



**Draft**

# **Governance Statement**

March 2008

**Governance Statement**

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## **Introduction**

Local Government in New Zealand has undergone considerable development in recent years. There is an increasing awareness that the concept of local people managing local community affairs on a day-to-day basis is not providing for the long-term good of communities.

Short-term thinking and needs have often been at the expense of long-term planning and community development. The Local Government Act 2002 (the Act) is a re-write of previous legislation, designed to shift councils toward governing for the long-term well-being of their communities – and away from being involved in the day-to-day operational decisions that distract elected members from strategic thinking and planning.

That is to say that the legislation now makes mandatory, the requirement for councils to always consider the future well-being of their communities and to consider the whole community above individuals or individual sectors.

## **What is a Governance Statement?**

A Governance Statement is a requirement of Section 40 of the Act. Councils are required to produce a new Governance Statement six months after each triennial election.

A Governance Statement is a collection of information summarising how a council engages with its communities, how it makes its decisions and how residents and ratepayers can become involved in those processes.

## **Functions and Activities of Council**

### **Purpose of Local Government**

The Act defines the purpose of local government as:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

Translated, Council is obliged to ensure that decision-making is transparent and engages the community on any significant matter.

The second requirement is a mandate for Council to ensure, on behalf of its community that the good of the community, present and future, is put before all other considerations.

### **The Role Of Council**

The Act further defines that the role of any local authority is specifically to achieve the purpose of local government and to carry out the duties within the rights and powers conferred on it by the Act.

### **Status and Powers**

1. A local authority is a Territorial Local Authority (TLA) with perpetual succession in terms of its legal definition.
2. For the purposes of performing its role, a TLA has, subject to the Act, any other enactment, and the general law:
  - a. the full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and

- b. the full rights, powers, and privileges for the purposes of paragraph (a),
3. A TLA must exercise its powers under this section wholly or principally for the benefit of its District.
4. That said, nothing in the Act prevents two or more local authorities engaging in a joint undertaking, a joint activity, or a co-operative activity; or prevents a transfer of responsibility from one local authority to another in accordance with this Act, or restricts the activities of a council-controlled organisation.

The Act also contains a number of other provisions that dictates what a TLA may, or may not, do.

### **Principles Relating to Local Authorities**

Waitomo District Council **must** act in accordance with the following principles. It should:

- Conduct its business openly, transparently and in a democratically accountable manner.
- Pursue and achieve identified priorities and goals efficiently and effectively.
- Be aware and take notice of the view of all its constituent communities.
- Make decisions that take account of the diversity of the community, and the community's interests, within its district or region.
- Take account of the interests of future as well as current communities.
- Measure and have regard to, the impact of any decision in terms of achieving the economic, social, cultural and environmental well-being of the District.
- Provide opportunity for Maori to contribute to the decision-making processes of Council.
- Collaborate and co-operate with other local authorities and relevant organisations.
- Employ sound and acceptable good business practices in its operation.
- Ensure that the resources and assets of the District are managed prudently for the good of the community, present and future. The Council is given the responsibility of looking after key services and assets such as roads, water supplies and sewerage to ensure such services are there for future communities in a well-kept state.
- Pursue development of the community in a way that is sustainable in the future.

### **Principles of Governance**

Council is required to ensure:

- The public and elected members are aware and understand what local governance means to its community.
- The public and elected members fully appreciate how an elected member is expected to conduct themselves.
- That governance organisations (i.e. Council, Community Boards, etc.) and the way in which they work, are effective, efficient, open and transparent.
- That wherever possible, the management of Council's regulatory responsibilities is kept separate from service activities.
- That Council acts as a "good employer".
- That the relationship between the elected members and management of the WDC organisation is understood, respected and appreciated by everyone in the community.

## **Legislation**

### **General**

A range of national legislation applies to all TLAs. The key Acts include:

- Local Government Act 2002
- Local Government (Rating) Act 2002
- Local Electoral Act 2001
- Local Government Official Information and Meetings Act 1987
- Rating Valuations Act 1998
- Resource Management Act 1991
- Building Act 2004
- Reserves Act 1977

### **Local Legislation**

Local legislation is law made by Central Government relating specifically to a localised area. There is currently no such legislation in existence pertaining to the Waitomo District.

## **Bylaws**

Council enforces a number of bylaws. It is important to note that Council intends to undertake a comprehensive review of all of its bylaws in 2007.

A general description of each of Council's current bylaws is set out below.

