

**Document No:** A602364

**Report To: Council**



**Meeting Date:** 22 February 2022

**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:

<b>Elected Member Name:</b>		
<b>Item(s) of Business on the Order Paper</b>	<b>Reason for Declaration</b>	<b>Type of Conflict</b> Financial Non-Financial Conflict of Roles Pre-Determination
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.

# Managing conflicts of interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life.

Having a conflict of interest does not necessarily mean you have done anything wrong. It all depends on how you manage it.

You need to ask yourself not just whether the interest or relationship means you are biased, but also whether someone looking in from the outside could have reasonable grounds to think you might be.

The “rules” for managing conflicts of interest in the public sector are generally stricter than in the private sector. If you work for a public organisation, the public needs to have confidence that any decisions you make:

- are made impartially and for the right reasons; and
- are not influenced by personal interests or ulterior motives.

Any decisions about conflicts of interest should take into account the core public service values:

- integrity;
- impartiality
- trustworthiness;
- respect; and
- responsiveness.



## Tips for managing conflicts

- Make sure you know what rules apply to you, whether in your employment contract, contract for services, terms of appointment, or any internal policies of the entity you work for.
  - Declare any interests you have that might pose a conflict. This shows you are being open. It will also help the entity you work for avoid putting you in a situation where a conflict might arise, or to manage a conflict if one arises.
  - Follow any rules or guidance provided by the entity you work for when deciding how to manage a conflict.
- As a minimum, declare any conflicts you have as soon as you become aware of them, preferably in writing.
  - Think about what else you might need to do to manage the conflict. Get advice if you need to. Talk to your manager, or if you are on a board, the chairperson.
  - You need to consider ethics as well as legal rules. Just because it's not unlawful to participate, that does not necessarily mean it would be appropriate to participate.

**If in doubt, stay out.**



## When you have to make a decision, ask yourself:

### FINANCIAL

- Do you stand to gain or lose financially from the decision?
- Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?

A situation does not need to involve cash changing hands to be considered a financial interest. A financial interest could, for example, relate to an effect on the value of property.

A financial interest might be direct or indirect. In situations that someone close to you or a business you are involved with has a financial interest, you might be considered to share their interest.

Financial interests are generally treated more strictly than other types of interest. If you have a financial conflict of interest, the law presumes you are biased. This is why you should automatically treat a financial conflict of interest seriously, even if it seems trivial to you.

For some entities in the public sector, there are specific statutory requirements that apply to managing the financial conflicts of interest, which you need to be aware of.

### NON-FINANCIAL

- Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?
- If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?

If you have a conflict of interest, but not one from which you stand to gain or lose financially, the law does not automatically assume you are biased.

This does not necessarily mean a non-financial conflict is less serious than a financial conflict – but there is generally more room for judgement about whether it is acceptable for you to participate.

Questions you need to think about include:

- How close is your relationship with this other person or organisation?
- Will they be directly affected by the decision?
- How seriously will they be affected?

### CONFLICT OF ROLES

Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?

If so:

- Is there a risk that you will be seen to be acting in the interests of entity B rather than entity A?
- If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?

The issue with a conflict of roles is not so much whether you personally have a conflict, but whether the interests of the two organisations conflict.

If you have a conflict of roles, you will need to consider whether it is appropriate for you to participate in the decision-making process “on both sides of the table”. You will also need to think about whether you are going to be in a position to fulfil your obligations to both entities at the same time.



If there is a risk that there might be conflicts at some point during the decision-making process, you should discuss your situation with both entities. This gives each an opportunity to consider the risks from their perspective and decide whether they are comfortable with you participating on both sides.

### PRE-DETERMINATION

Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?

It is accepted that people working for public entities will have their own views on many matters, and, in many cases, might already have views on what the “right answer” to an issue is.

You are not required to approach every decision as though you have given it no prior thought, or have no existing knowledge or opinion. However, you are required to keep an open mind, and you must be prepared to change or adjust your views if the evidence or arguments warrant it.

That means you need to take care that what you do or say does not make it look like you have already made your decision before you have considered all the relevant information and evidence.

## Where to read more

FINANCIAL	NON-FINANCIAL	CONFLICT OF ROLES	PRE-DETERMINATION
Paragraphs 3.7-3.11	Paragraphs 3.12-3.24	Paragraphs 3.25-3.31	Paragraphs 3.32-3.40
Scenarios 3, 5	Scenarios 1, 2, 3, 9, 11	Scenarios 8, 10	Scenarios 4, 7
If you are an elected member of a local council, or a member of the governing body of any other entity to which the Local Authorities (Members' Interests) Act 1968 applies, please also read our Guide on that Act.			

## WAITOMO DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 30 NOVEMBER 2021 AT 9.00AM

**PRESENT:** Mayor John Robertson; Deputy Mayor Guy Whitaker, Council Members Phil Brodie, Allan Goddard, Janene New and Sue Smith

**IN ATTENDANCE:** Chris Ryan, Chief Executive; Michelle Higgie, Manager – Governance Support; Greg Boyle, Acting General Manager – Infrastructure Services (for part only); Alister Duncan, General Manager – Business Support (for part only); Helen Beever, General Manager – Community Services (for part only); Clowdy Ngatai, Manager – Community Development (for part only); Alex Bell, General Manager – Strategy and Environment (for part only) and Charmaine Ellery, Manager – Strategy and Policy (for part only).

<b>1. Council Prayer</b>
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<b>2. Declarations of Member Conflicts of Interest</b>
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Members declared interests/conflicts of interest in respect to the Agenda as set out below:

Item(s) of Business on the Order Paper	Member and Reason for Declaration	Type of Conflict <i>Financial / Non-Financial / Conflict of Roles / Pre-Determination</i>
Provision of Services Grant Fund 2020/2021	<b>Councillor New</b> <ul style="list-style-type: none"> <li>• Creative Communities</li> <li>• DC Tynan Trust</li> <li>• Sport New Zealand Rural Travel Fund</li> <li>• Vibrant Safe Waitomo</li> </ul>	Interest Only
	<b>Councillor Marshall</b> <ul style="list-style-type: none"> <li>• Creative Communities</li> <li>• DC Tynan Trust</li> <li>• Sport New Zealand Rural Travel Fund</li> <li>• Vibrant Safe Waitomo</li> <li>• Te Kuiti Community House</li> </ul>	Interest Only
	<b>Deputy Mayor Whitaker</b> <ul style="list-style-type: none"> <li>• Creative Communities</li> <li>• DC Tynan Trust</li> <li>• Sport New Zealand Rural Travel Fund</li> <li>• Vibrant Safe Waitomo</li> </ul>	Interest Only

<b>3. Confirmation of Minutes – 26 October 2021</b>
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**Resolution**

The Minutes of the Waitomo District Council meeting of 26 October 2021, including the public excluded portion of the Minutes, be confirmed as a true and correct record.

Goddard/Marshall                      Carried



## 4. Verbal Reports: Elected Member Roles and Responsibilities

Elected members gave verbal reports on their individual portfolio roles and responsibilities as follows:

Council noted that due to the Covid restrictions in place, many scheduled meetings/events have been cancelled with some meetings being convened via Zoom.

### Deputy Mayor Whitaker

1. Brook Park Annual General Meeting
2. Legendary Te Kuiti

### Cr Smith

1. Waitomo Museum
2. Te Ara Tika Blessing
3. Zoom Meetings
4. Te Waitere Boating Club Annual General Meeting

### Cr Marshall

1. Sports New Zealand Rural Travel Fund
2. Te Kuiti Community House
3. Creative Communities

### Cr Goddard

1. King Country Indoor Sport and Recreation Centre Steering Group
2. Benneydale Community Hall
3. Civil Defence and Emergency Management

### Cr New

1. Legendary Te Kuiti
2. Zoom – Here to Help You
3. Sports New Zealand Rural Travel Fund
4. Creative Communities

### Cr Brodie

1. Webinars – 3x Ministry for the Environment - Climate Change
2. Zoom – LGNZ Zone 2
3. Zoom – LGNZ Rural and Provincial
4. Zoom – Regional Transport Committee
5. Te Ara Tika Blessing

### Mayor Robertson

1. Opening – Hillview Nurses Home
2. Waikato Mayoral Forum Meetings (x2)
3. Te Ara Tika Blessing

### **Resolution**

The verbal reports be received.

Robertson/New

Carried

## 5. Mayor's Report – November 2021

Council considered the Mayor's Report for November 2021 and noted that the second sentence of paragraph four be corrected to read: "The rules are that they be double vaccinated or have a negative COVID test within 72 hours before they travel."

### **Resolution**

The Mayor's Report – November 2021 be received subject to the amendment noted above.

Robertson/New

Carried



## 6. Adoption of 2022 Meeting Schedule

Council considered a business paper presenting a Meeting Schedule for the 2022 calendar year (up until the 2022 Local Government Elections) for consideration and adoption.

The Manager – Governance Support expanded verbally on the business paper and answered Members' questions.

### Resolution

- 1 The business paper on Adoption of 2022 Meeting Schedule be received.
- 2 Council adopt a Meeting Schedule for 2022 (up until the October 2022 Local Government Elections) as follows:

Tuesday	15 February 2022	Audit and Risk Committee Meeting
Tuesday	22 February 2022	Council Monthly Meeting
Tuesday	29 March 2022	Council Monthly Meeting
Tuesday	26 April 2022	Council Monthly Meeting
Thursday	12 May 2022	Hearing: Submissions to Exceptions Annual Plan
Tuesday	17 May 2022	Audit and Risk Committee Meeting
Tuesday	31 May 2022	Council Monthly Meeting
Tuesday	28 June 2022	Council Monthly Meeting
Tuesday	19 July 2022	Hearing: Local Alcohol Policy
Tuesday	26 July 2022	Council Monthly Meeting
Tuesday	16 August 2022	Audit and Risk Committee Meeting
Tuesday	30 August 2022	Council Monthly Meeting
Tuesday	4 October 2022	Audit and Risk Committee Meeting
Tuesday	6 October 2022	Council Monthly Meeting
- 3 Meetings are to be convened in the Council Chambers, Queen Street, Te Kuiti commencing at 9.00am, unless publicly notified otherwise.

Marshall/Goddard Carried

## 7. Chief Executive – Recruitment Process

Council considered a business paper seeking a resolution to formally confirm the employment of a new Chief Executive for the Waitomo District Council.

The Mayor and Chief Executive expanded verbally on the business paper and answered Members' questions.

### Resolution

- 1 The business paper on Chief Executive – Recruitment Process be received.
- 2 Council confirm the employment of Mr Ben Smit as Chief Executive of the Waitomo District Council commencing on Monday 21 February 2022.

Robertson/Whitaker Carried

The General Manager – Business Support entered the meeting at 9.42am.

<b>8. Inframax Construction Ltd: Board Governance</b>
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Council considered a business paper presenting the process for the appointment of a Director to the Inframax Construction Board.

The General Manager – Business Support expanded verbally on the business paper and answered Members’ questions.

**Resolution**

- 1 The business paper on Inframax Construction Limited - Appointment of Director be received.
- 2 Council note the advice of the Investment Oversight Working Party to appoint one or more Directors to Inframax Construction Limited and the process timeline as follows:

Action	Dates
Advertising of Directors Position	10 January - 4 February 2022
Short listing of applications	7 February - 18 February 2022
Interviewing of shortlisted candidates	21 February - 28 February 2022
Selection of preferred candidate	28 February - 4 March 2022
Complete negotiations with preferred candidate	7 March - 18 March 2022
<b>Council Meeting:</b> Appointment of Director	30 March 2022

Goddard/Whitaker                      Carried

<b>9. Verbal Update: Inframax Construction Ltd: Chief Executive – Recruitment Process</b>
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The Chief Executive that there is no information to hand relating to the Inframax Construction Ltd Chief Executive recruitment process at this time.

