2007

Local Governance Statement

MARLBOROUGH
DISTRICT COUNCIL

Marlborough District Council Local Governance Statement

Background

The Marlborough District Council is required under the Local Government Act 2002 (LGA 2002) to review and reproduce its Local Governance Statement within six months of each triennial election (s40 LGA 2002). The Local Governance Statement was approved by Council under Minute No. D.03/04.314.

The Governance Statement is to be available to the public at any places that the Council would normally have documents available for perusal.

The minimum requirements of the content of the Local Governance Statement are under Section 40(1) of the Local Government Act 2002. This is reproduced below:

(a) The functions, responsibilities and activities of the local authority; and

(b) Any local legislation that confers powers on the local authority; and

(c) Electoral system and the opportunity to change it; and

(d) Representation arrangements, including the option of establishing Maori wards or constituencies, and the opportunity to change them; and

(e) Members' roles and conduct (with specific reference to the applicable statutory appliance and Code of Conduct); and

(f) The Governance structures and processes, membership and delegations; and

(g) Meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and Standing Orders); and

(h) Consultation policies; and

(i) Policies for liaising with, and memoranda or agreements with, Maori; and

(j) The management structure and the relationship between Management and elected members; and

(k) Equal employment opportunities philosophy; and

(l) Key approved planning and policy documents and the process for the development and review; and

(m) The systems for public access to it and its elected members; and

(n) Processes for requests for official information.

Council Approach to Requirements

The Governance Statement has the potential to be an unwieldy document that will be of little value to the community. The Marlborough District Council has decided to streamline this document by applying the following structure to the Local Governance Statement:

- Each section required under S.40(1) of the Local Government Act 2002 will be dealt with as a separate 'chapter' of the Local Governance Statement.

- Reproduction of policies and documents within Council within these chapters will be kept to a minimum.

- Direct references to the documents in question will be the preferred method of recording the policies and procedures required by the Local Government Statement.

- The reference documents will be available at the centres where the Local Governance Statement is required to be available for public perusal. (The majority of the documents referred to will already be available at the centres as a matter of Council policy).

Reasons for Approach

The Marlborough District Council feels that the approach to the Local Governance Statement as stated above will make the document more meaningful for the community and will also make the document easier to maintain as the reference documents referred to in the Local Governance Statement will remain valid even if the contents of those documents change. It would be very inefficient to maintain the contents of governance statements distributed across the district if the contents of those statements were extracts from other documents that will change from time to time.

There is already a regime of document maintenance at the service centres and libraries to ensure that the public reference material is always up to date and the Local Governance Statement will fit easily into this process.

Overall responsibility for the maintenance and update of the Local Governance Statement will be undertaken by the Democratic Services Co-ordinator as part of the development of documents for Council and councillors immediately after the local authority triennial elections.

Any other changes required during the term of a Council will be referenced to the appropriate committee of Council.

Section 40(1) Local Government Act 2002

(a) The Functions, Responsibilities, and Activities of the Local Authority

This information is found in a number of publications;

- the current MDC Annual Plan or Long Term Council Community Plan,
- the Elected Members Handbook (produced by Local Government New Zealand)
- the Local Government Act 2002. (part 2 Sections 9 – 14 inclusive)

The Marlborough District Council is a unitary authority as provided for by the Local Government Act 2002. This means that Council undertakes both regional and territorial functions for the district of Marlborough. The functions and responsibilities of Council are included in the Local Government Act 2002 and are very diverse. The permissive nature of the new act means that Council can become involved in many more activities and functions as long as appropriate consultation is undertaken with the people of Marlborough.

The activities of Council are summarised at a significant activity level in the annual plan / long term council community plan;

- Democratic Process
- Community, Recreation, Culture and Heritage
- Economic Development
- Emergency Management
- Land Transport
- Rivers and Land Drainage
- Sewerage
- Stormwater
- Water Supply
- Solid and Hazardous Waste management
- Harbour Control
- Consents and Compliance
- Environment
- Animal and Plant Pests
- Animal Control
- Property Management and Development
- Subsidiaries and Joint Committees

Section 40(1) Local Government Act 2002

(b) Any Local Legislation that Confers Powers on the Local Authority

There is no legislation of a local nature that affects the operations of the Marlborough District Council.

