

Document No: A512975

Report To: Council



Meeting Date: 12 March 2021

Subject: Declaration of Members' Conflicts of Interest

Purpose of Report

- 1.1 The purpose of this business paper is for elected members to –
- 1 Declare interests that may be deemed a potential conflict with their role as an elected member relating to the business papers for this meeting, and
 - 2 Declare any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 29168.

Commentary

2.1 Conflicts of Interest

2.2 Every elected member has a number of professional and personal links to their community. They may own a business or be a member on a board or organisation. They may have a pecuniary (financial) interest or a non-pecuniary (non-financial) interest. These interests are a part of living in the community which they need to make decisions about in their role with Council.

2.3 Elected members are governed by the Local Authorities (Members' Interests) Act 1968 and are guided by the Auditor-General in how this Act is administered. In relation to pecuniary interests, the two underlying purposes of the Act are to:

- ensure members are not affected by personal motives when they participate in local authority matters; and
- in contracting situations, prevent members from using their position to obtain preferential treatment from the authority (the Council).

2.4 Non-pecuniary interests relate to whether an elected member could be in danger of having a real or perceived bias for an issue under consideration.

2.5 Elected members will also have interests that are considered no greater than the public at large. For example, most elected members will own a property and therefore be a ratepayer in the Waitomo District.

2.6 Conflicts of interest at times cannot be avoided, and can arise without anyone being at fault. They need not cause problems when they are promptly disclosed and well managed.

2.7 Declarations of Interests and Conflicts

2.8 At the beginning of each triennial council term, elected members are requested to disclose known interests on behalf of themselves (including spouses and partners). It is up to the elected member to judge whether they have any interests

to declare. Some elected members may not have any, other elected members may have many.

- 2.9 As well as this, elected members may decide that they have an interest in a particular issue or item to be discussed at a meeting. There is a standing item on every meeting agenda for elected members to declare conflicts of interest.
- 2.10 These declarations should be clear as to whether there is just an “interest” with no pecuniary benefit and no greater benefit than to any member of the public, or they may be a Council appointed representative to an organization, or whether there is a “conflict of interest” in that there could potentially be a pecuniary or other direct benefit to the elected member.
- 2.11 Members who have declared a “conflict of interest” at the commencement of a meeting should make a further declaration when that item of business is considered and leave the meeting table (or the meeting room) and not take part in any discussion, debate or voting on the matter of conflict.
- 2.12 Attached to and forming part of this business paper is information to assist elected members in determining conflicts of interest.

Declarations

Mayor Robertson will invite elected members to give notice of any conflicts of interest relating to the business for this meeting.

In the event of a Declaration being made, the elected member must provide the following information relating to the Declaration:

Elected Member Name:		
Item(s) of Business on the Order Paper	Reason for Declaration	Interest Only or Conflict If Conflict: Pecuniary or Non-Pecuniary
Item No –	•	•

MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Local Authority (Members' Interests) Act 1968
--

- 3.1 The Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authority decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts. This Act deals with two forms of "interest":
1. Pecuniary
 2. Non-pecuniary
- 3.2 **Pecuniary Interest**
- 3.3 The **two** specific rules in the Act are that members cannot:
1. Enter into contracts with their local authority worth more than \$25,000 (including GST) in a financial year unless the Auditor-General approves the contracts (referred to as the contracting rule). Breach of this rule results in automatic disqualification from office; and
 2. Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule). Breach of this rule is a criminal offence and conviction results in automatic disqualification from office
- 3.4 A pecuniary interest is one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision, to declare any interest when appropriate and to ensure that as an elected member you comply with the Act's requirements at all times. The Act generally provides that no person shall be capable of being a member of Council if that person is concerned or interested in any contracts with the Council where the total payments made by the Council in respect of such contracts exceeds \$25,000 in any one financial year.
- 3.5 The Act also provides that an "interest" exists where a member's spouse is involved and/or where a member or their spouse is a major shareholder or have control or management of a company which contracts with Council or where the company has a pecuniary interest in the decision. It may also apply where your family trust has a contract with the Council.
- 3.6 The Act does provide that on application to it the Office of the Auditor General may give specific approval to a member being concerned or interested in a particular contract, in which case the provisions of the Act will not disqualify the Councillor from remaining in office. The approval needs be gained before the contract concerned is entered into.
- 3.7 The Act also requires that a member shall not vote or take part in the discussion of any matter in which he/she has any pecuniary interest, other than an interest in common with the public. This interest is required to be declared by the member and is noted in the minutes.
- 3.8 The Office of the Auditor General is the agency, which oversees this legislation and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test: "Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."

- 3.9 In deciding whether you have a pecuniary interest you should consider the following factors: What is the nature of the decision being made? Do I have a financial interest in that decision – do I have a reasonable expectation of gain or loss of money as a result of making that decision? Is my financial interest one that is in common with the public? Do any of the exceptions in the Act apply to me? Could I apply to the Auditor-General for approval to participate?
- 3.10 Further guidance is provided in the booklet “Guidance for members of local authorities about the Local Authorities (Members’ Interests) Act 1968” which has been provided to 5 elected members. It is important that you pay particular attention to the contents of this booklet as this is one of the few areas of the Council’s business where staff do not set out to provide pro-active advice and members are personally liable for compliance with the provisions of this Act.

3.11 Non-Pecuniary Interest

- 3.12 Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is “bias” or pre-determination. Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where: -
- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it (including the Council’s debate); or
 - The member has a close relationship with an individual or organisation affected by the matter.
- 3.13 Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is: “Is there, to a reasonable, fair-minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?” If there is, the member should declare their interest and withdraw from the debate and take no further part in the discussion of this item. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council’s decision could be at risk. The need for public confidence in the decision-making process is paramount and perception can be an important factor. Again the booklet provided by Office of the Auditor General provides some excellent advice and information on this issue.

