

COUNCIL AND COMMITTEE STRUCTURE AND PROCEDURE

Standing Committees

The Council has four Standing Committees:

- 1) Finance and Corporate Services Committee
- 2) Services and Operations Committee
- 3) Environmental Services Committee (*formerly Regulatory & Planning Committee*)
- 4) Executive Committee - consisting of the Mayor, Deputy Mayor and Chairmen of the three Standing Committees.

Committee Membership

The membership of the three standing committees other than the Executive Committee consists of eight councillors each.

As provided in the Model Standing Orders for Local Authorities the Mayor shall be an ex-officio member of any Committee but is not entitled to ex-officio membership of the Methven Community Board.

Executive Committee

The Executive Committee shall have delegated authority:

- a) To make emergency decisions on behalf of the Council as and when specifically authorised.
- b) To maintain an overview of the Council's operations and interests.
- c) To act on behalf of the full Council at any time when the urgency of a matter would make the delaying of a decision contrary to the best interests of the Council or its community.

Meeting Dates and Times for Standing Committees

There is a six weekly cycle of meetings providing for eight meetings of the Methven Community Board, the three Standing Committees and Council.

The meetings are held in the following order:

- 1) Methven Community Board
- 2) Services and Operations Committee
- 3) Environmental Services Committee
- 4) Finance and Corporate Services Committee
- 5) Council.

All meetings are normally arranged to commence at 1.30 pm.

Remuneration Levels for Elected Members of the Council

[Council 23/02/06]

Council has adopted the new remuneration and expenses basis to be determined by the Higher Salaries Commission to come into effect from 1 July, 2006.

The recommended remuneration for councillors for the year 1 July 2006 to 30 June 2007 for consideration by the Higher Salaries Commission is on a salary and meeting allowance basis as listed below:

COUNCIL AND COMMITTEE STRUCTURE (Cont'd)

Position	Annual Salary	No.	Total Annual Salaries
Deputy Mayor	\$22,527	1	\$22,527
Committee Chair	\$22,527	3	\$67,581
Councillor	\$14,887	8	\$119,096
Total Salaries			\$209,204

Adoption of Standing Orders for the Conduct of Meetings [Finance & Corp Services 1/04/04]

The Ashburton District Council adopts the New Zealand Standard Model Standing Orders 9202:2003 as the Standing Orders for the conduct of its meetings and those of its committees.

The relevant agenda papers required to be sent to members of Council two clear days prior to the meeting, under clause 2.12.4 of Standing Orders, shall include any recommendations or suggested motions prepared for their consideration.

Suspension of Standing Orders

[Finance & Corporate Services 9/02/01]

Standing Orders may be suspended for the taking of an informal poll of all members of Council. Such a resolution will only be implemented should **all** members of Council be present.

Following the informal poll the suspension shall be lifted and the meeting continue with a vote on the substantive matter by Committee members.

Committee Operation

Council follows a procedure that has the committees developing policy under delegated authority from the Council, monitoring operations in the activities within the Committee's sphere by reviewing regular management reports and providing input for the Annual Plan. Committees will receive regular reports compiled from activity reports of heads of departments and other staff and approved by the Chief Executive. As well as activity reports there will be specific reports from officers raising policy issues or reporting on specific matters as requested by the Council, committee, or senior management. As appropriate, the officer responsible for that activity will sit in for that part of the meeting dealing with his/her report and activity.

Other Committees and Sub-Committees

1. Council makes maximum use of sub-committees in conducting its business.
2. The following sub-committees or special purpose committees shall be appointed with full delegation from the Council to make decisions on behalf of the District Council within their area of activity:

Resource Consents Committee Pursuant to the Resource Management Act 1991 the Environmental Services Committee delegates to any three members of that Committee acting as a Hearing Committee all of its functions, powers or duties under this Act other than

—
The approval of a District Plan or any change to a Plan. Any power of further delegation.

COUNCIL AND COMMITTEE STRUCTURE (Cont'd)**Barking Dog Notices Committee**

- (a) The Chairman of the Environmental Services Committee is authorised to appoint from time to time members of the Environmental Services Committee to be a panel to hear appeals against barking dog notices, and
- (b) That those panels so appointed are authorised to deal with the appeal for which they are appointed without further instruction from the Committee.

Sport and Recreation Assessment Committee with delegated power to call for and decide on applications for disbursement of sums of money received under SPARC's Rural Travel Fund; the decisions to be reported to the next convenient meeting of the Council.

Creative Communities NZ Local Arts Funding Scheme and Assessment Committee

with delegated power to call for and decide on applications for disbursement of sums of money received under the Creative Communities NZ Local Arts Funding Scheme and Assessment Committee; the decisions to be reported to the next convenient meeting of the Council.

3. Where practicable, sub-committees shall meet on the same day as Standing Committees.
4. All other sub-committees consider and make recommendations to their appointed Standing Committee.

Creative Communities Assessment Committee

The Ashburton District Council, immediately following the local body triennial elections, will call for applications from interested members of the community who wish to be appointed to the assessment committee.

The Council will decide upon the composition and who shall be appointed to the committee in accordance with Creative New Zealand guidelines respectively. The term of the committee shall be for a period of three (3) years.

