

LOCAL GOVERNANCE STATEMENT 2017




HAWKE'S BAY
REGIONAL COUNCIL

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1. What is a governance statement?

Hawke's Bay Regional Council's Governance Statement is a collection of information about the processes that Council uses to engage with the region's residents.

It outlines how Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

Council's Governance Statement is a requirement of Section 40 of the Local Government Act 2002. Council must update the governance statement within six months of each triennial election.

This current Governance Statement was adopted by Council on 29 March 2017.

2. Functions, responsibilities and activities

Hawke's Bay Regional Council was established as part of the framework of Local Government {Local Government (Hawke's Bay Region) Reorganisation Order 1989} whose purpose is to enable democratic local decision-making and action by, and on behalf of, communities. These decisions and actions are to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

All councils have the full capacity, rights, powers and privileges to carry on or undertake any activity or business, do any act, or enter into any transaction. However, the Regional Council must exercise these powers wholly or principally for the benefit of all or a significant part of its region and not for the benefit of a single district.

FUNCTIONS

It is important to note that there are numerous statutes, which specifically identify regional councils as having a specific function and role in various activities. These include:

- Local Electoral Act 2001 and Local Electoral Amendment Act 2013
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Maritime Transport Act 1994
- Resource Management Act 1991
- Soil Conservation and Rivers Control Act 1941

These statutes have, to date, principally directed and determined the present responsibilities and activities of the Council.

RESPONSIBILITIES

Responsibilities of Council include:

- Formulating the region's strategic direction in consultation with the community to produce the Long Term Plan (LTP)
- Determining the services and activities to be undertaken
- Managing principal tasks
- Administering various regulations and upholding the law
- Monitoring the delivery of the planned outputs included in the Long Term Plan and Annual Plan
- Ensuring the integrity of the management control system
- Safeguarding the public interest
- Ensuring effective succession of elected members
- Reporting to ratepayers

ACTIVITIES

Hawke's Bay Regional Council is this region's environmental management and economic development authority. We are all about the wise use of Hawke's Bay's natural resources, now and for generations to come. We are also all about the people of this region, employing our own passionate team of around 170 people who live all over Hawke's Bay and take pride in the work we do on your behalf.



OUR ROLE

As an organisation, Hawke's Bay Regional Council enables the wise use of the region's natural resources, taking on a leadership role in the areas of:

- Natural resource knowledge and management
- Natural hazard assessment and management
- Regional strategic planning
- Regional scale infrastructure and services, and
- Economic development.

OUR VISION

Our vision is an important driver for our talented team of people. Our aspiration is for a connected and vibrant region with resilient communities, a prosperous economy, and a clean and healthy environment.

OUR VALUES

Our values - developed with our people - are leadership, excellence, integrity, innovation and partnerships.

Leadership - we anticipate and prepare for the future

Excellence - we aim high and take pride in everything we do

Integrity - we demonstrate openness, honesty and respect in our relationships

Innovation - we are open to change and seek better ways of doing things

Partnerships - we seek strong collaborative partnerships to achieve common goals.

A CONNECTED AND VIBRANT REGION WITH RESILIENT COMMUNITIES, A PROSPEROUS ECONOMY, AND A CLEAN, HEALTHY ENVIRONMENT

To achieve our goals and meet our responsibilities,
HBRC's activities fall under eight groups:

- Strategic Planning
- Land Drainage and River Control
- Regional Resources
- Regulation
- Biosecurity and Biodiversity
- Emergency Management
- Transport
- Governance, Community Engagement and Services.

3. Regional council / district and city councils: What is the difference?

- The boundaries of a region are generally based on river catchments, while district and city council territories are based on population and communities of interest.
- The Regional Council has historically, and through legislative direction, concentrated more on the 'natural environment' - water, air, land, the coast - with a long-term view to make sure these are used sustainably, and are just as available and just as good (if not better) in the future as they are today. The Resource Management Act 1991 is one of the principal Acts behind the work of regional councils and many of our activities are aimed primarily at benefiting the environment. We also have responsibility for functions that are more appropriately carried out on a regional basis such as economic development, land transport planning, river control and land drainage and plant and animal pest control.
- City and district councils concentrate more on the built environment and deliver services to their local communities, including drinking water, sewage and rubbish disposal, roading, swimming pools, libraries and parks, and deal with subdivisions.

4. Legislation

The Council is subject to a wide range of different pieces of legislation (Acts) that other corporate bodies and individuals are subject to, i.e. Income Tax Act, Employment Relations Act, Health and Safety at Work Act, the Fair Trading Act. However, being a creature of statute and specifically the Local Government Act 2002 there are many other Acts particularly relevant to the Regional Council and its functions and roles. These include:



4.1 NATIONAL ACTS

- Biosecurity Act 1993 incorporating all amendment Acts up to and including Biosecurity Amendment Act (no 2) 2015
- Building Act 2004
- Civil Defence Emergency Management Act 2002 (CDEMA) incorporating all amendment Acts up to and including CDEMA Amendment Act 2016
- Land Drainage Act 1908
- Land Transport Management Act 2003, incorporating Land Transport Amendment Act 2016
- Local Electoral Act 2001 incorporating all amendment Acts up to and including Local Electoral Amendment Act 2013
- Local Government Act 2002 (LGA) incorporating all amendment Acts up to and including LGA 2002 Amendment Act 2015
- Local Government Official Information Meetings Act 1987 (LGOIMA) incorporating LGOIMA Amendment Act 2013
- Local Government (Rating) Act 2002 (LGRA) incorporating LGRA Amendment Act 2006
- Maritime Transport Act 1994 (MTA) incorporating MTA Amendment Act 2013
- Resource Management Act 1991 (RMA) incorporating all amendment Acts up to and including RMA Amendment Act 2013
- Soil Conservation and Rivers Control Act 1941 (SCRCA) incorporating SCRCA Amendment Act 1988

4.2 LOCAL ACTS

- Hawke's Bay Regional Council (Surplus Funds Distribution) Empowering Act 1999 incorporating amendments required resulting from the Income Tax Act 2007 & Local Government (Rating) Act 2002
- Hawke's Bay Endowment Land Empowering Act 2002
- Hawke's Bay Regional Planning Committee Act 2015

4.3 BY-LAWS

- Hawke's Bay Regional Council Navigation Safety By-Laws 2012 (currently under review and expected to be operative mid 2017)
- Copies of these By-laws will be available for reference at the Council's Napier office.