Waitomo District Council Procurement Policy 2018

4.1 The following are extracts from WDC's Procurement Policy:

WDC's procurement activities will be conducted in line with the core Procurement Principles and a decision framework that ensures:

- **Adherence** – all procurement is required and is undertaken in accordance with the Procurement Policy and all other associated WDC Policies and Strategies;
- **Openness** - all procurement is made in an open and transparent manner with full and fair opportunity for all eligible suppliers;
- **Fairness** - all procurement is carried out in a fair manner and decisions are made with impartiality and without bias;
- **Integrity** - all WDC employees and/or authorises third parties undertaking procurement do so ethically, equitably and with behavioural standards of the highest levels;
- **Value for Money** – all procurement considers the costs and benefits over the life of the goods, services and/or works, and in doing so takes into consideration local procurement;
- **Risk** – all procurement considers the risks (commercial and otherwise) and ensures these are managed appropriately;
- **Lawfulness** - all procurement is within the law and meets WDC's legal and organisational obligations;
- **Accountability** - employees and/or authorised third parties and suppliers are accountable for their performance; and
- **Sustainability** - all procurement is environmental and socially sustainable wherever possible, having regard to economic, environmental, and social impacts over their lifecycle.

Conflict of Interest and Declarations Policy 2018

WDC is required to identify, disclose, document and manage employees' conflicts of interest, and to ensure that decisions made on behalf of WDC and the community are fair and free of bias or perceived bias.

Note: the words "decision" and "decisions" should be taken to include recommendations and advice:

- (a) that might significantly influence decisions that will be made by other people; or
- (b) on development of strategies and policies that will guide future WDC decision making on service provision, purchasing, contracting or staff employment.

WDC recognises that the professional and personal interests of employees mean that conflicts of interest sometimes cannot be avoided, and can arise without necessarily establishing a fault. Conflict need not cause difficulties, and can be managed so that the best interests of WDC and its ratepayers, residents or customers are served.

DEFINITION OF CONFLICT OF INTEREST

A **conflict of interest** exists when an employee could be influenced or could be perceived as being influenced by a personal or private interest in **any transaction** while performing their WDC duties and/or responsibilities. A personal or private interest is an interest that may bring benefit to an employee as an individual, or to others associated with the employee i.e. spouse or family member, to whom the employee may later benefit.

A **transaction** includes, but is not limited to:

- (a) the exercise or performance of a function, duty, or power of WDC; or
- (b) an arrangement, agreement, or contract to which WDC is a party; or
- (c) a proposal that WDC enter into an arrangement, agreement, or contract; or
- (d) development of a strategy or policy that will guide future decision making on service provision, purchasing, contracting or staff employment; or
- (e) the consideration of or decision made by or at a meeting of Council or its committees and subcommittees.

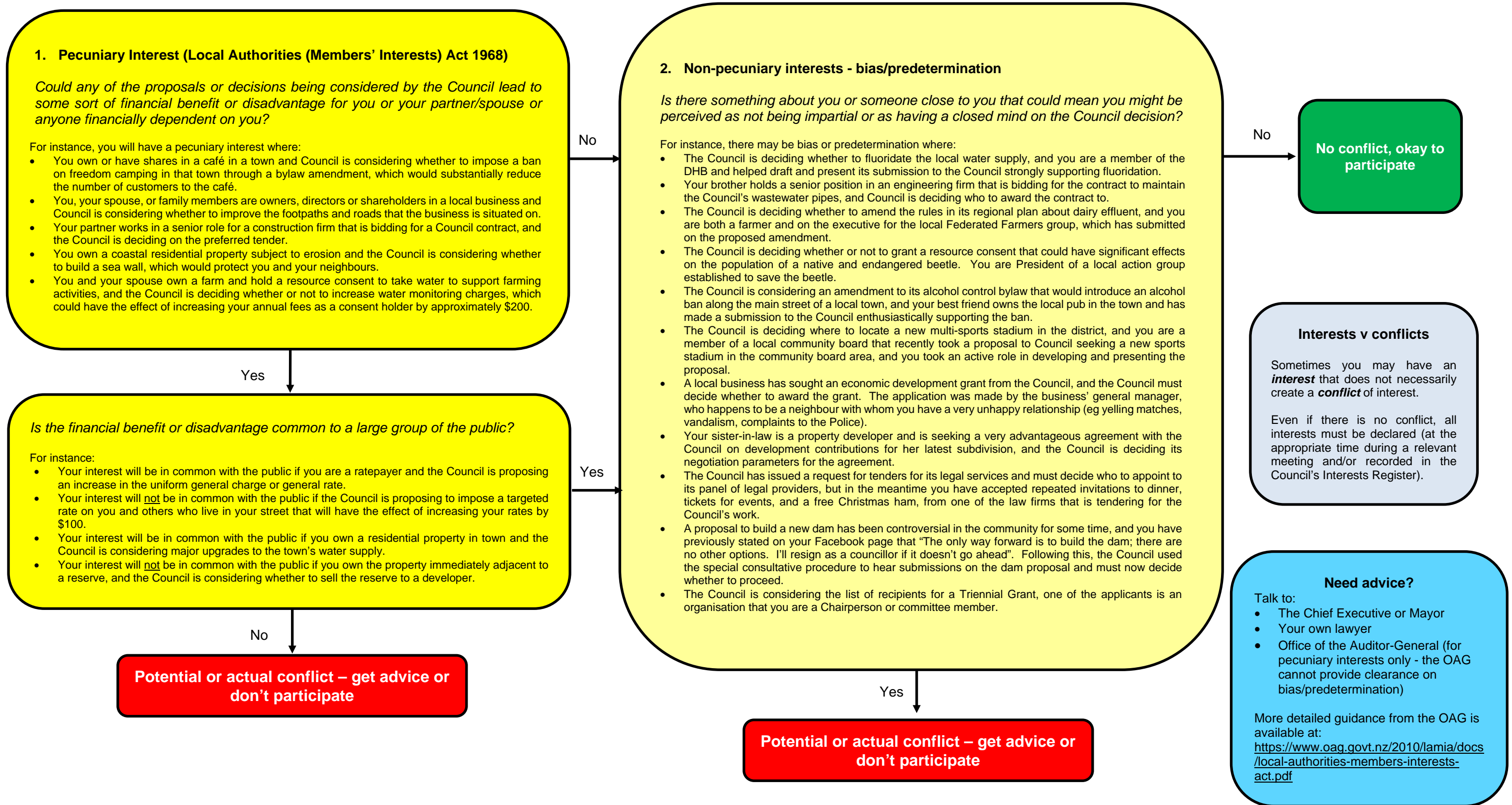
A Conflict of Interest may exist where the employee:

