



**MARLBOROUGH
DISTRICT COUNCIL**



2022

Local Governance Statement

Updated March 2023

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 (section 40 LGA 2002). The Local Governance Statement was initially 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 (link <http://www.legislation.govt.nz>). 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
- (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
- (c) the electoral system and the opportunity to change it; and
- (d) representation arrangements, including the option of establishing Maori wards or constituencies, and the opportunity to change them; and
- (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
- (f) governance structures and processes, membership, and delegations; and
- (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
- (h) consultation policies; and
- (i) policies for liaising with, and memoranda or agreements with, Maori; and
- (j) the management structure and the relationship between management and elected members; and
- (ja) the remuneration and employment policy, if adopted; and
- (k) equal employment opportunities policy; and
- (l) key approved planning and policy documents and the process for their development and review; and
- (m) systems for public access to it and its elected members; and
- (n) processes for requests for official information.

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 section 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) and on the Marlborough District Council's

website - refer to the following link: <https://www.marlborough.govt.nz/your-council/marlborough-district-councils-mission-statement>

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 Manager 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.

Council's website <http://www.marlborough.govt.nz/> holds most if not all documents referred to in this statement. Council can be contacted on 03 520 7400 or by email at mdc@marlborough.govt.nz

Section 40(1) Local Government Act 2002

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

This information is found in the following publications:

- the current MDC Annual Plan or Long Term Plan <https://www.marlborough.govt.nz/your-council/long-term-and-annual-plans>, and
- the Local Government Act 2002 (Part 2 sections 9 – 14 inclusive) [Local Government Act 2002](#)

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 Local Government Act 2002 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 Plan:

- **People**
 - Democratic Process
 - Culture and Heritage
 - Housing for Seniors
 - Community Support
 - Library Services
 - Emergency Management
- **Community Facilities**
- **Roads and Footpaths**
- **Flood Protection and Control Works**
- **Sewerage Including Treatment and Disposal**
- **Stormwater Drainage**
- **Water Supply**
- **Solid Waste Management**
- **Environmental Management**
 - Environmental Policy
 - Environmental Science and Monitoring
 - Resource Consents
 - Environmental Protection
- **Regulatory**
 - Biosecurity
 - Building Control
 - Environmental Health
 - Animal Control
 - Harbours
- **Regional Development**

Section 40(1) Local Government Act 2002

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

The only legislation of a local nature that affects the operations of the Marlborough District Council is the Local Government (Infringement Fees for Offences - Marlborough District Council Navigation Bylaw 2009) Regulations 2011.

This can be found on the NZ Legislation website: <http://www.legislation.govt.nz/>

Section 40(1) Local Government Act 2002

(ba) Council Bylaws

Section 145 of the Local Government Act 2002 provides for councils to make bylaws for the following purposes:

- (a) protecting the public from nuisance
- (b) protecting, promoting, and maintaining public health and safety
- (c) minimising the potential for offensive behaviour in public places

Council is empowered to make bylaws under other Acts as well.

Current Marlborough District Council Bylaws (<https://www.marlborough.govt.nz/your-council/bylaws>) are:

Name	Description	Last Review / Amendment date
Marlborough District Council Bylaws		
Alcohol Control	To control the consumption of alcohol in those public places where Council is concerned the possession of liquor in the public place may result in disorderly behaviour and criminal offending.	2018
Animals	To control the keeping of animals, birds and bees in the Marlborough District.	2017
Cemeteries	Controls for cemeteries in the Marlborough District.	2017
Dog Control	Controls for dogs including leashing, exercising, licensing and other controls when on public places.	2021
East Coast Beach Vehicle	Regulates the use of vehicles on beaches in the Marlborough District.	2023
Nuisance	Controls related to litter and other nuisances.	2017
Parking	Controls for parking on roads in the Marlborough District.	2017
Reserves and Other Public Places	Controls activities that may be undertaken in public places within the Marlborough District.	2017
Responsible Camping Control	Relates to responsible camping on land administered by Council in the Marlborough District.	2023
Tradewaste	Sets standards for tradewaste and determines how tradewaste may be accepted into the public wastewater system.	2011
Traffic	Controls the use of roads in the Marlborough District.	2017
Waste	Controls collection and disposal of waste and on littering.	2017