### **Public Places**

This bylaw puts in place a range of controls to deal with nuisance/anti-social activities in public places.

This bylaw was adopted by Council in 1995.

### **Public Places Liquor Control Bylaw**

The purpose of this bylaw is to provide for liquor control in specified public places so as to protect the public from nuisance and reduce the incidence of alcohol related offences, particularly those of an anti-social, violent and destructive nature.

This bylaw was adopted by Council in 2006.

### **Licensing and Control of Apartment Buildings and Boarding Houses**

The purpose of this bylaw is to ensure that apartment buildings and boarding houses are constructed, equipped and maintained in a manner which ensures the safety of the occupants.

This bylaw was adopted by Council in 1995.

### **Mobile or Travelling Shops, and Hawkers and Itinerant Traders**

This bylaw puts in place a licensing system to ensure all types of street trading are carried out in a safe environment where public health is not put at risk.

This bylaw was adopted by Council in 1995.

### **Licences for Vehicle Stands on Streets**

The purpose of this bylaw is to put in place controls over the operation of public transport businesses in public places.

This bylaw was adopted by Council in 1995.

### **Removal of Refuse**

This bylaw ensures that refuse is contained and then disposed of in a safe and sanitary manner.

This bylaw was adopted by Council in 1995.

### **Water Supply**

This bylaw was implemented to manage Council water supplies.

This bylaw was adopted by Council in 1995.

### **Control of Advertising Signs**

The purpose of this bylaw is to control the location, erection and display of advertising hoardings throughout the District.

This bylaw was adopted by Council in 1995.

### **Scaffolding and Deposit of Building Materials**

This bylaw puts in place a range of controls to ensure public safety when building activity takes place in a public place.

### **Amusement Devices, Amusement Galleries and Shooting Galleries**

This bylaw ensures that amusement devices, shooting galleries and amusement galleries are licensed and thereafter operated and maintained at all times in a safe manner.

This bylaw was adopted by Council in 1995.

### **Nuisances**

The purpose of this bylaw is to ensure that residents do not carry out any activities which are likely to be offensive or injurious to health.

This bylaw was adopted by Council in 1995.

### **Dog Control Bylaw**

The purpose of this bylaw is to put in place a range of measures to control dogs so that dog owners can enjoy responsible dog ownership whilst ensuring that the public is safe from dogs.

This bylaw was adopted by Council in 2004.

### **The Keeping of Animals, Poultry and Bees.**

This bylaw puts in place a range of controls so as to ensure that animals are housed and kept in a nuisance free manner.

### **Cemeteries**

This bylaw allows the Council to undertake its obligations under the Burial and Cremations Act 1964 and to control and manage the operations of the cemeteries.

This bylaw was adopted by Council in 1995.

### **Public Libraries**

This bylaw allows Council to provide a library service for the community and to control and management library operations.

This bylaw was adopted by Council in 1995.

### **Public Swimming Pools**

This bylaw allows Council to provide a public swimming pool for the community and to control and management the swimming pool operation.

This bylaw was adopted by Council in 1995.

### **Parks and Reserves**

This bylaw allows Council to provide parks and reserves for the community and to control and manage the operation of these parks and reserves.

This bylaw was adopted by Council in 1995.

### **Billiard Rooms**

This bylaw allows Council to control the management and operation of public billiard rooms.

This bylaw was adopted by Council in 1995.

### **Beaches: Bathing and Control**

The purpose of this bylaw is to allow Council to put in place controls over beach activities so as to allow all beach users the opportunity to enjoy the beach environment.

This bylaw was adopted by Council in 1995.

### **Control of Noise**

This bylaw allows Council to put in place measures to control loud, disturbing and unnecessary noise.

This bylaw was adopted by Council in 1995.

### **Sewerage Fees**

The purpose of this bylaw is to allow Council to set a separate Sanitation fee to cover the interest of any sanitation loan and the cost of maintaining Council's sewerage scheme.

This bylaw was adopted by Council in 1995.

### **Fire Prevention (Urban Vegetation)**

This bylaw relates to the prevention of the spreading of fires involving vegetation in the urban fire district of Te Kuiti.

This bylaw was adopted by Council in 2005.

### **Skateboarding Bylaw 2001**

This bylaw prevents any person from riding a skateboard in the Te Kuiti Central Business Area and the Piopio Business Area.

This bylaw was adopted by Council in 2001.

### **Speed Limit Bylaw**

The purpose of this bylaw is to set speed limits on any road within the jurisdiction of the local authority other than State Highways controlled by Transit New Zealand.