5. The electoral system and the opportunity to change that system

5.1 ELECTORAL SYSTEM ADOPTED

Hawke's Bay Regional Council currently operates its elections under the 'First Past the Post' (FPP) electoral system. This form of voting is used in parliamentary elections to elect Members of Parliament to constituency seats. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receive the most votes is declared elected regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the Local Electoral Act 2001 is the 'Single Transferable Vote' system (STV). This system is currently used in District Health Board elections and some local authority elections. Electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes.

The number of candidates required to fill all vacancies is achieved:

- first by the counting of electors' first preferences
- then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

5.2 PROCESS TO CHANGE THE ELECTORAL SYSTEM

Under the Local Electoral Act 2001 the Council can resolve to change the electoral system; or conduct a binding poll on the question; or electors can demand a binding poll. A poll can be initiated by at least 5 per cent of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections, i.e. we cannot change our electoral system for one election and then change back for the next election.

Hawke's Bay Regional Council will be reviewing its electoral system in September 2017 and deciding to either retain the status quo and continue with the First Past the Post electoral system or change to the STV system for the next two elections in 2019 and 2022.

6. Representation options

6.1 MĀORI CONSTITUENCIES

The Local Electoral Act 2001 gives Council the ability to establish separate constituencies for Māori electors. The Council may resolve to create a separate Māori constituency or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by 5% of the electors within the region.

At its meeting on 23 November 2011, Hawke's Bay Regional Council resolved to not establish Māori constituencies in the Hawke's Bay region for the 2013 and 2016 elections, and publicly notified the electors' rights to demand a poll on this issue. This issue will be re-examined through Council's representation review in 2018.

6.2 REVIEW OF REPRESENTATION

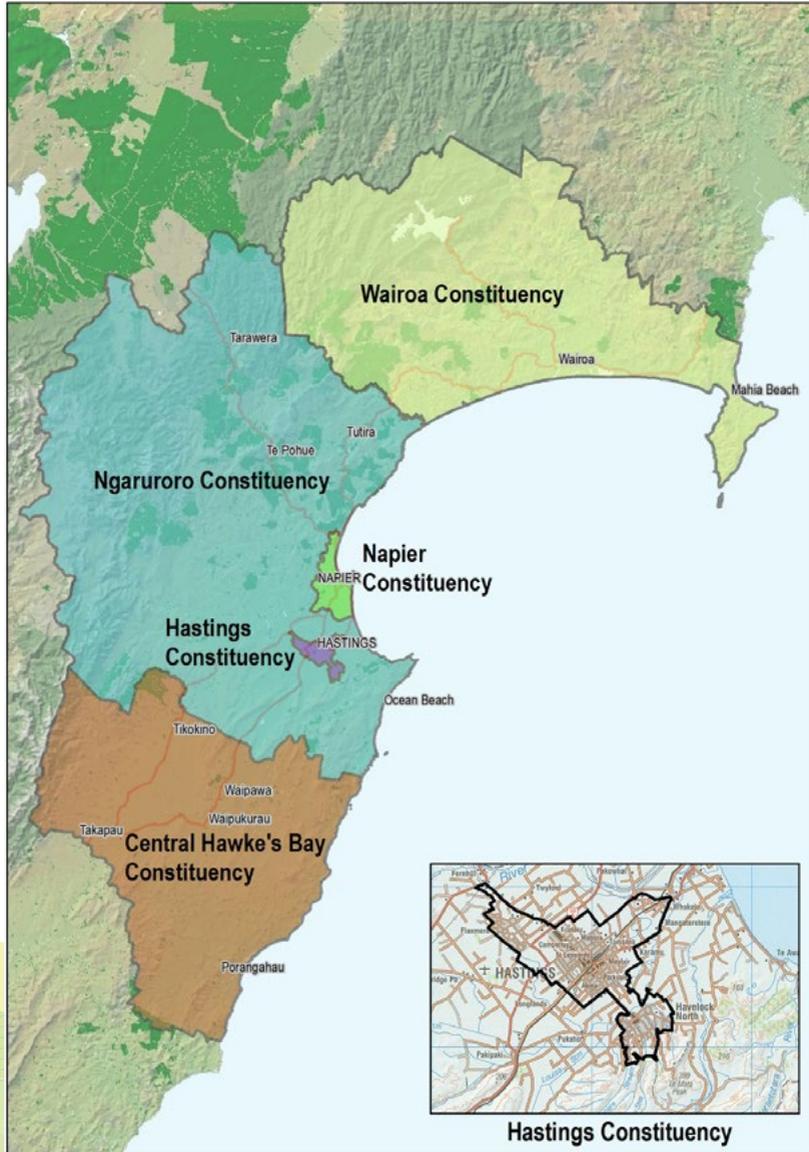
The Local Electoral Act 2001 requires the Council to determine its representation arrangements at least once in every period of six years after the first determination. Following the procedures set out in the Local Electoral Act 2001 and guidelines published by the Local Government Commission, the Council is required to conduct its next Review of Representation during 2018, for the 2019 and 2022 elections.

6.3 RE-ORGANISATION PROCESSES FOR LOCAL AUTHORITIES

The Local Government Act 2002 Amendment Act 2012 sets out procedures which must be followed during proposals to:

- Make changes to the boundaries of cities, districts, within the region;
- Create one or more territorial local authorities within the region;
- Create a unitary authority, i.e. the transfer of functions of Hawke's Bay Regional Council to a City or District Council;
- Transfer a particular function or functions to another Council.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered either by a joint committee of the affected local authorities or an appointed local authority, or by the Local Government Commission (if the local authorities refer the proposal to the Commission or if the local authorities cannot agree on which of them should deal with the matter or appoint a joint committee within 60 days of receiving the proposal).



Proposals for the establishment of a new district or the creation of a unitary authority will be dealt with by the Local Government Commission.

Further information on these requirements can be found in the Local Government Act 2002 Amendment Act 2012. The Local Government Commission also provides guidelines on procedures for Local Government reorganisation.