Appointment of Representatives of Council on Other Organisations

From time to time councillors will be appointed to other organisations and report to the Finance and Corporate Services Committee when necessary.



RESERVES BOARDS

Council supports the concept of local reserves throughout the Ashburton District being administered by local reserve boards elected by the residents of each locality at a public meeting convened for the purpose and that these boards be empowered by the Council to administer the reserve as sub-committees of the Council, and that the constitution be as set out in the Constitution document.



CLUBROOM LEASES

Council shall assist reserve boards to prepare leases and arrange for formal lease documents where organisations have erected or intend to erect clubrooms on all reserves administered by Council.

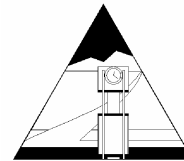


ADOPTION OF COMMON SEAL AND THE AUTHORISING OF THE SIGNING OF DOCUMENTS

- (1) The Common Seal whose impression is shown here is adopted for use by the District Council.
- (2) Any order, notice or other document requiring authentication by the Council shall be sealed with the Council Seal and signed by:
 - (1) The Mayor, or in his absence two councillors; and
 - (2) The Corporate Services Manager, or in his absence the Chief Executive.

LOGO

Council adopts as its Logo the impression shown here:



CREST - COAT OF ARMS

The Ashburton District Council has adopted as its Coat of Arms the Coat of Arms of the former Ashburton Borough Council.



ELECTORAL OFFICER APPOINTMENT

The holder of the office of Corporate Services Manager for the time being shall be the Electoral Officer when elections or polls conducted by the Council or under its auspices are held.



CREDIT CARD USE

[Finance & Corp Services 24/03/05]

Credit Cards are only issued to:

Mayor
Chief Executive
Senior Managers

Credit cards are only to be used for Council purchases where it is impractical to use other purchasing methods of orders and service requests. This would generally only be for overseas purchases to mitigate the cost of foreign exchange drafts and purchases when out of town on Council business.

Card limits are set at levels considerably lower than the staff member's delegated authority. The issue of cards to staff members is to be approved by the Chief Executive.

All receipts, invoices and information associated with credit card purchases are to be forwarded to the Accountant at the time the expense is incurred together with the expense code. When the credit card statement is received, this will be forwarded to the Chief Executive along with all receipts / documentation for authorisation. The Mayor authorises the Chief Executive's expenditure.

For the avoidance of doubt, no personal or private expenditure is to be charged to Council credit cards.



METHVEN COMMUNITY BOARD

For the purpose of the 2004 triennial general election, the membership of the Methven Community Board is five elected members and two appointed members, and the boundary of the Board's district remains unchanged.

Boundary

Commencing at a point at the western corner of the Methven-Chertsey Road and McCloys Road thence south westerly along McCloys Road to and across Line Road then north westerly along Line Road to the south boundary of part Lot 13 Deposited Plan 3835 thence westerly to the southern boundary of Lot 8 Deposited Plan 3835 at State Highway 77 thence northwards along State Highway 77 to a point opposite the southern boundary of Lot 1 Deposited Plan 49668 thence across State Highway 77 and along the said southern boundary to the west boundary of Lot 1 Deposited Plan 49668 thence northwards to the south east corner of Lot 14 Deposited Plan 38205 then westwards to the south west corner of Lot 15 Deposited Plan 40828 thence north easterly to the south east corner of Lot 8 Deposited Plan 40828 then generally north westwards along the south west boundaries of Lots 8 to 14 Deposited Plan 40828 thence north westwards parallel to South Belt to the north west boundary of Lot 1 Deposited Plan 7086 thence north easterly to South Belt then across South Belt thence north westerly along the north eastern boundary of South Belt to the intersection of Hobbs Road being the common boundary of Part Lot 2 Deposited Plan 881 and Lot 2 Deposited Plan 72019 thence north westerly along that boundary and the western boundary of Lot 5 Deposited Plan 881 to the north western boundary of Lot 5 Deposited Plan 881 thence north easterly to Forest Drive thence south easterly along Forest Drive to a point opposite the north western boundary of Lot 1 Deposited Plan 45219 thence across the said road and along the north western and northern boundaries of Part Lot 1 Deposited Plan 26155 thence eastwards to the western boundary of Lot 1 Deposited Plan 14598 thence northwards to the northern boundary of Lot 2 Deposited Plan 60081 thence eastwards to the southern boundary of Racecourse Avenue then northwards across Racecourse Avenue thence eastwards along the northern boundary of the said road to and across State Highway 77 thence southwards to the southern boundary of Lot 2 Deposited Plan 49624 thence south westerly to a point opposite the common boundary of part Lot 1 Deposited Plan 1004 thence south eastwards along that boundary to and across the eastern end of Kilworth Street then westwards along the southern boundary of Kilworth Street to the eastern side of Mackie Street thence southwards along that boundary to and across the Rakaia-Methven-Chertsey Road thence south eastwards to the commencing point.

Role of the Community Board

The functions of the Methven Community Board shall be as contained in Part 4, Section 52, of the Local Government Act 2002, which reads -

- a) represent, and act as an advocate for, the interests of its community; and
- b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- c) maintain an overview of services provided by the territorial authority within the community; and
- d) prepare an annual submission to the territorial authority for expenditure within the community; and
- e) communicate with community organisations and special interest groups within the community; and
- f) undertake any other responsibilities that are delegated to it by the territorial authority.

