



Agenda for a meeting of the Pokeno Community Committee to be held in the Pokeno Community Hall, Cnr Great South Road and Market Street, Pokeno on **TUESDAY 11 DECEMBER 2018** commencing at **6.30PM**.

*Information and recommendations are included in the reports to assist the committee in the decision making process and may not constitute Council's decision or policy until considered by the committee.*

**1. APOLOGIES AND LEAVE OF ABSENCE**

**2. CONFIRMATION OF STATUS OF AGENDA**

**3. DISCLOSURES OF INTEREST**

**4. CONFIRMATION OF MINUTES**

Meeting held on Tuesday 13 November 2018

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**5. REPORTS**

5.1 Passenger Rail Business Case

Verbal

5.2 Pokeno Works & Issues Status of Items December 2018

7

5.3 Pokeno Community Committee Schedule

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5.4 Interests Register

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5.5 Update on Christmas Parade

Verbal

5.6 Street Naming

Verbal

5.7 Councillor's Report

Verbal

5.8 Committee Reports

Verbal

5.9 Next Meeting's Agenda Items

5.10 General Business

GJ Ion

**CHIEF EXECUTIVE**

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**Open Meeting**

<b>To</b>	Pokeno Community Committee
<b>From</b>	Gavin Ion Chief Executive
<b>Date</b>	15 November 2018
<b>Prepared by</b>	Lynette Wainwright Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV0516
<b>Report Title</b>	Confirmation of Minutes

**1. EXECUTIVE SUMMARY**

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To confirm the minutes of the Pokeno Community Committee meeting held on Tuesday 13 November 2018.

**2. RECOMMENDATION**

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**THAT the minutes of the meeting of the Pokeno Community Committee held on Tuesday 13 November 2018 be confirmed as a true and correct record of that meeting.**

**3. ATTACHMENTS**

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PCC Minutes 13 November 2018



## **POKENO COMMUNITY COMMITTEE**

**MINUTES** of the monthly Pokeno Community Committee meeting held in the Pokeno Hall, Pokeno, on 13<sup>th</sup> November 2018, commencing at 7.00pm.

**Committee Members Present:** Helen Clotworthy, Tricia Graham, Doug Rowe, Todd Miller, Janet McRobbie, Charles Hackett, Kris Hines, Wayne Rodgers, Morris Roberts

**WDC Staff in Attendance:** Ian Cathcart

**Councillors in Attendance** Cr J Church Cr S Henderson

**Guests** Joel McKinlay, Bill Birch, Tania Simpson

**Community Members** Community Members attended.

**1 APOLOGIES:** Apologies received from Ric Odom, Lance Straker

**Moved that the apologies be accepted:** Helen Clotworthy

**Seconded:** Todd Miller

### **2 CONFIRMATION OF THE STATUS OF THE AGENDA**

This was confirmed

**Moved** Helen Clotworthy

**Seconded** Todd Miller

### **3 DISCLOSURE OF INTEREST**

There was no disclosure of interest

### **4. CONFIRMATION OF THE MINUTES**

**Moved** Helen Clotworthy

**Seconded** Wayne Rodgers

## **5. REPORTS**

### **Dines Group**

A progress report was presented by Colin Botica

- 700 of the Hitchen Block sections have been sold
- The Graham Block is in the draft planning stage. Some of the sections in this block will be very large owing to the nature of the land. It will include walkways
- Only 4Ha of industrial land is still left for sale. They are being very picky who they sell to so that the industries are a good fit with the 3 big dairy factories
- Hitchen Bridge probably completed mid-January Concerns were expressed that the crossing to the school was at a dangerous place – this would need to be mitigated. It was also of concern that if trucks still used the level crossing they would still be going down the main street
- Work on Totora Reserve has started. It will probably be vested with council in December

### **Pokeno Eco Park**

A report was presented by Joel Mc Kinlay

- 350 Ha has been purchased on the hillside behind the Dairy factories and the Graham Block running down to the river
- A resort with 200 beds is planned in TataValley. It will be linked to Mercer by a ferry. It will include a NZ Made Hub and activities. Resource consents have been approved for earth works to begin. Opening anticipated 2020-2021
- Havelock Village – 1000 lots this all depends on a plan change
- Local residents present voiced their concern about the management of the present native bush and its need for fencing and pest control. Joel is to meet with them to remedy this
- Helen invited the group to give us regular updates

### **5.3 Food Truck League**

Tania Simpson presented this report

- Tania is affiliated with 95 Food Trucks. During the summer Sundays they are running ‘Gourmet in the Gardens’ in Hamilton and this is proving very successful
- An app has been developed coordinating all food trucks in NZ
- She is identifying places they could go
- Trucks are regulated and inspected
- The possibility of bringing 3 or 4 trucks to Pokeno on a Friday evening was suggested. Perhaps the hall car park would be a suitable venue with 3 or 4 trucks with food not available at the present time in Pokeno

### **5.4 Works and Issues**

- Hill Park zigzag footpath that is incomplete. Colin said the Dines Group would be willing to complete this but they **must** get direction from council before they proceed
- Concerns about the trees on the road reserve. Helen said this was part of a greater concern about the use of land that has been earmarked for the future Market Square – this

must not gradually wither away. Formal letters to be written by council to the Real Estate Agent pointing out that land they have been using is land designated for the Market Square.