- will or may derive a benefit from the transaction – a financial, professional or personal benefit;
- has a financial interest in another party to a transaction;
- is a director, shareholder, officer or trustee of another party to the transaction, or is a person who will or may derive a financial benefit from the transaction;
- has an interest in another party tendering for work which WDC is considering; or
- is the partner, parent, child, spouse, sibling, or close friend of another party to the transaction, or a person who will or may derive a benefit from the transaction; or
- is an affected member or interested party in a proposal considered by Council.

Before you participate in any Council decision ...

CONFLICTS OF INTEREST

Check you don't have a pecuniary interest and that there is no bias or predetermination.



Remember: If in doubt, stay out!

Document No: A512498

Report To: Council



Meeting Date: 12 March 2021

Subject: Standing Orders - Protocols for the Recording and Webcasting of Council Meetings

Purpose of Report

- 1.1 The purpose of this business paper is to present suggested amendments to Council's Standing Orders (including Appendix 7: Recording and Webcasting Protocols) relating to the Recording and Webcasting of Council Meetings.

Background

2.1 Standing Orders

- 2.2 Standing Orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.
- 2.3 It is mandatory that councils adopt Standing Orders for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees. *(Refer cl. 27 Schedule 7, LGA 2002)*
- 2.4 Council's adopted Standing Orders incorporate the legislative provisions relating to meetings, decision making and transparency and also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

2.5 **Adoption and/or Amendment of Standing Orders**

- 2.6 The adoption of Standing Orders and any amendment to Standing Orders must be made by the Council and by a vote of not less than 75% of the members present. *(Refer cl. 27(3) Schedule 7, LGA 2002)*

2.7 **Appendix to Standing Orders**

- 2.8 There is also an Appendix attached to the Standing Orders which provides templates and additional guidance for implementing provisions within the Standing Orders.
- 2.9 It is important to note that the Appendix is read as an attachment to the Standing Orders and is not part of the Standing Orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. *(Refer cl. 1, WDC Standing Orders – 26 November 2019)*

Commentary

3.1 Council to Webcast Meetings

- 3.2 In order to address COVID-19 business continuity issues, the Government passed the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 which included amendments to the Local Government Official Information and Meetings Act 1987 (LGOIMA). Some of the amendments included making provision for councils to convene online meetings i.e. ZOOM and in addressing how those meetings could be “open to the public” required audio or video recordings of meetings to be made available on council websites.
- 3.3 Prior to COVID-19, Council did not record any meetings, had no suitable audio/visual technology for webcasting meetings from its Council Chambers and has no Protocols in place for the Webcasting of its meetings.
- 3.4 In late 2020 Council agreed, irrespective of the requirements of the COVID-19 Response (Urgent Management Measures) Legislation Act 2020, that it would move to webcasting Council meetings starting in 2021. The required audio/visual equipment has now been installed in the Council Chambers and it is necessary for Council to adopt Protocols for the recording and webcasting of its meetings.

3.5 Protocols for Recording and Webcasting of Council Meetings

- 3.6 At Council Workshops on 17 February 2021 and 3 March 2021, Council discussed the development of customized webcasting protocols and resulting amendments to its Standing Orders.
- 3.7 Council’s Standing Orders already allow for the webcasting of meetings as follows:

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

- 3.8 Following the Council Workshops, a DRAFT Appendix 7: Recording and Webcasting Protocols has been prepared for Council’s consideration and is attached to and forms part of this business paper.

3.9 Local Government Official Information and Meeting Act 1987 (LGOIMA)

- 3.10 With respect to “Section 47 – Admission of public to meeting of local authorities”, Section 47A was inserted into the Act on 26 March 2020, by section 11 of the COVID-19 Response (Urgent Management Measures) Legislation Act 2020 and reads as follows:

47A Modifications to section 47 while epidemic notice in force for COVID-19

- (1) *For the purposes of section 47, open to the public means that the local authority,—*
- (a) *if it is reasonably practicable, enables access to the meeting by broadcasting live the audio or video of the meeting (for example, by broadcasting it on an Internet site); and*
 - (b) *does 1 or both of the following as soon as practicable after the meeting ends:*
 - (i) *makes an audio or a video recording of the meeting available on its Internet site:*

- (ii) *makes a written summary of the business of the meeting available on its Internet site.*
- (2) *The local authority must provide the live broadcast, and make the recording or summary available, free of charge.*
- (3) *This section is repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.*

Note: The Epidemic Preparedness (COVID-19) Notice 2020 lasts for three months unless the Government chooses to lift it earlier. The Notice can also be extended again if required. The original Notice became operative on 23 March 2020 and has been extended a number of times since. The current Notice came into effect on 23 December 2020 and is due to expire on 22 March 2021 and it is assumed that it will be extended for a further three month period.

Note: The S47(1)(a) requirement to broadcast live if reasonably practicable, while the Epidemic Notice is operational, overrules any protocols the Council may adopt.

3.11 Office of the Ombudsman Recommendations

- 3.12 The Office of the Ombudsman is tasked by Parliament to monitor agencies' official information practices, resource and systems and does this by undertaking targeted investigations.
- 3.13 Research of the Ombudsman's LGOIMA Compliance and Practice Reports for 2020 has revealed that the Ombudsman is recommending that those Councils who stopped webcasting live and/or recording and publishing of Council meetings when New Zealand moved back to COVID-19 Alert Level 1, reinstate the practice.

