, the costs of providing Council services will be recovered through the Navigation and Safety Bylaw Charges outlined in Section 10.

In relation to swing/pile moorings outside the Marine 4 Management Areas without consent (non-consented), costs will be recovered through the Navigation and Safety Bylaw until consent is gained. Application for consent must be in accordance with Council's programme for applications.

Under Section 36(1), charges "shall be either specific amounts or determined by reference to scales of charges or other formulae fixed by the (Council)". The Council has fixed charges by all these methods in the past.

Specific amount fees are not often charged for larger activities and the preferred method is to apply the formulae specified in Section 4.2.3 to determine the expected costs of both scale fees and the expected costs of monitoring larger consents as outlined in the appendices.

4.2.3 Large Scale Activities

Consents that do not fall into the classes listed in Section 4.2.2 will be for larger scale activities or activities with high potential adverse effects (estimated monitoring costs of \$1,000 and over per year inclusive of GST). In most cases these consents will generally be subject to comprehensive monitoring programmes, regular inspections and involve routine sampling and testing or audit monitoring functions or contribute towards the costs of the Councils State of the Environment Monitoring as is the case for many of the larger water take consents. Large scale activities may require more monitoring inspections. As the sampling and testing requirements for these consents will vary so will the costs incurred by the Council to carry out those monitoring programmes.

Annual charging for the monitoring of these consents is calculated using the following formulae and/or the actual and reasonable historical costs:

Labour (staff time) + Sampling and Testing Costs + Monitoring Equipment Costs + Administration Fee = Annual Charge

Labour (standard charge rates includes mileage) **per Hour**

▪ Monitoring Officer Scale 1	\$65.00
▪ Monitoring Officer Scale 2	\$75.00
▪ Senior Monitoring Officer	\$85.00
▪ Manager/Harbourmaster/On-Scene Commander	\$135.00

Sampling and Testing Costs

▪ Internal Costs	per Clause 2.1-2.7
▪ External Costs	at cost

Monitoring Equipment Costs

Generally applied to consents where special equipment has been installed to monitor those consents. For example, hydrometric stations on rivers from which water is taken for irrigation purposes, water quality monitoring sondes and/or automatic sampling equipment.

Administration Fee

Per consent or consent "package"	\$68.00
----------------------------------	---------

State of the Environment Costs

Where appropriate the addition of a specified amount contributing towards the recovery of costs incurred by Council as part of its State of the Environment monitoring.

The estimated monitoring costs are then rounded to an appropriate sum which becomes the expected annual charge. These formulae and the historical cost data of monitoring like consents provides a reasonable estimate of the actual costs of monitoring consents each year and will be used to provide the expected costs of monitoring in the forthcoming years. These expected costs of monitoring are itemised in the fee schedules included in appendices outlined below:

- Major Industries (Appendix 9)
- Timber Treatment Plants (Appendix 10)
- Major Effluent Discharges (Appendix 11)
- Refuse Landfills (Appendix 12)
- Large Scale Discharges to Air (Appendix 13)
- Major Coastal Activities (Appendix 14)
- Large Scale Water Takes (Appendix 15)

4.2.4 Additional Supervision Charges

Introduction

The annual consent charges outlined in Section 4 above are based on the assumption that the consents they relate to will be complied with and exercised in a responsible manner, and recover the cost of work undertaken each year by the Council in the administration, monitoring and supervision of those consents.

The purpose of additional supervision charges is to recover costs of additional supervisory work that is required to be undertaken by Council when people, including consent holders, do not act in accordance with consents or Councils rules relating to resource use.

Additional supervision charges relate to those situations where:

- consent conditions are not being met or adverse effects are resulting from the exercise of a consent; or
- unauthorised activities are being carried out.

Procedure

When consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to abatement notices, infringement notices, enforcement orders or prosecutions.

Calculation

Charges for additional supervision will be calculated on an actual and reasonable basis.

The costs that make up the charge will include:

- labour costs; officers' actual recorded time spent, including travel time, in following up the non-compliance matter or unauthorised activity (charged at the appropriate hourly rate listed in Section 4.2.3); plus
- any sampling and testing costs incurred; plus
- any equipment costs (excluding vehicle running costs) associated with the monitoring of the non-compliance; plus
- any external costs incurred (e.g., external consultants, hire of clean-up equipment).

For consent holders only, no additional supervision charge will be applied where the annual charges for their consents are sufficient to cover the costs incurred in following up their consent non-compliance.

