

Elected Member Briefing – Tuesday 13 February 2018
Commencing at 9.30am in Committee Room One

	Topic	HCC Contact / Presenter(s)	Open / Closed	Time Req'd (mins)
	Draft Development Contributions Policy	Greg Carstens	Open	30
	Tomkins Wake refresher training – Decision making for Elected members under LGA	Brendan Stringer	Open	60
	MORNING TEA			
	10-Year Plan engagement update	Julie Clausen	Open	30
	MEETING ENDS			

TOMPKINS WAKE

Local Government Decision
Making



General principles

To withstand judicial review, decisions must be lawful, reasonable and made in a procedurally fair manner.

Lawfulness

Key provisions of the Local Government Act 2002:

- Section 14 Principles relating to local authorities
 - *Diversity and community interests*
 - *Interests of current and future communities*
 - *Opportunities for Māori to contribute to decision-making processes*
- Section 77 Assess and identify options
- Section 78 Consider views and preferences

Lawfulness: relevant considerations

- All relevant considerations must be taken into account
- Irrelevant considerations must be disregarded

Reasonableness

- Courts will not review the merits of the decision – unless the decision is outside the bounds of reason.

Fairness: consultation

- In some situations, it is mandatory to consult with the public. Otherwise, Council has a discretion as to the scope and form of consultation.
- General principles of consultation: (s 82 LGA 2002)
 - Access to information about the issue, the consultation and the possible decisions;
 - Opportunity to present views in an appropriate manner and format;
 - Views presented should be received with an open mind and given due consideration.

Fairness: open mind

- Elected representatives operate in a political environment and are not required to remain silent or even impartial.
- Nevertheless, you must be able to say that, regardless of your views and allegiances, you came to the submissions and decision-making able to genuinely consider whether to change your mind.

Fairness: conflicts of interest

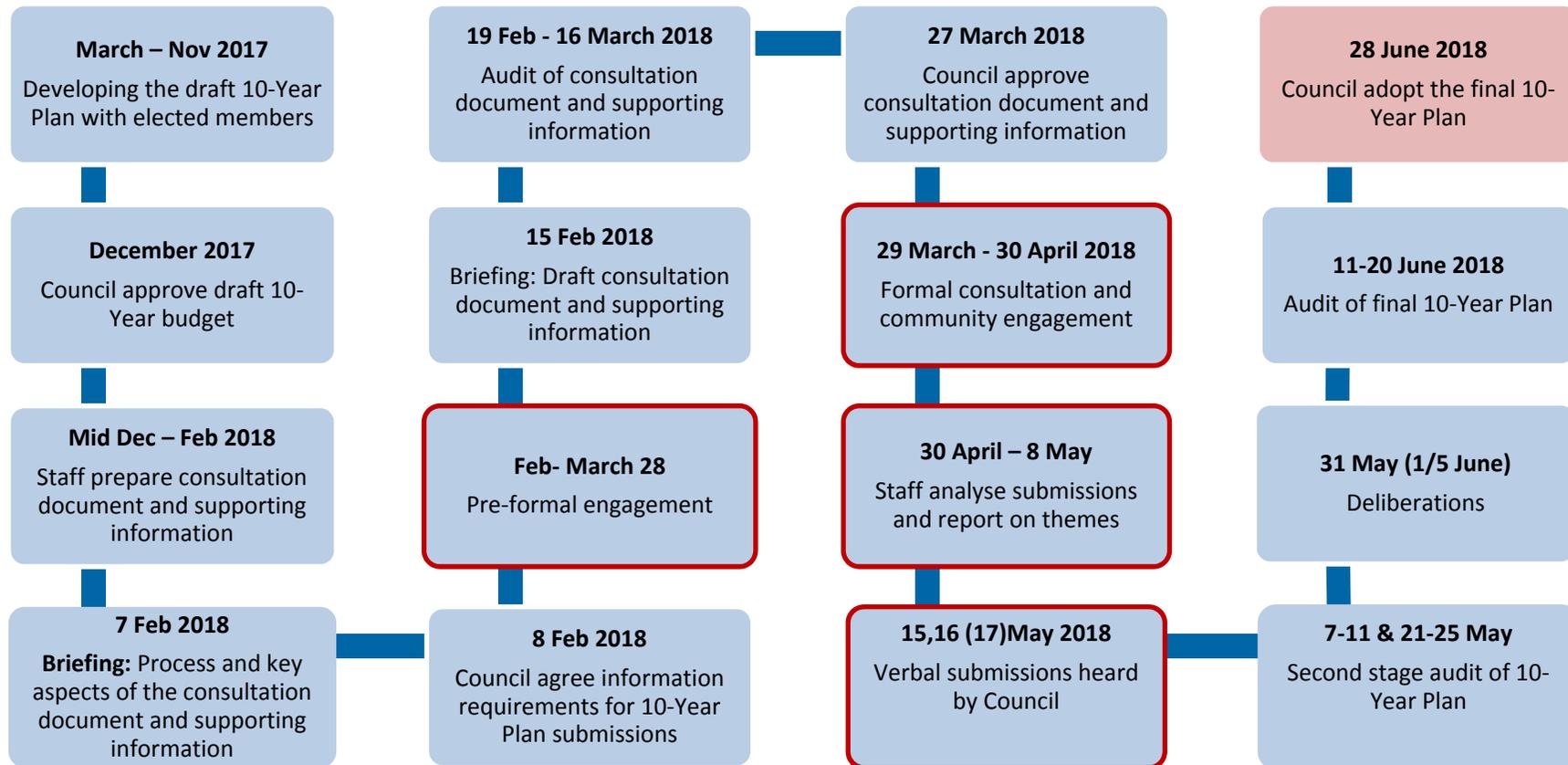
- Pecuniary conflicts of interest are where a councillor stands to gain or to avoid a loss due to a decision of Council. However, an interest in common with the public is not sufficient to give rise to a conflict of interest.
- Non-pecuniary conflicts of interest arise where the Councillor's interest in the outcome of the decision is other than monetary.
- Recusal is not always required, but disclosure always is.