<b>10. Waikato Local Authority Shared Services – Appointment of Director</b>
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Council considered a business paper seeking support to appoint Ben Smit as a Director on the Waikato Local Authority Shared Services Board to represent the Otorohanga, Waitomo, South Waikato, Taupo, and Rotorua District Councils.

The General Manager – Business Support expanded verbally on the business paper and answered Members’ questions.

**Resolution**

- 1 The business paper on Appointment of a Director to Waikato Local Authority Shared Services Board be received.
- 2 Council support the appointment of Ben Smit as a Director on the Waikato Local Authority Shared Services Board.
- 3 Council delegate to Chief Executive the authority to sign the necessary documentation and notify Waikato Local Authority Shared Services of its decision.

Brodie/Whitaker                      Carried

## **11. Progress Report: King Country Indoor Sport and Recreation Centre**

Council considered a progress report on the King Country Indoor Sport and Recreation Centre.

The Acting General Manager – Infrastructure Services expanded verbally on the business paper and answered Members' questions.

### **Resolution**

The business paper updating progress on the build phase of the King Country Indoor Sport and Recreation Centre to the end of November 2021, be received.

Robertson/Marshall                      Carried

The General Manager – Community Services entered the meeting at 10.01am.

## **12. King Country Sport and Recreation Centre – Grassroots Trust Grant Application**

1.1 Council considered a business paper requiring a resolution for a grant application to Grassroots Trust to fund a portion of the flooring cost of the King Country Indoor Sport and Recreation Centre.

The General Manager – Business Support and Acting General Manager – Infrastructure Services expanded verbally on the business paper and answered Members' questions.

### **Resolution**

- 1 The business paper on Grassroot Trust Grant Application - King Country Indoor Sport and Recreation Centre be received.
- 2 That Council lodge a grant application with the Grassroots Trust Limited for \$200,000 for the flooring component of the King Country Indoor Sport and Recreation Centre development.

Goddard/Smith                      Carried

The Manager – Community Development entered the meeting at 10.03am.

The Acting General Manager – Infrastructure Services and General Manager – Business Support left the meeting at 10.07am.

## **13. Vibrant Safe Waitomo – Action Plan 2021/2022**

Council considered a business paper presenting the Vibrant Safe Waitomo Action Plan for 2021/2022.

The General Manager – Community Services and Manager – Community Development expanded verbally on the business paper and answered Members' questions.

Cr Goddard congratulated the Manager – Community Development on the successful facilitation of the key stakeholders in development of the Action Plan.

### **Resolution**

The business paper on Vibrant Safe Waitomo - Action Plan 2021/2022 be received.

New/Marshall                      Carried

## **14. Waitomo District Council Grant Allocations 2020/2021**

Council considered a business paper providing details of grant allocations made by Waitomo District Council for the 2020/2021 financial year.

The General Manager – Community Services expanded verbally on the business paper and answered Members' questions.

### **Resolution**

The business paper on Waitomo District Council Grant Allocations 2020/2021 be received.

Whitaker/Marshall Carried

## **15. Provision of Services Grant Fund 2020/2021 – Annual Reports**

Council considered a business paper presenting the 2020/2021 Annual Reports from the recipients of the Provision of Services Grant Fund.

The General Manager – Community Services expanded verbally on the business paper and answered Members' questions.

### **Resolution**

The business paper on Provision of Services Grant Fund 2020/2021 Annual Reports be received.

Robertson/New Carried

The General Manager – Community Services and Manager – Community Development left the meeting at 10.17am.

The General Manager – Business Support re-entered the meeting at 10.17am.

The General Manager – Strategy and Environment and Manager – Strategy and Policy entered the meeting at 10.18am.

## **16. Financial and Performance Delivery Report for the period ended 30 September 2021**

Council considered a business paper presenting a quarterly progress report on Waitomo District Council's financial and non-financial activities for the period ending 30 September 2021.

The General Manager – Business Support and Chief Executive expanded verbally on the business paper and answered Members' questions.

The Acting General Manager – Infrastructure Services re-entered the meeting at 10.34am.

### **Resolution**

The Quarterly Report: Financial and Performance Delivery for period ended 30 September 2021 be received.

Robertson/Whitaker Carried

The General Manager – Strategy and Environment left the meeting at 10.44am.

**17. Progress Report: Three Waters Reform**

Council considered a business paper provide an updated progress report on Three Waters Reform Project Delivery for the period ended 30 September 2021.

The General Manager – Business Support, Acting General Manager – Infrastructure Services and Manager – Strategy and Policy expanded verbally on the business paper and answered Members’ questions.

The General Manager –Business Support left the meeting at 10.46am.

**Resolution**

The business paper on Progress Report for the period ended 30 September 2021 be received.

Robertson/Marshall                      Carried

**18. Motion to Exclude the Public**

Council considered a business paper pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987 giving Council the right by resolution to exclude the public and/or staff from the whole or any part of a meeting on one or more of the grounds contained within that Section.

Council noted the Amended Order Paper and tabled items of business and agreed to re-order the public excluded business after moving the 2021 Resident Survey into the public part of this meeting.

**Resolution**

- 1            The public be excluded from the following part of the proceedings of this meeting.
- 2            The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Animal Control Services: Duke Street Dog Attack	Section 7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons;	Section 48(1)(a)(1)
2. Mokau Public Toilet – Programme Implementation and Funding	Section 7(2)(i) – (i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 48(1)(a)(1)

- 3            Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Strategy and Environment	Portfolio Holder
Acting General Manager – Infrastructure Services	Portfolio Holder

- 4 This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

Robertson/Smith Carried

The meeting closed to the public and adjourned for morning tea at 10.56am.

<b>19. Consideration of Public Excluded Items to be made public following Council's decision taking</b>
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## Resolution

Following Council's consideration and decision taking of the public excluded items of business, Council agreed:

### 1 Animal Control Services: Duke Street Dog Attack

The Resolution only be made public as follows:

#### *Resolution*

*The business paper on Animal Control Services: Duke Street Dog Attack be received.*

Robertson/Whitaker Carried

### 2 Mokau Public Toilet – Programme Implementation and Funding

The Resolutions only be made public as follows:

#### *Resolution*

1 *The business paper on Mokau Public Toilet Facility – Programme Implementation and Funding be received.*

2 *Council note the exception to the original budget for the unplanned costs to accommodate reconstruction of the existing effluent disposal bed, increase/duplicate the capacity of the Wastewater Treatment Plant corresponding to the capacity of the new toilet block, installation of an effluent storage buffer to maintain discharge flows within the permitted activity limit of 3m<sup>3</sup> per day and associated civil works (pathway, etc. and connection to power supply and water supply).*

Marshall/Smith Carried

Robertson/Smith Carried

There being no further business the meeting closed at 11.45am

Dated this                      day of                      2022

JOHN ROBERTSON  
**MAYOR**

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## WAITOMO DISTRICT COUNCIL

### MINUTES OF AN EXTRAORDINARY MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 14 DECEMBER 2021 AT 1.00PM

**PRESENT:** Mayor John Robertson; Deputy Mayor Guy Whitaker, Council Members Phil Brodie, Allan Goddard, Janene New and Sue Smith

**IN ATTENDANCE:** Chris Ryan, Chief Executive; Michelle Higgin, Manager – Governance Support; Greg Boyle, Acting General Manager – Infrastructure Services; Alister Duncan, General Manager – Business Support (for part only); Helen Beever, General Manager – Community Services (for part only); Alex Bell, General Manager – Strategy and Environment (for part only)

<b>1. Council Prayer</b>
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<b>2. Declarations of Member Conflicts of Interest</b>
--

Members declared interests/conflicts of interest in respect to the Agenda as set out below:

<b>Item(s) of Business on the Order Paper</b>	<b>Member and Reason for Declaration</b>	<b>Type of Conflict</b> <i>Financial / Non-Financial / Conflict of Roles / Pre-Determination</i>
Public Excluded Item: Lawrence Street, Te Kuiti – Kainga Ora Proposal	<b>Councillor Marshall</b> Mother is an owner of a property adjacent to the Council property in question	Non-Financial

<b>3. Use of Waitomo District Council Community Facilities under the COVID-19 Protection Framework</b>
--

Council considered a business paper presenting relevant information and guidance regarding the operation of Council facilities under the COVID-19 Protection Framework, and seeking approval from Council to require Vaccination Passes for entry into Council owned and operated facilities.

The Mayor and Chief Executive expanded verbally on the business paper and answered Members' questions.

Councillor Marshall advised that she is opposed to the mandating of Vaccine Passes for access to any of Council's Community Facilities.

**Resolution**

- 1 The business paper on Use of Waitomo District Council Community Facilities under the COVID-19 Protection Framework be received.

Robertson/Whitaker                      Carried

2 Council approve the requirement for the public aged 12 years and 3 months and over to produce a valid Vaccine Pass to gain entry to the following Council facilities from 8.00am on Monday 17 January 2022:

- Te Kuiti Library
- Waitomo District Council Admin Building and Council Chambers
- Te Kuiti i-Site
- Council Controlled Halls (and community managed Council halls where required in accordance with the CPF)
- Waitomo District Aquatic Centre

as detailed in the WDC Facility COVID-19 Risk Assessment (14 December 2021) which is attached to and forms part of these Minutes.

Brodie/New                      Carried

Cr Marshall requested that her opposition to the mandating of vaccine passes be noted in the Minutes.

3 Council delegates authority to the Chief Executive, in consultation with the Mayor, to make further decisions on restricting entry to any Council facility should this be considered necessary for the safety of staff and the community.

4 Council notes that due to the fast-changing pace of the COVID-19 environment, the risk levels and Council's response will be monitored and reviewed no later than March 2022 and/or as legislative changes are advised, traffic light settings are changed and revised guidance by various sectors are issued.

Smith/Goddard                      Carried

<b>4. Motion to Exclude the Public</b>
--

Council considered a business paper pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987 giving Council the right by resolution to exclude the public and/or staff from the whole or any part of a meeting on one or more of the grounds contained within that Section.

Council noted the correction required to the business paper to detail that the item of business is Lawrence Street, Te Kuiti – Kainga Ora Proposal and not Mokau Public Toilets.

**Resolution**

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Lawrence Street, Te Kuiti – Kainga Ora Proposal	Section 7(2)(i) – (i) To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 48(1)(d) – That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

<b>Staff Member</b>	<b>Reason for Remaining in Attendance</b>
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Strategy and Environment	Portfolio Holder
General Manager – Community Services	Portfolio Holder
Acting General Manager – Infrastructure Services	Portfolio Holder

- 4 This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.

Robertson/Whitaker Carried

## **5. Consideration of Public Excluded Items to be made public following Council's decision taking**

### **Resolution**

Following Council's consideration and decision taking of the public excluded item of business, Council agreed:

#### **1 Lawrence Street, Te Kuiti – Kainga Ora Proposal**

This item of business (business paper, attachments, and resolutions) not be made public for the reasons set out in Item 4 – Motion to Exclude the Public above.

## **6. Acknowledgement of Chief Executive Chris Ryan 15 Years' Service**

### **Resolution**

Council, in acknowledging Chris Ryan's 15 years' service as Waitomo District Council Chief Executive, expressed its appreciation and thanks for the progress and achievements made by the organisation while under his leadership, especially noting the difficult circumstances the organisation was facing when he commenced his role in February 2007.