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 [Link to Local Electoral Act 2001](#)
- Local Electoral Regulations 2001 [Link to Local Electoral Regulations 2001](#)
- Local Electoral Amendment Act 2002 [Link to Local Electoral Amendment Act 2002](#)
- Local Government Act 2002 (section 257) [Link to Local Government Act 2002 Section 257](#)

The Marlborough District Council reviewed a number of decisions with relation to the Electoral Act 2002.

The Marlborough District Council elected to continue to use single transferable vote (STV) system for 2022 and 2025. The discussion document utilised by the councillors is available on request. 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.

The Marlborough District Council resolved to use the fully random order of candidates in 2022. Fully random order means each candidate's name is printed randomly on each voting paper, i.e. every voting paper will have the candidates listed in a different random order.

Section 40(1) Local Government Act 2002

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

As required by legislation, the Marlborough District Council reviewed the representation arrangements for the Marlborough district in 2020-21 (for the 2022 and 2025 triennial elections). Council briefing documents on the issue are available.

Council resolved to establish a Māori ward on 21 May 2021 (Minute No. Cncl-0521-370 refers)

It was resolved by Council (final proposal) that the representation arrangements would essentially stay the same as at the previous election, with the addition of the Marlborough Māori Ward:

- The Mayor is elected at large [every voter in Marlborough has a Mayoral vote]
- Fourteen (14) Councillors will be elected on the following ward basis;
 - One (1) member for the Marlborough Māori Ward
 - Three (3) members for the Marlborough Sounds Ward
 - Three (3) members for the Wairau-Awatere Ward
 - Seven (7) members for the Blenheim Ward

Following public notification of this decision, an objection was lodged against Council's decision. The Local Government Commission made its determination to uphold Council's decision. The Blenheim Ward was expanded by moving the areas known as Omaka Landing and the developed portion of Rose Manor subdivisions from the Wairau-Awatere Ward.

A map outlining the boundaries of the wards is available on request or on Council's website via Smart Maps "Elections 2022":

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 Local Government Act 2002 [Link to Local Government Act 2002](#)
- the Local Government Official Information and Meetings Act 1987 [Local Government Official Information and Meetings Act 1987](#)
- the Local Authorities (Members' Interests) Act 1968 [Local Authorities \(Members' Interests\) Act 1968](#)
- the Secret Commissions Act 1910 [Link to Secret Commissions Act 1910](#)
- Sections 99, 105 and 105A of the Crimes Act 1961 [Link to Crimes Act 1961](#)
- the Securities Act 1978 [Link to Securities Act 1978](#)
- MDC Code of Conduct 2022: link on the page <https://www.marlborough.govt.nz/your-council/marlborough-district-councils-mission-statement>

Section 40(1) Local Government Act 2002

(f) Governance Structures and Processes, Membership and Delegations

These issues are outlined in the following documents:

- the current MDC Annual Plan or Long Term Plan,
- Council Minute Cncl-1022-137 (Committee Structure) [Link to Council Minute 27 October 2022](#)
- Council Minute Cncl-1022-138 (Committee Membership) [Link to Council Minute 27 October 2022](#)
- Council Minute Cncl-1022-140 (Committee Personnel – Co-opted Members) [Link to Council Minute 27 October 2022](#)
- Council Minute Cncl-1022-141 (Sister City Sub-Committee) [Link to Council Minute 27 October 2022](#)
- Council Minute Cncl-1022-142 (Grants Sub-Committee) [Link to Council Minute 27 October 2022](#)
- Council Minute Cncl-1022-143 (District Licensing Committee) [Link to Council Minute 27 October 2022](#)

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 committee structure (with the associated statutory / joint / sub-committee structure) in place for the current term:

- Assets and Services Committee
 - Civil Defence Emergency Management Group (Statutory Committee)
 - Regional Transport Committee (Statutory Committee)
 - Road Naming Sub-Committee
- Economic, Finance and Community Committee
 - Audit and Risk Sub-Committee
 - CBD and Parking Sub-Committee
 - Commercial Events Fund Sub-Committee
 - Conduct Review Committee
 - District Licensing Committee (Statutory Committee)
 - Grants Sub-Committee
 - Housing for Seniors Sub-Committee
 - LTP Working Group
 - Marlborough Regional Forestry Joint Committee (Joint Committee with Kaikoura District Council)
 - MDC Holdings and Marlborough Airport Limited
 - Sister City Sub-Committee
 - Small Townships Programme Sub-Committee
 - Youth Sub-Committee
- Environment and Planning Committee
 - Animal Control Sub-Committee
 - Climate Change Sub-Committee
 - Hearing Sub-Committee
 - Working for Nature Sub-Committee

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

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 has adopted the Local Government New Zealand template as the Standing Orders for this Council. 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. [Link to Local Government Official Information and Meetings Act 1987](#)

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 policy on significance, 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. The Policy on Significance was approved by Council under Minute No. C.02/03.846 and is published in each Long Term Plan.

Section 40(1) Local Government Act 2002

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

The Marlborough District Council will use the Local Government Act 2002 as a basis for liaising with Māori. Representatives agreed to by Iwi sit on the standing committees of Council with full voting rights – refer to Council Minute Cncl-1022-140 (Committee Personnel – Co-opted Members) for further information.

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 current MDC Annual Plan or Long Term 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

(ja) Remuneration for Permanent Staff Policy

Council engages Strategic Pay to evaluate all job positions. Strategic Pay's database covers 98% of all Councils. Each position is allocated a grade based on the job description. Each grade has a local government market median rate. This is updated annually by Strategic Pay.

If a role or job description is substantially altered then the position can be re-evaluated to determine if the grading is still correct or should move.

When a person joins the organisation the position they go into and it's grade determines the salary level. If the person needs to gain experience and qualifications then their salary will be set at a lower rate than the market median. The movement to market median will depend on the staff member gaining the necessary experience and qualifications.

Council uses the Local Government Market median as the benchmark. For some positions the Local Government Market Median is lower than the private sector and for some positions it is higher.

Salary Reviews are conducted annually. They are effective from 1st July each year and is a three part process.

1. An across the board increase for all permanent staff that usually reflects the Consumer Price Index inflation rate.
2. A review of individual positions for all permanent staff who are below the local government market median. Salaries will be moved towards the market median depending on experience or qualifications gained.
3. A review of all positions to check on the market median for positions.

All permanent staff are advised of the local government market median for their position in their annual salary review letter.

Section 40(1) Local Government Act 2002

(k) Equal Employment Policy

The Marlborough District Council has an Equal Employment Policy – the purpose being:

The purpose of this policy is to state Council's commitment to the principle of equal employment opportunities and eliminating barriers that cause or perpetuate inequality in employment.

A summary of Council's Equal Employment Policy follows:

EQUAL EMPLOYMENT POLICY

Council has an Equal Employment Opportunity Programme. An Equal Employment Opportunity Programme is a planned, result-orientated management programme designed to achieve equal opportunity in the workplace. The programme involves the identification and elimination of policies, procedures and other institutional barriers that cause or perpetuate workplace inequality.

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

1. Increasing knowledge and awareness.
2. Achieving workplace equality in recruitment and performance management.
3. Continual improvement.

Council's People and Capability Partner 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 Manager'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 Plan
- Annual Plan (produced in years where an LTP 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)
- Wairau/Awatere Resource Management Plan (operative March 2009)
- Proposed Marlborough Environment Plan
- MDC Bylaws (reviewed within 5 years of Local Government Act 2002 then every 10 years – refer section (ba))
- 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 (<http://www.marlborough.govt.nz/Your-Council/Councillors.aspx>), 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.

Record No: 2358929