6.4 CONSTITUENCIES

In accordance with the Local Government Commission's 2013 Determination, the Hawke's Bay region is currently divided into five constituencies. The map (left) and table (below) show the number of representatives and the approximate population of each constituency.

Constituency	Member	*Resident Population
Wairoa	1	8,180
Hastings	3	57,300
Ngaruroro	1	20,700
Napier	3	60,400
Central Hawke's Bay	1	13,450
TOTAL	9	160,030

*Estimated resident populations as at June 2015, provided by Statistics New Zealand

7. Members' roles and responsibilities

Good governance requires clarity of roles and respect between those charged with responsibility for the leadership of the council and those responsible for advice and the implementation of council decisions. The key roles are:

7.1 MEMBERS' ROLES

The role of the governing body includes:

- representing the interests of the people of the region (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgement in the best interests of the region)
- setting the strategic direction of Council and formulating its policy

- developing and adopting plans, policies and budgets
- monitoring the performance of the council against stated goals and objectives set out in its long term plan
- providing prudent stewardship of the council's resources
- employing and monitoring the performance of the chief executive and
- ensuring the council fulfils its responsibilities to be a 'good employer' and meets the requirements of the Health and Safety at Work Act 2015.
- The Chairperson is elected by the members of the Council at the first meeting. In addition to the role as a member, the Chairperson is:
 - Presiding member at Council meetings, and responsible for ensuring the orderly and effective conduct of business during meetings (as determined by standing orders).
 - Advocate on behalf of the community - promoting the community and representing its interests.
 - Ceremonial Head of Council.
 - Provider of leadership and feedback to other elected members on teamwork and Chairmanship of committees.

The Deputy Chairperson is elected by the Members of the Council at the first meeting of the Council, and exercises the same roles as other elected Members. In addition, if the Chairperson is absent or incapacitated, or if the office of Chairperson is vacant, then the Deputy Chairperson must perform all the responsibilities and duties, and may exercise the powers of the Chairperson (as summarised above).

The Council may create one or more Committees of Council. A Committee Chairman is responsible for presiding over meetings of the Committee, ensuring that the Committee acts within the powers delegated by Council.

7.2 CODE OF CONDUCT

Elected members have specific obligations governing their conduct, set out in the following legislation.

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect)

- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which would be seen to sway them to perform their duties in a particular way
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit
- Under Schedule 7 Part 15 of the Local Government Act 2002 Council is required to adopt a Code of Conduct for members of the Council, which Hawke's Bay Regional Council did by resolution at its meeting held on 30 November 2016. A copy can be provided by request to the Governance Manager (ph 833 8017) or viewed on HBRC's website.

8. Governance structures and processes

Regional Council and Committee meetings are open to the public, except where items of business specifically exclude the public. Meeting dates and times are published in Hawke's Bay Today and on Council's website www.hbrc.govt.nz. Following the elections in October 2016, the Council reviewed its committee structure and established the following committees.



8.1 PERMANENT COMMITTEES

- Environment and Services Committee
- Corporate and Strategic Committee
- Finance, Audit and Risk Sub-committee
- Regional Planning Committee
- Hearings Committee
- Tenders Committee
- Māori Committee
- Regional Transport Committee (required by statute)

8.2 JOINT COMMITTEES

- Hawke's Bay Civil Defence Emergency Management Group Joint Committee (required by statute)
- Clifton to Tangoio Coastal Hazard Strategy Joint Committee

8.3 COMMITTEE PURPOSE, MEMBERSHIP

The Regional Council

Council develops or approves all major policy and deals with all other issues concerning its responsibilities, which have not otherwise been delegated to Committees of Council or its Chief Executive. It deals with issues which are not the responsibility of the Chief Executive but require Council consideration.

Members:

Elected Members: Alan Dick, Debbie Hewitt, Fenton Wilson, Neil Kirton, Paul Bailey, Peter Beaven, Rex Graham, Rick Barker, Tom Belford

Chairman: Rex Graham; Deputy Chairman: Rick Barker

The Chairman of the Māori Committee (Mike Mohi) attends all Council meetings and has speaking rights only.

Environment and Services Committee

This committee considers and recommends to Council strategies, policies, rules and other methods, with regard to the HBRC responsibilities or involvement with Land Drainage and River Control under the Local Government Act 2002; Land Drainage and Rivers Control Act 1941 and Land Drainage Act 1908; Biosecurity under the Local Government Act 2002

and the Biosecurity Act 1993; Resource Management Act 1991; National Policy Statements, National Environmental Standards and relevant associated legislation; and maritime and navigation safety under the Maritime Transport Act 1994.

Members:

Elected Members: All Councillors

Appointed Members: 1 x Māori Committee representative and 1 x RPC Tāngata Whenua representative

Chairman: Councillor Tom Belford;

Deputy Chairman: Councillor Peter Beaven

Corporate and Strategic Committee

This committee considers and recommends to Council strategic planning initiatives including development of the Council's Strategic Plan and other strategic initiatives with external stakeholders including District and City councils.

Members:

Elected Members: All Councillors

Appointed Members: 1 x Māori Committee representative and 1 x RPC Tāngata Whenua representative

Chairman: Councillor Neil Kirton; Deputy Chairman: Councillor Debbie Hewitt

Finance, Audit and Risk Sub-committee

This sub-committee considers and recommends – to the Corporate and Strategic Committee – processes, policies and guidelines to ensure effective management of audit, risk management and Health & Safety for the organisation.

Members:

Elected Members: Councillors Neil Kirton (Chairman), Rick Barker, Alan Dick and Paul Bailey

Appointed Members: one independent person with expertise in Audit & Risk management, being – Mr David Benham

Regional Planning Committee

This committee considers and recommends to Council strategies, policies, rules and other methods for inclusion in the Regional Resource Management Plan and the Regional Coastal Environment Plan. This committee also considers and recommends to Council strategies and processes to ensure effective implementation of policies, rules, research, monitoring and enforcement to satisfy the requirements of the Resource Management Act 1991, National Policy Statements, National Environmental Standards and relevant associated legislation.