This bylaw was adopted by Council in 2006.

### **Tradewaste Bylaw**

This bylaw regulates the discharge of trade waste to a sewerage system operated by the Council.

This bylaw was adopted by Council in 2006.

### **Vehicle Crossing Construction Bylaw**

The purpose of this bylaw is to establish vehicle accessways to properties for both private and commercial use.

### **Vehicles and Streets**

The purpose of this bylaw is allow the public to use roads and to define what is and what is not accepted.

This bylaw was adopted by Council in 1995.

## **The Electoral System**

The Local Electoral Act 2001 (LEA) and the Local Electoral Amendment Act 2002 govern local authority elections.

Council employs a 'First Past the Post' (FPP) electoral system for triennial general elections. Under FPP, electors vote by indicating their preferred candidate, and the candidate with the most votes is declared the winner, regardless of the proportion of votes that candidate obtained.

The alternative system permitted under the LEA is the Single Transferable Vote system (STV). Under STV, electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The number of candidates required to fill all vacancies is achieved:

- By counting all of the first preferences and electing those candidates who reach the quota, then
- by a transfer of spare votes (over the quota) from elected candidates in proportion to all their voters' second preferences, then
- by excluding the lowest polling candidates and transferring these votes to the voters' second preferences.

These steps continue until enough candidates have reached the quote and have been elected.

### **Changing the Electoral System**

Section 27 of the LEA allows for the electoral system to be changed, provided that any change is made not later than 12 September in the year that is two (2) years before the year in which the next triennial general election is to be held. However such change must remain in effect for the following two triennial elections.

Pursuant to the LEA the public also has a right to demand a poll that the electoral system be changed, but in doing so must meet criteria as set out in the LEA.

## **Representation**

The Waitomo District is currently separated into two constituencies known as wards (Urban Ward and Rural Ward). Three Councillors are elected for each ward (total six councillors) and a Mayor is elected by the whole District (i.e. "at large").

Council is required to review its representation arrangements at least once every six years through a public engagement process. This review must include:

- The number of Elected Members,
- Whether the Elected Members (other than the Mayor) shall be elected by the entire District (at large), or whether the District will be divided into wards for electoral purposes, or whether there will be a mix of at large and ward representation,

- If the election by wards is preferred then the boundaries and names of those wards and the number of members that will represent each ward,
- Whether or not to have separate wards for electors on the Maori roll,
- Whether to have community boards and if so how many, their boundaries and membership and whether to further subdivide a community for electoral purposes.

Council must follow the procedure set out in the LEA when conducting this review and should also follow the guidelines published by the Local Government Commission.

## The Members

		<b>Business Phone</b>	<b>Home Phone</b>	<b>Fax</b>
<b>Mayor</b> Mark Ammon	41 Waitete Road TE KUITI	878 0800	878 6359	878 7771
<b>Deputy Mayor</b> Pat Hickey (Urban Ward)	1604 Te Kumi Road TE KUITI	878 3408	878 6316	878 3409
Brian Hanna (Rural Ward)	2896 State Highway 3 Mahoenui R D TE KUITI	877 8406	877 8406	877 8407
Peter Keeling (Rural Ward)	166 Paekaka Road R D 2 PIOPIO 3970	878 5236	877 8779	877 8889
Pauline Ryan (Urban Ward)	6 South Street TE KUITI	878 8072	878 6797	878 8072
Sue Smith (Rural Ward)	313 Te Waitere Road R D 8 TE KUITI	876 7518	876 7518	
Doug Stone (Urban Ward)	7 Gladstone Road TE KUITI		878 6014	

## The Role of Elected Members and their Conduct

### Role of an Elected Member

Members of a Local Authority are elected to bring effect to the purpose of local government as set out elsewhere in this Statement, including:

- Developing and adopting Council policy
- Monitoring the performance of Council against its stated objectives, policies and identified community outcomes

- Representing the interests of the people of the Waitomo District
- Employment of the Chief Executive (pursuant to the Act, a local authority employs the Chief Executive, who in turn employs all other staff on its behalf)

The manner and process by which Council Members must meet their responsibilities is widely prescribed in the Act, particularly terms of Schedule 7.