Robertson/Marshall Carried

There being no further business the meeting closed at 2.45pm

Dated this                      day of                      2022

JOHN ROBERTSON  
**MAYOR**

# File 1 - Page 20

Facility	Indoor / Enclosed	Essential Workers	Essential Service	Under 12yo / vulnerable users	KPI /LOS impact	Staff Safety	Public Access	Business Continuity	Public Health	Public Confidence	Tikanga	Management / Impact on Revenue / Costs	Recommendation
Te Kuiti Library	Yes	No	No	Yes Caters for a range of different age groups. Programmes for under 5s and school aged children. Older demographic well represented. Some small scale events.	Some impact on attendance numbers if mandated. May be some impact on attendance and availability of services if positive case and closures required.	Staff unable to control who they interact with.	Alternative services available - Click and collect. Online programmes Online items. May impact internet users who rely on library for access or unable to access online service from home.	Closure required for a period of time if positive case or staff required to self isolated. If mandated able to continue all programme	Risk to < 12 yrs and vulnerable groups. Perception of vaccinated customers required to mix with unvaccinated customers. Capacity limits in public spaces under red and orange.	Easy to understand if consistent approach across programmes and settings.	Protection vs Participation	Potential for cost impacts for managing vaccine passes – security and compliance. May be minor decrease in revenue if less fees collected.	Mandate Vaccine Passes. Risk lowered across staff and community and supports business continuity. Alternate services available which could be increased.
WDC Admin Building (Front counter services)	Yes	No	Considered non-essential but further information needed from LG.	Yes Older demographic well represented.	Some impact on ability for customers to have access to services if they prefer face to face transactions.	Staff unable to control who they interact with.	Alternative services available – Online payments, applications through website, e-mail, phone, social media. May impact those who do not have internet access	Closure required for a period of time if positive case or staff required to self isolated.	Risks to vulnerable groups. Capacity limits in public spaces under red and orange. Perception of vaccinated customers required to mix with unvaccinated customers.	Easy to understand if consistent approach applied across facilities	Protection vs Participation	Potential for cost impacts for managing vaccine passes – security and compliance. Risk of some delay or reduction in revenue collection.	Mandate Vaccine Passes. Risk lowered across staff and community and supports business continuity. Online collection available.
Council Chambers	Yes	No	No Councillors, however need to be able to continue to make essential decisions.	Yes Range of ages and demographics. Older demographic well represented.	Access to public decision making.	Staff unable to control who they interact with.	Alternate available for Council and ARFC which meet in Chambers with livestreaming for public viewing. Meeting participants also able to join meetings virtually in Chambers	Move to online meetings if staff or EMs, or any Committee members positive or required to self isolate.	Capacity limits in public spaces under red and orange. Perception of vaccinated customers required to mix with unvaccinated customers.	Easy to understand if consistent approach applied across facilities	Protection vs Participation	Potential for cost impacts for managing vaccine passes – security and compliance.	Mandate Vaccine Passes. Risk lowered across staff and community and supports business continuity. Online services available – further exploration as to how to enhance these.

# File 1 - Page 21

Facility	Indoor / Enclosed	Essential Workers	Essential Service	Under 12yo / vulnerable users	KPI /LOS impact	Staff Safety	Public Access	Business Continuity	Public Health	Public Confidence	Tikanga	Management / Impact on Revenue / Costs	Recommendation
Council Controlled Community Halls (Les Munro Centre, Railway Buildings, Piopio Memorial Hall)	Yes - Range of footprints.	No	No	Yes Range of ages and demographics.	Some reduced access to halls.	Staff unable to control who they interact with.	Requirement to meet CPF in hire agreements. Council is required to make sure permitted events/ gatherings take place in its facilities only. Potential to reduce some access depending on hireage.	Closure and cleaning required if a positive case in facility.	Event/gathering requirements in CPF, including capacity constraints.	Different rules that apply to the different events/ gatherings may cause confusion for the users.	Protection vs Participation	Potential loss of revenue due to constraints on numbers for events / gatherings if not mandated. Events/gatherings and associated costs responsibility of organiser.	Mandate Vaccine Passes depending on use of facility and in accordance with CPF. Risk lowered across staff and community. Council to work with users to provide advice.
All other Council Halls managed by Community Groups	Yes - Range of footprints.	No	No	Yes Range of ages and demographics.	N/A	Staff unable to control who they interact with.	Requirement to meet CPF expressed to community groups by WDC. Community groups will have the ability to reduce access depending on use.	Closure and cleaning required if a positive case in facility.	Event/gathering requirements in CPF, including capacity constraints.	Different rules that apply to the different events/ gatherings may cause confusion for the users	Protection vs Participation	Events/gatherings and associated costs responsibility of the community group.	Mandate Vaccine Passes to be used by community groups depending on use of facility and in accordance with the CPF. Risk lowered across staff and community. Council can work with community groups and users to provide advice.
Public Toilets	Yes	Yes	Yes Access needs to be maintained at all settings.	Yes	N/A	Staff unable to control who they interact with.	Access needs to be maintained – essential.	Closure and cleaning required if a positive case tracked through the QR codes.	Increased cleaning at red. Potential for increased cleaning if required.	Easy to understand	N/A	Increased cleaning costs at red and potentially orange.	No restrictions.
Playgrounds/ Skate Parks	No	No	No	Yes School aged children well represented.	N/A	Staff unable to control who they interact with.	Access maintained. Vaccine restrictions not feasible.	No continuity issues. Cleaning not feasible	Public health messaging. Outdoor facilities.	Easy to understand	Protection vs Participation	Public health signage. Restrictions not feasible.	No restrictions.
Boat Ramps	No	No	No	Yes ange of ages and demographics.	N/A	Staff unable to control who they interact with.	No alternate. Access maintained. Vaccine restrictions not feasible.	No continuity issues	Public health messaging. Outdoor facilities.	Easy to understand	Protection vs Participation	Public health signage. Restrictions not feasible.	No restrictions.
Parks and Tracks	No	No	No	Yes Range of ages and demographics.	N/A	Staff unable to control who they interact with.	No alternate. Access maintained. Vaccine restrictions not feasible.	No continuity issues	Public health messaging. Outdoor facilities.	Easy to understand	Protection vs Participation	Public health signage. Restrictions not feasible.	No restrictions.

# File 1 - Page 22

Facility	Indoor / Enclosed	Essential Workers	Essential Service	Under 12yo / vulnerable users	KPI /LOS impact	Staff Safety	Public Access	Business Continuity	Public Health	Public Confidence	Tikanga	Management / Impact on Revenue / Costs	Recommendation
Pound	Mixed	Yes	Yes	Yes	Some impact on ability for customers to have access to services.	Staff unable to control who they meet. Potential for aggression if vaccines mandated for customer to pick up dog.	Limited currently dogs collected at gate. Can organise drop off at public open space.	May require centralisation to one pound if positive case or need to self isolate.	Public health messaging	Easy to understand if consistent approach applied across facilities	Protection vs Participation	Public health signage.	No restrictions.
Waitomo District Aquatic Centre	Yes	No	No	Yes Range of ages and demographics. Varyity of programmes.	N/A	Staff unable to control who they interact with.	Mandated vaccine, cannot viably operate and comply with CPF otherwise.	Closure required for a period of time if positive case or staff required to self isolated.	Capacity constraints would make operation non viable	Easy to understand	Protection vs Participation	Loss of revenue greater if vaccination of facility users not mandated.	Mandate Vaccine Passes. Risk lowered across staff and community.
Te Kuiti I-Site	Yes	No	No	Yes Older demographic well represented.	Some impact on ability for customers to have access to services if they prefer face to face transactions.	Staff unable to control who they interact with.	Alternative services available – Online, may impact those who do not have internet access.	Closure required for a period of time if positive case or staff required to self isolated.	Risks to vulnerable groups. Capacity limits in public spaces under red and orange. Perception of vaccinated customers required to mix with unvaccinated customers.	Easy to understand if consistent approach applied across facilities	Protection vs Participation	Potential for cost impacts for managing vaccine passes – security and compliance. Risk of some delay or reduction in revenue collection.	Mandate Vaccine Passes. Risk lowered across staff and community and supports business continuity. Online collection available.
Waitomo District Landfill Transfer Station and Rural Transfer Stations	No	No	No	Yes Range of ages and demographics.	Some impact on ability for customers to have access to services.	Staff unable to control who they meet. Potential for aggression if vaccines mandated for customer.	No alternate. Access maintained.	Potentially would need to close if positive case or staff required to self-isolated	Standard public health measures	Easy to understand	Protection vs Participation	Potential for cost impacts for managing vaccine passes – security and compliance. Risk of some delay or reduction in revenue collection.	No restrictions. Council considers Transfer Stations to be an essential service.
Camping Grounds and Holiday Parks	No	No	No	Yes Range of ages and demographics.	N/A	Staff unable to control who they interact with.	Access maintained. Vaccine restrictions not feasible.	No continuity issues	Public health messaging. Outdoor facilities.	Easy to understand	Protection vs Participation	Public health signage. Restrictions not feasible.	No restrictions.
Cemeteries	No	Yes	Yes	Yes Range of ages and demographics.	N/A	Staff unable to control who they interact with.	No alternate. Access maintained. Vaccine restrictions responsibility of Funeral Director	No continuity issues	Public health messaging. Outdoor facilities.	Easy to understand	Protection vs Participation	Public health signage. Restrictions not feasible.	No restrictions.



## Assessment Criteria:

- Indoor/enclosed facilities vs. open air – ventilation has been shown to be a key mitigation factor in the risk of transmission of COVID-19.
- Essential workers – staff who are critical to the operation of our services need to be protected from the spread of the virus.
- Essential service – whether a service is considered essential will in some cases dictate whether a Vaccine Pass can be required for entry to WDC facilities.
- Under 12yo/vulnerable members of our community – currently those under 12 are not eligible for vaccination, and the vulnerable (immune compromised, co-morbidities, elderly) in our community are at greater risk of health problems even if they are vaccinated. These groups of our community make up a large proportion of those visiting and using WDC facilities.
- Impact on KPIs, levels of service and ability to operate and provide services to community – Council has set its levels of service under the Long Term Plan, the decision on whether to require vaccination pass for WDC facilities may impact the manner and extent to which our services can operate, as well as potentially impact the ability to achieve revenue targets.
- Staff safety (the first consideration)
  - Is the staff member required to be vaccinated under the risk assessment policy?
  - Are you able to anticipate/control who they meet?
  - What other health and safety measures can be used? (noting that capacity limits apply and face coverings are legally required in public facilities, even when using vaccine passes).
- Public access to services should be maintained:
  - Will restricting this service deny anyone access in a way that cannot be justified?
  - Are there alternative ways of accessing the service (e.g. contactless collection at a library), or a similar service that's provided elsewhere?
  - Is it something you're legally required to do?
- Continuity of services:
  - How many staff are available to deliver the service?
  - What would the implications for providing the function/service be if they got Covid-19 and/or had to isolate?
  - What health and safety measures can you put in place?
- What is the nature of the public health risk to the wider public that you ought to mitigate:
  - This has been determined by the CPF – it sets out restrictions for situations which may pose a high risk to public safety. If you have a multi-purpose facility that has some parts of it which will be using vaccine passes, you may choose to operate the entire facility with vaccine passes even though it's not technically required.
- Tikanga that emphasises physical presence:
  - Are there relevant cultural factors to take into account when deciding how services/functions should be provided?
  - If kanohi ki te kanohi (face to face) is preferred, what conditions need to be in place to allow this to occur safely?

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<b>Document No:</b> A602391	
<b>Report To:</b>	<b>Council</b>
	<b>Meeting Date:</b> 22 February 2022
	<b>Subject:</b> <b>Mayor's Report</b>

Today we welcome our new Chief Executive, Ben Smit.

Chief Executives bring their skills and experience to their new employer. They bring their energy and commitment. They bring a desire to enhance the performance and value of the organization they join.

In Ben's case, he brings a decade of experience in local government. Prior to joining local government, Ben had exposure to the private sector and the public health sector. All these experiences will be of value to our Council organization.

Chief Executives also bring with them their own style of management and organizational leadership. They implant culture into an organization - a collection of values, expectations, and practices.