Members:

Elected Members: All Councillors + Mr Mike Mohi

Appointed Members: Treaty Claimant Group representatives (10)

Co-Chairperson: Rex Graham and Toro Waaka (Ngati Pahauwera Development & Tiaki Trust)

Deputy Co-Chairperson: Rick Barker and Tania Hopmans (Mangaharuru Tangitū Trust)

Hearings Committee

This committee considers and recommends – to Council – processes, policies and guidelines to ensure effective management of resource consent and plan development processes.

Under its Terms of Reference, the Committee is delegated functions, powers and/or duties pursuant to the Resource Management Act (RMA) and the Biosecurity Act (BA)

Members:

Elected Members: Councillors Peter Beaven, Paul Bailey and Rick Barker

Appointed Members: tbc

Chairman: Peter Beaven

Tenders Committee

This committee's role is to consider and accept tenders which exceed the delegated authority of the Chief Executive; and to consider and decide on exemptions to Council's Contracts and Tenders policy.

Members:

Elected Members: Councillors Rex Graham (Chairman), Rick Barker (Deputy Chairman), Neil Kirton and Tom Belford

Māori Committee

The Māori Committee includes both elected Councillors and members appointed by Māori. The committee makes recommendations to the Council on matters of relevance affecting Māori people of the region and helps fulfil the Māori consultative undertaking of Council, particularly with regard to the principles of the Treaty of Waitangi (Te Tiriti O Waitangi).

Members:

Elected members: Councillors Rick Barker, Rex Graham, and Fenton Wilson

Appointed Members: Bill Blake (Wairoa Kaumatua), Duane Culshaw (Kahungunu Executive), Adrian Manuel (Wairoa Taiwhenua), and Katarina Kawana (Wairoa Taiwhenua Proxy) representing Wairoa; Peter Eden (Te Taiwhenua O Te Whanganui-a- Orotū) Piri Prentice (Napier Kaumatua), Rangi Puna (Mana Ahuriri Trust), Charmaine Butler interim, tbc (Maungaharuru Tangitū Trust) and Teresa Smith (Ahuriri Proxy) representing the Ahuriri area; Haami Hilton (Hastings Kaumatua), Michael Paku (Heretaunga Executive), Marei Apatu (Heretaunga Taiwhenua), and Joella Brown (Heretaunga Proxy) representing Heretaunga; and Paora Sciascia (Te Taiwhenua o Tamatea Central Hawke's Bay), Mike Mohi (CHB Kaumatua), Brian Gregory (CHB Tamatea Taiwhenua), and Marge Hape (Tamatea Proxy) representing Tamatea Taiwhenua.

Chairman: Mr Mike Mohi

Regional Transport Committee

This committee is a statutory committee whose purpose is to meet the objectives of the Land Transport Management Act 2003 and its amendments. This includes the RTC's preparation and monitoring of the Regional Land Transport Plan (which prioritises state highway and major local road investment) and the Regional Public Transport Plan, which the Committee prepares for approval by the Council. This committee also considers other matters relating to transport, such as a regional walking and cycling strategy, and other freight transport modes such as rail and coastal shipping. It advises Council on performance of the urban subsidised public transport system, including the mobility voucher assistance scheme for transport disabled persons. The RTC also operates and monitors road safety initiatives through its Roadsafes programmes.

Members:

Elected Members: Councillors Alan Dick (Chairman) and Fenton Wilson (Deputy Chairman)

Appointees from: Wairoa District Council – Mayor Craig Little, Hastings District Council – Cr Tania Kerr, Napier City Council – Cr Keith Price, Central Hawke's Bay District Council – Mayor Alex Walker, NZ Transport Agency Regional Director – Lisa Rossiter

Non-voting advisory members: Cultural Interests – Brian Gregory, HBRC Maori Committee; NZ Police – Inspector Matt Broderick; Private motorists – David Murray, HB Automobile Assn; Port & Coastal Shipping – Chris Bain, Napier Port; Road Transport Industry – John Emmerson, Emmerson Transport; Rail Transport – Kim Santer, KiwiRail.

A Technical Advisory Group (TAG) comprising transport professionals from the councils and NZTA serves as advisor to the Committee and participates in RTC meetings but does not have voting rights.

Hawke's Bay Civil Defence Emergency Management Group Joint Committee

The Civil Defence Emergency Management Act 2002 requires all local authorities within a region to form a Civil Defence Emergency Management Group as a joint standing Committee under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

The Joint Committee is composed by including a representative from each local authority that is a member of the Group. Representatives must be a chairperson or mayor of that local authority or an elected person from that local authority, who has delegated authority to act for the chairperson or mayor.

Members:

Chairman Rex Graham – Hawke's Bay Regional Council (Chairman), Bill Dalton - Mayor Napier City, Lawrence Yule - Mayor Hastings District, Craig Little - Mayor Wairoa District, Alex Walker - Mayor Central Hawke's Bay District.

Clifton to Tangoio Coastal Hazard Strategy Joint Committee

The Clifton to Tangoio Coastal Hazard Strategy Joint Committee comprises elected representatives from Hastings District Council (HDC), Napier City Council (NCC), Hawke's Bay Regional Council (HBRC) and members appointed from the Maungaharuru-Tangitū Trust, Mana Ahuriri Incorporated and He Toa Takitini, and has the responsibility delegated by the Partner Councils for:

- Guiding and providing oversight for the key components of the strategy
- Considering and recommending a draft strategy to each of the Partner Councils for public notification
- Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils
- Considering and recommending a final strategy to each of the Partner Councils for approval.

Members:

Napier City Council: Crs Tony Jeffery and Larry Dallimore

Hastings District Council: Crs Tania Kerr and Rodney Heaps, Cr Ann Redstone as alternate

Hawke's Bay Regional Council: Crs Peter Beaven and Paul Bailey

Maungaharuru-Tangitū Trust: Mrs Tania Hopmans

Mana Ahuriri Inc: Mr Terry Wilson

He Toa Takitini: Mr Peter Paku

The Committee Elected Cr Peter Beaven as Chair and Crs Tania Kerr and Tony Jeffery as Deputies

The Joint Committee is supported by a Technical Advisory Group consisting of senior staff from each of the partner councils with consultant advisors as required.



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9. Meeting processes

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some items 'in committee'. The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order. The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with Council.