### **Role of the Mayor**

The Mayor, as one of the elected members, shares the same role as other members including, but not limited to, the following:

- Presiding Member of Council meetings and Ceremonial Head of Council
- Provision of leadership and feedback to other elected members
- Advocating on behalf of the community, including promotion of the District and representing its interests

### **Conduct of an Elected Member**

Elected members have specific obligations as to their conduct as outlined in the following legislation:

- Schedule 7 of the Act, which includes obligations for Council to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct (refer section below) and Standing Orders.
- The Local Authorities (Members' Interests) Act 1968, which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).
- The Secret Commissions Act 1910 prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way.
- The Crimes Act 1961 regarding the acceptance of gifts and the use of official information for private profit.

### **Code of Conduct**

All Councils must adopt a Code of Conduct as a requirement of the Act. The Code of Conduct sets out Council's understanding and expectations of how the Mayor and elected members will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by, or is in the possession of, elected members, and contains details of the sanctions that council may impose if an individual member breaches the code.

<h2><b>Governance Structures and Processes, Membership and Delegated Authorities</b></h2>
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### **Council**

The Mayor and Council Members elected by the people of the Waitomo District form the Council. The Council is responsible for the overall governance of the District and ensuring that Council acts in the best interests of its residents and ratepayers. The Mayor presides over meetings of the Council.

The Council currently meets on a monthly basis on the last Tuesday of each month. The commencement time of these meetings varies depending on the amount of business to be considered. Council meetings and commencement times are publicly notified in the Waitomo News.

## **Committees**

Council may create committees of Council as it sees fit. A Committee Chairperson is responsible for presiding over meetings of a Committee and ensuring that the Committee acts within the powers delegated by Council.

Committees are groups appointed by Council for specific functions.

### **Hearings Committee**

The purpose of the Hearings Committee is to deliver the function of Council acting as a Regulatory Consent Authority.

The Waitomo District Council Hearings Committee consists of the Mayor and three Council Members.

The delegated authority of the Hearings Committee is to consider all matters requiring a hearing in Council's role as a Regulatory Consent Authority i.e. hearings required under the following legislation: Resource Management Act 1991, Sale of Liquor 1989, Fencing of Swimming Pools Act 1987, Litter Control Act 1996 and Dog Control Act 1996.

### **Inframax Construction Ltd Relationship Committee**

Inframax Construction Ltd is a Council Controlled Organisation (CCO) of which the Council is the sole Shareholder.

The purpose of the Inframax Construction Ltd Relationship Committee is to act as a liaison between Council and representatives of the ICL Board for the purpose of monitoring the performance of WDC's investment in the CCO.

This Committee consists of the Mayor, Chief Executive and one Council Member.

## **Council Representation on Outside Organisations**

Council also has appointed representatives on the following outside organisations:

- Benneydale Residents and Ratepayers Association
- Brook Park Advisory Committee
- Brook Park Management Plan Working Group
- Creative Communities Assessment Committee
- Regional Land Transport Committee
- Regional Passenger Transport Committee
- Marokopa Recreation Ground Committee
- Mokau Residents and Ratepayers Assn
- Tainui Wetere Domain Board
- Te Nau Nau Reserve Advisory Committee
- Transit NZ - State Highway 3 Working Party
- DC Tynan Trust
- Waikato Civil Defence EMG
- Waitomo Safer Community Council
- Waitomo/Tatsuno Sister City Committee
- SPARC
- Waipa Catchment Liaison Committee
- Shore Futures

## **Meetings of Elected Members**

The legal requirements for Council's meetings are set down in the Local Government Act 2002 (LGA), the Local Government Official Information and Meetings Act 1991 (LGOIMA) and the Standing Orders adopted by Council.

Meetings of the Council must be publicly notified and the agenda made available to the public pursuant to the criteria set out in the LGOIMA.

All Council and Committee meetings are open to the public unless there is a reason to consider some item with the "public excluded", which means that these items are deemed to be confidential and members of the public will be asked to leave the meeting until discussion on the item has been completed. Section 48 LGOIMA outlines reasons for excluding the public from meetings. The most common reasons are as follows:

- For the protection of personal privacy
- To prevent disclosure of legally privileged information
- To prevent disclosure of commercially sensitive information
- To ensure the maintenance of public health and safety

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

## **Consultation Policies**

Council is obliged to consult with its community on many matters and deems it advisable to do so regardless of legislative requirements. Council will seek to engage the community on any matter of significance or material interest to their well-being.

Specifically, Council will comply with all consultation requirements set down in relevant legislation and particularly those conditions set out in the LGA and the Resource Management Act.

## **Relationships with Maori**

Council has been pursuing for some time a formal Memorandum of Understanding with local Iwi. The process is continuing and it is hoped to include all relevant matters related to achieving cultural well-being and social harmony in the district.