3.14 Standing Orders – Proposed Amendments

3.15 Public Excluded Meetings

- 3.16 Based on the legislated reason for recording and publishing meetings (i.e. admission of public to meetings) there is currently no obligation for Council to record the public excluded portion of any meeting as the public are excluded for reasons already legislated for in LGOIMA.
- 3.17 For transparency purposes, it is suggested that the following be included in Standing Orders clause 4.4 "Webcast meetings":

Meetings (including parts of meetings) which are public excluded in accordance with the Local Government Official Information and Meetings Act 1987 will not be recorded.

3.18 Timeframe for Availability of Webcast Meetings on Council's Website

- 3.19 There is no legislated timeframe for making webcast meetings available online. Networking of peers has indicated that most Councils have not given any thought to the length of time a webcast meeting is available online.
- 3.20 In workshopping this, it was suggested that this could be at the discretion of each newly elected Council when reviewing Standing Orders following each Triennial Election. Whilst there is no statutory requirement for the Standing Orders adopted by a previous Council to be reviewed following a triennial election, it is deemed good

practice for a new Council to reconfirm, amend or adopt new Standing Orders at that time.

- 3.21 It is suggested that the following be included in Standing Orders clause 4.4 "Webcast meetings":

Recordings of webcast meetings shall be available via a link on the Council's website for the duration of the triennium in which they are recorded.

3.22 Recording of Meetings by the Public

- 3.23 It has been ascertained through networking with peer Councils, that those Councils who webcast and publish audio/visual of meetings, very rarely have any meeting recorded by a member of the public attending (including Media) and as a result, many do not currently have any protocols for the recording of meetings by the public.

- 3.24 Council's Standing Orders currently provide:

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

- 3.25 Council discussion at its workshops in February and March 2021 was based around the fact that with all future meetings being recorded and published by the Council on its website, there should be no need for any member of the public to also record the proceedings.
- 3.26 Council also noted its obligations in respect to both achieving public transparency of meeting proceedings while also protecting the privacy of members of the public attending meetings as observers. For this reason, Council indicated it would like to have some control over any recordings made by members of the public of meeting proceedings. Based on that feedback the following is suggested for Council's consideration:

Replace Clause 12.4 of Standing Orders with:

12.4 Recording of meetings by the public

Filming and/or recording of any Council or Committee meeting is not permitted by elected members or members of the public unless resolved otherwise by the Council or Committee on a case by case basis.

Members of the public wishing to make their own recording of the meeting proceedings must request permission of the Council or Committee to film/record at the start of the meeting.

In the event the Council or Committee passes a resolution granting permission -

- (a) *Filming and/or recording of meeting proceedings must be focused on the Council meeting table and shall not include any meeting attendees not seated at the meeting table.*
- (b) *Where circumstances require, the Council/Committee may request the recording be stopped for a period of time.*

3.27 Website Disclaimer

- 3.28 As the recording and webcasting of Council meetings process evolves, it is prudent that Council include a disclaimer on its Website relating to the webcasting and publication of recorded meetings.
- 3.29 The following Disclaimer is suggested for inclusion on the "Council Meetings" page of Council's website:

Livestreaming of Public Council Meetings

All public meetings of Council and its Committees shall be webcast in real time, recorded and made available to the public after the meeting via a link on this website.

Webcasting in real time allows you to watch and listen to the meeting in real time, giving you greater access to Council debate and decision making and encouraging openness and transparency.

Every care is taken to maintain individuals' privacy and attendees are advised they may be recorded.

There may be situations where, due to technical difficulties, a webcast in real time may not be available. Technical issues may include, but are not limited to – the availability of the internet connection, device failure or malfunction, unavailability of social media platforms or power outages. While every effort will be made to ensure the webcast and website are available, Waitomo District Council takes no responsibility for, and cannot be held liable for the webcast, if Council's website is temporarily unavailable due to technical issues.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Waitomo District Council. Council accepts no liability for any opinions or statements made during a meeting.

Access to webcasts and recordings of Council meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without the permission of Council.

3.30 Publication of Council Meeting Minutes

- 3.31 Historically the Waitomo District Council has not published "Unconfirmed" meeting minutes on its website, however, the public portion of any unconfirmed minutes have always been made available upon request.
- 3.32 Council may wish to consider the publishing of "Unconfirmed" Meeting Minutes with an "Unconfirmed" watermark.
- 3.33 It is recommended that Council publish unconfirmed Minutes on its Website as soon as reasonably practicable following the meeting and that the unconfirmed Minutes be replaced as soon as they are confirmed at a consecutive meeting.

Suggested Resolutions

1 The business paper on Standing Orders - Protocols for the Recording and Webcasting of Council Meetings be received.

2 Council adopt / not adopt amendments to Standing Orders as follows:

(a) Replace clause 4.4 with the following:

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

Meetings (including parts of meetings) which are public excluded in accordance with the Local Government Official Information and Meetings Act 1987 will not be recorded.

Recordings of webcast meetings shall be available via a link on the Council's website for the duration of the triennium in which they are recorded.

(b) Replace clause 12.4 with the following:

12.4 Recording of meetings by the public

Filming and/or recording of any Council or Committee meeting is not permitted by elected members or members of the public unless resolved otherwise by the Council or Committee on a case by case basis.

Members of the public wishing to make their own recording of the meeting proceedings must request permission of the Council or Committee to film/record at the start of the meeting.

In the event the Council or Committee passes a resolution granting permission -

(a) *Filming and/or recording of meeting proceedings must be focused on the Council meeting table and shall not include any meeting attendees not seated at the meeting table.*

(b) *Where circumstances require, the Council/Committee may request the recording be stopped for a period of time.*

3 Council adopt / not adopt amendments to Appendix 7: Recording and Webcasting Protocols as follows:

Appendix 7: Recording and Webcasting Protocols

The following protocols are approved by the Waitomo District Council as being fit for purpose for the recording and webcasting of Waitomo District Council meetings.