Culture is important. My experience in the governance of a multitude of organisations is that culture has an enormous influence on organisational success. Get it right and the organisation flourishes. Pay little attention to it and the organisation is mediocre. Get it wrong and the organisation staggers from crisis to crisis.

We, as governors, should outline early to our Chief Executive the overarching values that we would like to see adopted and ingrained into our Council's culture.

In my opinion the key ones are just four:

1. **Engaging** We want the organisation to be welcoming and enabling for our constituency.
2. **Transparent** We want the organisation to be transparent.
3. **Prudent** We want careful consideration of what we invest ratepayer resources in.
4. **Innovative** We are prepared to challenge the norm and embrace change in the way we deliver services to the public.

Culture will best add value to an organisation if the values that underpin it are shared by all – governance, management, and staff. That is why it is important that we set out our expectations now as we welcome Ben to our Council.



JOHN ROBERTSON, QSO  
**MAYOR**

**DOCUMENT No:** A602126

**Report To:** Council



**Meeting Date:** 22 February 2022

**Subject:** Draft Fraud and Corruption Policy

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present the draft Fraud and Corruption Policy to Council for adoption.

## Background

- 2.1 The Fraud Policy was developed in early 2011 and implemented in May 2011.
- 2.2 The Policy was classed as an internal operational policy and therefore was not considered or adopted by the Council.
- 2.3 Following implementation in May 2011 it was reviewed in 2013, 2015 and 2018.
- 2.4 During the audit of Council's Annual Report, the Auditors identified that the Policy had not been reviewed in September 2020, the indicated review date.
- 2.5 A draft Fraud and Corruption Policy was workshopped with Council on 30 November 2021 and a report was presented to the 15 February 2022 Audit, Risk and Finance Committee to recommend to Council the adoption of the draft Policy.

## Commentary

- 3.1 Following establishment of the Audit, Risk and Finance Committee in late 2017, and the adoption of a Strategic Risk Register and Risk Management Framework in October 2021, it is deemed appropriate that the Fraud and Corruption Policy form part of Council's Risk Management Framework going forward.
- 3.2 The scope of the Fraud Policy has been increased in the draft Fraud and Corruption Policy to clearly include bribery and corruption to align with the framework developed by the Ministry of Justice. The name of the Policy has also been changed to better reflect its scope.
- 3.3 The Ministry of Justice policy framework is included and forms part of this business paper (Attachment 1).
- 3.4 The Fraud and Corruption Framework includes the following sections -
  - Purpose of the fraud and corruption policy
  - Commitment to fraud and corruption
  - Fraud and corruption objectives
  - Scope of policy
  - Defining and recognising fraud and corruption

- Reporting suspected fraud and corruption
- Investigation process
- Roles and responsibilities
- Related policies and procedures
- Useful Resources

3.5 The draft Fraud and Corruption Policy has each of the recommended sections and the following additional sections have been included:

- Confidentiality
- External Communication
- Disciplinary Issues
- Authorisation

3.6 The editorial amendments are in blue text in the attached draft Policy and changes of substance are in red text.

3.7 The changes of substance are:

- Inclusion of Sections
- Attitude towards Fraud and Corruption
- Useful Resources
- The inclusion of corruption in the body of the policy.
- The change of responsible officer from the General Manager Community Support to the General Manager Business Support.
- The deletion of point 2.7, this point is repeated and expanded in point 3.2

## Analysis of Options

4.1 Council has the option of adopting the Fraud and Corruption Policy or requesting further information/changes from its staff.

## Considerations

### 5.1 **RISK**

5.2 The risk of not adopting the draft Fraud and Corruption Policy is Council would continue to operate with an internal operational policy that is beyond its scheduled review date.

### 5.3 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

5.4 The adoption of the Fraud and Corruption Policy is consistent with existing plans and policies.

### 5.5 **SIGNIFICANCE AND COMMUNITY VIEWS**

5.6 Under the Significance and Engagement Policy 2021 this matter is of low significance.

## Recommendation

6.1 Council adopt the draft Fraud and Corruption Policy.

## Suggested Resolutions

- 1 The business paper on Draft Fraud and Corruption Policy be received.
- 2 The draft Fraud and Corruption Policy be adopted.



ALISTER DUNCAN  
**GENERAL MANAGER - BUSINESS SUPPORT**

14 February 2022

Attachments:

- 1 Fraud and Corruption Framework (A584615)
- 2 Waitomo District Council Draft Fraud and Corruption Policy (A602127)



## **Create a fraud and corruption policy**

The Ministry of Justice has prepared this framework to assist public and private sector organisations to develop and improve their fraud and corruption policy and procedures.

Corruption can take various forms, including secret commissions, kickbacks, bribes and other forms of unlawful payments. Corruption also encompasses a number of offences such as abuse of positions, of power and money laundering.

Corruption is a global problem that is bad for businesses, introducing uncertainty and risk into the market. It is also bad for public sector agencies, non-government organisations and other taxpayer-funded bodies. It damages the social fabric of society, destroying trust in democratic institutions and undermining the rule of law.

While New Zealand has a strong reputation for being corruption free – often topping the table on Transparency International’s Corruption Perceptions Index – this does not mean that we can afford to be complacent.

Organisations need to ensure they have effective internal controls, ethics and compliance programmes for preventing and detecting fraud and corruption. A clearly articulated and visible policy that is well understood by all those to whom it applies is a key element of prevention.

The following fraud and corruption policy framework is flexible and can be adapted by organisations depending on their circumstances, such as their size, type, legal structure and operating principles.

The paragraph headings correspond to sections that should form the basis of a fraud and corruption policy. Under each heading is a brief explanation of the information that the section should contain.

## **Fraud and Corruption Policy Framework**

### **1) Purpose of the fraud and corruption policy**

The purpose of a fraud and corruption policy is twofold. First, it should provide clear guidance to people who encounter or suspect fraud and corruption. Second, it should be used to raise awareness among employees, officers, directors, and where relevant, business partners about how to recognise fraud and corruption, as well as behaviours and circumstances known to be associated with it.

If implemented correctly, the policy will ensure that employees respond promptly and appropriately to suspected instances of fraud and corruption; that evidence is gathered and handled properly; and that the outcomes of investigations are appropriate.

### **2) Your organisation’s commitment to fraud and corruption**

The policy must emphasise your organisation’s commitment to preventing, detecting and responding to fraud and corruption threats.

This sends a message that fraud and corruption will be taken seriously, and that action will be taken against perpetrators. All organisations should adopt a ZERO tolerance approach to suspected, detected or identified instances of fraud or corruption. The same principles should apply in all

situations – that is, low level incidents must be treated the same way as high level incidents. This helps demonstrate your organisation’s integrity standards.

This part of your policy should also reiterate that everyone within your organisation must report such behaviour, and that the organisation is committed to its legal obligations to act fairly, honestly and in good faith when conducting investigations.

This section should also highlight how incidents of fraud and corruption will be treated under your organisation’s disciplinary process (for example, all confirmed fraud and corruption incidents will be considered serious misconduct). You will need to establish the level of proof that will define “confirmed” incidents. It should also warn of the high penalties that people can face if they are convicted of fraud or corruption offences under the Crimes Act 1961 or the Secret Commissions Act 1910. Maximum penalties range from substantial fines and/or 14 years’ imprisonment.

Finally, your policy should highlight that all instances of suspected corruption will be thoroughly investigated and all credible suspicions of fraudulent or corrupt activity referred to an appropriate law enforcement authority. Your organisation should also actively try to recover losses resulting from fraud and corruption directly from those who have gained, or through the courts or via a range of civil remedies.

### **3) Your organisation’s fraud and corruption objectives**

These should include preventing, detecting and responding to fraud and corruption. Your policy’s objectives should also align with your organisation’s Code of Conduct, values or mission statements, including its desired culture and the SSC Integrity and Conduct Code (for public sector organisations).

### **4) Scope of the fraud and corruption policy**

The policy should apply to all fraud and corruption incidents, whether suspected, alleged or proven, that are either:

- committed against the organisation by a person (legal or natural); or
- committed by an organisation’s employees, officers, directors, and as appropriate, business partners (whether in an official or private capacity) against any third party.

Employees should include:

- former employees
- people seconded to an organisation
- volunteers who work without reward

### **5) Defining and recognising fraud and corruption**

#### **Fraud**

The term fraud encompasses a wide range of criminal conduct involving deliberate deception in order to receive unfair, unjustified or unlawful gain. For your internal policy, fraud should include all forms of dishonesty. It is useful if the policy provides specific examples of types of fraud relevant to your organisation’s business.

#### **Corruption**

“Corruption” is the lack of integrity or honesty (typically involving bribery) or the abuse of a position of trust for dishonest gain. It can include bribery (both domestic and foreign); coercion; destruction, removal or inappropriate use or disclosure of records, data, materials, intellectual property or assets; or similar forms of inappropriate conduct. Again, you should provide examples relevant to your organisation.

## **Distinguishing fraud and corruption from code of conduct and privacy breaches**

Your policy should provide a brief explanation (with examples) of the difference between the organisation’s fraud and corruption policy, and other policies such as your privacy policy.

While such policies may overlap, the key difference is that fraud and corruption have elements of dishonesty or unlawful gain.

## **Recognising fraud and corruption risks**

Generally, there are three particular conditions often associated with fraud and corruption:

- Incentives/pressures: Management, other employees or external parties have an incentive or are under pressure, which motivates them to commit fraud or wrongdoing (for example, personal financial trouble).
  - Opportunities: Circumstances exist that allow employees to commit fraud or corruption, such as an organisation not having appropriate fraud and corruption controls in place, or employees are able to get around or override ineffective controls (for example, managers being able to approve and authorise their own sensitive expenditure).
  - Attitudes: Employees are able to rationalise committing fraud (for example, holding attitudes or beliefs such as “everybody else is doing it nowadays” or “they made it so easy for me”).
- Including this information in your policy may help employees detect possible fraud and corruption.

## **6) Reporting suspected fraud or corruption**

The systems and procedures you put in place for reporting fraud or corruption should be clear and concise.

You should reiterate that anyone who suspects fraudulent or corrupt conduct must report it immediately.

Your policy must note that employees who report serious wrongdoing in the workplace can be protected by the Protected Disclosures Act 2000. You should also have clear procedures for making and handling protected disclosures (although you may choose to outline these procedures in a separate document, rather than in your fraud and corruption policy). Information about the Act, when disclosures are protected and what those protections are is available on the protected disclosures/whistle-blowing page on the Office of the Ombudsman’s website.

The policy should outline the ways employees can report fraud and corruption. These may include:

- internal fraud notification forms
- a contact person or position within the unit in charge of investigations (for example risk and assurance, professional conduct/standards, human resources)

- a dedicated fraud 'hotline' or email address
- an internal protected disclosures reporting form

Reporting methods may include those set out in the Protected Disclosures Act or avenues such as the Crimestoppers website and phone line.

The policy should set out a clear reporting chain. For example, employees should first notify a manager who is responsible for bringing it to the attention of the person in charge of investigations, who will ensure that other relevant people are notified (for example, the chief executive and/or general managers).

The reporting chain should emphasise that all investigations will be conducted by a suitably appointed person (as outlined in the below section on the investigations process). It should also specify who is responsible for notifying law enforcement authorities when an investigation provides credible information that fraud or corruption has occurred. This will help ensure reporting of incidents to law enforcement authorities is consistent and relationships with them are well managed.

You should also outline the procedures for reporting to governance and oversight bodies within and outside your organisation (for example the chief financial officer, audit and risk committees and the Auditor General (for public sector organisations)).

## **7) The investigation process**

Your fraud and corruption policy should advise employees which unit or person within the organisation is responsible for investigations.