METHVEN COMMUNITY BOARD (Cont'd)**Remuneration Levels for Elected Members of the Methven Community Board**

[Council 23/02/06]

The levels of remuneration for the Chair and members of the Methven Community Board for the year 1 July 2006 to 30 June 2007, are listed below:

Position	Annual Salary	No.	Total Annual Salaries
Community Board Chair	\$2,742	1	\$2,742
Community Board Member	\$783	4	\$3,132
Total Salaries			*\$5,874

Consultation and Recommendatory Authority

To facilitate the Community Board in its exercise of these functions it shall have the right to be consulted on the following matters and where necessary to make recommendations to the appropriate committees of Council.

1. Allocation of elderly persons housing in Methven
2. Policy on buildings and resource consents
3. Amenity plantings
4. Reserve development (reserves administered by the Ashburton District Council)
5. The annual roading and footpath programme
6. Traffic management in Methven township
7. All changes and new developments in respect of Council provided services in the Methven township
8. Township development

Liaison

To further facilitate communication the Community Board shall appoint specific members to be their contact point in the community and their liaison point with the Council in the following areas.

1. Oversight of works and services
2. Oversight of public facilities (toilets, reserves, landfill etc)
3. Community Board administration including preparation of submissions and recommendations
4. Communication with community organisations and special interest groups.

The Council will appoint specific members of staff to be corresponding liaison points.



EQUAL EMPLOYMENT OPPORTUNITY

Definition

Equal employment opportunities is defined as -

"a systematic, results-oriented, set of actions that are directed towards the identification and elimination of discriminatory barriers that cause or perpetuate inequality in the employment of any person or group of persons."

- Towards Employment Equity, p.10

Principle

The recruitment/selection, opportunities for training, promotion and transfer, and conditions of employment shall be undertaken or offered without preference being given on the basis of gender, marital status, religious or ethical belief, race, age, ethnic or national origins, and regardless of any disability irrelevant to an individual's ability to carry out the job.

Policy

1. All employment policies and practices will comply with the provisions of the Human Rights Commission Act, the Race Relations Act, the Equal Pay Act, Local Government Act and other relevant statutes.
2. Recruitment policies and practices will be established to ensure that persons will be attracted to apply for positions in the Council regardless of gender, marital status, religious or ethical belief, race, ethnic or national origins, age, or any disability which is irrelevant to the person's ability to do the job.
3. Selection decisions will be made on merit, qualifications and work history relating to the position to be filled, without regard to gender, marital status, religious or ethical belief, race, ethnic or national origins, age, or any disability which is irrelevant to the person's ability to do the job.
4. Opportunities for training, promotion and transfer will be made available to all employees without regard to gender, marital status, religious or ethical belief, race, ethnic or national origins, age, or any disability which is irrelevant to the person's ability to do the job.
5. Remuneration and other conditions of employment shall be determined without regard to gender, marital status, religious or ethical belief, race, ethnic or national origins, age, or any disability which is irrelevant to the person's ability to do the job.
6. Termination of employees employment will be determined without regard to gender, age, marital status, religious or ethical belief, race, ethnic or national origins, or any disability which is irrelevant to the person's ability to do the job.
7. A report will be prepared annually outlining the employment profile of the Council. to assist in determining steps towards ensuring equality of opportunity for all employees.

Responsibility - Implementation Of Policy

All senior staff and Heads of Department are responsible for ensuring that policies and practices are followed in their areas of accountability.



ARTS AND CULTURE

- (1) The arts and culture shall be recognised as an important part of the life of the community.
- (2) An environment in which the arts and culture can flourish shall be achieved by a co-operation between the Ashburton District Council and the community.
- (3) It is recognised that the arts and the cultural life of the Ashburton District can assist in attracting visitors to the area.
- (4) It is recognised that the preservation of the heritage and history of the Ashburton District be an ongoing, co-operative effort between the Ashburton District Council and the community.



FESTIVE LIGHTING COMMITTEE

The control and administration of the Festive Lighting Committee shall be undertaken by the Council.



ELECTRICITY ASHBURTON SHAREHOLDER REPRESENTATIVES (3)

[Council 7/11/02]

Council's representatives on the Committee shall be appointed to –

- i) interview the present representatives to ascertain their views as Shareholder Committee members and their future intentions, and other interested persons; and to
- ii) recommend to Council a panel of at least three persons from which Council's representatives for the next two years can be drawn.



ADMINISTRATION BUILDING — USE OF ROOMS

Only official or quasi official bodies or organisations of a non-commercial nature giving a distinct benefit to the community and requiring a room on an infrequent, irregular basis are to be permitted use of rooms in the Administration Building. Any such requests for accommodation are left to the discretion of the Corporate Services Manager.



ROAD STOPPING

1. The Council will be unlikely to give favourable consideration to initiating road stopping of roads (formed or unformed) which give access to any river, lake, stream or coastal boundaries.
2. Under normal circumstances the Council will expect the applicant to meet all costs associated with the road stopping action.
3. The value of the land contained within the stopped road would be assessed having regard to the cost of the stopping action and the raising of title as mentioned above, in Item 2.
4. The legal transfer costs will be met by the applicant.