Definitions:

Webcast:

A webcast is a media presentation distributed over the Internet using streaming media technology to distribute a single content source to many simultaneous listeners/viewers. A webcast may either be distributed live or on demand. Essentially, webcasting is "broadcasting" over the Internet.

Live Webcast:

A live webcast is an online broadcast of the audio or video feed from a meeting or event in real time.

On Demand Webcast:

A webcast that's available for someone to view at any time is an on-demand webcast. This can be an archived version of a live webcast with streaming video, or it can be a presentation developed specifically for this purpose. In either case, the user decides when he or she is ready to view the webcast.

Recording

For the purpose of this Appendix, "Recording" shall mean both audio and visual recording.

Recording of Meetings

- 1 *There will be four (4) preset camera views for the recording of Council meetings.*
- 2 *Preset 1: The first preset will be the default view and is a wide-angle view of the meeting table, similar to if one was viewing the meeting proceedings from the public gallery.*
- 3 *Preset 2: The second preset will be a wide-angle view of the meeting table from the opposite end of the Council Chambers to Preset 1, and will view the table and seating allocated for deputations/ invitees and members of the public formally addressing the Council at the meeting table. Note: This view may include attendees seated in the public gallery in the background.*
- 4 *Preset 3: The third preset will focus solely on the Mayor/Chairperson.*
- 5 *Preset 4: The fourth preset will focus on the large drop-down Projector Screen.*
- 6 *Cameras will not pan/zoom on anyone addressing the meeting (elected members, staff or public), other than as provided for in the preset camera views set out in 1-5 above.*
- 7 *Any interjections from elected members or the public will be included in any meeting recording unless the majority of members in attendance agree to stop the recording.*
- 8 *PowerPoint presentations and other matters displayed by way of Overhead Projector shall be the focus of the recording.*
- 9 *Camera views unrelated to the proceedings of the meeting, or not in the public interest, will not be permitted.*
- 10 *If there is general disorder, or a disturbance from the public gallery the camera view will revert to the Mayor/Chairperson camera preset.*
- 11 *In the event of general disorder, or a disturbance from the public gallery, recording will continue unless the majority of members in attendance agree to stop the recording.*

- 10 *Appropriate signage will be displayed both inside and outside the Council Chambers alerting all attendees that the proceedings will be recorded for the purpose of webcasting.*
- 11 *The Mayor/Chairperson shall verbally inform all attendees (members and public) at the commencement of the meeting that the meeting is being recorded for the purpose of webcasting.*

Webcasting of Meetings

- 12 *Council meetings shall be webcast in real time.*
- 13 *Recorded webcast meetings shall be made available to the public by way of a link located on the Waitomo District Council Website.*
- 14 *Uploading of recorded meetings is to be completed using a service provider whereby the Waitomo District Council retains full ownership/copyright of the uploaded material without imposing on viewers external advertising content.*



MICHELLE HIGGIE

MANAGER – GOVERNANCE SUPPORT

Attachment: Draft "Appendix 7: Recording and Webcasting Protocols"

Appendix 7: Recording and Webcasting Protocols

The following protocols are approved by the Waitomo District Council as being fit for purpose for the recording and webcasting of Waitomo District Council meetings.

Definitions:

Webcast:

A webcast is a media presentation distributed over the Internet using streaming media technology to distribute a single content source to many simultaneous listeners/viewers. A webcast may either be distributed live or on demand. Essentially, webcasting is "broadcasting" over the Internet.

Live Webcast:

A live webcast is an online broadcast of the audio or video feed from a meeting or event in real time.

On Demand Webcast:

A webcast that's available for someone to view at any time is an on-demand webcast. This can be an archived version of a live webcast with streaming video, or it can be a presentation developed specifically for this purpose. In either case, the user decides when he or she is ready to view the webcast.

Recording

For the purpose of this Appendix, "Recording" shall mean both audio and visual recording.

Current - Appendix 7	Proposed Appendix 7
<p>1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.</p>	<p><u>Recording of Meetings</u></p> <ol style="list-style-type: none"> 1 There will be four (4) preset camera views for the recording of Council meetings. 2 <u>Preset 1:</u> The first preset will be the default view and is a wide-angle view of the meeting table, similar to if one was viewing the meeting proceedings from the public gallery. 3 <u>Preset 2:</u> The second preset will be a wide-angle view of the meeting table from the opposite end of the Council Chambers to Preset 1, and will view the table and seating allocated for deputations/ invitees and members of the public formally addressing the Council at the meeting table. <u>Note:</u> This view may include attendees seated in the public gallery in the background. 4 <u>Preset 3:</u> The third preset will focus solely on the Mayor/Chairperson. 5 <u>Preset 4:</u> The fourth preset will focus on the large drop-down Projector Screen.

Current - Appendix 7	Proposed Appendix 7
2. Cameras will cover a member who is addressing the meeting or other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.	6 Cameras will <u>not</u> pan/zoom on anyone addressing the meeting (elected members, staff or public), other than as provided for in the preset camera views set out in 1-5 above.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.	7 Any interjections from elected members or the public will be included in any meeting recording unless the majority of members in attendance agree to stop the recording.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.	8 PowerPoint presentations and other matters displayed by way of Overhead Projector shall be the focus of the recording.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.	9 Camera views unrelated to the proceedings of the meeting, or not in the public interest, will not be permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.	10 If there is general disorder, or a disturbance from the public gallery the camera view will revert to the Mayor/Chairperson camera preset. 11 In the event of general disorder, or a disturbance from the public gallery, recording will continue unless the majority of members in attendance agree to stop the recording.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.	10 Appropriate signage will be displayed both inside and outside the Council Chambers alerting all attendees that the proceedings will be recorded for the purpose of webcasting. 11 The Mayor/Chairperson shall verbally inform all attendees (members and public) at the commencement of the meeting that the meeting is being recorded for the purpose of webcasting.