Agendas are available from reception two days before each meeting or on the Council website. The Council also hosts public meetings on occasions, at venues throughout the region, to discuss planning issues, work programmes or other concerns that require public input.

The Chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting and are made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting of Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings can be called by the Chairperson or Chief Executive provided notice of that extraordinary meeting is given to each member of the council, by whatever means reasonable in the circumstances, at least 24 hours before the time appointed for the meeting.

During meetings the Chairperson and Councillors must follow Standing Orders (a set of procedures for conducting meetings). The Council may suspend Standing Orders by a vote of 75% of the members present.

10. Consultation

HAWKE'S BAY REGIONAL COUNCIL SIGNIFICANCE AND ENGAGEMENT POLICY

PURPOSE AND SCOPE

Hawke's Bay Regional Council (HBRC, Council or 'we') has developed this policy to:

1. Enable Council and our communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities
2. Provide clarity about how and when communities can expect to be engaged in decisions made by Council
3. Inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

The Local Government Act 2002 (the Act) has consultation principles to guide HBRC when making decisions. With this in mind, HBRC commits to:

- Identify and assess options
- Place a value on benefits and costs
- Consider an appropriate level of detail
- Show evidence of how we comply with this Significance and Engagement Policy
- Provide processes to encourage and engage with Māori.

PROCESS

On every issue requiring a decision, Council will consider the degree of significance and the most appropriate level of engagement.

HBRC will refer to the Criteria for significance (page 2) to identify matters, issues or proposals that require a Council decision. Advice on significance and options will come from an HBRC officer or other professional. Council will consider and make decisions, taking into account the degree of significance of the issue and referring to the Criteria for engagement (page 3) to identify the appropriate level and type of engagement.

Advice from HBRC officers normally comes through the Council-approved report format. This format specifically alerts elected members to significant impacts and engagement considerations.

OUR GENERAL APPROACH TO SIGNIFICANCE

Significance means the degree of importance of the issue, proposal, decision, or matter – determined by the local authority – relating to its likely impact on and likely consequences for:

- The district or region
- Any persons who are likely to be particularly affected by or interested in the issue,
- proposal, decision or matter
- The achievement of, or means to achieve, HBRC's stated levels of service as set out in the
- current Long Term Plan
- The capacity of HBRC to perform its role and carry out its activities, now and in the future
- The financial, resource and other costs of the decision, or that these are already included in an approved Long Term Plan.

Council will exercise its judgement when assessing the degree of significance for each decision to be made by Council.

Significant means that the issue, proposal, decision or other matter is judged by Council to have a high degree of importance. This is typically when the impact is on the regional community, or a large portion of the community or where the financial consequences of a decision are substantial.

If the issue, proposal, decision or related matters concerned involve a significant decision in relation to land or a body of water, Council will take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga. Council will also take into account the values of the whole community.

When making decisions, Council will:

- Identify and assess as many options as are practical
- Evaluate the costs and benefits resulting from the decision/s to be made
- Provide detailed information, which will be accessible to the public
- Maintain clear and complete records showing how compliance with this Significance and Engagement Policy was achieved.

As part of the engagement process for the adoption of this policy, and subsequent reviews, Council will ask people in the region their engagement preferences and will review those preferences each three-year term.

Council will also take into account views already expressed in the community and make judgements on the level of support for those views, when determining the significance of a decision.

CRITERIA FOR SIGNIFICANCE

When looking at the significance of a matter, issue, decision or proposal, elected members will assess:

- The likely level of community interest
- The likely impact or consequences for affected individuals and groups in the region
- How much a decision or action promotes community outcomes or other Council priorities
- The impact on levels of service identified in the current Long Term Plan
- The impact on rates or debt levels
- The cost and financial implications of the decision to ratepayers
- The involvement of a strategic asset.

STRATEGIC ASSETS

Strategic assets are owned by Council and defined as ‘an asset or group of assets that the local authority needs to retain to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.’

This does not include strategic natural resources managed by Council. Regionally significant natural resources are served by the Resource Management Act and Regional Resource Management Plan.

HBRC considers the following to be strategic assets:

- Napier Port
- Heretaunga Plains Flood Control Scheme
- Upper Tukituki Catchment Control Scheme
- Tūtira Regional Park (excluding commercial forestry)
- Pekapeka Regional Park
- Pākōwhai Regional Park
- Hawke's Bay Regional Investment Company Limited.

HBRC owns a number of assets that, managed as a whole, we consider to be strategic. However not all trading decisions made regarding these assets are regarded as significant nor do they affect the asset's strategic nature, i.e. the Heretaunga Plains Flood Control Scheme is strategic, but small parcels of land that make it up may not be, and the purchase or sale of such parcels of land may not amount to a significant decision.

OUR GENERAL APPROACH TO ENGAGEMENT

Engagement is a term used to describe the process of seeking information from the community to inform and assist decision-making. There is a spectrum of community involvement, and HBRC follows these general principles:

- We conduct our business in an open, transparent, democratically accountable manner
- We stay aware of, and have regard to, the views of all of our communities
- When making a decision, we consider: the diversity of the community and the community's interests in its district or region; the interests of future as well as current communities; and the likely impact of any decision on these interests
- We provide opportunities for Māori to contribute to our decision-making processes.

HBRC seeks authentic engagement with our community and applies a Criteria for engagement. We acknowledge that “community” may be ‘communities of place’ or ‘communities of issue’ and will use appropriate tools and techniques to make meaningful and timely connections that result in feedback. Formal consultation is one of many approaches that can be used.

Guidance on obligations and timing to respond to public correspondence is addressed in the Local Government Official Information and Meetings Act 1987 (LGOIMA or OIA), which sets a maximum of 20 working days.

HBRC will prepare an Engagement Plan for each major decision or group of interrelated decisions. Decisions are not usually delegated to those involved in the engagement processes, however they are likely to be informed by community and stakeholder engagement

An Engagement Plan will outline:

- Engagement objectives – the feedback that is sought from communities
- Timeframe and completion date
- Communities to be engaged with
- Engagement tools and techniques to be used
- Resources needed to complete the engagement

- Communication planning needed
- Basis of assessment and feedback to the communities involved
- Project team roles and responsibilities.