Footnote - It was considered that on request the Council will construct notices on selected unformed roads giving foot access to rivers, the coast, lakes or conservation areas. It was also considered that the Council could investigate the possibility of stiles being constructed across any fences that may be constructed across such roads.

MEMORIAL AND COMMUNITY HALLS

Rate Remission

All district memorial and community halls which are operated for the benefit of their district and not for a particular organisation (ie they are run by the community for the benefit of the community) shall have their rates remitted in full.

Operating Costs

All halls in the district shall be treated consistently by the Council in that they be required to meet their operating costs (except building) from their own revenue.

Accounting Services

Council provides accounting services for memorial halls at no cost.

Insurance

1. Council shall make provision in its annual budget to provide indemnity value insurance cover for memorial and community halls in the Ashburton District, under a separate Material Damage Policy, in the name of 'Ashburton Area Committees'.
2. Memorial and community halls that request replacement value insurance cover shall be included under the Ashburton Area Committees policy; the hall committee will be required to meet the premium cost difference between indemnity and replacement cover, with Council paying for indemnity value insurance cover on the building only.
3. Any further cover required by memorial and community halls such as plant, furniture, fittings etc will be their responsibility; Council arranging such cover through its insurance broker.
4. Should memorial and community halls be able to obtain insurance cover on more favourable terms and at a cheaper cost from another insurer than Council is able to obtain through its insurance broker, then Council may at its discretion pay the other insurer's insurance premium for indemnity value cover on the building only on behalf of the memorial or community hall.
5. Memorial or community halls which have made their own insurance arrangements and where the Council pays the premium, shall submit a copy of the insurance policy to the Council for its records.



USE OF RESERVES CONTRIBUTIONS

Although the expenditure of reserve contribution funds is expected to be planned a year ahead with such planning being shown in that year's annual plan budget, any applications which fall outside of this policy may be considered at any other time by Council through the Finance and Corporate Services Committee.



GRANTS, LOANS OR GUARANTEES TO LOCAL ORGANISATIONS

Grants

[Finance & Corp Services 14/02/02]

The Council will make provision in its annual budget for funds for the disbursement of grants to qualifying organisations not named at budget time. The maximum individual grant from this source shall be \$5,000.

Council welcomes applications from all groups whose project contributes to the well-being of the community.

The Council will make grants only to those organisations:

1. Whose object or principal objects are in keeping with the ideals of the Local Government Act, ie conserving or promoting the welfare of the community or of any members of the community.
2. That are operating in the district.
3. That are serving the community or providing a benefit to the community or a significant section of the community.
4. That are educational facilities which provide a major recreational facility available to the public.
5. That are non profit organisations.

Considerations —

Council will consider the following:

1. The background and status of the applicant organisation.
2. The organisation's ability to raise its own funds.
3. Volunteer input.
4. The importance of utilising Council land.
5. The organisation's planned development — Council must ensure it is carried out in such a manner that it will be in the long term interests of the district.

Eligibilities —

Council will prioritise on the following basis but reserves the right to vary these priorities from time to time:

- Development of indoor and outdoor facilities.
- Purchase / replacement of equipment.
- New initiatives.

Council will not fund

1. The holding or hosting of a regional / South Island or national tournament or event.
2. Projects or activities that have the ability to obtain funds from other Council administered sources ie Hillary Commission, Creative Communities.
3. Groups that have not returned their accountability form from previous years funding.
4. Groups that have not provided current financial or bank statements.
5. Administration and running costs or wages.
6. Prize monies or sponsorship.
7. Travel costs.
8. Individuals.

GRANTS, LOANS OR GUARANTEES TO LOCAL ORGANISATIONS (Cont'd)

General —

In considering requests under the above headings Council will have regard to the organisation's ability to obtain money from other sources, however, the reverse can also apply where it may be important that Council makes a contribution so that national funds can be obtained.

Council reserves the right in considering grants or other forms of assistance to require organisations to supply the Council with information on membership, financial position, and the amount of financial assistance sought or provided by other bodies.

Council recognises there may be occasions when an application would appear not to fit the above criteria; however this would not necessarily preclude it from consideration on its merit.

Other Assistance

When it considers it desirable to do so, the Council may consider the providing of other assistance to the above organisations providing that they are incorporated societies, on the following basis:

(a) Bridging Finance

1. A maximum amount of \$100,000 will be lent to any one applicant.
2. The maximum loan term will be not more than 3 years.
3. Whether interest is charged and at what rate will be at the discretion of this Committee.

(b) Guaranteeing Loans

The maximum amount will be the lesser of 50% of the cost of the project or \$100,000.

- (c) The total amount of loans for bridging finance and guarantees given by Council for loans to local clubs and organisations will not exceed \$250,000 at any one time.

(d) Setting Interest Rates - Requests for Funding

The interest rate for loans advanced pursuant to Council's grants and loans scheme shall be the 12 month fixed investment rate plus 1% applicable on the day preceding the day of the advance or review.