- Work on the Cemetery Design is being undertaken
- A pilot is underway for banners in the main street
- More road names are needed
- Waste water reticulation Morris Roberts reported concerns of people in Ford St – he is to be in touch with council
- Funding an invoice needs to be sent and this will be done when we have a bank account

### **5.6 Pokeno Community Committee Schedule**

- It was confirmed that there would be no January meeting of the committee
- The December meeting to start at 6.30 and to be a meeting of Xmas Cheer – bring a plate

### **5.6 Service Delivery**

- Toilet upgrade to be a paint job The committee agreed that the council should go ahead using the colours agreed in the town plan
- It was noted that rubbish bins are urgently needed at the Kowhai Downs Waterfall
- The rest of the report taken as read

### **5.7 By-line for ‘Pokeno Logo’**

It was suggested by Helen that the following by-line be added to the Pokeno Logo

**Pokeno a Unique and Interesting Place to Work and Live in or a Missed Opportunity’.**

This is a passionately held feeling. After discussion it was decided that action should not occur at the moment but that the matter should be revisited after we hear Kobus’s Blueprint in March.

**Moved** Kris Hines

**Seconded** Todd Miller

**Carried**

### **5.8 Civil Defence Update**

Todd Miller has produced a comprehensive document to help our resilience as a community and develop a civil defence plan. He has met with interested parties. The plan has been circulated to committee members. A report has been sent to council but it is owned by us and will be developed by our community.

### **5.9 Power Supply**

- Helen attended a meeting with Counties Power. The problem is that Helenslee Rd is at the end of the line so affected by any problems. This will improve when a new substation is built
- Helen received a letter of thanks for attending and the offer of help. This involved the help with signage of historic places – this was gratefully accepted.

### **5.10 Tracks and Trails Report**

A meeting regarding these was attended by Helen and Jacqui now input is needed

### **5.11 Xmas Parade**

- Allen Granger reported the good news that we have a grant from the Discretionary Fund for traffic management so it will now go ahead on 14<sup>th</sup> December
- A lot of work has been done in organisation

### **5.13 Councillors Reports**

Jacqui in response to concerns over pest control that Andrew Sinclair of the Whakaupoko Landscape Group (0212681904) has good information and suggested he should be invited to a meeting

### **5.14 Committee Reports**

Doug Rowe reported that there was a new policeman that we were sharing with Tuakau and as Xmas nears we should be aware of thieves

### **5.15 Next Meetings Agenda**

Reports only followed by Xmas Cheer

### **5.16 General Business**

It was agreed Andrew Sinclair be invited to a meeting

There being no further business Helen thanked our guests and declared the meeting close at 10.00pm the next meeting to be held on December 11<sup>th</sup> at the earlier time of 6.30pm Bring a plate.

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### **Open Meeting**

<b>To</b>	Pokeno Community Committee
<b>From</b>	Ian Cathcart General Manager Service Delivery
<b>Date</b>	4 December 2018
<b>Prepared by</b>	Karen Bredesen PA to the General Manager Service Delivery
<b>Chief Executive Approved</b>	Y
<b>Reference/Doc Set #</b>	PCC2018; GOV0516
<b>Report Title</b>	Pokeno Works & Issues: Status of Items December 2018

### **1. EXECUTIVE SUMMARY**

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To update the Committee on issues arising from the previous meeting.

### **2. RECOMMENDATION**

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**THAT** the report from the **General Manager Service Delivery** be received.

### **3. ATTACHMENTS**

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- Pokeno Works & Issues: Status of Items November 2018

**REPORT:**

Issue	Area	Action	Comments
Banners for Main Street	Gary D/Fraser	Existing lights are unable to take banners due to their construction. Is there an alternative?	<p><u>NOVEMBER:</u> Roading is to investigate alternatives and the possibility of strengthening the existing poles.</p> <p><u>DECEMBER:</u> Along the main street in Pokeno the decorative street light poles are ground planted and should be able to withstand a <u>small</u> banner. Staff will be able to provide a better indication of what the decorative street lights are able to withstand if we know the size and measurements of the proposed banner(s) in mind?</p>
Footpath	Megan	<p>Need to investigate footpath 30 metres between Zig Zag Hillpark Drive (?) and Mill Hill Crescent (?) behind the wetlands.</p>  <p>As per last month Zig Zag Hillpark Drive and Mill Hill Crescent Behind Wetlands.</p> <p>There is no footpath linking the Zig Zag path to the other concrete path, is this to be formed by the developer? Could this be a boardwalk?</p>	<p>This walkway was created by the developer. Investigations are needed to determine if it should have been concrete but due to the terrain it is on, concreting it may not have been feasible.</p> <p>Further investigation will occur.</p> <p><u>NOVEMBER:</u> Staff have looked into the area between the zigzag hill path and the walkway detailed on the map.</p> <p>Due to the terrain and access issues, the cost to install and maintain a walkway in this area will likely be very expensive. Staff will have this job quoted and once received will determine if this path is the best use of ratepayers money or if there are other walkways that would be more beneficial to the community and therefore will have a higher priority.</p> <p><u>DECEMBER:</u> Council staff have met with developers to look at options for walkway development. Currently awaiting quotes for different options and depending on pricing, may result in one of the following:</p>