However, you may choose to outline the details of how investigations will be conducted in a separate procedures document. This should include:

- noting that those responsible for investigations should have appropriate levels of independence, objectivity and investigative skill. Evidential and criminal file management requirements and responsibilities should also be clearly spelt out.
- outlining key processes for conducting investigations, from initial assessment to full detailed investigations, including reporting to key stakeholders.
- emphasising that while employees must report incidents of fraud or corruption, they must not undertake their own investigations, unless assigned to do so by the unit or person in charge of investigations.
- making clear that all employees must cooperate with any investigation into suspected fraud or corruption.
- reiterating that the appropriate person within an organisation must notify law enforcement authorities wherever there is credible suspicion that fraud or corruption has occurred.
- outlining procedures the organisation will follow to recover losses from fraudulent or corrupt activity.

## **8) Roles and responsibilities**

Your policy must clearly outline the roles and responsibilities of individuals at each level of an organisation, from the CEO to entry level workers.

It is important that there is strong, direct and visible support from senior management for an organisation's controls and measures for preventing and detecting fraud and corruption.

Setting a 'tone at the top' will make it clear that all instances of fraud and corruption will be treated very seriously.

While people's roles related to the policy will vary, the policy needs to make it clear everyone is responsible for complying with it.

Depending of the structure of your organisation, this part of the policy may expand on the roles of the following individuals:

- chief executive
- deputy chief executives, deputy secretaries, general managers, directors
- managers and supervisors
- employees
- external consultants
- agents/officers
- director of unit in charge of investigation (e.g. risk and assurance)
- head of human resources/people and performance

This part should also specify who within an organisation is responsible for publicising the policy, and ensuring that staff are aware of and understand their obligations.

You should raise awareness of your fraud and corruption framework on a regular basis (but at least twice a year). Potential awareness raising measures include staff training, newsletters, intranet publications, and email alerts. Regular communications from senior management highlighting the importance of the policy will help embed a corruption-free culture.

You should also specify how often (for example, every two years) your fraud and corruption policy will be reviewed to make sure it is effective, and who is responsible for reviewing it.

## **9) Related policies and procedures**

You should reference all other related policies your organisation has. These may include:

Suspected fraud and corruption investigation process

Suspected fraud and corruption notification form

- Code of Conduct
- Protected Disclosures Policy
- Probity Policy
- Conflict of Interest Policy
- Delegations Policy
- Disciplinary Process Policy
- Risk Management Policy
- Gifts Policy
- Personal Gain through Employment Policy (such as customer travel, hospitality, entertainment and expenses).

## 10) Useful Resources

Your policy could also provide links to other useful resources:

- [Online anti-corruption training module developed by SFO & TINZ](#)
- [Serious Fraud Office: information for complainants](#)
- [Further information on protected disclosures/whistle-blowing](#)
- [State Services Commission Standards of Integrity and Conduct](#)
- [Association of Certified Fraud Examiners website](#)
- [OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transaction](#)
- [United Nations Convention Against Corruption](#)

# Waitomo District Council

## Draft Fraud and Corruption Policy

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<b>First adopted</b>	May 2011
<b>Last Reviewed</b>	September 2015, September 2018, February 2022
<b>Review Date</b>	September 2024
<b>Associated documents</b>	As stated within the document
<b>Responsibility</b>	GM <del>Community Services</del> Business Support
<b>Adopted by</b>	Council (date)

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## INTRODUCTION | KUPU ARATAKI

This policy reflects the obligations imposed by Sections 100 and 101 of the Local Government Act 2002 (Financial Prudence). Waitomo District Council (WDC) ~~is obliged to~~ will apply public funds in a way that reflects the highest standards of probity and financial prudence, such that all related processes withstand public scrutiny.

WDC employees, and representatives of WDC, must maintain the highest possible standards of honesty and integrity in their work. A zero-tolerance approach to fraud or corruption, is employed and all suspected or actual incidences will be investigated. All investigations found to have substance will be forwarded to the Police or the Serious Fraud Office.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this policy is to:
  - Provide WDC's position with respect to fraudulent or corrupt activities;
  - Provide clear guidance to staff and stakeholders who encounter or suspect fraud or corruption; and
  - To raise awareness throughout the organisation about how to recognise fraud and corruption, as well as behaviours and circumstances known to be associated with fraud and corruption; and
  - To document a process by which WDC will respond to possible fraudulent, corrupt, dishonest and inappropriate actions.
2. In addition to this Policy, employees belong to professional bodies, such as the Institute of Professional Engineers and the Institute of Chartered Accountants of New Zealand, both of which bind their members to their profession's code of ethics concerning professional behaviour.
3. This Policy applies to any fraud, corruption, suspected fraud, or suspected corruption (alleged or proven) committed against the organisation by a person (legal or natural). For the avoidance of doubt, any reference to employees, staff or Elected Members in this Policy shall include:
  - The organisation's former employees, volunteers, employees, Elected Members, persons seconded to Council and as appropriate, contractors (individuals, contractor staff, sub-contractors or affiliated persons with third parties) members of the public and/other parties with a business relationship with Council, including Council Controlled Organisations.

Fraud and corruption prevention is about ensuring the overall integrity and performance of the Council.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

- |                  |   |
|------------------|---|
| <b>Collusion</b> | Any WDC employee that conspires, consents, supports, participates, incites or assists someone, either another WDC employee or an outsider, to commit any of the actions listed below. |
| <b>Deception</b> | Obtaining property or pecuniary advantage, obtaining services, or evading liability by deception.   |
| <b>Dishonest</b> | An act that is not truthful.  |

<b>Fraud</b>	The International Standard on Auditing (New Zealand) 240 states the definition of fraud as: <i>An intentional act by one or more individuals among management, those charged with governance, employees or third parties, involving the use of deception to obtain an unjust or illegal advantage.</i>
<b>Inappropriate</b>	Behaviour that is deemed unacceptable.
<b>Misuse/ Misappropriation</b>	Unauthorised possession of WDC resources (money, property or services): either temporarily or permanently depriving WDC of them.
<b>Bribery and Corruption</b>	An act by which an individual(s) or organisation is influenced by bribery, which may or may not include a financial benefit.
<b>WDC</b>	Waitomo District Council.

## POLICY | KAUPAPA HERE

### 1. Attitude towards Fraud and Corruption

- 1.1. WDC recognises that all of its assets are held for the benefit of the community and that there is an expectation and obligation that elected members and staff act honestly and with integrity to safeguard WDC resources. WDC is committed to protecting its revenue, property, information and other assets from any attempt to gain financial or other benefits from it by deceit.
- 1.2. WDC does not tolerate fraud or corruption. The 'zero tolerance' stance taken by WDC means that no level of fraud or corruption, in association with the organisation, its employees or stakeholders is accepted. Employees of WDC and those who work around them must pursue the highest possible standards of honesty and integrity whilst conducting their duties; this needs to be visible to the whole council community and external stakeholders.
- 1.3. WDC will uphold all laws and regulations relevant to countering fraud, corruption, and bribery in all areas of the organisation. Further, regardless of the guidelines and procedures set, WDC and those persons working for and with WDC, have an overriding obligation to comply with applicable laws and regulations.

### 2. Fraud and Corruption Prevention – Responsibility

- 2.1 The Senior Management Team is responsible for the detection and prevention of fraud, **corruption**, misappropriations, and other inappropriate conduct. Each member of the Senior Management Team shall be familiar with the types of improprieties that might occur within his/her area of responsibility and be alert for any indication of irregularity.
- 2.2 The Senior Management Team must, where appropriate, develop and maintain procedures and checks for the prevention of fraud in their area. An example of this is as follows:
  - a) The application of consistent policies and processes, and robust internal control frameworks, which are monitored and reviewed regularly, particularly in those areas susceptible to fraud **and corruption**;
  - b) External audits of WDC's financial statements, in accordance with legislative requirements; and
  - c) Promotion of ethical behaviour through induction, training and performance development programmes.

- 2.3 When recruiting or promoting employees to positions of trust, Human Resources must ensure that:
- a) Independent checks of the potential employee's employment history are undertaken;
  - b) Processes are undertaken to ensure the potential employee is suitable for the position.

2.4 ~~Any fraud that is detected or suspected must be reported immediately to the Chief Executive.~~

### **3. Fraud and Corruption Reporting**

- 3.1 All employees, elected members, consultants, vendors, contractors, and outside agencies with a business relationship with WDC have a responsibility to report any suspected activity relating to fraud **or corruption**.
- 3.2 Any suspected fraud **or corruption** must be reported directly to a member of the Senior Management Team or the Chief Executive.
- 3.3 Reports may be made anonymously or under the protection of the Protected Disclosures Act 2000 (also known as the Whistle Blowers Act), providing a safe, documented and widely available process for all employees to report fraud **or corruption**.
- 3.4 ~~The Chief Executive will brief the Mayor and the Chairperson of the Audit, Risk and Finance Committee of any suspected fraud or corruption prior to commencement of an investigation and following the conclusion of the investigation.~~
- 3.5 ~~The Chief Executive will advise the Office of the Auditor General of any suspected fraud or corruption.~~

### **4. Fraud and Corruption Investigation**

- 4.1 If, after preliminary enquiries, fraud **and/or corruption** is suspected then an investigation in accordance with WDC disciplinary procedures will be conducted to gain all relevant facts.
- 4.2 Human Resources will facilitate the investigation of all fraudulent and/or **corrupt** acts, except where the suspected fraud **and/or corruption** may involve:
- a) A member of the Senior Management Team, in which case the Chief Executive will have primary responsibility for conducting the investigation;
  - b) The Chief Executive, in which case the Mayor will have the primary responsibility for conducting the investigation; or
  - c) The Mayor or an elected member, in which case the ~~Chief Executive~~ **Independent Member of the Audit, Risk and Finance Committee** will have primary responsibility for conducting the investigation.
- 4.3 ~~If the suspected fraud and/or corruption involves the Chief Executive, the Mayor will assume the responsibilities and actions of the Chief Executive under this Policy.~~
- 4.4 Upon notification of suspected fraud **and/or corruption**, the Chief Executive (as employer) shall, within 24 hours, request a confidential written statement from the Informant(s) detailing the nature of the fraud **and/or corruption**, the person(s) involved and the amount of cost or impact to WDC if known.
- 4.5 The Chief Executive will, on receipt of a written statement, make a determination on the appropriate next stage including but not limited to:
- a) External Legal Advice
  - b) Further requirement to investigate

- c) Referral to External Law Enforcement
  - d) Referral to external regulator
  - e) Any disciplinary action
- 4.6 The Chief Executive may, when of the opinion that an employee may have been guilty of serious misconduct or fraud, suspend the employee immediately from work in accordance with the employee's Employment Agreement. During this period of time, the Chief Executive will initiate the investigation into the circumstances of the alleged misconduct and give the employee an opportunity to comment on any allegations made against them.
- 4.7 Suspension is appropriate where there is a danger that evidence may be destroyed, altered or removed or that coercion of witnesses may occur.
- 4.8 In undertaking any investigation, the Chief Executive supported by Human Resources, may:
- a) Establish an investigation team to examine the suspected fraud **and/or corruption**. The Chief Executive must be a member of the investigation team; and/or
  - b) Use external resources for investigations, if deemed appropriate.
- 4.9 The following information will be sought as a minimum:
- a) Person(s) involved
  - b) Property or service misused
  - c) Amount of money involved
  - d) Potential Policy breaches
  - e) Potential legislative breaches
- 4.10 If the investigation substantiates that fraudulent, corrupt activities have occurred, the Chief Executive shall:
- a) Consult with legal counsel regarding the decision to prosecute, or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for an independent investigation on completion of the disciplinary procedure;
  - b) Report the results of the investigation to the elected Council.
- 4.11 When investigating fraud **and/or corruption**, the investigation team will have free and unrestricted access to all records and premises, and the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, computers and other storage facilities on the premises without prior knowledge or consent of any individual who may use, or have custody of, any such items or facilities, when it is within the scope of their investigation.
- 4.12 Recovery of any misappropriated WDC property will be pursued whenever possible and practicable. Where recovery from an identified person is not possible, recovery from the WDC's insurers will be sought.