In the case of water takes annual charges are estimated on the basis of normal summer flows and consequently during drier than normal years further monitoring may be required in the form of flow or water level measurements. The costs of this further work will be charged to

the Consent Holder in the form of additionally supervision charges as outlined above.

4.2.5 Invoicing – Non-scale Fees

The majority of large scale activities or activities with high potential adverse effects (where annual monitoring costs exceed \$1,000, GST inclusive) and certain small scale activities such as short term earthworks consents, will be monitored, the results recorded/reported and subsequently invoiced to the consent holder on a cost recoverable basis.

Invoices will be generated once the costs of any work have exceeded a prescribed sum. This will be determined by the scale of the activity. Costs will be invoiced in a timely manner during the progress of the work to ensure that large amounts of costs do not accrue.

In the case of significant water takes charges will generally be invoiced in line with section 4.5 and any further supervisions charges will be invoiced on a regular basis as costs are incurred by Council.

4.4 Change in Resource Consent Status

Where any resource consent is approved during the year, and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the applicant. The annual minimum fee will continue to apply per the Council's general policy 2.8(vi).

For large scale activities where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not on-going, then the associated annual charge will be based on actual and reasonable costs incurred to the date of expiry or surrender, including costs incurred as a result of monitoring and administration activities associated with the expiry or surrender of the consent. The annual minimum fee will continue to apply.

Where a resource consent expires during the course of the year but the activity or use continues and is subject to a replacement process, then the annual charges will continue to apply.

4.5 Timing

Invoicing of consent annual charges will be in the quarter following the adoption of the Long Term Council Community Plan or Annual Plan by the Council or until after monitoring of the consent has been undertaken (post billing).

In some cases, invoicing of charges may be deferred until after the Council has completed all, or a significant portion of its planned monitoring of a consent.

5. Biosecurity Act 1993

6. Local Government Act Charges

The council has reviewed the following sections within Resource Consent Holder Charges:

6.2 Permitted Activity Dairy Shed Effluent Systems – Fees

These charges are made to recover the costs of inspecting farm dairy effluent systems, wintering barns or pad discharges to determine compliance with the permitted activity rules in the Regional Water and Soil Plan. The inspections are conducted in order that the Council adequately carries out its functions and responsibilities pursuant to Sections 30(1)(f), 35(2)(a) and 332 of the Resource Management Act. The fees are set according to Section 150 of the Local Government Act.

The charges are as follows:

- (i) Annual inspection and monitoring fee (all grades), fixed fee \$113.00
- (ii) Second and subsequent visits and inspections, (for non-complying or inadequately treated discharges, grades 4 and 5) *depending which technical officer assigned per charge out rates in Section 6.1. (per hour) \$65.00

* minimum

plus the actual and reasonable cost of any specific water quality testing (see Appendix 16).

Note: For annual charges for consented farm dairy effluent discharge consents, refer to Appendix 5.

7. Charges set by Regional Rules

8. Provision of Information and Technical Advice

9. Fee to consent lessee to transfer a lease and fee to consent lessee to enter into a sublease

The council has introduced the following sections within Fee to consent lessee to a transfer a lease and fee to consent lessee to enter into a sublease:

Pursuant to the general provisions in section 12 of the Local Government Act and section 227 (2) of the Property Law Act 2007, Council can require a charge to cover reasonable legal or other expense of the lessor in giving consent.

The charges are as follows:

- (i) transfer or assign the lease \$135.00
- (ii) enter into a sublease \$135.00

10. Standard Charges under the Building Act 2004

11. Navigation, Water Transport and Maritime Safety Bylaw Charges 2008

These bylaws shall be known as the Northland Regional Council **Navigation, Water Transport and Maritime Safety Bylaw Charges 2008:**

The Council has reviewed the following clauses within the Navigation, Water Transport and Maritime Safety Bylaws:

7.	(a) Pilotage	GST Exclusive
	(i) Inwards/outwards to wharf, Opuia	\$3,250.00
	(ii) Ships to anchor in Bay of Islands	\$3,250.00
	(b) Shipping – Navigation and Safety Services Fee	
	Per ship visiting the Bay of Islands regardless of which pilotage organisation or company actually services the vessel.	\$3,000.00
	(c) Shipping – Navigation and Safety Services Fee	
	Per ship visiting the Bay of Islands when the Master is exempt from compulsory pilotage.	\$3,000.00
	(d) Shipping – Navigation and Safety Services Fee	
	Per ship visiting Whangaroa Harbour except when the ship is also visiting the Bay of Islands during the same voyage.	\$1,000.00

10. Hatea River Channel Fees

User charges to assist with the funding of ongoing navigation safety activities on the Hatea River between Victoria Bridge and Main 4. The activities include the provision of additional aids to navigation and dredging but exclude the Town Basin Marina consented area.