Section 40(1) Local Government Act 2002

(c) The Electoral System and the Opportunity to Change it

The Electoral System for local body elections is dictated by the following legislation;

- Local Electoral Act 2001
- Local Electoral Regulations 2001
- Local Electoral Amendment Act 2002
- Local Government Act 2002 (section 257)

The Marlborough District Council was required to make a number of decisions with relation to the Electoral Act 2002 in terms of whether first past the post (FPP) or single transferable vote (STV) system would be used for the Marlborough District triennial elections in 2004. Government had already made the decision that the District Health Board elections would be held under STV.

The Marlborough District Council elected to use STV and the discussion document utilised by the councillors and subsequent Council minutes are available.

This form of election process must be continued for two election cycles then the Local Authority may review the election process and seek a poll on the election process or 5% of the voting public can request a poll on the issue.

Single Transferable Voting consists of voters ranking the candidates in order of preference with a formula based allocation of excess votes to the next ranked candidates when the elected threshold has been achieved by the highest ranked candidates. A more in depth explanation and an example is available on request.

Section 40(1) Local Government Act 2002

(d) Representation Arrangements, Including the Option of Establishing Maori Wards or Constituencies and the Opportunities to Change Them

The Marlborough District Council reviewed the representations arrangements for the Marlborough district in 2003. Council briefing documents on the issue are available. As Council had chosen to use STV as the election process it was deemed appropriate that Council undertake a representation review prior to the 2004 elections as opposed to the mandatory representation review required prior to the 2007 elections.

No requests were received for the establishment of Maori wards or constituencies as part of this process.

The representation review had the following result:

- The Mayor is elected at large [every voter in Marlborough has a Mayoral vote]
- 13 Councillors will be elected on the following ward basis;
    - One member for the Pelorus / Northern Marlborough Sounds Ward
    - Two members for the Picton Ward
    - Three members for the Wairau / Awatere Ward
    - Seven members for the Blenheim Ward
- A review of Community Boards was deferred until a later election cycle to review the impact of the STV system.

There were no objections lodged with the Council during the appeal period and therefore the above result was declared final.

A map outlining the boundaries of the wards is available on request.

Section 40(1) Local Government Act 2002

(e) Members' Roles and Conduct (With Specific Reference to the Applicable Statutory Requirements and Code of Conduct)

Members' roles and conduct are defined in the following documents;

- the Elected Members Handbook (produced by Local Government New Zealand)
- the Local Government Act 2002
- the Local Government Official Information and Meetings Act 1987
- the Local Authorities (Members' Interests) Act 1968
- the Secret Commissions Act 1910
- Sections 99, 105 and 105A of the Crimes Act 1961
- MDC Code of Conduct

Section 40(1) Local Government Act 2002

(f) Governance Structures and Processes, Membership and Delegations

These issues are outlined in the following documents;

- the Elected Members Handbook (produced by Local Government New Zealand)
- the current MDC Annual Plan or Long Term Council Community Plan,
- Council Minute C.07/08.184 (Committee Structure and Membership)
- Council Minute C.07/08.186 (Committee Personnel – Co-opted Members)
- Council Minute C.07/08.187 (Sister City Sub-Committee Representation)
- Council Minute C.07/08.188 (Grants Sub-Committee Representation)

There are various changes to committees due to resignations or restructuring of committees during each term of Council. All committees are reappointed after each triennial election.

Council has the following committees in place for the current term;

- Assets and Services Committee
- Community and Financial Planning Committee
- Environment Committee
- Environmental Policy Committee
- Hearings Committee
- Marlborough Regional Forestry Committee (Joint Committee with Kaikoura District Council)
- Civil Defence Emergency Management Group
- Regional Land Transport Committee
- Maori Advisory Komiti
- Animal Control Sub-Committee
- Grants Sub-Committee
- Sister City Sub-Committee

Delegations are linked directly to the functions of the committees and any actions are confirmed through Full Council meetings. In some instances delegated authority is given to particular committees, councillors and staff for specific projects or actions required by Council.

Section 40(1) Local Government Act 2002

(g) Meeting Processes (With Specific Reference to the Applicable Provisions of the Local Government Official Information and Meetings Act 1987 and Standing Orders)

The Marlborough District Council follows the New Zealand Standard 9202:2003 model standing orders with minor variations as required by amending legislation.

Council also follows the processes set out in the Legal Compliance Modules of the Society of Local Government Managers.

The Local Government Official Information and Meetings Act 1987 is adhered to.