Issue	Area	Action	Comments
			<ul style="list-style-type: none"> <li>• Retaining wall installed, grass path widened and will be maintained by being mown</li> <li>• Boardwalk built to widen the path</li> <li>• Gravel walkway widened</li> </ul> <p>Update will be provided once quotes are received.</p>
Trees by the Real Estate and War Memorial Hall	Ian Cathcart	<p>Formal letter to be sent to the Real Estate Co. to confirm that the land is not legal park.</p> <p><b>Reference:</b> These trees are included in the Operative and Proposed plan and are afforded the following rule in regard to access around them:</p> <p>(a) Any activity within the dripline of a notable tree identified in <a href="#">Schedule 30.2</a> (Notable Trees) must not:</p> <ul style="list-style-type: none"> <li>(i) Involve excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or footpath;</li> <li>(ii) Involve parking or storage of materials, vehicles or machinery;</li> <li>(iii) Discharge of an eco-toxic substance; and</li> <li>(iv) Involve construction of structures.</li> </ul>	Formal letter to be sent to the Real Estate agency.
Tuakau/Pokeno New Cemetery	Deidre/Megan	Who is engaged in the design from the community?	Whangarata Road Cemetery design maps along with updates on proposed works was included in the November Pokeno Community report.
Phase 3 - Wastewater & Ford Street	Paul White	When is it happening – communicate with 16 Ford Street?	Paul White has contacted the property owner at 16 Ford Street.

Issue	Area	Action	Comments
Double Yellow Lines	Gary/Gareth	Helen Clotworthy ( <a href="mailto:helen@pokenobacon.co.nz">helen@pokenobacon.co.nz</a> , 027 248 4275, 09 239 2086) has asked if a double yellow line be painted when you head north on Helenslee Rd between Gateshead Rd and Hillpark Rd. There is a sharp bend veering right, cars heading north often cut the corner forcing oncoming vehicles into the scrub and ditch.	The Road Safety Engineer is to inspect if appropriate and meets MOTSAM (Manual of Traffic Signs and Markings), and will provide an update to the next meeting.
Toilet	Kevin/Donna/Megan	Can confirmation be given of the colour scheme for painting?	Documents to go to tender early in the New Year. Colour scheme not yet specified. Will seek input from Community Committee regarding colour and landscaping when the contractor is appointed and decisions ready to be made.
Kowhai Downs Waterfall	Luke/Duncan	Can bins be installed for summer?	The Kowhai Downs Waterfall property is currently being developed and is in private ownership. Once it is vested to Council, staff can look at options for installing bins. However, in the meantime, staff could discuss options with the developer.

## SERVICE DELIVERY

### Projects Update

#### Sports/ Recreation, Open Fields

(Munro Block) Council is currently waiting for the flood analyses work to be completed by Opus, due January 2019.

#### Pokeno Road Urban Upgrades

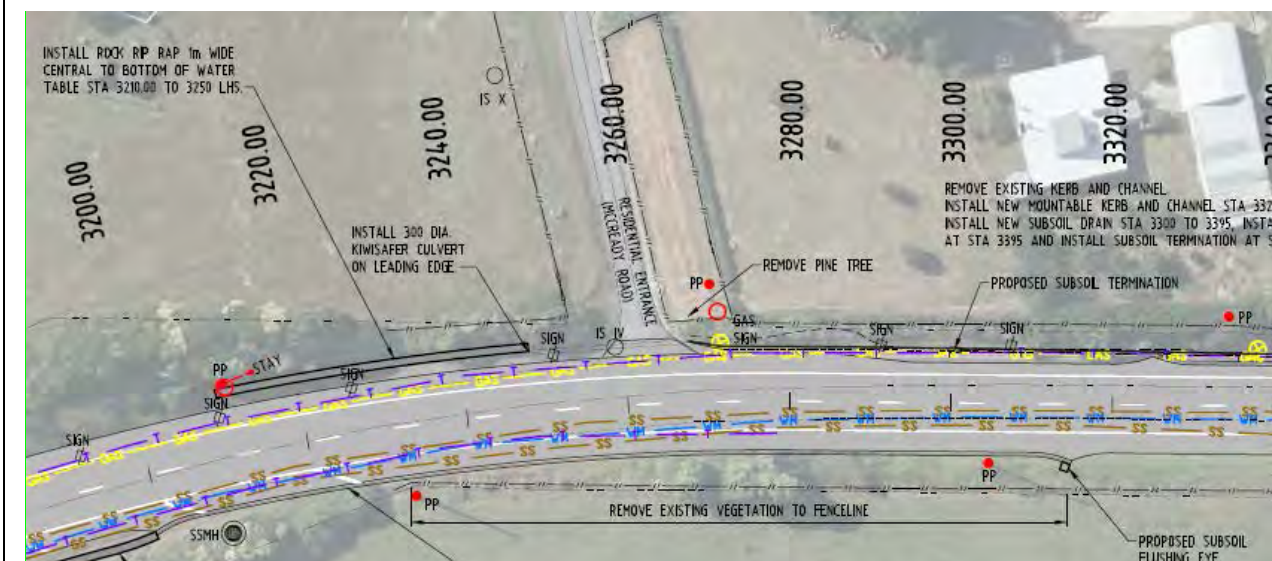
Design work is underway for design of the upgrades on Pokeno Road from Great South Road (GSR) to Munro Road intersection. The first section to be done will be GSR to the school (including remaining section of Helenslee Road). Stormwater upgrades and services undergrounding will be done this summer. The road and footpath work will be carried out next summer.