(a)	Individual berths in the Town Basin and Riverside Drive Marinas as defined by consent number in Appendix 17, level one charges.	\$95.00
(b)	Individual boatsheds and other berths as defined by consent number in Appendix 17, level one charges.	\$95.00
(c)	Individual marina berths at Kissing Point as defined by consent number in Appendix 17, level one charges.	\$95.00
(d)	Large businesses that derive a direct benefit through improved access to their facility; as defined by consent number in Appendix 17, level two charges.	\$950.00
(e)	Small businesses that derive a direct benefit through improved access to their facility; as defined by consent number in Appendix 17, level three charges	\$450.00
(f)	Mooring Holders in the Whangarei Harbour, including Marsden Cove Marine;	\$12.50

12. These bylaw fees shall apply for the period 1 July 2008 to 30 June 2009 and will continue to apply until superseded by a subsequent bylaw charge fixed by resolution and publicly notified or by the review required by Section 158 of the Local Government Act 2002.

These bylaws were made at a meeting of the Council held on 18 June 2008, sealed, and publicly notified pursuant to Sections 83 and 147 of the Local Government Act 2002.

Appendix 1: Resource Consent Minimum Application Fees/Deposits and Consents Staff Hourly Processing Rates

Consents Hourly Processing Rates: Description	Hourly Rate (GST Excl.)	Hourly Rate GST Incl.
• Secretarial/Admin	55.00	61.88
• Consents Officer Scale 1	70.00	78.75
• Consents Officer Scale 2	80.00	90.00
• Consents Officer Scale 3	90.00	101.25
• Team Leader Scale 1	90.00	101.25
• Team Leader Scale 2	100.00	112.50
• Consents Manager	150.00	168.75
• Consultants	Up to 150.00	Up to 168.75

Appendix 2: Standard Charges under the Building Act 2004

Council has removed clauses relating to building consents, where these applications will now be administered by Waikato Regional Council. Council has added clauses enabling infringement offence notices, enforcement orders or prosecutions to be undertaken as provided for under the Building Act 2004, Building (infringement Offences, Fees and Forms) Regulations 2007.

Charges fixed under the Building Act 2004 are resolved by the Council and fixed pursuant to the Local Government Act 2002 process until subsequently amended.

1. Project and Land Information Memoranda (PIM/LIM)

Estimated Value of Work	Minimum Estimated Charge (MEC) \$ GST Excl.	(MEC) \$ GST Incl.
All Applications	1000.00	1112.50

- Notes:**
- MEC is payable upon application for a PIM/LIM.
 - Final actual and reasonable costs are payable upon uplifting the PIM/LIM.

2. Building Consents and Certificates of Approval

Incorporating receipt of a building consent application, the issue of a building consent, including project information memorandum, payment of a Building Research Levy and/or Department of Building and Housing Levy (where applicable) and the issue of a code compliance certificate (where applicable).

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act functions for consenting dams to the Waikato Regional Council (WRC). Fees will be charged in accordance with the Fees and Charges policy set by WRC. All fees and charges for consent processing will be invoiced directly to the applicant by WRC.

3. Requests for Information on Building Consents

\$ GST Excl.

\$ GST Incl.

Charges will be the actual and reasonable costs.

Note: Payable on uplifting the information.

4. Issue of a Notice to Fix

Minimum Estimated Charge	95.00	106.88
--------------------------	-------	--------

Note: All inspections and other actions necessary to confirm compliance with notice charged at cost and payable on invoice.

5. Action to be Taken in Respect of Buildings Deemed to be Dangerous or Insanitary

Charged at cost.

Note: Payable upon invoice.

6. Inspections

Inspections carried out by Council officers (per hour) 95.00 106.88

Inspections by specialist consultants: charged at cost to Council + 5%

Note: Payable upon completion of inspection and/or prior to the issue of a code compliance certificate.

7. Technical Processing and the exercising of other functions, powers and duties under the Building Act 2004

Carried out by Council officers (per hour) 95.00 106.88

Carried out by specialist consultants Charged at cost to Council + 5%

Note: Payable upon the exercise of the function, power or duty. Progressive charging may be used where costs are greater than \$500 (excluding GST).

When building consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to, infringement offence notices, enforcement orders or prosecutions.