Section 40(1) Local Government Act 2002

(h) Consultation Policies

The Marlborough District Council uses the principles set out in section 82 of the Local Government Act 2002 to guide consultation processes. Council has also adopted a significance policy, which sets thresholds as to where special consultative procedures need to be used for the deliberations on projects or issues that affect the community and Council.

Section 40(1) Local Government Act 2002

(i) Policies for Liaising with, and Memoranda of Agreements with, Maori

The Marlborough District Council will use the Local Government Act 2002 as a basis for liaising with Maori. Council is continuing discussions with iwi over the future of the Maori Advisory Komiti (MAK). Representatives agreed to by all Iwi sit on the standing committees of Council with full voting rights.

Section 40(1) Local Government Act 2002

(j) The Management Structure and the Relationship Between Management and Elected Members

This issue is addressed in the following documents;

- the Elected Members Handbook (produced by Local Government New Zealand),
- the current MDC Annual Plan or Long Term Council Community Plan,
- the MDC Code of Conduct.

Effectively the Chief Executive Officer is the only employee of the Council and that person is charged with the employment and management of all other Council employees.

Section 40(1) Local Government Act 2002

(k) Equal Employment Opportunities Policy

The Marlborough District Council has an Equal Employment Opportunities Policy – the philosophy of Council as an employer is summarised below:

To be a good employer and in particular promote equal employment opportunities and develop a work environment that responsibly provides for change.

A summary of Councils Equal Employment Opportunities Policy follows:

EQUAL EMPLOYMENT OPPORTUNITIES POLICY

The Council's Equal Employment Opportunities Policy is designed to achieve equal opportunity in the Council workplace. The policy involves the identification and elimination of institutional barriers that cause or perpetuate inequality. The following is a summary of the Council's policy:

For any given position, the best available person for the job will be appointed regardless of their gender, race, religion, disability or any other factor irrelevant to performance in the position.

The Policy is implemented by way of a programme focused on three objectives:

1. Increasing knowledge and awareness of the principles of equal employment, by ensuring that all staff are advised and understand their rights and responsibilities.

2. Achieving workplace equality in recruitment and performance management, by ensuring systems and processes support the principles of equal employment.

3. Continual improvement, by monitoring and reviewing organisational performance.

Council's Human Resources Co-ordinator is responsible for ensuring that any recruitment carried out by the Marlborough District Council follows the objectives and guidelines set out above. It is the co-ordinator's responsibility to ensure management and staff involved in recruitment processes have had training that incorporates an awareness of equal employment opportunities.

Section 40(1) Local Government Act 2002

(l) Key Approved Planning and Policy Documents and the Process for their Development and Review

The Marlborough District Council has a number of key planning documents as listed below:

- Long Term Council Community Plan
- Annual Plan (produced in years where a LTCCP is not required and covers 01 July to 30 June of each financial year)
- Regional Policy Statement (reviewed every 10 years and currently under review)
- Marlborough Sounds Resource Management Plan (operative March 2003 and reviewed every 10 years under the Resource Management Act 1991 requirements)
- Proposed Wairau/Awatere Resource Management Plan (not operative to date and reviewed every 10 years)
- MDC Bylaws (reviewed within 5 years of Local Government Act 2002 then every 10 years – currently under review)
- MDC Funding Policy (reviewed every 3 years)
- Asset Management Plans (updated and adopted by Council annually)

Each of these documents has a specific section that relates to the future development and review processes.

Note: This list is not exhaustive: enquire with Council for plans or policies that may relate to specific issues.

Section 40(1) Local Government Act 2002

(m) Systems for Public Access to it and its Elected Members

The Marlborough District Council encourages members of the public having access to both councillors and staff.

Contact details of councillors are maintained on both Council's website, in the Annual Plan and through various other media. The public is free to contact any councillors on any issues.

Members of the public can request meetings with staff on an ad hoc basis and also in a formal capacity to discuss issues and ideas they may have.

Members of the public also have the opportunity to write formally to the local authority to raise any issues and a reply is provided within five working days of receipt.

Requests from the public that require formal Council decisions are included on the relevant committee agenda with opportunities for those parties to address the committee on the issue.

Section 40(1) Local Government Act 2002

(n) Process for Requests for Official Information

The Local Government Official Information and Meetings Act 1987 is adhered to.

Council also follows the processes set out in the Legal Compliance Modules of the Society of Local Government Managers.

Council has a policy for charging in cases where significant time is required to research information, which is available on request.