*Pokeno Road Urban Upgrades - Preliminary drainage design*

#### Whangarata Cemetery

McCready Road intersection (to access to the future cemetery) is under construction by the Waikato District Alliance as part of an adjacent pavement rehabilitation on Whangarata Road from the rail overbridge, to the Whangarata Chalets.



### Whangarata Pavement Rehabilitation



Whangarata Cemetery – access roading layout

#### Power Upgrades

Counties Power will be installing new underground cables in Pokeno over the summer. These works are twofold; increasing supply to the industrial area, and undergrounding the existing overhead lines along Pokeno Road and Great South Road to accommodate the planned Urban Upgrades to be carried out by Council.

The section involved runs from outside the school, along Pokeno Road to Great South Road (GSR), then along GSR to Market Street intersection. The work then jumps to Wellington Street intersection and runs south to McDonald Road.

Council is covering the cost of Pokeno Road services undergrounding from development contributions, and Counties Power has generously offered to underground the GSR section from Wellington Street to McDonald Road.

The undergrounding work is expected to be complete by April 2019. Re-surfacing of GSR (asphalt) is currently programmed for July/August 2019.



Poles on Pokeno Road to be removed and overhead lines undergrounded.





*Poles on Pokeno Road and GSR to be removed and overhead lines undergrounded to Market St.*



*Poles on GSR to be removed and overhead lines undergrounded to McDonald Rd.*

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### **Open Meeting**

<b>To</b>	Pokeno Community Committee
<b>From</b>	Ian Cathcart General Manager Service Delivery
<b>Date</b>	2 November 2018
<b>Prepared by</b>	Karen Bredesen Business Support Team Leader/PA General Manager Service Delivery
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV0516
<b>Report Title</b>	Pokeno Community Committee Schedule

## **1. EXECUTIVE SUMMARY**

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The purpose of this report is to provide an updated Pokeno Community Committee Schedule to discuss and populate.

It is intended that the Committee will develop a schedule as a guide for Council support and community information and engagement.

## **2. RECOMMENDATION**

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**THAT the report from the General Manager Service Delivery be received.**

## **3. ATTACHMENTS**

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Pokeno Community Committee Schedule

**POKENO COMMUNITY COMMITTEE  
SCHEDULE**

<b>January 2018</b>	<b>February 2018</b>	<b>March 2018</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Pokeno Community Plan</b> (Sue O’Gorman)</li> <li>▪ <b>Animal Control Engagement</b> (Megan May/Helen Williams)</li> <li>▪ <b>LTP Update</b> (Sue O’Gorman)</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Lions Club</b></li> <li>▪ <b>LTP Update</b> (Sue O’Gorman)</li> </ul>
<b>April 2018</b>	<b>May 2018</b>	<b>June 2018</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>July 2018</b>	<b>August 2018</b>	<b>September 2018</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>October 2018</b>	<b>November 2018</b>	<b>December 2018</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪ Colin Bottica to attend the November meeting to provide an update.</li> <li>▪ Joel McKinlay of their Tata Valley venture to provide an update at the November meeting</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>

<b>January 2019</b>	<b>February 2019</b>	<b>March 2019</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪ Early in 2019, the Committee to schedule a workshop to provide more street names.</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>April 2019</b>	<b>May 2019</b>	<b>June 2019</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>July 2019</b>	<b>August 2019</b>	<b>September 2019</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>October 2019</b>	<b>November 2019</b>	<b>December 2019</b>
<ul style="list-style-type: none"> <li>▪ NO MEETING</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>	<ul style="list-style-type: none"> <li>▪</li> </ul>



### **Open Meeting**

<b>To</b>	Pokeno Community Committee
<b>From</b>	Tony Whittaker Chief Operating Officer
<b>Date</b>	29 October 2018
<b>Prepared by</b>	Rose Gray Council Support Manager
<b>Chief Executive Approved</b>	Y
<b>Reference #</b>	GOV0303
<b>Report Title</b>	Interests Register

## **I. EXECUTIVE SUMMARY**

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Waikato District Council's "Conflict of Interest" policy requires all elected members, including community boards and community committees, to provide a Personal and Financial Interest Declaration Form each year.

Maintaining and managing such interest registers is considered to be best practice and will:

- provide transparency,
- serve to protect members from allegations of duplicity and being unwittingly placed in situations that may lead to a conflict of interest, and
- enable Council to appropriately manage any conflicts of interest that may arise from time to time.

Council will send information to members by email requesting them to complete a declaration form each year commencing January 2019. A staff member will be in attendance to facilitate discussion on this item.