Engagement is not solely about providing information, is not always about reaching an agreement or consensus and is not always about negotiation. Engagement is not appropriate when outweighed by commercial sensitivity or when there is a threat to public health and safety.

ENGAGEMENT SPECTRUM¹ - OUR APPROACH

Level	1. Inform	2. Consult	3. Involve	4. Collaborate	5. Empower
What it involves	One-way communication to provide public with balanced, objective information to assist them in understanding problems, alternatives, opportunities and/ or solutions	Two-way communication to obtain public feedback on analysis, alternatives and/ or decisions	A participatory process to work with public through the process to ensure that public concerns and aspirations are consistently understood and considered	Working together to partner with public in each aspect of the decision including the development of alternatives and identifying the preferred solution	Public empowerment to place final decision-making in public hands
Types of issues that we might use this for	- Report adoption - Algal bloom - Pest control - Access issue	- Annual Plan - Long Term Plan - Regional Land Transport Programme	- Flood & drain scheme review - Regional cycling plan	- Tukituki plan change - Taharua/ Mohaka plan change	- Election voting systems (MMP, STV or first past the post)
Tools Council might use	- Website - Media release - Brochure/ flyer - Public notice/s	Formal submissions & hearings, social media, email, focus groups, phone surveys, surveys, video	- Workshops - Focus groups - Citizens panel	External working groups (involving community experts)	Binding referendum Local body elections (Special Consultative Procedure)
When the community can expect to be involved	Council will generally advise the community when a decision is made	Council will advise the community when a draft decision is made and generally provides the community with up to four (4) weeks to participate and respond	Council will generally provide the community with a greater lead-in time to allow the time to be involved in the process	Council will generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered	Council will generally provide the community with a greater lead-in time to allow them time to be involved in the process – typically a month or more

¹ Using the International Association of Public Participation (IAP2) Spectrum of Engagement

CRITERIA FOR ENGAGEMENT

Community engagement is a process. It involves all or some of the public and is focused on decisionmaking or problem-solving. HBRC considers the significance of a decision to be made and uses a table of criteria to assess the approach we might take to engage the community.

In some circumstances HBRC is required to use the special consultative procedure, set out in section 83 of the Act and described in a separate section below.

Decisions will be “informed” as a minimum standard. Decisions of high significance will be at the very least informed to wider communities, and will use engagement tools and techniques beyond “inform” for affected communities.

While community and stakeholder engagement improves decision-making, it is not the sole input into a decision. There are a wide range of information sources and perspectives that will inform a council decision. All the input gathered is harnessed and collated to help make a ‘sustainable’ decision (i.e. unlikely to require re-visiting because it is well-informed and well-considered). Decisions made by Council may differ from the prevailing public opinion.

The level of engagement will be agreed on a case-by-case basis. The significance of the decision will guide the selection of appropriate engagement tools and techniques to be used. A low level of engagement does not mean that engagement is diminished, inappropriate or necessarily that a decision is of lesser significance. Time and money may limit what is possible on some occasions.

HBRC engages with communities in many ways, from face-to-face to meetings, forums and surveys. Preferences for community engagement are periodically evaluated through regional surveys².

SPECIAL CONSULTATIVE PROCEDURE

In some cases, and as we are required under the Act, HBRC will use the special consultative procedure to issue a proposal. When that happens, the proposal will be open to the community to provide their views for at least a month. The process we will follow is to:

- Prepare and adopt a statement of proposal, and in some cases a summary of the statement of proposal which is:
 - a fair representation of the statement of proposal
 - in a form determined by HBRC, i.e. published online, in the newspaper and/ or in HBRC’s regional newsletter, so long as it is distributed as widely as reasonably practical
 - indicates where it is available
 - states how long it is open for public submission
- Make publicly available (at Council offices, through interest group distribution lists, at Public Libraries, on HBRC’s website):
 - the statement of proposal
 - a description of how people can present their views
 - a statement of the period the proposal is open for comments
- Make the summary of proposal widely available
- Allow people to present their views to HBRC ensuring that they have a reasonable opportunity to do so and know how and when this opportunity will be available to them
- Allow people to present their views by audio link or audio-visual link, or as agreed.

HBRC may also request advice or comment from a Council officer or any other person.

Where HBRC is required to use the special consultative procedure as part of making or amending bylaws, the statement of proposal must include:

- A draft of the proposed bylaw, or the proposed amendment of the bylaw
- The reasons for the proposal
- A report on any determinations made under the Act on whether a bylaw is appropriate.

² 2015 Regional Resident Survey, SIL Research, confirmed post/ mail, phone, newspaper and email as most preferred

Where HBRC is required to or chooses to use the special consultative procedure, the statement of proposal is a draft of any plan, policy or similar document or in any other case a detailed statement of the proposal which must include:

- The reasons for the proposal
- An analysis of options
- Any other relevant information.

PARTNERSHIPS WITH MĀORI

Council is in partnership with the Treaty Settlement Groups with interests within Hawke's Bay for the management of natural and physical resources, through the Regional Planning Committee. This Committee has been established by statute, in 2015, and is tasked with preparing the regional council's planning documents under the Resource Management Act.

The principle of membership of the Regional Planning Committee is equal representation. The Hawke's Bay Regional Planning Committee Act 2015 has identified representation from ten Treaty partners within Hawke's Bay. Council is represented by its nine elected representatives and one appointee, to ensure equal membership.

Council has a Charter between the Māori Committee of Council and the Council itself. The Charter contains the Council's commitments to a number of issues including policies that directly relate to sections 14 (Principles relating to Local Authorities), 81 (Contributions to decision making processes by Maori) and 82 (Principles of Consultation) of the Local Government Act 2002. This Charter is available from the Council on request and is accessible through the Council's web site.

The Māori Committee consists of three Councillors and 12 Māori members who are nominated representatives from the four rohe (areas) of Ngati Kahungunu within the Hawke's Bay Regional Council boundary.

11. Management structures and relationships

Council is supported by a professional corporate organisation, led by the Chief Executive. Officers provide Council with policy advice and are responsible for implementing Council's policies to achieve the results Council wants.

The Chief Executive and staff are responsible for managing day-to-day issues and implementing Council's decisions and policies.