## **5. Confidentiality**

- 5.1. Investigation results will not be disclosed or discussed with anyone other than those with a valid need to know. This is important in order to avoid damaging the reputations of persons suspected but held to be innocent of wrongful conduct until proven otherwise and to protect WDC from the risk of potential civil liability.
- 5.2. All enquiries concerning the activity under investigation from the suspected individual, his or her lawyer or representative, or any other person should be directed to Human Resources.

- 5.3. No information regarding the status of the investigation will be released. The proper response to any enquiries shall be "I am not at liberty to discuss this matter". Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", "the forgery", "the misappropriation" or any other specific reference.

## **6. External Communication**

- 6.1. All statements to the media or public regarding fraud will be made by the Chief Executive.
- 6.2. The Group Manager - ~~Community Services Business Support~~ should notify the fraud and/or corruption, or suspected fraud and/or corruption, to Council's, external auditors and insurers as and when appropriate.

## **7. Disciplinary Issues**

- 7.1. The Chief Executive may initiate disciplinary action at any time during a fraud investigation, in accordance with the Council's disciplinary procedures, or any other applicable procedures or policies.

## **8. Administration**

- 8.1. ~~Human Resources Business Support Group~~ are responsible for the administration, revision, interpretation, and application of this Policy. The Policy will be reviewed on a bi-annual basis, or sooner if required.

## **9. Authorisation**

- 9.1. The Council has authorised implementation of this Policy.

## **10. Related Documents**

- 10.1. This Policy is to be read in conjunction with other Council Policies, specifically:

- Mobile Phone Policy (doc #A176281)
- Code of Conduct (doc # A341266)
- Fuel Card Policy (doc #A77472)
- Protected Disclosures (Whistle Blowers) Policy (doc #A175561)

- 10.2. This Policy should be read and considered with related legislation, specifically:

- The Local Government Act 2002
- Protected Disclosures Act 2000
- Local Authorities (Members Interests) Act 1968
- The Secret Commissions Act 1910
- The Crimes Act 1961

## **11. Useful Resources**

- [Online anti-corruption training module developed by SFO & TINZ](#)
- [Serious Fraud Office: information for complainants](#)
- [Further information on protected disclosures/whistleblowing](#)

**Document No:** A602341

**Report To: Council**



**Meeting Date:** 22 February 2022

**Subject:** **Draft Policy on Community Organisations Insurance Arrangements through Council**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to present the Draft Policy on Community Organizations Insurance Arrangements through Council (Draft Policy) for adoption.

## Background

- 2.1 Council is a member of the CoLab (WLASS) Insurance Collective which has a membership of ten councils in the greater Waikato area. Council has been part of the Insurance Collective under the umbrella of CoLab since its inception in June 2012.
- 2.2 Council insures its property and infrastructural assets through a Material Damages insurance policy which provides cover for damages and losses for unforeseen and unintended events, such as fire or natural disaster occurrences.
- 2.3 For some rural halls and other community organisations within the District, Council arranges Material Damage insurance cover for these participating organisations and passes the cost of the insurance premium on to these organisations.
- 2.4 At the 11 May 2021 Audit, Risk and Finance Committee meeting, a paper was presented on the Insurance Update Report for the insurance year to 31 October 2021. The Committee noted the need for a Council policy to be developed regarding the insuring of community assets located on Council land.
- 2.5 The Draft Policy on Community Organisations Insurance Arrangements through Council was presented to the Audit, Risk and Finance Committee (ARFC) meeting on the 15 February 2022 for consideration. At that meeting the ARFC resolved:
  - 1 *The business paper on Draft Policy on Community Organisations Insurance Arrangements through Council be received.*
  - 2 *The Audit, Risk and Finance Committee recommend to Council the adoption of the Policy on Community Organisations Insurance Arrangements through Council, subject to any amendments agreed at this meeting.*
- 2.6 The Draft Policy on Community Organisations Insurance Arrangements through Council is attached and forms part of this business paper.

## Commentary

- 3.1 The Draft Policy formalises the current arrangements, sets the conditions of the arrangement and eligibility criteria for participating organisations. It allows community organisations with assets situated on Council land to take advantage of Council's pooled insurance arrangements, which is further enhanced through Council being part of the CoLab (WLASS) insurance collective.

- 3.2 Under insurance contracts, one party can hold an insurance policy on behalf of another party, and this does not reduce the liability of the insurer to respond to a valid claim.
- 3.3 The Draft Policy may contribute to the financial wellbeing and potentially the longevity of the participating organisation and insured property, through providing insurance cover at costs usually lower than what the organisation could attract through their own stand-alone policy.
- 3.4 The criteria for eligible organisations is set out in the Draft Policy. It includes those organisations already included in the Council insurance cover as at 30 June 2021 (currently 14 organisations) and extends to other organisations that fit Council's existing charitable and community purposes definition, as defined by Council's Rates Remission Policy for Community Organisations and Clubs and Societies **and** the property to be insured is situated on Council owned land.
- 3.5 It was suggested at the ARFC meeting to include a financial criteria in the policy. A financial criteria would be better administered through the application process and the financial requirement be included in the terms and conditions of the agreement. This would provide flexibility in the assessment of the application process.
- 3.6 The proposed arrangement is essentially a "pass through"; the cost of the premiums and the terms of the insurance policy that Council has are passed on to the participating organisation.
- 3.7 As the terms of Council's insurance policy pass through directly to the participating organisation, there is no scope to alter the terms that Council receives to what a participating organisation will receive. The excess (or deductible) under Council's Material Damages and Business Interruption policy is \$10,000, therefore this excess would also apply to the participating organisations. The Insurers have repeatedly indicated they have no appetite to lower the excess for corporate bodies of Council's size.
- 3.8 The proposed arrangement on offer is cover on terms as a one fits all approach, there is no scope to have a tailored policy to suit a participating organisation and/or to accommodate any unique circumstances. The duty to disclose to Council and for Council to disclose to the insurer still remains. The duty to disclose means to disclose any fact or circumstance that could influence the Insurer's decision to provide insurance cover or not.
- 3.9 The Draft Policy also includes a provision enabling Council to charge an annual administration fee to cover some of the internal administration costs of providing the arrangement. It is proposed the administration charge will be included in Council's Fees and Charges schedule, which is reviewed annually, however the initial charge to be set is proposed to be \$100 plus GST.
- 3.10 A desktop analysis was undertaken to quantify the possible impact of application of this Draft Policy in both the increase in total sum insured and number of additional organisations that could be included in the arrangement if they choose to take up the option.
- 3.11 The results of the analysis indicated there may be approximately 19 organisations that meet the criteria, with an estimated total replacement value to be insured of say, \$11 million. The additional premium costs to pass through is estimated to be \$20,000 if all organisations opt into this arrangement.
- 3.12 The Draft Policy requires that the property be valued for insurance purposes as a condition of opting into the arrangement. The reason for this requirement is to ensure all property and assets covered in Council's Material Damages policy is recorded at their correct value to avoid deficiency of cover through under valuation.
- 3.13 For efficiency and cost savings reasons, it is recommended that Council's property valuer be engaged to value the properties for those organisations that opt in. The cost of the initial valuation will be passed to participating organisations.
- 3.14 Once adopted, the Policy will be available on Council's website and the Policy will be advertised prior to the first closing date for applications.
- 3.15 Adoption of this Policy will enable Council to provide insurance arrangements notwithstanding other land tenure issues still to be worked through between Council and any of the participating organisations.

- 3.16 The Administration Charge clause has been removed from the draft policy that was presented to the ARFC, as the administration charge is an administration issue and will be dealt with via the Fees and Charges review.

## **Analysis of Options**

- 4.1 The provision of insurance cover for some rural halls and other organisations is currently in place. The option of adopting this policy will formalise what has previously been an informal arrangement.
- 4.2 Should the Council choose not to adopt the Draft Policy on Community Organisations Insurance Arrangements Through Council, the existing informal arrangements will likely continue. Council would continue to receive requests and process these requests in an adhoc manner, this could also lead to inconsistencies and perceived unfairness of assessment by Council.

## **Considerations**

### **5.1 RISK**

- 5.2 Risks identified in adopting this policy is considered as being low.
- 5.3 Council reputational risk: It is suggested that adoption of this policy will contribute to reduced Council reputational risk through providing a clear framework, and thereby providing fair treatment to community organisations for their insurance needs.
- 5.4 Insured value risk: The risk that the property insured is undervalued is mitigated through the requirement of obtaining an insurance valuation as part of acceptance into the scheme as well as limiting the number of eligible organisations who may choose to opt in.
- 5.5 Credit risk: There is some credit risk around the possible non-payment of premiums invoiced by Council. This is mitigated through limiting the number of participating organisations, which avoids a concentration of credit risk and that premiums are charged annually. It is further reduced, through the application of the Hall's Grant made annually to the premium's payable should payment not be received from the participating organisation.
- 5.6 Premium Risk: Council and the participating organisations are exposed to fluctuations in premiums on an annual basis as are all other corporate entities. This market fluctuation is mitigated to the extent possible through being part of an insurance collective.

### **5.7 CONSISTENCY WITH EXISTING PLANS AND POLICIES**

- 5.8 It is anticipated the Draft Policy will contribute to Council's vision of Community Outcomes of providing a District for people, through promoting health, wellbeing and participation by providing in some small way some financial relief for insurance cover.
- 5.9 In providing this financial relief there is no additional cost to the wider community and nothing in this Draft Policy is inconsistent with existing plans and policies.
- 5.10 The Draft Policy draws from definitions within the Rate Remission Policy and the on-charging mechanism is through Fees and Charges.

### **5.11 SIGNIFICANCE AND COMMUNITY VIEWS**

- 5.12 The views and preferences of the affected parties, being the potential new eligible organisations and existing organisations insuring through Council, has not been canvassed to date. This proposal is very much a "take it or leave it" proposition for the eligible organisations and formalises what has previously been an informal arrangement.



5.13 Adoption of this policy is not significant in accordance with Council's Significant and Engagement Policy.

## Recommendation

6.1 The Audit, Risk and Finance Committee recommended to Council the adoption of the Policy on Community Organisations Insurance Arrangements through Council.

## Suggested Resolutions

- 1 The business paper on Draft Policy on Community Organisations Insurance Arrangements through Council be received.
- 2 Council adopt the Policy on Community Organisations Insurance Arrangements through Council.



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

15 February 2022

Attachment: Draft Policy on Community Organisations Insurance Arrangements through Council  
(Doc A602343)

**DRAFT**

**Waitomo District Council**  
**Policy on Community**  
**Organisations Insurance**  
**Arrangements Through Council**

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First adopted	##/##/####
Last Reviewed	<b>Inaugural</b>
Review Date	<b>2025</b>
Associated documents	<b>Rates Remission Policy, Council's Fees and Charges</b>
Responsibility	<b>GM Business Support</b>

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## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of the Community Organisation Insurance Policy is to allow incorporated Community Organisations with property located on Council land to benefit from Council's collective insurance arrangements through competitive insurance cover for property assets.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

**Community  
Facility**

A building, collection of buildings, other structures or property that is owned by the participating Community Organisation that is situated on a Council reserve or operational land and is available for community use.

**Community  
Organisation**

An incorporated organisation that pursues sporting, recreational or community purposes and is for not-for-profit or is for charitable purposes, within the Waitomo District.

An organisation that is for private pecuniary profit or engages in sporting, recreational or community purposes as a secondary purpose will not be eligible.