Current - Appendix 7	Proposed Appendix 7
	<p data-bbox="810 237 1171 271"><u>Webcasting of Meetings</u></p> <p data-bbox="810 286 1382 349">12 Council meetings shall be webcast in real time.</p> <p data-bbox="810 367 1374 495">13 Recorded webcast meetings shall be made available to the public by way of a link located on the Waitomo District Council Website.</p> <p data-bbox="810 512 1390 739">14 Uploading of recorded meetings is to be completed using a service provider whereby the Waitomo District Council retains full ownership/copyright of the uploaded material without imposing on viewers external advertising content.</p>

Draft

Document No: A512501

Report To: Council



Meeting Date: 12 March 2021

Subject: Mayor's Report

Today we consider whether to adopt to send for audit the Draft Long Term Plan 2021-2031.

We have formed the plan in a climate of considerable uncertainty – uncertainty of when the impact of COVID will end and uncertainty around macro-economic matters like inflation and interest rate impacts.

Because of such uncertainty, this plan will be less reliable than would normally be the case. I expect the Council elected in 2022 will need to update the year three forecasts when the Annual Plan 2023/2024 is considered.

Elected members have been mindful throughout the construction of this plan of two key factors – the level of our Council's rates and their affordability, and the level of Council's debt and the risk this imposes on ratepayers.

Rates: This plan effectively holds the total rates to be struck for the next financial year at the same levels set last year. That will help many in our community who are finding times challenging.

Debt: I have previously labelled our Council's debt as "stubborn" debt. Our Council's debt first climbed over the \$40 million mark in 2010. It remained over \$40 million until 2020. Under this plan it is forecast to remain marginally under the \$40 million figure for the next three years, and then to drop to \$30 million in the plan's sixth year. Dropping from \$40 million to \$30 million over the next ten years is a goal elected members endorsed last year. It is important that we put plans in place to accomplish this.

In the long term plan adopted by Council in 2012, and in two subsequent plans, Council forecast dividends from Inframax of over \$4 million. No dividends have paid. In this plan we have made a policy decision not to budget for such dividends. That is prudent.

Back to rates.

We need to keep in mind that next year's zero rate increase position has been accomplished by changes to financial policy settings and by the drop in interest rates, not by cuts to Council spending.

The most significant financial policy change relates to the funding of depreciation on our road network assets. Council has been funding or recovering one hundred percent of the depreciation expense by charging ratepayers. In this plan we will be charging ratepayers for the portion ratepayers traditionally pay (around 30%), and not the portion that NZTA traditionally pays (around 70%). That is sensible.

A handwritten signature in blue ink, appearing to read "John Robertson".

JOHN ROBERTSON, QSO

MAYOR

Document No: A511688

Report To: Council



Meeting Date: 12 March 2021

Subject: Adoption of Supporting Information and Draft Consultation Document for the 2021-2031 10 Year Plan for Audit Purposes

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to present to Council for consideration and adoption for audit purposes only:
 - (a) The Supporting Information (which provides the basis for preparation of the Council's Draft 2021-2031 10 Year Plan and which is relied on to shape the Draft Consultation Document); and
 - (b) The Draft Consultation Document for the 2021-2031 10 Year Plan.
- 1.2 **It is noted that all matters addressed in the Draft Consultation Document and the Supporting Information are draft, and subject to change, until the Consultation Document is formally adopted by Council for public consultation on 16 April 2021.**

Background

- 2.1 **Requirements of the Local Government Act 2002**
- 2.2 The Local Government Act 2002 (LGA) requires local authorities to adopt a 10 Year Plan (10YP) every three years. The Council's current 10YP was adopted in June 2018.
- 2.3 Each 10YP must be adopted before the commencement of the first year to which it relates and continue until the close of the third year of the Plan (s93(3) LGA)).
- 2.4 The purpose of the 10YP is to describe the Council's activities and the community outcomes for its district. The 10YP is also an opportunity to provide integrated decision making and co-ordination of the Council's resources, and a long-term focus for its activities. It is a basis for accountability to the community (s93(6) LGA)).
- 2.5 The Council must prepare and adopt a Consultation Document (CD) that will enable the Council to consult with its community on the information the Council intends to include in its 2021-2031 10YP.
- 2.6 The purpose of the CD is to provide a fair representation of the matters that are proposed for inclusion in the 10YP. This must be presented in a way that explains the overall objective of the Council's proposals for the next 10 years and the effect of these on rates, debt, and levels of service; and these must be presented which can be readily understood (s93B LGA).

- 2.7 Before the Council can adopt the CD (i.e. on 16 April 2021), it must first adopt the information that is relied on for the CD, and which provides the basis for the preparation of the 2021-2031 10YP (s93G LGA).
- 2.8 The Auditor-General will report on the quality of this information and the assumptions underlying it and whether the CD gives effect to the purpose set out in s93B LGA, at Council's meeting on 16 April 2021, when Council formally adopts the Consultation Document for consultation.
- 2.9 The information to be adopted by the Council before it adopts the CD for consultation is set out in Attachment 2. Also attached is the Financial Strategy (Attachment 3) and the Infrastructure Strategy (Attachment 4), both of which are key to the Council's proposed approach to meeting the challenges of the next 10 years.
- 2.10 **Process**
- 2.11 The Draft 10YP 2021-2031 has been developed over the last 12 months by staff with guidance from Elected Members. This included guidance on the overall direction and parameters to apply to the development of the Draft 10YP, including expectations for rates affordability.
- 2.12 Staff worked extensively with Elected Members on a set of strategic priorities to inform the Draft 10YP, including specific goals and initiatives and linkages to levels of service; and Elected Members played an active role in considering the information that will provide the basis for preparation of the Draft 10YP.
- 2.13 Elected Members met regularly over a series of workshops to provide overall direction and to fine-tune specific details. This commenced in March 2020 and concluded on 3 March 2021.
- 2.14 This process provided opportunities for Elected Members to consider their priorities for the 10YP and their expectations for matters such as rates increases, level of debt, financial headroom, the capital works programme, levels of service etc.
- 2.15 The 10YP contains a focus on:
- Renewing and maintaining critical, core infrastructure;
 - Delivering on work programmes that address priorities;
 - Keeping rates affordable;
 - Continuing to plan for what we will need for our District in the next 30 years; and
 - Debt reduction.
- 2.16 The Draft 10YP recommends (in the opinion of senior management and based on the advice and direction provided by Elected Members), and as reflected in the Draft CD, the best balance between financial, risk and service delivery to the community.
- 2.17 Council received an early working draft of the CD for the 10YP at its workshop on 3 March 2021. The Draft CD enclosed with this business paper takes into account the feedback received at that workshop.
- 2.18 At the Council meeting on 16 April 2021, the Supporting Information, CD and Audit Opinion will be formally adopted for consultation.