Developing such a protocol based on mutual goodwill will ensure that those involved have a clear understanding of how the consultation process will work at a local level and that the community generally has an appreciation of the initiatives Council has developed to meet its statutory responsibilities and to facilitate Maori contribution to local government.

## **Management Structure and Relationship between Management and Elected Members**

### **Relationship between Management and Elected Members**

The role of the elected Council and that of the Chief Executive (management) are distinct and prescribed by the Act despite the employer - employee relationship. In simple terms, Council's role is to decide "what" at Principal Activity sub-level (refer Schedule 10 LGA, LTCCP and annual plans) and the Chief Executive's role is to execute, effectively and efficiently, Council's decisions - i.e. the "how".

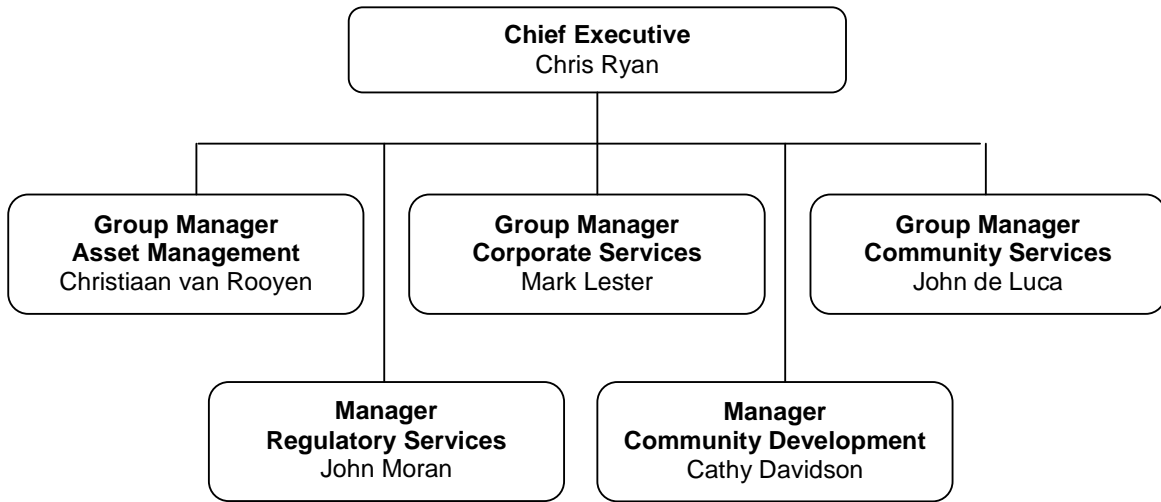
The only direct employee of the Elected Council is the Chief Executive who is consequentially responsible for all staff. A number of terms and conditions relevant to the Chief Executive relationship are determined by the LGA in addition to a contractual agreement which sets out the employment relationship in detail.

The Chief Executive reports to the Council. All staff report to and are employed by the Chief Executive.

Management is obliged to provide information to elected members' that is relevant to their function in bringing effect to the purpose of local government and management recognises that Council decision-making is largely dependent on sound information and advice. Elected members are entitled to access Council information for the purpose of carrying out their role as an elected member, however in their private capacity their rights to accessing information held by Council are the same as those of a member of the public.

## **Management Structure**

The following diagram sets out Council's general management structure:



The responsibilities of each Group are set out below:

### **Asset Management**

- Roding
- Water Supplies
- Stormwater Services
- Sewerage Services
- Solid Waste Management
- Contract Supervision
- Design and Investigation
- Tender Evaluation
- Field Survey

### **Corporate Services**

- Annual Planning
- Long Term Council Community Plan
- Resource Management Policy
- Policy Preparation
- Community Consultation
- Accounting Services
- Revenue Services (including Rates)
- Financial Services
- Council's Central Records System
- Personal Computer Systems
- Communication Systems
- Management Systems
- Client Training

### **Community Services**

- Recreation and Community Facilities
- General Council Property

### **Regulatory Services**

- Building Control
- Animal Control
- Resource Management Implementation
- General Inspections

- Environmental Health

**Community Development**

- Visitor Information Centres
- District Promotion
- Economic Development Promotion

**Equal Employment Policy**

Waitomo District Council is committed to actively supporting the principles of equal opportunities through its HR strategy of employment, training, and development.

Waitomo District Council will actively ensure there is no discrimination on the grounds of race, colour, ethnic or national origin, gender, ethnic beliefs, marital status, sexual orientation, family status, political opinion, employment status, age, disability (including illness), or religion.