2018-28 10-Year Plan Engagement

13 February 2018



Engagement steps in the process



Pre-formal engagement

- Pre-formal engagement seeks to encourage and support the community to make informed submissions on the issues important to them
- Pre-formal engagement is underway:
 - Email invites sent to more than 450 organisations
 - Meetings are being scheduled for February and March - the schedule of meetings is available on the OneDrive
 - Governance will send meeting requests to elected members:
 - Where hosts have requested specific elected members they will receive an invite. All other elected members will be included as optional attendees
 - Elected members to confirm their availability by responding to meeting requests

Meeting outline

Meeting outline:

- 10-Year Plan process – presented by staff
- Key challenges – outlines the 4 issues
- Message from host – opportunity for community to be heard
- Message from elected members – opportunity to respond to host message
- How to have your say (how to make a good submission) – presented by staff

Information on meetings

Invites from governance to the meetings

- Titled *“Pre-formal consultation meetings with the Community – Host name”*
- See list on the OneDrive

Getting the consultation document to the community

- Council approve audited consultation document – **27 March 2018**
- The consultation document is made available to the community – **29 March 2018**:
 - The consultation document, submission form and all supporting information will be available online
 - Hard copy consultation documents and submission forms will be available at the main Council reception and all libraries
 - People can request a hard copy be mailed to them through our call centre
- At the same time, ratepayers will be sent a letter showing the change the proposed draft 10-Year Plan budget makes to their rates

Engagement activity in the consultation period

- During the consultation period staff will operate a mobile 10-Year Plan information stand
- People will be able to complete an electronic submission at the stand on a tablet or take home a prompt card to guide them through the process online
- The dates and locations of the stand are yet to be confirmed – elected members will be provided with the schedule as soon as practical
- Staff will be prepared to respond to questions and be able to connect people with their elected members or technical staff to answer specific questions
- Commonly asked key questions and answers from the information stands and emails will be published on the Council's website

Engagement questions

- These are being carefully framed to ensure we ask the right questions to get the information we need to inform elected members
- Profile questions are included to help us understand key messages from specific sections of the community
- Contact details are required to encourage ownership of the submission

Next steps to consultation

2018 timing	Progression point
February/March	Pre-formal engagement - meetings with organisations to support and encourage them to make submissions
15 February	Elected member briefing: to present and seek feedback on the draft consultation document and performance measures
19 February – 16 March	Audit of consultation document and underlying supporting information for this and the draft 10-Year Plan
16 March	AuditNZ give consultation document clearance to proceed
27 March	Council approves the final consultation document
29 March	Consultation document is released to the community and consultation period begins

DC Policy Review

Reference Group Update

Council Briefing
13 February 2018



DC Reference Group

Following a DC Policy review Council Briefing on 7 Feb, a Reference Group was established.

Purpose:

To present to Elected Members for consideration:

- draft DC Model outputs, and
- potential policy amendment options.

Objective:

- staff to receive feedback and direction from Elected Members for the draft DC Policy
- which is under development and scheduled for adoption on 27 March for public consultation.

Three 2-hour Reference Group meetings have been set up for tomorrow, 19 Feb, and 2 March.