Commentary

- 3.1 The attached Draft CD outlines what Council is proposing to do over the next 10 years and, where the Council is asking for community feedback before making a final decision.
- 3.2 There are a number of topics that are included 'for information' purposes. These topics provide context to the matters Council considered for the 10YP, however do not meet the threshold of significance, therefore they are not proposals for consultation.
- 3.3 They are included so that the community can understand them and provide feedback should they wish to.
- 3.4 To ascertain what is included in the Draft CD, an analysis was undertaken against both the requirements of the LGA and Council's Significance and Engagement Policy. The table below summarises this analysis:

Topic/ Issue/Matter	Meets SEP Criteria	Matter of importance to the public	LOS change/ transfer of ownership of strategic assets	Key financial matter (rates, debt, RFP)	Include in CD?
Strategic Direction (Councils' vision, community outcomes and priorities)	Yes	Yes	No	No	Yes
Key aspects of Financial Strategy	Yes	Yes	No	Yes	Yes
Key aspects of Infrastructure Strategy	Yes	Yes	No	No	Yes
Three Waters Reform	No	Yes	No	No	Yes
Climate Change	Yes	Yes	No	No	Yes
Postponement of Harmonisation of water and Wastewater Rates	Yes	Yes	No	Yes	Yes

- 3.5 The Draft CD is attached for Council's consideration and endorsement. It provides a draft 'look and feel' of the document, as well as the draft content.
- 3.6 Council's Auditors will be reviewing this Draft CD and its Supporting Information in advance of public consultation. The audit is occurring from 15 March – 26 March 2021.
- 3.7 Nonmaterial amendments (i.e. design, editorial and formatting changes) will continue to be made to the Draft CD, including ensuring roundings for financials are complete, and there is alignment between all documents. It is noted there may also be changes to the Supporting Information and / or Draft CD to address any matters raised during the audit process, in advance of the Council meeting on 16 April 2021.
- 3.8 At its meeting on 16 April 2021, Council will adopt the final proposals (the CD) for public consultation.

Analysis of Options

- 4.1 The options available to Council include:
- 4.2 **Option 1**: adopt the Supporting Information and Draft CD for Audit purposes.
- 4.3 This is the preferred option which will enable Council to ensure it meets its statutory obligations pursuant to the LGA.
- 4.4 **Option 2**: not adopt the Supporting Information and Draft CD for Audit purposes.
- 4.5 This option is not recommended, as Council's Auditors are scheduled to be on site from 15 March to 26 March 2021. The Supporting Information and Draft CD must be adopted for Audit purposes prior to the audit commencing, and there is no opportunity to delay the audit process.
- 4.6 Due to the subsequent effects on timing, this option would result in Council not meeting its statutory obligations for the adoption of the 10YP by 30 June 2021.

Considerations

5.1 **RISK**

- 5.2 The approval of the Draft CD and supporting information at this meeting is essential to finalising the CD on time for audit review.
- 5.3 Any changes to these documents (other than non-material changes) will result in a delay in getting the documentation to Audit for review, potentially further delaying the adoption of the CD for public consultation.

5.4 **SIGNIFICANCE AND COMMUNITY VIEWS**

- 5.5 Adoption of the supporting information and the Draft CD for audit purposes is not a significant decision as it remains a draft document and does not trigger public consultation under Council's Significance and Engagement Policy.

Recommendation

- 6.1 That Council adopt the Supporting Information and Draft CD for the 2021-2031 10 Year Plan for Audit purposes to enable the audit process to commence on 15 March 2021.

Suggested Resolutions

- 1 The business paper on Adoption of Supporting Information and Draft Consultation Document for the 2021-2031 10 Year Plan for Audit purposes be received.
- 2 The following Supporting Information which provides the basis for the Council's Draft 10 Year Plan 2021-2031 and is relied on for the content of the Draft Consultation Document be adopted for audit purposes:
 - Attachment 1: **Draft** Consultation Document for the 2021-2031 10 Year Plan for Audit
 - Attachment 2:

- (a) Draft Revenue and Financing Policy
 - (b) Draft Rates Remission Policy
 - (c) Draft Treasury Policy
 - (d) Draft Significance and Engagement Policy
 - (e) Draft Forecasting Assumptions
 - (f) Draft Performance Measures
 - (g) Draft Financial Statements
 - (h) Draft Accounting Policies
 - (i) Prescribed Funding Impact Statement and Rates examples
 - (j) Prospective Funding Impact Statements
 - (k) Draft Financial Reporting and Prudence Benchmarks
 - (l) Draft Council Controlled Organisations Statement
- Attachment 3: Financial Strategy
 - Attachment 4: Infrastructure Strategy
- 3 The Draft Consultation Document for the 2021-2031 10 Year Plan be adopted for audit purposes, noting that it is not final and may be subject to amendments after the audit process.
- 4 Council authorise the Chief Executive to make any non-material amendments to the Draft Consultation Document and Supporting Information, as well as any amendments that may be required to ensure the documents and/or information align with the Auditor-General's report required by section 93C(4) of the Local Government Act 2002, in preparation for adoption for consultation.