**Key approved Planning and Policy Documents**

The Waitomo District Council is required to comply with various legislation in respect of planning, however Council regards the legislation as a minimum requirement for it to make a meaningful contribution to the community’s future well-being.

In an effective organisation, planning follows a hierarchy of plans ranging between a high level vision for the future and action plans that deliver day-to-day results that progress toward the vision.

The attached diagram demonstrates the relationships between the documents of Council’s planning regime:

<b>Plan Title</b>	<b>Process for formulating the Plan</b>	<b>Review Process</b>
Long Term Council Community Plan (LTCCP).	Project plan formed by Council. Informal community consultation - extensive. Draft plan formulated. Formal community consultation (esp. Maori) Final Consideration and adoption. Total timeframe approx 12 months Legislative requirement.	Every three years. May be varied at any time provided that a due process is followed.
Council Annual Plan	Draft plan formulated taking account LTCCP and Council’s own strategies Formal community consultation (esp. Maori) Final Consideration and adoption. Total timeframe approx 6months.  Legislative requirement.	New annual plan each year creates a continual review of all services and activities.

<b>Plan Title</b>	<b>Process for formulating the Plan</b>	<b>Review Process</b>
Council Annual Report	Comparison of Council's actual performance with the proposed performance set out in the Annual Plan or LTCCP. To be produced within four months of the end of financial year. Must contain an audited financial statement, set of accounts and annual financial report assessing Council's financial performance and position against budget.	New Annual Report required each year.
District Plan	Resource management issues documents prepared. Consultation with key stakeholders Public notification of draft plan. Submissions on draft plan considered by Council and publicly notified. Preparation of proposed plan. References on plan currently lodged with Environmental Court for consideration.	Review required no later than years after plan becomes operative. Council may vary at any time to suit changing circumstances.
Asset Management Plans	To comply with the Local Government Act 2002 key requirements of which include the preparation of a longterm financial strategy and the recognition of changes in the service potential of assets, which are outputs of AM plans.  Legislative requirement.	Reviewed and Updated Annually
Public Health - Water and Sewerage.	There is a legislative requirement under the Local Government Act to have carried out water and sanitary assessment by June 2005. It appears that only around 20% of suppliers have been completed across the country. Current condition assessment and risk assessment in Asset Management Plans partially covers the Local Government Act requirement. The PHRMP is required for future subsidies through MoH and will become a requirement under the water standards under the Public Health Bill.	Will be completed by October 2005.

## **Public Access to Council**

Key approved planning and policy documents are made available to the public through a variety of channels. Key documents are available on Council's website or by request at Council offices.

Where legislation requires consultation, Council engages with the community through local newspapers, public meetings and direct written communication. Identified stakeholders in the process receive a copy of the planning documents.

Key public documents that do not require special consultation are made available at Council offices and are sent to identified stakeholders. For example Council's agenda is forwarded to a number of newspapers in the region and is made available at Council offices and the Library.

Council meetings are open to the public and are publicly notified, although on occasion Council may require the exclusion of the public for a portion of a meeting. Council meetings are held on the last Tuesday of the month, with the exception of December. Any member of the public can attend a Council meeting. However, a member of the public wishing to speak at a meeting must gain prior approval from the Mayor or Chairperson.

Council Member contact details are published on Council's website and are available by contacting the Council offices. Council's role in engaging with the public is defined by legislation and the Code of Conduct.

## **Requests for Official Information**

Requests for information from the public may be made under Local Government Official Information legislation. All requests must be in writing and addressed to the Chief Executive and clearly state that they are a request under Local Government Official Information Act (The Act).

The Chief Executive will decide whether the request is to be granted and notify the requester of that decision within 20 working days of receiving the request. Specific charges may apply to a request, details of which are set out in the Council's fees and charges available on Council's website.

Where Council receives a request for information under the Act, the Chief Executive or authorised employee may extend the time limit set, for a reasonable time. This may occur if the request is for a large quantity of information or necessitates a search through a large quantity of information, or if consultations are needed before making a decision on the request and meeting the original time limit would unreasonably interfere with the operations of the local authority.

Reasons for withholding information requested under the Act, mainly relate to the protection of the privacy or interests of other parties who would be affected by the disclosure of information, or where the information in question should remain confidential to protect commercial interests.

If an applicant is dissatisfied with Council's decision in respect to a request for information under the Act, the applicant has the right to make a complaint to the Ombudsman, to seek an investigation and review of the Council's decision.