## **2. RECOMMENDATION**

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**THAT the report from the Chief Operating Officer be received;**

**AND THAT the Pokeno Community Committee supports best practice to complete a Personal and Financial Interest Declaration Form by each of its members.**

## **3. ATTACHMENTS**

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- A - Personal and Financial Declaration Form
- B - Conflict of Interest Policy
- C - Guidance on Identifying, Disclosing and Managing Members' Interests

## Declaration of Personal and Financial Interest For Elected Members

**Name:** \_\_\_\_\_

In accordance with Waikato District Council's Conflict of Interest Policy and the Local Authorities (Members' Interest) Act 1968, I hereby declare the following personal interests:

*(Please refer to the Conflict of Interest Policy, in particular **Appendix A – Register of Members' Interests - Schedule of Requirements** for relevant definitions, guidance and a description of the information required.)*

1	Name of each company in which the member (or spouse/partner, family member or close friend) owns a shareholding.	
2	Name of each company in which the member (or spouse/partner, family member or close friend) is a managing director or general manager.	
3	Name of each employer of the member and description of the main business activities.	
4	Name of each trust of which the member is a beneficiary or trustee.	
5	Name of each community organisation the member belongs to, and the level/type of involvement.	
6	Appointments to an external council or government agency.	
7	Address of each property, within the district, in which the member has a pecuniary interest.	
8	Any other interests/disclosures not covered above.*	

Note: Council requires elected members who are undischarged bankrupts to record the fact in the Register of Interests.

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Conflict of Interest Policy

Policy Owner:	Chief Executive
Policy Sponsor:	General Manager Strategy & Support
Approved By:	Waikato District Council
Approval Date:	13 April 2015
Resolution Number:	WDC1504/06/1/1/5
Next Review Date:	March 2018

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### Objectives

The objective of this policy is to:

- provide best practice guidance to Council members and staff making work decisions so that such decisions are seen to be transparent and unbiased and without giving rise to any perception of conflict of interest;
- set rules around disclosing actual, potential and perceived conflicts and accepting gifts and other benefits; and
- set out Council's expectations for its members and staff and to ensure compliance with the provisions of the legislation and good practice guides listed below;
- preserve public trust in Council by avoiding actual, perceived or potential bias.

### Introduction

Elected members and employees of Council have a number of professional and personal interests and roles. Conflicts of interest sometimes cannot be avoided but they need not cause problems when promptly disclosed and well managed.

The policy defines a range of circumstances that may constitute conflicts of interest. Associated processes and guidelines for identifying and managing conflicts of interest are provided separately in Promapp and are to be read in conjunction with this Policy document.

This policy is intended to reflect best practice, and will generally be applied by Council.

### Application

This policy applies to all elected members, including community boards and committees, and all Council managers and staff, whether full-time, part-time or casual.

It also applies to contractors or consultants engaged by Council where the contract or engagement agreement has specified that this policy applies.

All Council members and staff are responsible for complying with this policy. Senior managers are also responsible for ensuring that their staff adhere to it. If Council staff are unclear about the application of this policy to specific circumstances or situations they should seek clarification from their manager who may seek clarification or advice from their General Manager or Chief Executive.

## Relevant Documents / Legislation

<u>Legislation</u>	<a href="#">Local Authorities (Members' Interests) Act 1968</a>
<u>Associated Guidelines</u>	<a href="#">Managing Conflicts of Interest : Guidance for Public Entities (Office of the Auditor-General)</a> <a href="#">Guidance for Members of Local Authorities about the Local Authorities (Members' Interests) Act 1968</a>
<u>Policies</u>	<a href="#">WDC Gifts &amp; Hospitality Policy</a> <a href="#">WDC Procurement of Goods &amp; Services Manual (Section 4.6)</a> <a href="#">WDC Code of Conduct (staff)</a> <a href="#">WDC Code of Conduct (Council and Community Committees)</a>
<u>Processes</u>	<a href="#">Manage Disclosures of Interests Register - Elected Members</a> <a href="#">Manage Disclosures of Interests Register – Senior Management and Staff</a> <a href="#">Identify, Declare and Manage a Conflict of Interest (Staff)</a> <a href="#">Identify, Declare and Manage a Conflict of Interest (Elected Members)</a> <a href="#">Evaluate Tenders – Part A</a>

## Definitions

<b>Conflict of Interest</b>	means any situation when a person has a financial, personal or business interest sufficient to influence or appear to influence the impartial exercise of their official Council duties or professional judgement.
<b>Council</b>	means Waikato District Council.
<b>Matter</b>	means the Council's performance of its functions or the exercise of its powers, or an arrangement, agreement or contract the Council has entered into or proposes to enter.
<b>Member</b>	means elected members of Waikato District Council including Community Boards and Community Committees of Meremere and Te Kauwhata.
<b>Senior Staff</b>	means the Chief Executive, General and Third Tier Managers of the Waikato District Council.
<b>Business Interest</b>	A Council staff member or elected member will have a business interest in an enterprise seeking to do business with the Council if they: <ul style="list-style-type: none"> <li>• are a director of the enterprise;</li> <li>• are an owner of or partner in the enterprise;</li> <li>• have a shareholding in the enterprise;</li> <li>• have a close personal or familial relationship with a person who is an owner or partner or significant shareholder in the enterprise.</li> </ul>
<b>Financial Interest</b>	means anything of monetary value, including but not limited to: <ul style="list-style-type: none"> <li>• Salary or payments for service, e.g. consulting fees and honoraria;</li> <li>• Equity interests, e.g. stocks, stock options and other ownership interests;</li> <li>• Gifts;</li> <li>• Allowances, forgiveness of debts, interests in real estate or personal property, dividends, rents, capital gains; and</li> <li>• Intellectual property rights, e.g. patents, copyrights and royalties from these rights.</li> </ul>

The term does not include salary or other remuneration received from or approved by Council.