TERRENA KELLY
GENERAL MANAGER
– STRATEGY AND ENVIRONMENT

12 March 2021



ALISTER DUNCAN
GENERAL MANAGER
– BUSINESS SUPPORT

12 March 2021

Attachments:

1	<u>Draft</u> Consultation Document for the 2021-2031 10 Year Plan for Audit (A507350)
2	(a) Draft Revenue and Financing Policy (A511814) (b) Draft Rates Remission Policy (A511816) (c) Draft Treasury Policy (A511817) (d) Draft Significance and Engagement Policy (A511818) (e) Draft Forecasting Assumptions (A511862) (f) Draft Performance Measures (A511861) (g) Draft Financial Statements (A512005) (h) Draft Accounting Policies (A512096) (i) Prescribed Funding Impact Statement and Rates examples(A507664) (j) Prospective Funding Impact Statements (A512183) (k) Draft Financial Reporting and Prudence Benchmarks (A512303) (l) Draft Council Controlled Organisations Statement (A505304)
3	Financial Strategy (A511864)
4	Infrastructure Strategy (A511863)

Document No: A505158

Report To: Council



Meeting Date: 12 March 2021

Subject: Piopio Primary School PTA – Variation to Grant Funding Condition

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to assist consideration of a request from Piopio Primary School PTA to remove a grant condition associated with its 2020 Community Partnership Grant Fund and seek Council's decision.

Background

- 2.1 At its meeting of 29 September 2020, Council considered and approved funding applications to the Community Partnership Fund.
- 2.2 The Community Partnership Fund forms part of Waitomo District Council's (WDC) broader Community Development Fund Policy.
- 2.3 Waitomo District Council (WDC) seeks to facilitate and support strong and sustainable partnerships and to seek co-funding arrangements to support improved social outcomes of our community. This in turn supports WDC's Vibrant Safe Waitomo framework.
- 2.4 The Community Partnership Fund aims to "help the community help itself" by offering access to seed funding and in-kind support to groups and organisations in developing new community initiatives.

Commentary

- 3.1 The Piopio Primary School PTA (PTA) was successful in receiving a WDC Community Partnership Fund grant for \$6,500.00. The purpose of the grant is to contribute towards the purchase and installation of new Shade Sails.
- 3.2 Release of the WDC grant is conditional upon sufficient funds to cover all project costs.
- 3.3 On 10 December 2020 a letter was received from the PTA advising 93% of the project costs (Shade Sail and Playground) have been secured. The PTA hope to secure the balance of the funds needed to complete the project through a grant opportunity available in February 2021.
- 3.4 Installation of the new playground is scheduled for April 2021 and the PTA plan to install the footings and foundations for the Shade Sails at the same time.
- 3.5 The PTA is seeking a waiver of the grant condition so that they have confirmation the poles can be installed in conjunction with the playground installation.

- 3.6 The letter from the PTA is attached for Council's consideration.
- 3.7 Council's approval is sought to remove the grant condition and release the Community Partnership grant payment of \$6,500.00 to the PTA.

Considerations

4.1 **RISK**

- 4.2 There is a low risk that the funds required to undertake the project are not obtained.

4.3 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 4.4 This decision is consistent with existing plans and policies.
- 4.5 The Community Partnership Fund funding arrangement is provided for as part of the Community Development Fund Policy. The Policy intent is to assist the delivery of Council's vision of creating a better future with vibrant communities and thriving business.

4.6 **SIGNIFICANCE AND COMMUNITY VIEWS**

- 4.7 This decision is not a significant decision in terms of Council's Significance and Engagement Policy.

Suggested Resolutions

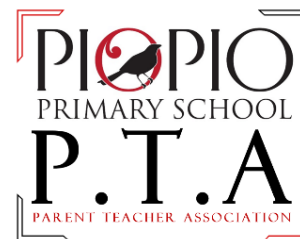
- 1 The business paper on Piopio Primary School PTA - Request to Remove Grant Funding Condition be received.
- 2 Council approve/not approve removing the grant condition for the Piopio Primary School PTA Community Partnership Fund Grant.



HELEN BEEVER
GENERAL MANAGER – COMMUNITY SERVICES

Attachment: Letter from Piopio Primary School PTA dated 10 December 2020
(A505160)

Piopio Primary PTA
14 Aria Road
PIOPIO 3912



10 December 2020

Waitomo District Council
PO Box 404
TE KUITI 3941

Dear Sasha

The Piopio Primary PTA would like to thank the Waitomo District Council Community Development Fund for their contribution towards our **new shade sails** that will be positioned over our new playground.

We are pleased to advised you we have secured 93% of the funds for the shade sail and playground project.

We hope to source the balance of the funding through a grant available in February.

The playground is booked to be installed in April 2021. Ideally the footings and foundations for the shade sail will be installed at the same time. We are aware your contribution is subject to us sourcing all of the funds for the shade sails. As a back up in the instance the funding shortfall has not been received in time for the installation in April, we requested a quote from the shade sail company for the shade sail poles separate to the shade sails. The poles installed will cost \$10,888 and the shade sails \$8,188. We have enough confirmed funds to cover installing the poles.

Hopefully we will have the balance of the funds raised prior to the installation in April but we are asking for the Waitomo District Council to waive the condition of confirming all the funds prior to the release of their contribution so we are guaranteed to get the poles erected at the time of the playground.

Confirmed Funds:

SHADE SAIL	
Piopio Primary PTA	\$1,576
WDC Community Development Fund	\$6,500
Piopio Community and Districts Charitable Trust	\$2,500
Ingleby NZ	\$2,000
Total Confirmed Funds	\$12,576
Required Funds	\$19,076
Shade Sail Shortfall	\$6,500
PLAYGROUND	
Piopio Primary PTA	\$23,673
Lottery Community Facilities Fund	\$47,100
Total Confirmed Funds	\$70,773
Required Funds	\$70,773

This project is really showing us what a great community we live in. It will be a huge asset to our community as our school.

Thank you for your support in our wonderful community!

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michelle Carter', with a horizontal line drawn through the middle of the signature.

Michelle Carter