School Holiday Programmes - Criteria for Grants

- “1. Council will accept applications only from -
 - (a) non profit organisations or groups
 - (b) Ashburton district based groups
2. Any group may receive only one grant per year. The application may cover more than one programme or holiday period.
3. The funds will be distributed as follows:
A maximum amount of \$250 for the two week holiday periods and \$750 for the Christmas holiday period.
4. Applications must provide the following information -
 - (a) Outline of the programme and timetable.
 - (b) The place where the programme will take place
 - (c) Number of children expected to participate
 - (d) Ratio of adults to children
 - (e) Targeted age groups
 - (f) Estimated income/expenditure for the whole programme
 - (g) Latest audited accounts (if applicable)

GRANTS, LOANS OR GUARANTEES TO LOCAL ORGANISATIONS (Cont'd)

5. Applicants are required to furnish Council with a report at the conclusion of the programme which will include -
 - (a) Final income/expenditure statement
 - (b) Effectiveness of programme, ie numbers attending
 - (c) Evaluation of programme.

Financial Assistance to Schools

Council shall consider financial assistance, through the Council's annual grants scheme, to schools which provide a major recreational facility in their area.

Community Events Funding Process

1. Ashburton District Tourism will process applications for community event funding.
2. The criteria shall reflect that participation by Ashburton district residents and dollar for dollar funding are compulsory elements.
3. Ashburton District Tourism is authorised to make the final decision on any application for funding.
4. The details (name of organisation, event and amount) of all applications granted or refused shall be reported in the Board's six-monthly reports to Council.
5. Monies allocated for event funding shall be held by the Ashburton District Council who will transfer such amounts as Ashburton District Tourism requires from time to time.

Major Community Projects

The Council will make provision in its annual budget for the disbursement of funds to qualifying organisations to assist major projects of significance to the district.

Qualifying organisations will be charitable trusts or incorporated societies -

1. Whose object or principal objects are in keeping with the ideals of the Local Government Act, ie providing recreation, enjoyment, education or instruction of the public, or promoting any form of culture
2. That operate primarily in the Ashburton district
3. That provide or will provide a facility that is available or accessible to all of the residents of the district
4. That are not for profit organisations.

The purpose of the fund will be to assist or facilitate major projects which will be of significance to the recreational or cultural wellbeing of the residents of the district or which will bring wider recognition of the district while promoting the interests of its residents.

The fund is intended to assist major projects of significance to the district and may be initiated by a qualifying organisation or by the Council.

When considering applications, Council will take the following matters into account -

- i. fundraising undertaken by the applicant
- ii. ability of the applicant to manage the project
- iii. benefits to the community
- iv. other avenues of funding available to the applicant and
- v. other grants already received by the applicant from this fund.

No upper or lower limit is imposed, however Council will generally observe a guideline of contributing not more than 15% of the total cost of the project. The fund may accumulate for up to two years but will not at any time exceed \$200,000. Applications will be considered by any meeting of the Finance and Corporate Services Committee which will make an appropriate recommendation to Council.

Applications will be called for annually by way of newspaper advertisement. Such advertisement shall be placed at least one month prior to closing date which shall be the same date as the close of submissions to the draft Annual Plan.

GRANTS, LOANS OR GUARANTEES TO LOCAL ORGANISATIONS (Cont'd)

Heritage Grants

[Council 15/08/02]

Council will make provision in its annual budget for funds for the disbursement of heritage grants which shall be allocated annually in or about August of each year. The maximum individual grant from this source shall be no greater than 50% of the cost of the approved project and in any event shall be no more than \$5,000. Council will hold in reserve an amount to be determined from time to time to address requests for emergency funding made at other times of the year.

The Council will make grants in respect of applications which comply with the following criteria:

1. Projects which relate to heritage items that are scheduled Category A in the District Plan.
2. Projects which provide for specialised maintenance such as replacing matching cladding or replacing matching windows or other fittings in order to retain the heritage state of the item.
3. Projects which have provided a full project and finance plan (including copies of work schedule and quotes).

Considerations

Council will consider the following:

1. The relative heritage value of the scheduled heritage item in the District Plan.
2. The contribution that the proposed work will make to the conservation of the scheduled heritage item.
3. The urgency of the work.
4. The availability of Council funds.
5. Other sources of funding available to the applicant.
6. The amount of any previous assistance.
7. Voluntary input.
8. Accessibility of the heritage item to the general public.
9. Such other matters Council considers relevant.

Council will not fund

1. Retrospective works.
2. Applicants that have not returned their accountability form from previous funding.
3. Applicants that have not provided appropriate financial information.
4. General maintenance such as re-painting.

General —

Council requires applicants to provide formal certification / receipt of work completed.

Council recognises there may be occasions when an application would appear not to fit the above criteria; however this would not necessarily preclude it from consideration on its merit."

Art Centre Improvement Fund

Applications to this fund may be made by the Ashburton Art Gallery and the Ashburton Historical Society and are required to include the views of the organisation not making the application. Each organisation is restricted to one application for funding in any financial year.

Museum Acquisition Fund

The Chief Executive is empowered to grant the necessary authorisation to the Historical Society to purchase articles which become available for purchase and are considered suitable for display sets. The authorisation is for purchase at up to a price previously approved and to be funded from the Museum Acquisition Fund.

SMOKE FREE ENVIRONMENT

The policy of the Ashburton District Council in respect to smoking/non smoking in the workplace is to meet the requirements of the Smoke Free Environments Act 1990. The purpose of this policy is to prevent the detrimental effects of smoking on the health of any person who does not smoke, or wish to smoke inside the workplace and enclosed areas to which the public has access.