**Personal Interest** A Council staff member or elected member has a personal interest in a matter if their spouse or partner, or other person in their family with whom there is a close friendship or relationship, could be advantaged or disadvantaged by any decision that the staff or elected member either can make, or does make, or is in a position to influence.

**Relevant Interest** is when an elected or staff member has a business, financial or personal interest in a company, trust, or community organisation that is likely to do business with council at any time.

## Policy Statements

### 1.0 Principles and Ethics

#### 1.1 Elected Members and Staff

Elected members and staff must carry out their duties in an efficient and competent manner and avoid any behaviour which might impair their effectiveness, or damage the integrity or standing of council. Thus it is fundamental to the protection of the reputation of Waikato District Council that no elected or staff members have, or are perceived to have, a conflict between their official responsibilities and their personal interests.

A conflict of interest can arise where two different interests overlap, i.e. in any situation where an elected or staff member has a financial interest, a private or personal interest or business interest sufficient to influence or appear to influence the impartial exercise of their official duties or professional judgment.

Members and staff must at all times avoid situations where their integrity might be questioned or where they may appear to favour one party, supplier or customer over another. In addition, members and staff must act honestly and impartially and in no circumstances reveal or make private use of personal, confidential or other non-public information obtained as a result of their employment by the Council.

The existence of a conflict of interest may not necessarily mean that the elected or staff member concerned has done anything wrong or that the interests of Council or the public have been compromised. For an elected or staff member a conflict of interest that creates risks may be where their duties or responsibilities to Council could be affected by some other interest or duty that they may have. For example, other interests or duties might exist for an elected or staff member because of their own financial affairs; a relationship (private or personal interest) or other role (business interest) that the elected or staff member has; or something the elected or staff member has said or done.

Disclosure provides transparency and protects those concerned from allegations of duplicity and enables the avoidance of being unwittingly placed in situations that may lead to a conflict of interest.

#### 1.2 Contractors/Consultants/Providers

Conflicts of interest in relation to consultants, contractors and goods/service providers may arise as a result of:

- the contractor or service provider also being an employee of the Council;
- a Council employee having an “interest” in a contractor or service provider and having the opportunity to be involved in discussions and/or decision making with

respect to that consultant, contractor or service provider about any potential agreement or contract;

- the consultant, contractor or service provider having an “interest in” or relationship with a third party outside of the Council which could influence their relationship with the Council.

## 2.0 Policy Statements

2.1 Council staff and members are to conduct themselves at all times under the above principles, ensuring that:

- self-interest or personal factors are not permitted to influence their decision making;
- financial, family, personal or business relationships or interests do not in fact, nor appear to, unfairly advantage or disadvantage other Council staff, elected members or other individuals or organisations;
- they are not involved in the appointment process of people with whom they have a close personal or family relationship;
- they do not take part in discussions, deliberations, decision-making or voting on a matter in which he/she (or a member of his/her immediate family or a dependent) has a material interest, except with consent of the Council/Committee Chair/Manager;
- they observe the highest standards of behaviour in accepting gifts or rewards. Any gift that might attract the suspicion of improper motive, or which obligates the individual should not be accepted. In any event all gifts offered (received or not) are to be declared (refer to WDC Gifts & Hospitality Policy and Elected Members’ Code of Conduct);
- Council’s name, resources, information and time are not used for private or personal benefit without prior written consent of an authorised person;
- any conflict of interest identified is declared as soon as possible;
- where a manager has received a declaration of interest from a staff member, appropriate steps are taken to resolve the situation as soon as possible, in accordance with process;

2.2 Council staff and members should acquaint themselves with the relevant policies and processes referred to in this policy.

2.3 As part of the induction process, new Council members and staff will receive advice on how to identify, report, and manage conflicts of interest.

2.4 Council members must monitor any business interactions between the Council and any company or organisation in which the member has a material interest and ensure that such business does not exceed \$NZ25,000 (including GST) in value without the prior approval of the Auditor-General.

Members shall:

- declare any interests in contracts in the Council’s Interest Register (see 2.7 below)
- discuss any proposed interest in contracts (of whatever value) in advance with the Chief Executive and/or the OAG and follow the advice that they are given;
- not participate in decision-making relating to any contract in which they have an interest;
- not accept any gifts (including hospitality, entertainment) from tendering parties where the Council or local board/committee will be part of the decision-making process.

2.5 Council staff shall not participate in the following activities, unless otherwise authorised in writing:

- being involved in a decision to appoint or employ a relative;
- conducting business on behalf of the Council with a relative's company;
- owning shares in (or working for) any organisation that has dealings with (or that are in competition with) the Council;
- being involved in any public consultation process on behalf of the Council where the staff member is involved in the same process on behalf of him/herself or another entity, except where considered reasonable (e.g. a rates staff member who lives in the district might need to explain rates increases);
- accepting gifts in connection with their official role (see WDC Gifts & Hospitality Policy for parameters); or
- influencing or participating in a decision to award grants or contracts where the member is connected to a person or organisation that submitted an application or tender.

2.6 Every elected and staff member has an obligation to declare any material interests relevant to Council activities and to ensure that any conflict arising from the material interests is noted and managed appropriately.