Membership

Membership:

- **Councilors:** Mayor Andrew, Cr Dave, Cr Garry, Cr Rob

Supported by:

- **Staff:** Sean Hickey, Blair Bowcott, Nathan Dalgety
- **External:** Lachlan Muldowney, Barrister

Agenda Items

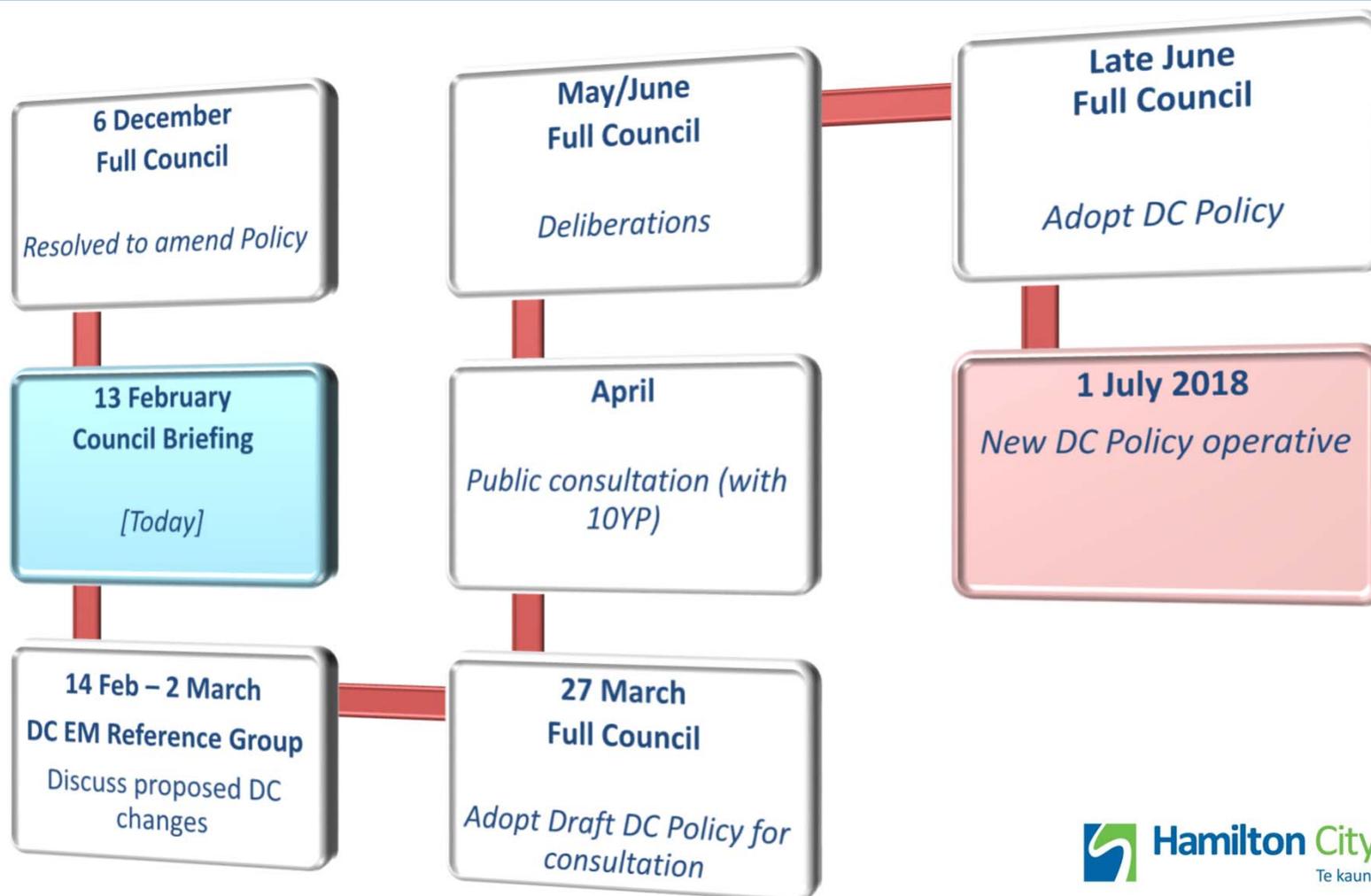
Ref Group Meeting #	Agenda topics
Meeting 1 14 February	<ul style="list-style-type: none"> • Establish policy options: <ol style="list-style-type: none"> 1. Status Quo 2. Charge by dwelling size i.e. # rooms 3. Modified Status Quo • Define each option and confirm assumptions • High charge outliers e.g. Rotokauri, Temple View – implications and solutions • Compare DC revenue and charges (A4)
Meeting 2 19 February	<ul style="list-style-type: none"> • Option 2. charge by dwelling size - evidence base, practical application, benefits, legal • Recover DCs for projects funded outside 10 Year Plan “30 year capex” <ul style="list-style-type: none"> ➢ Which projects to include? ➢ Revenue and charge implications ➢ Legal risk • Indexing charges - rationale and implications
Meeting 3 2 March	<ul style="list-style-type: none"> • Additional (less significant) Policy options: new sectors (e.g. low use industrial, supermarket) • DC Policy transition risk up to 1 July 2018 – mitigation options, legal • Staff to receive Elected Member feedback and direction to progress Draft DC Policy to 27 March Council Meeting

Economic impacts

Sensitivity report

- Investigating the sensitivity of high DCs on development and the Hamilton market - Fraser Colegrave (Insight Economics)
- Due 9 March
- Draft asked to be made available sooner (tbc) to guide decision making for draft Policy options

Roadmap



Questions?