The organisation is structured under six Groups, each of which is headed by a Group Manager. They are:

Resource Management Asset Management Strategic Development
Corporate Services External Relations Emergency Management

The Executive Team comprises the Group Managers of the six Groups plus the HR Manager (who reports directly to the CE), and is headed by the Chief Executive. The Executive Team considers organisation-wide issues and provides a key linkage between Councillors and staff. They ensure what is undertaken within the seven Groups is consistent with Council's goals and objectives in the Long Term and Annual plans.

The elected members and Council staff work together at different levels to decide what activities should be done to achieve the community's vision and goals, and to plan how they can best be undertaken. This takes place within a framework of competing priorities, timeframes, resources, decisions of Council, and within the overall goal of growing and developing the region in a sustainable environmental, social, cultural and economic context.

11.1 CHIEF EXECUTIVE

The Local Government Act 2002 requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council, implement Council decisions, and provide advice to Council. Under the Local Government Act 2002 the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Chairman or Councillors.

The Chief Executive is appointed by the Council in accordance with section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council.

Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

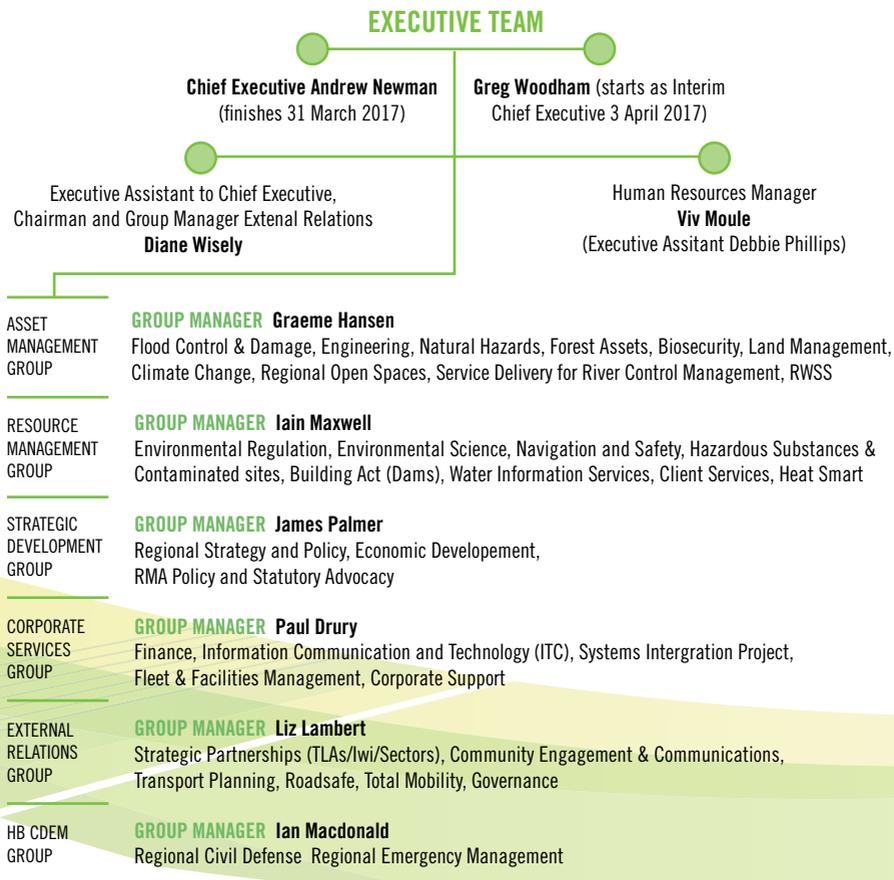
- implementing the decisions of the Council
- providing advice to the Council
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed and exercised
- managing the activities of the Council effectively and efficiently

- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- providing leadership to the staff of the Council; and
- employing staff (including negotiating the terms of employment for the staff).

The Chief Executive has a performance agreement with the Council, which expires not later than 5 years from initial employment.

11.2 COUNCIL'S GROUPS

Set out below are the names of the Group Managers responsible for each Council group, and the functions carried out within each Group.



12. Council controlled organisations

The Hawke's Bay Regional Council has established a Council Controlled Organisation in the Hawke's Bay Regional Investment Company Limited (HBRIC Ltd). Council has a 100% shareholding in HBRIC Ltd, which has a 100% shareholding in the subsidiary company, the Port of Napier Limited (PONL).

The nature and scope of HBRIC Ltd's activities is to:

- Own and management the investment assets and liabilities transferred to it by Council from time to time
- Make new investments and dispose of current investments in pursuit of its objectives
- Investment in and management of a range of financial and physical assets in accordance with Council's investment policy
- Raise funds for investment, but at no time by selling any of Council's 100% shareholding in HBRIC Ltd itself or PONL without Council undertaking a special consultative process
- Assist its subsidiary and associated companies to increase shareholder value in regional prosperity through growth and investment.

EQUITY INTERESTS

- The Council has a number of equity securities carrying voting rights in a variety of companies, which it has invested in as part of its investment policy. However, none of these investments fall within the category of a Council controlled organisation and, therefore, Council has no ability to dictate the appointment of Directors or otherwise influence the direction of these companies in any meaningful way. The Council's role is purely as an investor and, therefore, the performance of the Company is monitored from an investment perspective only. This monitoring is conducted for Council by Frank Pearson of Pearson Investment Services.

Each of these organisations delivers services, or in some way supports the achievement of the objectives in the Council's Long Term and Annual plans.

13. Equal Employment Opportunities (EEO) Policy

13.1 INTRODUCTION

Hawke's Bay Regional Council has had a strong commitment to an Equal Employment Opportunity Policy and Programme since 1990. The philosophy and reasoning for adopting an EEO Policy have become an integral part of the operations of Council. All new staff are issued with a pamphlet outlining the Council's commitment to EEO.

13.2 COUNCIL POLICY

Hawke's Bay Regional Council is committed to a policy of equal employment opportunities for all employees and potential employees. The Council regards the elimination of any discrimination and the provision of equal opportunities, as essential principles in the management of staff resources.