### 2.7 **Interests Registers**

Council will maintain two Interests Registers (one for members and one for staff) which are to be updated:

- a) at least annually in relation to Council members and senior staff, as detailed in 2.8 below; and
- b) as required when an elected or staff member declares a conflict of interest at any time during the year (as detailed in the relevant 'Identify, Declare and Manage Conflicts of Interest' process).

Both Registers will be maintained by the Council Support Manager and shall include approved action plans where relevant.

The Elected Members Interests Register (or a fair and accurate summary of its contents) will be made available for public inspection.

### 2.8 **Annual Declarations**

Elected members and senior staff must make full and complete annual declarations of relevant interests as at 31 January each year. Such declarations must be received by the Council Support Manager by the last day of February. Members and senior staff may also advise as soon as practicable during the year if any relevant new interests arise (refer to Guidance Notes in Appendix A). All declarations are recorded in the relevant Interests Register.

The annual declaration must notify the Council of the nature and extent of any relevant interest (refer to definition), including:

- 1) Company directorships and controlling interests.
- 2) Interests (such as shares and bonds) in companies and business entities.
- 3) Any employment.
- 4) Beneficial interests in trusts.
- 5) Membership of community organisations, for example clubs, environmental protection organisations, churches or charitable bodies within the Waikato district.
- 6) Appointments (except those made by the Council), e.g. to a University Council or Government agency.
- 7) Interests in land, within the Waikato district, whether as owner or tenant.

The above interests are defined in the Register of Members' Interests - Schedule of Requirements (Appendix A). These definitions should also be used by senior staff wherever relevant. Note: In some cases the declarations also involve the interests of the member or manager's spouse or partner, family and close friends – refer to the Schedule.

2.9 Council and committee agendas will include a 'standing' item for the disclosure of any interest relating to any agenda item.

2.10 **Contractors/Consultants/Providers**

Consultants, contractors, and providers of goods and services are required to disclose to the Council at the time of their engagement any potential conflicts of interest with their engagement. As an outcome of this disclosure, the Council may insert an appropriate clause into any formal agreement/contract to manage the disclosed situation should that be possible. In some cases, the Council will reserve the right to terminate agreements or contracts which are compromised as a result of a conflict of interest.

**Policy Review**

This policy will be reviewed as deemed appropriate by the Executive Team, at least once every three years.



## Appendix A – Register of Members’ Interests - Schedule of Requirements

### I. Definitions

For the purposes of the return and registration of interests, unless the context otherwise required:

**Business entity** means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and includes a business activity carried on by a sole proprietor.

**Company** means:

- a) A company registered under Part 2 of the Companies Act 1993, or
- b) A body corporate that is incorporated outside New Zealand

**Effective date of the return** means the date at which the return is effective as required by Clause 2.8 of the Conflicts of Interest policy.

**Employed** means employed under a contract of service, but does not include holding the position of a member of the Waikato District Council or one of the local boards or any internal Council political appointment (e.g. Committee Chairperson).

**Relevant Interest** is when an elected or staff member has a business, financial or personal interest in a company, trust, or community organisation that is likely to do business with council at any time.

### 2. Duty to Make Returns

Every member must make an annual return of interests in each year as at 31 January. In the case of members elected to the governing body or a local board for the first time during the preceding 12 months, the disclosure is not required to include information that relates to the period before their election.

The annual return must be transmitted by the member to the Council Support Manager by the last day of February each year.

### 3.0 Contents of Return Relating to Members’ Position as at Effective Date of Return (31 January)

Every return of interests must contain the following information as at the effective date of the return:

- a. The name of each **company** of which the member, or spouse, partner or close friend, singly or between them own, whether directly or through a nominee, issued capital of the company; and
- b. The name of each **company** of which the member or spouse, partner or close friend is the managing director or the general manager (by whatever names they are called) of the company; and
- c. If the member is employed, the name of each **employer** of the member and a description of the main business activities of each of those employers; and
- d. The name of each **trust** of which the member is aware, or ought reasonably be aware, that he/she is a beneficiary or a trustee; and
- e. The name of each **community organisation** (for example clubs, environmental protection organisations, churches or charitable bodies) within the Waikato District, to which the member belongs and whether the member is a member of the organisation’s governing body or equivalent, such as executive or management committee; and

- f. **Appointments** (except those made by the Council) e.g. to a University Council or Government agency; and
- g. The location of each **property** within the WDC boundaries in which the member has a **pecuniary interest**, unless the member has no beneficial interest in the property.

### **Guidance Notes relating to the making of returns:**

The following explanatory notes are intended to assist members in preparing their returns for the register but a final judgment on interpreting the requirements is the responsibility of the members themselves.

- You may have financial interests that are not covered by the requirements for the register but do need to be declared orally to a committee before you participate in debate relating to that interest. This might include an interest you have acquired but is not due for registration until several months later, or it may relate to an interest of a family member. If in any doubt, you should consider making an oral declaration to the committee before participating in consideration of a related item of business, regardless of any written registration.
- There is no formal requirement to register any change in your interests after 31 January each year (or any other date required for an initial return) until the next return is required. However the requirements for an oral declaration will apply to any interests that have not been registered.
- At no stage are you required to state the actual value or extent of any interest. You simply need to register its existence.
- If any interest is held jointly with another person or persons, you should indicate the interest. You can list it as jointly owned but do not need to name the other owner(s).