Council retains discretion as to whether an organisation fits these criteria.

## **POLICY | KAUPAPA HERE**

### **1. Objective**

- 1.1 To support eligible Community Organisations to obtain competitive insurance cover.
- 1.2 The insurance cover is for damage to physical property assets and cover for losses due to business interruption.
- 1.3 No other insurance type is provided within this Policy. (i.e., Public Liability or Professional Indemnity cover is not provided).

### **2. Criteria**

- 2.1 Community Organisations that fit the below criteria will be eligible to participate in the arrangement:
  - (a) The organisation must meet the definition of an eligible Community Organisation as defined in the Policy; and
  - (b) The organisation must own the Community Facility situated on Council owned land or Council reserve land.
- 2.2 Community Organisations that have an existing insurance arrangement with Council as at 30 June 2021 will remain eligible to retain their existing arrangement, subject to agreeing to the payment of the annual administration charge.

### **3. Applications**

- 3.1 Community Organisations that are not currently insured through Council's insurance arrangement must make a written application on the prescribed Form to Council by 31 March for insurance cover commencing 1 November.
- 3.2 The application will include terms and conditions relating to the arrangement which must be agreed to by the Community Organisation.
- 3.3 Incomplete or late applications will be deemed ineligible and will not be considered.

### **4. Insurance Terms**

- 4.1 Insurance arrangements cover the period from 1 November to 31 October the following year.
- 4.2 The terms of the Material Damages and Business Interruption Policy that Council obtains each year, will pass through to the participating Community Organisation including the level of excess applicable.
- 4.3 The Community Organisation will advise the type of insurance cover required on application (i.e., All replacement, indemnity or functional replacement). The Community Organisation will be solely responsible for determining the appropriate type and level of insurance cover for the relevant Community Facility. Council does not guarantee that the type of insurance cover will be available at each renewal period.
- 4.4 Insurance cover for a part year will not be available.

- 4.5 A valuation of the Community Facility by a Registered Valuer for insurance purposes is required for acceptance into the arrangement. Any cost for the initial valuation will be charged to the Community Organisation.
- 4.6 Subsequent insurance valuations, which are usually carried out every three years, will be at Council's cost.
- 4.7 Any claim(s) by a participating Community Organisation will be facilitated through Council.

**Document No:** A590619

**Report To: Council**



**Meeting Date:** 22 February 2022

**Subject:** **DC Tynan Trust – Exemption as a Council Controlled Organisation**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is for Council to consider the exemption of the DC Tynan Trust from being a Council Controlled Organisation under the Local Government Act 2002 (LGA 2002).

## Background

- 2.1 The DC Tynan Trust was established in 1982 by Daniel Tynan Estate. The purpose of the Trust is to provide financial assistance to community organisations involved in social welfare, the maintenance and advancement of education and the provision of recreational facilities of benefit to Te Kuiti residents.
- 2.2 The current Trustees are Janene New, Diane Forgeson, Lisa Marshall, Guy Whitaker.
- 2.3 The Trust currently has accumulated funds of approximately \$214,799.32 as at 31 March 2021.
- 2.4 The capital funds of the Trust are held in investment and the income from the investment is available for allocation to community organisations. The Trustees meet annually to review applications received and at their discretion, allocate funds to applicants.

## Commentary

- 3.1 The Trust meets the definition of a Council Controlled Organisation (CCO) under the LGA 2002 because the power to appoint and remove trustees is vested with the Council.
- 3.2 Section 6 of the LGA 2002 states that  
*In this Act, unless the context otherwise requires, –*  
**council-controlled organisation** means a council organisation that is –
  - (a) a company—
    - (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—
      - (A) held by 1 or more local authorities; or
      - (B) controlled, directly or indirectly, by 1 or more local authorities; or
    - (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
  - (b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons, –
    - (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or

(ii) *the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity*

- 3.3 As a Council Controlled Organisation, additional requirements are imposed on the Trust including:
- The requirement to issue a Statement of Intent that complies with Schedule 8 of the LGA 2002,
  - Submit to Council its performance monitoring in relation to its Statement of Intent and Council's objectives for the Trust,
  - Submit a half-yearly report, which must include information required to be included by its Statement of Intent.
  - Submit an audited annual report, which must enable the reader to assess performance against the Statement of Intent and which must be prepared in accordance with generally accepted accounting standards,
  - Consolidation of the Trust into the group financial statements of the Council,
  - Change of balance date from 31 March to 30 June.
- 3.4 Under Section 7(3) of the Local Government Act 2002, the Council may exempt the Trust from being classified as a Council Controlled Organisation by resolution. Council must take into account the nature and scope of activities and costs and benefits to the community, the Trust and Council.
- 3.5 Once granted, the Council must review the exemption at least every three years but Council may revoke the exemption at any time.
- 3.6 The requirements imposed by legislation on a CCO would be onerous for the Trust particularly given its size and nature.
- 3.7 The exemption was last reviewed by Council in March 2019 and Council had resolved to exempt the DC Tynan Trust from being classified as a Council Controlled Organisation.

## **Analysis of Options**

- 4.1 Council has two options:
1. Continue with the status quo and resolve to exempt the DC Tynan Trust from CCO status.
  2. Not Exempt DC Tynan Trust from CCO status.
- 4.2 CCO status would require the DC Tynan Trust to comply with the following legislative requirements
- Issue a Statement of Intent that complies with Schedule 8 of the LGA 2002,
  - Submit to Council its performance monitoring in relation to its Statement of Intent and Council's objectives for the Trust,
  - Submit a half-yearly report, which must include information required to be included by its Statement of Intent.
  - Submit an audited annual report, which must enable the reader to assess performance against the Statement of Intent and which must be prepared in accordance with generally accepted accounting standards,
  - Change of balance date from 31 March to 30 June



- 4.3 These requirements would impose a significant administrative burden and cost on the Trust with no risk reduction or increased transparency of the Trust's operations.

## Considerations

### 5.1 RISK

- 5.2 As an exempt organisation, the Trust's financial statements would not be subject to an independent audit. Given Trust's nature, it is considered to be low risk.

### 5.3 CONSISTENCY WITH EXISTING PLANS AND POLICIES

- 5.4 The exempting of the DC Tynan Trust from CCO status is consistent with existing plans and policies.

### 5.5 SIGNIFICANCE AND COMMUNITY VIEWS

- 5.6 Under the Significance and Engagement Policy 2021 this matter is of low significance.

## Recommendation

- 6.1 Council resolve to exempt the DC Tynan Trust from being classified as a Council Controlled Organisation under Section 7(3) of the Local Government Act 2002.

## Suggested Resolutions

- 1 The business paper on DC Tynan Trust – Exemption as a Council Controlled Organisation be received.
- 2 Council exempt the DC Tynan Trust from being classified as a Council Controlled Organisation under section 7(3) of the Local Government Act 2002.



ALISTER DUNCAN  
**GENERAL MANAGER - BUSINESS SUPPORT**

23 December 2021

**Document No:** A602389

**Report To:** Council



**Meeting Date:** 22 February 2022

**Subject:** **Solid Waste Management (Emissions Trading) – Purchase of Carbon Credit Units in Advance of Adopting the Exceptions Annual Plan 2022/23**

**Type:** Decision Required

## Purpose of Report

- 1.1 The purpose of this business paper is to seek approval to purchasing carbon credit units (ETS) in advance of the budget approval for financial year 2022/23.

## Background

- 2.1 The NZ Emissions Trading Scheme (ETS) was created through the Climate Change Response Act 2002 in recognition of New Zealand's obligations under the Kyoto Protocol.
- 2.2 It is the primary method for the NZ Government to achieve its commitment to reduce greenhouse gas emissions.
- 2.3 On an annual basis, certain industries must calculate their emissions by submitting carbon units to the Government equivalent to the tonnage volume they have emitted over the year.
- 2.4 Landfill operations are one of the industries which are required to annually surrender carbon units to the government therefore regular purchasing of carbon units is necessary in completing the process for this government regulation.

## Commentary

- 3.1 WDC's approved spent for ETS for the FY 2021/22 is \$589,050. The majority of the budget has been in current year to procure enough units to satisfy the ETS surrender obligation in May 2022.
- 3.2 A purchase of 7,900 units @ \$68.00 (\$537K) was made at the 1 December 2021 auction administered by the Ministry of Environment. These units, along with the current units on hand of 4,468, is expected to be enough to cover the May 2022 surrender for waste deposited in calendar year 2021.
- 3.3 The balance of the ETS budget (\$51,850) is available to purchase now on the open market or at the next auction.
- 3.4 Forecast in the draft EAP 2022/23 is a further budget of \$656K for ETS for the purchase of additional units for the May 2023 surrender.
- 3.5 Prior to the adoption of the EAP 2022/23 in June 2022, there will have been two further auctions completed (1 March and 1 June). Historically after each auction, the price of carbon credits has trended significantly higher.

3.6 Below is the history of carbon cost over the last year.

March 2021	- \$36.00/unit
June 2021	- \$41.70/unit
September 2021	- \$53.85/unit
December 2021	- \$68.00/unit
February 2022	- \$84.25/unit (current pricing at 15 February)

3.7 The next auction to be conducted by the Ministry of Environment is scheduled in 1 March 2022, with the expected auction price to be in excess of the current pricing available in the market.

3.8 Purchasing of carbon units at the next auction (1 March) would be beneficial for WDC and mitigate the risk of cost prices over the next four months, as historically increases in the cost of carbon credits is evident after each auction.

3.9 The purchase would also ensure the Fees and Charges for the 2022/2023 year are calculated based on the actual cost of the ETS.

## Analysis of Options

4.1 Council has the option to purchase carbon credits in advance of the surrender, by utilising the draft budget 2022/23 of \$656,000 before the budget is approved in June 2022. This would mitigate some of the risk of rising prices that have been evident after each auction is conducted. By purchasing the units in advance of the EAP being adopted means that the purchase will be funded temporarily by any cash surpluses (or debt if no cash surpluses are available) until the rates revenue is struck in the 2022/23 year.

4.2 Council has the option to wait until after the EAP 2022/23 is adopted in June 2022 and then purchase at the next auction on 1 September. There is a high likelihood that the carbon credit price will have increased significantly during that time, thereby resulting in increased costs to Council to complete the surrender in May 2023.

## Considerations

### 5.1 **Risk**

5.2 If Council does not choose to purchase carbon units early, a cost increase would be expected be incurred in 2022/23 year. The budget in the EAP 2022/23 may not be sufficient to purchase all of the units required.

### 5.3 **Consistency with Existing Plans and Policies**

5.4 The consideration of funding for the purchase of carbon units would still be consistent with the existing plans and policies since the units will be recorded as asset upon purchase and to be recognized as expenditure in FY 2022/23, upon surrendering sometime in May 2023.

### 5.5 **Significance and Community Views**

5.6 There is no specific evidence of the view of the community on this particular item, however there is an expectation that the Council would endeavour to mitigate any additional costs where possible.

## Recommendation

- 6.1 It is recommended that Council approve the purchase of carbon credits up to the value of the proposed draft budget for 2022/23 of \$656,000, in advance of the adoption of the EAP 2022/23.

## Suggested Resolutions

1. The business paper on Solid Waste Management (Emissions Trading) – Purchase of Carbon Credit Units in Advance of Adopting the Exceptions Annual Plan 2022/23 be received.
2. Council authorises the purchase of carbon credit units up to the value of the draft budget for 2022/23 of \$656,000 in advance of adopting the Exceptions Annual Plan 2022/23.



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

15 February 2022

**Document No:** A601732

**Report To:** Council



**Meeting Date:** 22 February 2022

**Subject:** **Progress Report: King Country Indoor Sport and Recreation Centre**

**Type:** Information Only

## Purpose of Report

- 1.1 The purpose of this business paper is to provide a progress report on the King Country Indoor Sport and Recreation Centre (KCISRC).