Administration Building

All of the main office building situated at Baring Square West, Ashburton will be a NO SMOKING area except for the Councillors Lounge situated on the top floor of the office building. Smoking will be permitted in this room providing the following requirements are met:

- (a) The door to the passageway must remain closed while the room is being used for smoking.
- (b) The extractor fan mounted in the window of this room must be turned on while smoking is in progress and must be left on when smoking has ceased.

Library

The Library will be a NO SMOKING area.

Domain

All offices and enclosed areas at the Domain will be NO SMOKING areas.

Council Vehicles

All Council vehicles will be designated NO SMOKING areas except in the case where the vehicle is normally driven by the sole occupant who wishes to smoke. Occupancy of any vehicle by more than one occupant will cause the vehicle to be deemed a NO SMOKING area unless all occupants agree that smoking will be permitted within the vehicle.

Notices and Policy

The employer has to display notices indicating areas where smoking is not permitted. Copies of this policy when finalised will be available, on request, to any employee, prospective employee or representative of any employee.

Complaints Procedure

If a smoker fails to cease smoking, or fails to move a minimum 2 metres distant when requested to do so, then the non-smoker may make a complaint to the worksite union delegate to resolve the matter.

The union delegate will note:

- The time and date of the incident.
- The work area where the incident occurred.
- The name of the person refusing to stop smoking in that area and will discuss the matter with them to resolve the complaint being made.

Successful resolution of the complaint at this level will see no further action taken. If however the complaint cannot be resolved, then the union delegate will give the information noted to the Personnel Officer and inform him an official complaint has been made regarding the incident.

In investigating the complaint the personnel Officer will interview the person being complained of, and, if it is found the complaint is justified, then that person will be formally warned that a further breach of this policy will be grounds for dismissal.

SMOKE FREE ENVIRONMENT (Cont'd)

The representative of the employee in the workplace shall be entitled to be present at any meeting called for the purpose of resolving the complaint. Where the complaint cannot be satisfactorily resolved then the complaint will be sent in writing to the Regional Health Authority for resolution.

If a satisfactory settlement of the complaint is not obtained or the cause of the complaint is in breach of a previously given assurance, a complaint may be laid (by the Regional Health Authority) under the Summary Proceedings Act 1957 in respect of the relevant offence. The Personnel Officer will investigate all complaints within five (5) working days.

Penalties Allowable

Every employer who, without reasonable excuse, fails to prepare a written policy on smoking as required or to review that policy as required, commits an offence and is liable - in the case of a body corporate, to a fine not exceeding \$4,000, or, in the case of an individual, to a fine not exceeding \$400./ Failure to comply with Section 7 of the Act allows for the same penalties as above. (Section 7 Displays of NO SMOKING notices and written policy).



RATES REMISSION

[Rates Remission and Postponement Policy (adopted by Council 3/07/03)
– contained within LTCCP 2006-2016]

Amended by Finance & Corporate Services Committee (9/02/06) to allow rates to be postponed against the equity of a property.



CEMETERIES

Interments

[Council 3/07/03]

The maximum number of interments in Ashburton District Council administered cemeteries, subject to ground conditions permitting, is as follows:

- Up to one casket and two ashes urns interred in one grave plot
- Up to two caskets interred in one grave plot, and no ashes urns unless under exceptional circumstances
- Up to four ashes urns interred in one grave plot
- Up to two ashes urns interred in one cremation plot

A ten percent (10%) commission on collection of cemetery fees shall be paid by the Ashburton District Council to all funeral directors arranging interments in Ashburton district cemeteries

Commission on Collection of Fees

[Finance & Corp Services 01/11/01]

A ten percent (10%) commission on collection of cemetery fees shall be paid by the Ashburton District Council to all funeral directors arranging interments in Ashburton District Cemeteries.



INSURANCE FOR ORGANISATIONS AND EVENTS

[Finance & Corp Services 5/08/04]

Council shall make available to organisations which are not part of Council, the public liability and statutory liabilities insurance cover under the Jardine Lloyd Thompson Ltd Community Group Scheme for events run by community and voluntary groups.

Organisations availing themselves of this opportunity be responsible for meeting the associated premium cost.

Council will waive the fee charged for advertising costs associated with temporary road closures for events run by community and voluntary groups.



PROPERTY

Housing - Elderly Persons

[Finance & Corp Services 12/05/05]

Council provides elderly persons housing as a social commitment to providing low-cost housing to low income elderly people at no cost to ratepayers. The rentals will be reviewed annually to ensure that the scheme is self-supporting.

The 1715m² lot at 10 Cambridge Street is to be retained for future elderly persons housing. The 1012m² property at Rakaia (part of the present elderly housing block) is to be retained for future possible residential or elderly persons housing development by either using these or suitable alternatives.

As a matter of policy the Council's housing for the elderly shall be self-supporting.