An enforcement officer who observes a person committing an infringement offence or has reasonable cause to believe that an infringement offence is being or has been committed is authorised and warranted under section 229 of the Building Act 2004 to issue an infringement notice. The Building (Infringement Offences, Fees, and Forms) Regulations 2007 were made by Order-In-Council on 17 December 2007, and come into force on 1 July 2008. Fines are set per the Building regulation 2007 and range from \$250 to \$2000.

Appendix 3: Small to Moderate Scale Water Takes

Charges relating to the State of the Environment Charges have now been included:

Scale of Annual Charges for Consents for Small to Moderate Scale Water Takes

Fee Level	Description/Criteria	Charge \$\$ GST Excl.	Charge \$\$ GST Incl.
8	Negligible effect: minor abstraction in plentiful surface resource; low level allocation of a small surface resource; minor abstraction of groundwater; no monitoring (Minimum Fee)	68.00	76.50
10	Minor effect: minor abstraction; moderate level of allocation of a small surface resource; minor abstraction from a fully allocated surface resource with little potential demand; moderate abstraction from groundwater; water use returns	85.00	95.63
12	Moderate effect: minor abstraction from fully allocated surface resource with potential demand; moderate abstraction from a small resource with moderate levels of allocation; major abstraction from groundwater resource; water use returns; resource monitoring by Consent Holder; potential effect on other users; low level monitoring by the Council	110.00	123.75
15	Medium effect – short inspection time: moderate abstraction from a small resource with a high level of allocation; major abstraction from a large plentiful resource; water use returns, resource monitoring by Consent Holder; continuation flow condition(s) requiring occasional monitoring by the Council. Total estimated inspection/flow monitoring, water use record management and reporting of consent compliance between 1½ to < 2 hours	160.00	180.00

Fee Level	Description/Criteria	Charge \$ GST Excl.	Charge \$ GST Incl.
19	Medium effect – moderate inspection time: same criteria as Category 4, but total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance between 2 to < 3 hours	210.00	236.25
22	Medium effect – significant inspection time: Total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance between 3 to < 4 hours. Some contribution to Councils hydrometric network where appropriate	260.00	292.50
24	Medium– significant inspection time – SOE charges: significant total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance. Contribution to Councils hydrometric network where appropriate. Data benefits CH for management and/or replacement of consent	300.00	337.50
26	Medium to high potential effect – SOE charges: Large abstraction total estimated staff time for inspection/flow monitoring, water use record management and reporting of consent compliance is significant > 4 hours. Contribution to Councils hydrometric network data used for compliance purposes and or management of exercise of consent	350.00	393.75

Appendix 4: Minor to Moderate Discharges to Air, Water and Land, and Land Use Activities including Quarries

Appendix 5: Farm Dairy Effluent Charges

This is a fully revised scale of charges:

Scale of Charges for Consents for Farm Dairy Effluent Discharges

Sampling and testing required where indicated.

Fee Level	Description/Criteria	Charge \$ GST Excl.	Charge \$ GST Incl.
4	Single yearly inspection – (no sampling or testing)	180.00	202.50
4	Single yearly inspection – (single sample only)	222.00	249.75
4	Single yearly inspection – (two samples)	265.00	298.12
4	Single yearly inspection – (three samples)	308.00	346.50
4	Single yearly inspection – (four samples)	350.00	393.75
4	Single yearly inspection – (five samples)	394.00	443.25
4	Single yearly inspection – (six samples)	437.00	491.62

The charge for follow-up inspections for non-complying discharges will be at \$65.00 per hour plus GST, plus the actual and reasonable cost of any specific water quality testing and/or enforcement action required.

Note: For fees charged under the Local Government Act for the inspection of non-consented dairy effluent discharge systems, refer to Section 6.2.

Appendix 6: Coastal Structures (Post Construction or Installation)

The Cable and Pipes charge has been amended:

Fee Level	Description/Criteria	RMA \$ GST Excl.	Nav & Safety Service Fee \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
100	Swing moorings, pile moorings, jetty and marina berths (per berth) with consents	68.00		50.00	118.00	132.75
101	Swing/pile moorings (non-consented) outside of the Marine 4 Management Area		68.00	50.00	118.00	132.75
101	Swing/pile moorings within Marine 4 Management Area		68.00	50.00	118.00	132.75
1	Pile moorings and jetty berths owned by one organisation, comprising 25 berths or more, but no more than 75 berths (per berth). Note: No additional charge will be set for those structures which are an integral part of the mooring area, so long as those facilities and activities do not give rise to any significant adverse environmental effects	40.00		50.00	90.00	101.25
1	Marinas comprising more than 75 berths. Navigation fee reverts to \$50.00 if fees are not paid within 60 days (per berth)	–		40.00	40.00	45.00
1	Marinas comprising 24 or more, but less than 75 berths. Navigation fee reverts to \$50.00 if fees not paid within 60 days (per berth)	–		46.00	46.00	51.75
8	Dinghy pulls	68.00		–	68.00	76.50
8	Seawalls and reclamations	68.00		–	68.00	76.50
100	Boat ramps up to 15 m x 4.5 m	68.00		50.00	118.00	132.75
102	Boat ramps/slipways over 15 metres and grids	120.00		50.00	170.00	191.25
103	Boatsheds	205.00		50.00	255.00	286.88

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
104	Boatsheds with Additional Berth	235.00	50.00	285.00	320.62
13	Cables and Pipes	76.50	-	76.50	86.00
13	Private accommodation in the coastal marine area	125.00	-	125.00	140.63
100	Minor structures not more than 10 m ² in plan area within the coastal marine area (no more than minor environmental effects)	68.00	50.00	118.00	132.75
102	Minor structure and jetties: more than 10 m ² and up to 300 m ² in plan area	120.00	50.00	170.00	191.25
102	Community and boating club structures and jetties, and non-commercial public structures	120.00	50.00	170.00	191.25
105	Marine farms and offsite farms	260.00	50.00	310.00	348.75
18	High use structures and jetties not marine related	200.00	-	200.00	225.00

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
106	(a) High use structures and jetties, marine-related and not more than 300 m ² in plan area within the coastal marine area, and	200.00	300.00	500.00	562.50
	(b) Slipways with a maximum capacity of not more than 50 tonnes	200.00	300.00	500.00	562.50
115	High use structures and jetties, marine-related, more than 300 m ² but not more than 1,000 m ² in plan area within the coastal marine area	200.00	1,300.00	1,500.00	1,687.50
125	(a) High use structures and jetties, marine-related and not more than 1,000 m ² in plan area within the coastal marine area, and	200.00	2,300.00	2,500.00	2,812.50
	(b) Slipways with a maximum capacity of more than 50 tonnes	200.00	2,300.00	2,500.00	2,812.50

Note: All structures that are subject to a discharge permit may be subject to an additional charge that recovers the costs incurred by the Council for monitoring the discharge. Where the costs of monitoring the structure and discharge exceed the annual charge herein, the Council will recover the balance in accordance with Section 36(3) of the Resource Management Act 1991.

Consent Holders of multiple structures authorised under a single resource consent for contiguous facilities, will be charged one annual fee for the most significant structure authorised by that consent.

Appendix 7: Coastal Structures (Construction or Installation Phase)

Appendix 8: Land Use Consents for Boating-related Structures in Waters Upstream of the Coastal Marine Area (Post Construction)

This is a fully revised scale of charges:

Fee Level	Description/Criteria	RMA \$ GST Excl.	Navigation & Safety \$ GST Excl.	Total Fee \$ GST Excl.	Total Fee \$ GST Incl.
100	Minor structures and jetties: not more than 10 m ² in plan area.	118.00		118.00	132.75
102	Jetties and other structures: more than 10 m ² in plan area.	170.00		170.00	191.25

- Note:**
1. Consents for new boat-related structures or to alter boat related structures in waterbodies will be subject to an inspection charge of \$65.00 per hour (plus GST) per officer during their construction phase.
 2. Refer to Section 4.2.2 for bases of charges.

Appendix 9: Major Industries

Appendix 10: Timber Treatment Plants

Appendix 11: Major Effluent Discharges or Discharges to Sensitive Receiving Environments

Appendix 12: Refuse Landfills

Appendix 13: Large Scale Discharges to Air

Appendix 14: Major Coastal Activities

Appendix 15: Large Scale Water Takes

This is a fully revised scale of charges:

Water Takes

Consent Holder	Consent No(s)	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
Far North District Council	4369	2,000.00	2,250.00
Whangarei District Council	7398	1,000.00	1,125.00
Kaipara District Council	8032	600.00 ¹	675.00
Whangarei District Council	2960	2,000.00	2,250.00
Fonterra Kauri	3221	2,300.00 ²	2,587.50
Whangarei District Council	7404	2,500.00	2,812.50
Mangawhai Golf Club	2344	600.00 ¹	675.00
Kaipara District Council	7582	750.00 ²	843.75
Kaipara District Council	8134	700.00 ²	787.50
Omana Water Supply	3994	1000.00 ²	1125.00
Maungatapere Water Supply Co	4607	450.00 ²	506.00
Murphy Prosperity Trust	4715	450.00 ²	506.00
North Power	4845	750.00 ²	843.75
Kokich & Anderson	4965	600.00 ²	675.00
Northern Dairylands Ltd	5004	700.00 ²	787.50
A B Kevey & L J Christie	5014	450.00 ²	506.25
McBeth Farms Ltd	5021	450.00 ²	506.25
Brown Trust Partnership	5022	450.00 ²	506.25
Leeuwenburg J A & G M Leewenburg	5027	450.00 ²	506.25
The Robert Harding Family Trust	7330	700.00 ²	787.50
Whangarei District Council	7405	800.00 ²	900.00
Woodbury Farming Ltd	7411	800.00 ²	900.00
Burke Farms Ltd	7642	600.00 ²	675.00

¹ Includes a charge of \$500 pursuant to Section 36(1)(c) towards the costs of operating NRC SOE groundwater monitoring site (See Section 4.1).

² Includes a charge towards the costs of operating an NRC SOE flow monitoring site (see Section 4.1).

Note: For the bases of charging, refer Section 4.2.3.

Appendix 16: Miscellaneous Management Charges

The Council has reviewed the following clauses within Miscellaneous Management charges:

3.5 Floating Plant – Standard Rates

(a) Workboat Hire	\$ GST Excl.	\$ GST Incl.
Workboat – Waikare per hour	450.00	506.25
Standby - Waikare per hour	250.00	281.25

For significant commercial projects, the Council will negotiate hire, standby and total costs with contractors and other parties.

(b) Small Launch Hire	\$ GST Excl.	\$ GST Incl.
BOI Patrol Boat Gemini II per hour	150.00	168.75
Standby – Gemini II per hour	100.00	112.50
5 metre Lazercraft per hour	140.00	157.50
Standby – Lazercraft per hour	90.00	101.25
5.8 metre Inflatable (Tai Ao) per hour	170.00	191.25
Standby – Tai Ao per hour	120.00	135.00

All labour and transport costs incurred in the hire of vessels, are additional and charged at \$65.00 per hour per crew member.

Note: (Additional rates may apply in overtime hours).

Other Plant Not Specified Above

Each request to hire other Regional Council plant or equipment is to be referred to the appropriate Manager for approval, who shall apply a realistic charge-out rate and notify the Finance Manager so that an invoice can be raised.

7. Biosecurity – Sale of Pest Control Products

Northland landowners are entitled to a one off free issue of 2.5kg bag of Pestoff and 2kg bag of rabbit pindone. Landowners are also entitled to a one off free issue of a 5-gram sachet of herbicide to control wild ginger.

All other pest control products such as traps, pesticides, prefeed, bait stations, and associated equipment are resold at a 10% mark-up on the price they are purchased from the manufacturer. This 10% mark-up to cover the administrative costs of supplying these products.

Appendix 17: Whangarei Harbour Channel user charges

Council has established the following scale of charges:

Level 1 Fee Scale

Consent Number	Description	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
19990615002	Berth between sheds 19 & 20	\$80.00	\$90.000
20020993801	Boat ramp, Limeburners Creek	\$80.00	\$90.000
20050817101	Boat ramp, pontoon etc, Hatea River	\$80.00	\$90.000
20060963701	Boat shed, Pohe Island	\$80.00	\$90.000
20060617001	Boatshed # 1, Kissing Point	\$80.00	\$90.000
20060617701	Boatshed # 10, Kissing Point	\$80.00	\$90.000
20060617801	Boatshed # 11, Kissing Point	\$80.00	\$90.000
20050614801	Boatshed # 17, Riverside Drive	\$80.00	\$90.000
20060617101	Boatshed # 2, Kissing Point	\$80.00	\$90.000
20060617201	Boatshed # 3, Kissing Point	\$80.00	\$90.000
20070557601	Boatshed # 5 & 6, Kissing Point	\$80.00	\$90.000
20060617601	Boatshed # 9, Kissing Point	\$80.00	\$90.000
20020616403	Boatshed #1, Limeburners Creek	\$80.00	\$90.000
20060569601	Boatshed #12a, Kissing Point	\$80.00	\$90.000
20060618001	Boatshed #14, Kissing Point	\$80.00	\$90.000
20060672101	Boatshed #15, Kissing Point	\$80.00	\$90.000
20060672001	Boatshed #16, Kissing Point.	\$80.00	\$90.000
20060671901	Boatshed #17, Kissing Point	\$80.00	\$90.000
20060671801	Boatshed #18 & 18A, Kissing Point	\$80.00	\$90.000
19990615001	Boatshed #19, Riverside Drive	\$80.00	\$90.000
19600616501	Boatshed #2, Limeburners Creek	\$80.00	\$90.000
19600614901	Boatshed #2, Riverside Drive	\$80.00	\$90.000
20060671701	Boatshed #20, Kissing Point	\$80.00	\$90.000
20060671601	Boatshed #21 & 22, Kissing Point	\$80.00	\$90.000
20060671401	Boatshed #23, Kissing Point	\$80.00	\$90.000
20040615602	Boatshed #24, at Riverside Drive	\$80.00	\$90.000
20060671301	Boatshed #24, Kissing Point	\$80.00	\$90.000
20060671201	Boatshed #25, Kissing Point	\$80.00	\$90.000
20060671101	Boatshed #26, Kissing Point	\$80.00	\$90.000
20060671001	Boatshed #27, Kissing Point	\$80.00	\$90.000
20060670901	Boatshed #28, Kissing Point	\$80.00	\$90.000
20060670801	Boatshed #29, Kissing Point	\$80.00	\$90.000
19600616601	Boatshed #3, Limeburners Creek	\$80.00	\$90.000
20060670701	Boatshed #30, Kissing Point	\$80.00	\$90.000
20020615101	Boatshed #5, Riverside Drive	\$80.00	\$90.000
20010615201	Boatshed #6, Riverside Drive	\$80.00	\$90.000
20060617401	Boatshed #7, Kissing Point	\$80.00	\$90.000
20060617501	Boatshed #8, Kissing Point	\$80.00	\$90.000

Consent Number	Description	Annual Charge \$ GST Excl.	Annual Charge \$ GST Incl.
20070614701	Boatshed berth (jetty and piles), Port Road	\$80.00	\$90.000
20060614601	Boatshed, Pohe Island	\$80.00	\$90.000
20060615901	Boatshed, Pohe Island	\$80.00	\$90.000
20060616001	Boatshed, Pohe Island	\$80.00	\$90.000
20060616101	Boatshed, Pohe Island	\$80.00	\$90.000
20060616901	Boatshed, Pohe Island	\$80.00	\$90.000
2005 615401	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615502	Boatshed, Riverside Drive	\$80.00	\$90.000
20010615301	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615701	Boatshed, Riverside Drive	\$80.00	\$90.000
20060615801	Boatshed, Riverside Drive	\$80.00	\$90.000
19600557301	Gangway & pontoon & ramp	\$80.00	\$90.000
20050643801	Jetty and piles, Waiarohia River	\$80.00	\$90.000
19600563001	Jetty, Hatea River.	\$80.00	\$90.000
20010910901	Jetty, Hatea River	\$80.00	\$90.000
19601034201	Jetty, Hatea River	\$80.00	\$90.000
20060660102	Jetty, upper Hatea River	\$80.00	\$90.000
20000889802	Jetty, Upper Hatea River	\$80.00	\$90.000
20050644301	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644302	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644501	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050954401	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050643901	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644001	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644101	Jetty, Waiarohia Canal	\$80.00	\$90.000
20060644201	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050898701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20070643701	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050809401	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050944101	Jetty, Waiarohia Canal	\$80.00	\$90.000
20050644901	Mooring piles, Waiarohia River	\$80.00	\$90.000
20050865901	Ticket office, deck, landing pontoon, Town Basin	\$80.00	\$90.000
19980527201	Various structures	\$80.00	\$90.000
19960795801	Marina - Whg Town Basin (264@\$80)	\$21,120.00	\$23,760.000
20060792601	Marina, jetty, piles and associated consents (24@ \$80)	\$1,920.00	\$2,160.000

Level 2 Fee Scale

Consent Number	Description	Annual Charge	Annual Charge
		\$ GST Excl.	\$ GST Incl.
2004062991 2	Barge repair berth and boat ramp, Hatea River	\$800.00	\$900.00 0
2005086030 2	Dock facilities and a boat ramp	\$800.00	\$900.00 0
1995074680 1	Floating dock, Hatea River	\$800.00	\$900.00 0
2005055750 1	Slipway, Hatea River	\$800.00	\$900.00 0
1999062620 3	Slipway, Hatea River	\$800.00	\$900.00 0