## GUIDELINES ON IDENTIFYING, DISCLOSING AND MANAGING MEMBERS' PERSONAL INTERESTS<sup>1</sup>

### Identifying interests

Members have the best knowledge of their own affairs, and will usually be in the best position to realise if and when there is an overlap between their public and private interests. Members must consider their interests from the Council's perspective, and apply an honest and open approach to considering and keeping under review any potential conflicts.

A member is deemed to be "interested" in a matter if the member:

- may derive a financial benefit from a matter;
- is the spouse, de facto partner, child or parent of a person who may derive a financial benefit from a matter;
- may have a financial interest in a person to whom the matter relates;
- is a partner, director, officer, board member or trustee of a person who may have a financial interest in a person to whom the matter relates;
- may be interested in the matter because the entity's Act so provides; or
- is otherwise directly or indirectly interested in the matter.

Members must not seek to provide paid services to Council, nor be involved in developing, supporting or advising on any matter considered by the Council, other than through their role as an elected member. A member's shareholding or other financial investment in a company which is, or is seeking to be, engaged with the Council represents a direct financial benefit. It is therefore an interest, unless it can be regarded as 'insignificant'. The potential impact on a member's interest – or that of a close family member or friend - must therefore be considered when assessing insignificance.

An interest will arise through a member's spouse, civil union or de facto partner, child, or parent who may derive a financial benefit from the matter. These interests are regarded in the same way as financial benefits of a member. However, if a member, acting diligently and in good faith, is not aware of the financial involvement of a family member, then the member is unlikely to be interested because it would not be reasonably regarded as influencing their responsibility to the entity. A financial interest in another person may give rise to an interest, because of an apprehension of influence.

An interest may arise when a member is a partner, director, officer, board member, or trustee of a person who has a financial interest in a person to whom the matter relates. Whether it actually comprises an interest depends on whether it is significant enough to be reasonably regarded as likely to influence decision-making. For example, a member may be a trustee or director of an investment business that invests with a party dealing with Council. As the business will have a financial interest in the participant, the member as an officer of the investment business is likely to be interested.

Certain exceptions may be considered, including where the member is a member or officer of a subsidiary, or where the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in carrying out their responsibilities.

### Making judgements

The Auditor-General's guide [Managing conflicts of interest: Guidance for public entities](#) provides useful discussion to help in making judgements in respect of interests.

Any family connection could give rise to an interest where there is a reasonable apprehension of bias, e.g if a member has a close relative who may be personally affected by a non-financial decision of the entity that could lead to a conflict for the member.

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<sup>1</sup> Sourced from 'Members' interests and conflicts: identification, disclosure and management', Chapter 7, October 2009

A member may have an interest in matters affecting the interests of a friend; someone with whom the member has a close and reasonably long-standing relationship with demonstrable intimacy. If such a relationship existed, that could create strong perceptions of a conflict of interest. General acquaintanceship, such as a shared involvement in professional or sporting associations, would rarely create an interest. Overlapping directorships, for instance, could mean a member is interested, especially where a relationship is long term or a close collegiality has developed. Where a member's business partner has acted as an advocate, adviser or material witness in a matter being considered by the Council, the member is likely to be seen as having an interest.

Where someone had a close association with a business for a significant period before becoming a member, there may well be a strong perception of a continuing interest even after ending all associations. There is no set time period which establishes remoteness but ending a long business relationship is unlikely to immediately make that interest so remote as to be irrelevant in assessing whether a conflict of interest exists. Having a definite point of view about a question of law or legislative interpretation of a policy would not give rise to an interest, nor would prior knowledge of circumstances which are in issue. However, a publicly-stated opinion indicating that the member's mind is firmly made up on a particular issue could raise issues of apparent pre-judgement and, therefore, the likelihood of a conflict of interest.

Active involvement by members in external organisations which lobby or seek funding from the entity is a sensitive matter. Its acceptability would depend on a member's role within the organisation concerned and the relationship of that organisation with the Council's area of responsibility.

## Disclosing interests

Following appointment to Council, members will be required to disclose any specific or standing financial or personal interests they may have. This will be followed by annual declarations as at 31 January. Members are required to make a 'standing' disclosure of any ongoing interest in a matter which could be the subject of regular discussion by a committee.

The initial and annual disclosures shall be supplemented by a declaration of interest in other matters before the committee, as they arise. Failure to disclose an interest is a serious matter and may be a breach of a member's duties under the Local Authorities (Members' Interests) Act.

## Registering and reviewing interests

All interests, however disclosed, must be entered into a register of members' interests. Entries in the register must state the nature and extent of the interest.

Council managers will need to be aware of all interests disclosed in the register so that they do not give members information relating to a matter on which they have declared an interest.

Where a member has declared a specific or standing interest in a matter under consideration by a committee, this must be recorded in the committee minutes. All members' interests should be actively reviewed at each meeting so they can be considered in relation to the matters on the agenda.

Interests held by a member or his/her family or friends will almost certainly change over time, as will the issues with which an entity deals. Members need to update their disclosures annually, and ensure that any new or redundant interests are added to or removed from the register appropriately.

Members have a collective obligation to be aware of their colleagues' interests. A member must notify the relevant Chairperson or Chief Executive if it becomes aware that a member has not disclosed an interest, or has taken part in discussions or decisions despite being conflicted in a matter.