Under Elderly Persons Housing policy applicants shall -

1. be no younger than 55 years of age; or; or be in receipt of National Superannuation, Veterans Pension, Widows Benefit or Invalids Benefit;
2. not be in full time employment / business – ie more than 30 hours per week;
3. be able to care for themselves independently;
4. show a housing need which cannot be met adequately elsewhere;
5. have financial assets totalling below (includes other real estate) \$35,000 (single), \$50,000 (coupled).
6. Applications will be accepted and considered in priority from the following –
 - residents of Ashburton district
 - those with family in the Ashburton district
 - others
7. Applicants who do not meet all the criteria may still be considered by the allocation sub committee, based on their individual social and personal needs.
8. When considering all applications for housing, account must be taken of social and environmental needs of others.
9. In the case of a couple, one member must meet all of the qualifying criteria.

Leased Commercial Retail Properties

Council holds these properties to assist development and to obtain a commercial return. Any request to freehold will be considered by Council.

Glasgow Leases - Residential

Council's intention in the past has been to make these sections available to enable residents to own their own home at a lower cost. Council continues to hold these properties as a social commitment but would prefer to sell the freehold on appropriate terms.

These are:

1. Council will allow property to be sold at current market value when requested by the lessee
2. Council will meet the valuation fee where a sale proceeds
3. All parties will meet their own costs of sale.

Where it is appropriate Council will purchase the lessee's interest (improvements) for the purpose of sale of the whole property.

PROPERTY (Cont'd)**Freeholding Residential Leasehold Land**

Council holds these properties for strategic (future use) reasons. While they remain in Council ownership they will be rented at current market rates. Council will only hold these properties until their strategic purpose is met or no longer exists.

Schedule

344 Burnett St	Retain site for car parking
42 Dunford St, Rak	Retain and review in 2002
120 McMurdo St	Retain - future car park potential
86 South St	Retain and review in 2002
58 Philip Street	Retain for future JV housing (Sold 12/08/04)
327 West St	Retain and review in 2002
329 West St	Retain and review in 2002

Leased Industrial Properties

Council will use these properties to assist development and any request to freehold will be considered by Council.

Rural Leasehold

Council will use these properties to assist development and any request to freehold will be considered by Council. Each case will be treated on its merits.

Where there is no economic, operational or strategic reasons to hold a property Council will sell at market value. Preference will be given to adjoining landowners. Each case will be treated on its merits.

Lake Clearwater

Council will continue to be landowner and will offer leases to hutholders.

Wakanui Beach Hut Sites

No further development or redevelopment.

Urban Freehold Land

Continually review and consider on a case by case basis.

Reserve Relocations

[Finance & Corporate Services 10/05/01]

1. Where use of currently reserved lands would cause hardship / nuisance to an occupier, negotiations shall be entered into and where possible the reserve status shall be transferred to an alternative site within the land owned by the applicant with costs to be borne by the landowner.
2. Where negotiations are successful the process of transferring the reserve shall be undertaken.
3. Where such a transfer is not possible Council shall extract gravel as provided for in the Licence documents but all reasonable measures to mitigate effects shall be taken.



PROPERTY (Cont'd)**Small Rural Reserves Occupancy****[Finance & Corporate Services 19/02/04]**

1. Any occupancy shall be by way of a Licence to Occupy, ie no leases to be put in place. A lease implies exclusive use and could be taken to indicate Council has no future requirement. A licence, whilst it may be for a particular period, is always revocable on 14 day's (or less) notice. A Licence specifically prohibits exclusive use.
2. Where a Licence is sought for grazing purposes, such may be issued at Officer level at a fee determined to a minimum of 2.5% of rateable value. (This fee level reflects the potential short-term occupancy and also the fact that the occupancy is not an exclusive one).
3. Where a Licence is required for any other use, the request shall be referred to the Finance and Corporate Services Committee for consideration.
4. Where the activity is likely to require a resource consent and where the activity is discretionary or non-complying, consideration shall be given to relevant objectives and policies of the District Plan. Any licence shall be subject to the applicant obtaining, at their cost, the required consent and shall contain a provision that in addition to the normal termination procedures, the Licence may be terminated should the Licence holder be in breach of any consent condition."

STATEMENTS TO THE PUBLIC AND THE NEWS MEDIA

The Chief Executive, Mayor or Chair of each Committee shall be responsible for all official press releases on matters of policy. Department managers may communicate directly to the press in their official capacity as officers of the Council on matters within their area of expertise. Other officers shall not communicate directly to the news media without the prior consent of the Chief Executive or a member of the senior management team.

**CONSULTATION****Statutory Consultation**

Part 6 of the Local Government Act 2002 states –

- 1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
 - (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
 - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
 - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

CONSULTATION (Cont'd)

- (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
 - (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.
- (2) A local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1).
- (3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.
- (4) A local authority must, in exercising its discretion under subsection (3), have regard to—
- (a) the requirements of section 78; and
 - (b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and
 - (c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and
 - (d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and
 - (e) the costs and benefits of any consultation process or procedure
- (5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Non-statutory Consultation

It is impossible to give a precise blueprint for non-statutory consultation because every situation is different.

Prior to Consultation

Where a decision to consult has been made by Council or the committee responsible careful analysis of the issue should be carried out.