## Background

- 2.1 The contract for the design and build of the KCISRC was awarded to Apollo Projects Limited on 14 October 2021 and commenced on 15 October 2021.
- 2.2 The overall contract implementation phase has a duration of approximately 14 months and a total cost of approximately \$8M. On top of that are additional fit-out costs, giving a total project cost of \$9.05M.
- 2.3 On completion, ownership of the new stadium will be shared between the Ministry of Education, Te Kuiti High School Board of Trustees, and Waitomo District Council in the ratios of 24.7%, 10.3%, and 65% respectively.

## Commentary

- 3.1 **PROJECT BUILD**
- 3.2 The attached programme sets out the sequence and timeline for the project build phase.
- 3.3 The next stage of the project involves completion of final design ahead of application for building consent. A multi-discipline design team has been assembled by Apollo to which has been added the Ministry of Education (MoE) infrastructure representative. The undersigned and the Project Manager will also attend these meetings.
- 3.4 In parallel, and additional to that, is the MoE's staged design envelope approval process. A number of items have been identified for possible inclusion in the final design, mainly in respect of building water tightness. While still under discussion, inclusion of these additional requirements might trigger variations to the contract. Where that occurs, there will also be a need for discussion with MoE regarding additional funding. The Development Agreement sets out the process for dealing with the funding of variations.
- 3.5 The building consent application was lodged in late December 2021 and is currently being processed.
- 3.6 A resource consent for the project has already been obtained.
- 3.7 An order has been placed for installation of power cabling and transformer to the Stadium site. Installation of the transformer was completed in December but has yet to be lived in due to TLC's other work commitments. A temporary power supply will be made available to the construction site.

- 3.8 A “turning of the first sod” ceremony was held on 9 February 2022, following which site establishment and earthworks have commenced. The project has now moved from design to build, with heightened visibility.
- 3.9 Project fit-out items have been the subject of an initial discussion with the Te Kuiti High School and Game-On Charitable Trust representatives to improve understanding of scope and budget provision. Items that overlap with the construction stage have been taken up with the Apollo design team to ensure appropriate integration is in place.
- 3.10 A Kairuruki (Coordinator) has been appointed by a group of stakeholders led by Ngati Rora and including Mayor Robertson on behalf of WDC. The purpose of the role is to:
- Facilitate hui with mana whenua to appropriately name the stadium.
  - Provide opportunities to showcase our past and/or our future through localised artwork and design with a Māori narrative.
  - Provide opportunities to involve rangatahi in the project.
  - Engagement with artists; and
  - Development and implementation of the plan and vision.
- 3.11 Once the plan has been prepared and costed there will likely be the need to source additional funding to implement the proposed features. The current budget of \$30,000 for cultural identity features will be used to fund the project coordination costs but will not be sufficient for the implementation phase. Discussions on possible opportunities for funding have been taken up with the Board of Trustees.
- 3.12 Requests for pricing and information from independent project management specialists, as required by the Ministry of Education via the Development Agreement, were sought from selected suppliers, closing 26 November 2021. The appointed Project Manager and Engineer to the Contract is now Frequency NZ. The Special Projects Coordinator has stepped aside from that interim role but remains part of the project team in the capacity of Client Representative.
- 3.13 **RISK MANAGEMENT**
- 3.14 The project Risk Register has been formatted to align with the project delivery programme and reviewed on a routine basis through an internal Project Control Group chaired by General Manager – Community Services. Risk controls and treatments are updated as part of the review process. Current risk management measures have been met, as appropriate.

3.15 **FUNDING AND FINANCIAL MANAGEMENT**

3.16 Grant funding committed to the project is summarised in the table below:

Grant	Amount	Status	Due / Received	Reporting
Lottery Special Projects	\$3,000,000	Novated, Contract signed	First installment received, second installment due 22 June 2022	Pre-payment report lodged and approved
Crown Infrastructure Partners	\$500,000	Novated, awaiting contract	Payment schedule to be determined	October, November, December, January reports lodged
Crown Infrastructure Partners ( <i>contingency</i> )	\$200,000	Grant approved	Payment schedule to be determined	
Crown Infrastructure Partners	\$75,431	Grant approved	Payment schedule to be determined	
Trust Waikato	\$700,000	Balance transferred from Game on Charitable Trust	Received	Report scheduled

Grant	Amount	Status	Due / Received	Reporting
Trust Waikato (contingency)	\$200,000	Grant approved	Received	Report scheduled.
Grassroots Trust	\$200,000	Pending Council resolution	Received	

- 3.17 Capital contributions from the Ministry of Education and the Te Kuiti High School are budgeted to be received in 2022 and 2023.
- 3.18 Council has received to date \$1,973,987 of the budgeted \$7,062,432 external funding.
- 3.19 Contracts let are tabled below:

Contract	Original Value	Variations	Total
Apollo	\$7,905,921		
Less WW Pumping Station		\$87,205	
Plus Adjustable junior backboard		\$5,563	\$7,824,279
Lines Company	\$87,748		\$87,748
Frequency NZ (Project management)	\$146,860		\$146,860
			<b>\$8,058,887</b>

3.20 **COMMUNICATIONS PLAN**

- 3.21 A draft communications plan has been prepared aimed at keeping the community readily informed and up to date with project development.
- 3.22 The plan is a joint communications plan, the owners being WDC, Ministry of Education and the Te Kuiti High School Board of Trustees.
- 3.23 Multiple communication channels will be utilised over the coming year to keep the community and key stakeholders up to date with progress.
- 3.24 The Joint Communications Plan has been finalised and a dedicated WDC web page is currently under development. The web page will be updated throughout the Stadium build phase, keeping the community informed of progress.

3.25 **PROJECT PLAN**

- 3.26 A detailed project plan has been prepared in draft form to ensure all relevant project information is included in a single, documents covering all aspects of the project. The draft is currently undergoing an internal review.

3.27 **PROJECT CONTROL GROUP (PCG)**

- 3.28 In accordance with the Development Agreement, a PCG is required to be formed comprising representatives of the Te Kuiti High School Principal (and logically a representative of the Board of Trustees), Ministry of Education, the Contractor, the Engineer (Frequency NZ) and WDC. Organising, reporting to, and chairing the PCG is the responsibility of the Engineer. The purpose of the PCG is to monitor progress against project timetable and budget and to address matters of mutual interest.

- 3.29 The PCG will meet on a monthly basis, with the first meeting to be held early next month.
- 3.30 It is proposed that Council's representatives on the PCG are the Mayor, and the Client Representative.

## **Suggested Resolutions**

- 1 The business paper updating progress on the build phase of the King Country Indoor Sport and Recreation Centre, be received.
- 2 Council confirms its representatives on the Project Control Group as Mayor Robertson and the Special Projects Coordinator (as Client Representative).



GREG BOYLE  
**SPECIAL PROJECTS COORDINATOR**



HELEN BEEVER  
**GENERAL MANAGER – COMMUNITY SERVICES**



ALISTER DUNCAN  
**GENERAL MANAGER – BUSINESS SUPPORT**

February 2022



**Document No:** A602502

**Report To:** Council



**Meeting Date:** 22 February 2022

**Subject:** Adoption of Road Map Work Programme for the period February 2022 to June 2024

**Type:** Decision Required

## Purpose

- 1.1 The purpose of this business paper is to present to Council for consideration and adoption an updated Road Map Work Programme for the period February 2022 to June 2024.
- 1.2 The Road Map Work Programme as at 22 February 2022 (Doc A476959) is enclosed separately and forms part of this business paper.

## Commentary

- 2.1 A Road Map work programme is presented to Council following adoption of each Ten Year Plan (10YP) for the period covering the following three years leading up to adoption of the next Ten Year Plan. This Road Map sets out the elected Council's work programme identified to date for period leading up to adoption of the next (2024-2034) 10 Year Plan (10YP) in June 2024.
- 2.2 In addition to projects relevant to the development of the 10YP and required by legislation, there are a number of other projects that must also occur over this period. Some of these non-10YP commitments are of importance to the functional role of Council which feed into the decision making process.
- 2.3 The Road Map details identified projects of work, including a brief commentary for each project and indicative timelines for completion. As Council is well aware, other projects of work will arise over time which will need to be tested against this Road Map work programme and in particular WDC's organisational capacity to identify priority ranking against the already established work programme.
- 2.4 Of specific importance to this version of the Road Map work programme are the influences both COVID-19 and the Central Government reforms and reviews are having on the entire WDC organisation. New Sections have been included in the Road Map to provide some context in respect to the impacts and implications of these.
- 2.5 The Road Map is a 'living document' and as such is subject to change, both through further planning required for certain work streams and also by way of Council review as other issues arise over time which affect priorities.
- 2.6 This Road Map includes -
  - Projects which commenced prior to the current financial year and are continuing across financial years.
  - Projects required by Legislation.
  - Preparation for the 2022 Triennial Elections (8 October 2022)
  - Projects required as part of the development of the 2024-2034 LTP.
  - Projects identified by the Elected Council and requested for inclusion in the Road Map.

- 2.7 The Road Map is updated and re-presented to Council for review on a "needs" basis, subject to how many variations are required, as well as any variations made resulting from new projects identified throughout a financial year.
- 2.8 Due to COVID-19 and the resulting disruptions, it is important to note that this version of the Road Map work programme is being presented as a "snapshot in time" as disruptions continue to impact on set timelines. It is also important to note that some legislative timelines cannot alter and therefore priorities for completing work will need to alter.
- 2.9 In the periods between considering a fully revised Road Map, a Monitoring Schedule will be presented to Council on a quarterly basis. The Monitoring Schedule is a direct extract from the Road Map of the Key Milestones for the current year and includes the indicative timeframes and a commentary on progress for each project of work.

## **Suggested Resolutions**


- 1 The business paper on Adoption of Road Map Work Programme for the period February 2022 to June 2024 be received.
- 2 The Road Map Work Programme for the period February 2022 to June 2024 (Doc A478218) be adopted.



MICHELLE HIGGIE

**MANAGER – GOVERNANCE SUPPORT**

Separate Enclosure: Road Map Work Programme as at 22 February 2022 (Doc A476959)

<b>Document No:</b> A602386	
<b>Report To:</b> Council	
	<b>Meeting Date:</b> 22 February 2022 <b>Subject:</b> <b>Motion to Exclude the Public for the Consideration of Council Business</b> <b>Type:</b> Decision Required

**Purpose**

1.1 The purpose of this business paper is to enable Council to consider whether or not the public should be excluded from the consideration of Council business.

Note: It is Council's choice whether to consider any of the items listed below in the public or public excluded portion of the meeting.

**Commentary**

2.1 Section 48 of the Local Government Official Information and Meetings Act 1987 gives the right, by resolution, to exclude the public from the whole or any part of the proceedings of any meeting, only on one or more of the grounds contained within that Section.

**Suggested Resolutions**

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Animal Control Services: Duke Street Dog Attack	Section 7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons;	Section 48(1)(a)(1)
2. Lawrence Street, Te Kuiti - Kainga Ora Proposal	Section 7(2)(g) - To maintain legal professional privilege;	Section 48(1)(a)(1)
3. Raukawa Resource Consent Strategy - Co-design and Co-funding Proposal	Section 7(f) To maintain the effective conduct of public affairs through— the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty.	Section 48(1)(a)(1)

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
4. Objection to Recovery of Costs for Resource Consent – Taumatotara Wind Farm Limited (RM190041 and 200019)	Section 7(2)(g) – To maintain legal professional privilege;	Section 48(1)(a)(1)
5. Waikato Local Authority Shared Services – Western Bay of Plenty District Council potential shareholding	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Strategy and Environment	Portfolio Holder
General Manager – Business Support	Portfolio Holder

- 4 This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in the public.



MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**