The Council affirms this commitment through a policy of positive action by adopting constructive policies and practices for equal opportunities in all aspects of employment, including: recruitment, selection and appointment, education, training and development, career planning and promotions. Personnel policies shall apply equally to all staff employed by Council. The Council actively endorses the policy of giving preference to the person best suited to the position - this is known as the merit principle. However, no employee or potential employee, shall gain any advantage or suffer any disadvantage for reasons such as: race, colour, disability, nationality or ethnic origin, gender, age, marital status, personal sexual preference, religious or political beliefs.

13.3 EQUAL EMPLOYMENT OPPORTUNITY GOALS

- The programme goals are:
- To provide equal employment opportunities for any person applying for a position with the Council
- To establish a workplace that is free from harassment and discrimination
- For all staff to have an understanding of, and commitment to, Equal Employment Opportunity policies and practices
- The achievement of equitable training and personal development for all staff employed by the Council.

A full copy of the Council's EEO policy is available from the Human Resources Manager (Ph 06 833 8072).

14. Key approved planning and policy documents

The following have been identified as key Council planning and policy documents. A number of these documents are currently under review. To view or to find out more about these plans, reports, policies and strategies see Council's website: www.hbrc.govt.nz.

The Council has prepared a number of plans and strategies under various pieces of legislation, including the Local Government Act 2002, Resource Management Act 1991, Biosecurity Act 1993 and the Land Transport Management Act 2003.

BIOSECURITY ACT

Plan	Detail	Purpose
Regional Pest Management Strategy 2013	Operative March 2013 A review of the Strategy has been initiated, with the Cost-Benefit process under way, in anticipation of an updated Strategy being adopted by December 2018.	Provides the framework for managing defined pests in the region and sets out objectives Council wishes to achieve.
Regional Phytosanitary Pest Management Strategy 2013	Operative March 2013 A review of the Strategy has been initiated, with the Cost-Benefit process under way, in anticipation of an updated Strategy being adopted by December 2018.	Provides the framework for managing pests arising from pipfruit production sites.

RESOURCE MANAGEMENT ACT

Plan	Detail	Purpose
Regional Coastal Environment Plan	Operative 8 November 2014	To assist Hawke's Bay Regional Council's role under the RMA of promoting the sustainable management of natural and physical resources within the coastal environment, including the coastal marine area.
Regional Policy Statement & Regional Resource Management Plan	Operative August 2006 Subject to issue-by-issue rolling review	To assist Hawke's Bay Regional Council's role under the RMA by setting out a policy framework for managing natural and physical resource use in an integrated manner across the whole of the region (the regional policy statement), and regional planning provisions applicable for the region, excluding the coastal environment.

LOCAL GOVERNMENT ACT

Plan	Detail	Purpose
Annual Report year end 30 June 2016	Operative December 2016	This report compares actual performance with proposed performance set out in Council's planning documents, and contains audited financial statements, set of accounts, and annual financial reports which assess Council's financial performance against budget
Long Term Plan (LTP) 2015-25	Operative July 2015	This plan, which includes the Annual Plan 2015-16, includes information on Council's policies, actions and funding that are to be undertaken over the ten years of the planning period. This Plan includes community outcomes, policies and statements required by the Local Government Act 2002.
Annual Plan 2016-17	Operative July 2016	This plan includes budgets, funding and financial statements for that year, which are contained within the LTP 2015-25.

LOCAL GOVERNMENT ACT cont.

Plan	Detail	Purpose
Asset Management Plans	Operative 2015	These plans focus on the management of flood control and drainage scheme assets; the level of service they provide; and their improvements and replacement. There are 3 plans for Council's flood and drainage schemes, and these are updated regularly.
HBRC Significance & Engagement Policy	Adopted by Council resolution 26 November 2014 (due to be reviewed November 2019)	This policy: <ul style="list-style-type: none"> • Enables Council and our communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities • Provides clarity about how and when communities can expect to be engaged in decisions made by Council • Informs Council from the beginning of a decision-making process about the extent, form and type of engagement required.
HBRC Significance & Engagement Policy	Adopted by Council resolution 22 February 2017	This agreement promotes cooperation between local authorities for communication and coordination, also to avoid duplication when engaging communities and exercising general empowerment.
Navigation Safety Bylaws	Operative 15 January 2012 Currently under review with 2017 Bylaws expected to be operative mid 2017	The Navigation Safety Bylaws 2012 provide for Council to regulate or control navigation of vessels in the navigable waters within its region out to the 12 mile limit and also to regulate related activities for the purpose of safety, such as the mandatory carriage of lifejackets. In addition, the bylaws enable certain areas to be reserved for certain activities in the interest of separating conflicting recreational activities.

LAND TRANSPORT MANAGEMENT ACT 2003

Plan	Detail	Purpose
Regional Land Transport Plan 2015-25	Adopted April 2015	The Regional Land Transport Plan sets out the region's land transport objectives, policies and measures for a ten year period. It includes the region's funding application to the New Zealand Transport Agency for local road and state highway maintenance and improvements, public transport, walking and cycling, road safety education, transport planning and other activities.
Regional Public Transport Plan 2015-25	Adopted April 2015	The Regional Public Transport Plan sets out which public transport services are integral to the region's network. The Plan is also a statement of policies and procedures that apply to the public transport services provided in the region, and describes how they will be managed.

COUNCIL POLICIES

Plan	Detail	Purpose
HBRC Strategic Plan	Adopted October 2011 (currently under review with adoption anticipated July 2017)	To describe the vision, purpose, focus areas, values and intended approaches for the Council's operations over the next 5 years.

15. Information processes

15.1 COMPLAINTS

All complaints are presently dealt with through the Chief Executive's office. Complaints are received and acknowledged by the Chief Executive's Executive Assistant, then recorded onto an action list stating the action required, person responsible and timeframe for action (10 days from the date of letter). The complaint is then sent through to the appropriate Group Manager to action and respond. Copies of any resultant correspondence to the complainant and records of any action taken are provided to the Chief Executive for information.

15.2 REQUESTS FOR OFFICIAL INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. Any request for information is a request made under LGOIMA. You do not have to say you are making a request under LGOIMA.

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

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Maori or would disclose the location of waahi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage the local authority while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

The Council must respond to requests within 20 working days (although there are certain circumstances where this timeframe may be extended) and is allowed to charge for official information under guidelines set down by the Ministry of Justice.