Level 3 Fee Scale

Consent Number	Description	Annual Charge	Annual Charge
		\$ GST Excl.	\$ GST Incl.
20061639201	Pontoon, walkway and piles, Waiarohia Canal	\$400.00	\$450.000
19950770401	Kaituna barge canal	\$400.00	\$450.000
20010917502	Slipway	\$400.00	\$450.000
19600643101	Slipway & Jetty, Waiarohia Canal	\$400.00	\$450.000
19600659801	Slipway, Hatea River	\$400.00	\$450.000

Recommendation

That the proposed amendments to the Charging Policy be approved for including in the draft Annual Plan 2008/2009 for public consultation and subsequent adoption, subject to the submission process.

COMPLIANCE WITH DECISION-MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

Investment Schedule and Performance Report – Supplementary Correction to Page 101

File 350.4

Report from Finance and Corporate Services Manager Lisa Aubrey dated
18 March 2008.

PORTFOLIO OF TOTAL FUNDS

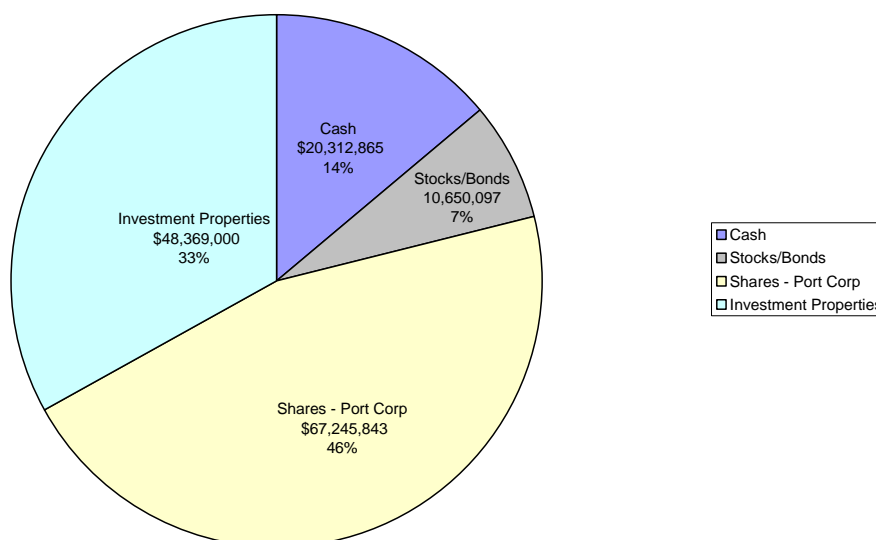
This agenda item should read:

The total value of the investment portfolio as at 29 February 2008 is \$146,577,805 and is comprised of:

- Cash \$20,312,865
- Stocks/bonds \$10,650,097
- Shares – Port Corp* \$67,245,843
- Investment Properties \$48,369,000

* Northland Regional Council holds 22,795,201 shares in Northland Port Corporation (NZ) Limited. As at 30 June 2007, the market price of these shares was \$3.40. As at 29 February 2008, the market price is \$2.95.

Portfolio of Total Funds



Recommendation

That the Supplementary Investment Portfolio report to 29 February 2008 be received.

COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2007/2008 Annual Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

**NORTHLAND REGIONAL COUNCIL
MEETING CALENDAR FOR 2008 – COUNCIL AND STANDING COMMITTEES**

Meeting	Day & Time	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Council	Third Wednesday at 1.00pm except Jan, Dec	-	20	19	16	21	18	16	20	17	15	19	10
Audit & Finance Cttee	Meets irregularly – as required	-	cancelled	26	23	28 pm	25	30	27	24	22	26	
Environmental Management Cttee	Third Wednesday 10.00am Bi-monthly	-		19		21		16		17		19	
Regional Land Transport Cttee	Third Tuesday at 10.00am Bi-monthly	-	20		15		17		19		21		16
Civil Defence Emergency Mgmt Group	First Tuesday at 10.00am Quarterly	-		4			3			2			2
Hearings Cttee	To be determined	-											
Local Govt NZ Conference		-						27-30					
Mayoral Forum	Second Monday every second month	-	11		14		9		11		13		8

ANNUAL PLAN PROCESS

Meeting	Feb	Mar	Apr	May	Jun
Workshop	27				
Draft Annual Plan to Council		19			
Public Submissions Open			12 – 13 inclusive		
Submission Hearings				26-28	
Adoption Final Annual Plan					18