CONSULTATION (Cont'd)

This will cover -

- (a) What is the target group?
- (b) What is the precise wording of the issue?
- (c) How much is already known by the community on the issue in question?
The target groups must be fully informed to be able to give their opinion.
- (d) What method is planned to deliver information?
- (e) Which officer or councillor is to be primarily responsible for the correct procedure being carried out?
- (f) What level of response from the target group will be considered adequate?
- (g) How will Council quantify its mandate. Will it be sufficient to have informed and consulted or will a clear expression of support or rejection be required when an eventual decision is made?
- (h) How will Council's conclusions from the consultation process be relayed back to the target group?

The Consultation Process

The vast range of topics and situations that may require consultation means that as Council decides consultation shall take place it shall also provide a clear picture of how that will occur.

A typical consultation process will involve one or more of the following steps-

- (1) Notification as described in the Local Government Act 2002. (This would be appropriate for issues involving the wider community.)
- (2) Convening a meeting of the residents who will be most affected, both detrimentally and beneficially. Careful assessment of this group should be made.
- (3) Survey of residents.
- (4) Calling and advertising a public meeting giving a clear indication of the decisions that will be made from that meeting.
- (5) Hold a referendum.
- (6) Advertising and calling for submissions.
- (7) Summarising issue(s) in a newspaper or direct mail with a questionnaire.

This list is by no means all-embracing, methods of consultation are as varied as the issues and people involved.

General Rules Applying to Both Forms of Consultation

Any Councillor appointed to participate in the consultation process shall make clear at the commencement of consultation that while their views will be taken into account the final decision will always lie with Council. On no account is any indication or undertaking to be given which will lead those persons consulted to believe that a certain decision will be made.

Where the process of consultation changes the original proposal significantly Council may at its discretion put the new proposal through the same consultation process or through an amended process.

The final step, before decision making, is to ensure that those people or groups who have provided input, +

know the effect of that input and how the decision process will take their concerns into account.



COMMUNICATION

1. A regular magazine is to be produced and circulated to all residents.
2. A survey of residents shall be conducted every year. The survey conducted in the year after the triennial election will be in the detailed style of the 1993 Communitrak Survey.
3. Councillors and staff will always be as informative as possible to the media within the sphere of knowledge and delegated authority while taking care not to prejudice any commercial decision or discussion.
4. A ratepayers newsletter will be produced as the need demands.



PETITIONS

Council does not support the concept of binding petitions but will consider all requests on their merits regardless of the number of signatures received.



COMMUNICATIONS FROM RATEPAYERS TO COUNCIL

1. All correspondence from ratepayers shall be either acknowledged or replied to within 10 working days.
2. A reporting system shall be developed which will regularly indicate to councillors the nature and number of requests, concerns or complaints which are received from residents.
3. Any correspondence from residents which is addressed to councillors shall be reported at the next appropriate meeting.



COMMUNITY AWARDS

Eligibility

The Award would be open to any person who has carried out outstanding voluntary service in the Ashburton district which is of benefit to other residents of the district.

Only in very special circumstances would an award be made to a person who has already received a Royal New Zealand Award or be made posthumously.

Service for which payment is received would not be included in the considerations.

Nomination and Selection

Nominations would be invited annually, with an explanatory leaflet available.

Nominations would be made by organisations, associations, societies or clubs (or by any two officers of these) giving full information on how the person's work or activities goes above and beyond the normal contribution of other volunteers. The permission of the nominee would not be required, but if selected their agreement would be needed before an award was made.

The information on all the people nominated would be considered confidentially by a selection panel made up of the Mayor, Deputy Mayor and two other Councillors. The names and information on those not selected would remain confidential. These persons could be re-nominated in following years.

Awards

There would be no set number of awards made each year as this would depend on the quality of the nominations received. However, initially it is expected that from two to four would be made.

The award would comprise a framed certificate signed by the Mayor and presented at a public awards function.



APPOINTMENT AND REMUNERATION OF DIRECTORS FOR COUNCIL ORGANISATIONS

[Council 10/04/03]

The Ashburton District Council either owns or has an interest in several council organisations (COs) and is therefore required to make Board appointments to some of these organisations. Examples include:

- Ashburton Contracting Limited (ACL). This company delivers civil engineering and professional services. The Council owns 100 per cent of the shares and therefore has the right to appoint all directors. The performance of the company is monitored by the Ashburton Contracting Limited Liaison Group, comprising three councillors, the Council Chief Executive and the Council Finance Manager. Directors of ACL are paid by ACL.
- Rangitata Diversion Race Management Limited (RDR). This company delivers water for power generation and irrigation. The Council owns 20 per cent of the ordinary shares and therefore has the right to appoint one director. The performance of the company is monitored by the Finance and Corporate Services Committee of Council. Directors of RDR receive no remuneration.
- Electricity Ashburton Shareholders Committee. Electricity Ashburton Ltd owns and operates the electricity network in the Ashburton district and carries out the majority of maintenance and capital works on the network. The company is owned by the power consumers in the district. Performance is monitored by the shareholder committee. The Council appoints three members to the shareholders committee from a total of seven. The other three members are elected by the power consumers. The shareholders committee in turn appoints the directors of the company. Remuneration of the members of the Shareholders Committee is paid by Electricity Ashburton.
- Ashburton Community Water Trust. This trust fosters a community approach to water in the Ashburton district and carries out some research and development planning, and education with respect to the management of the district's water resources. This is a not-for-profit CO, primarily funded by Council, and consequently Council has the right to appoint all voting trustees. The trustees receive no remuneration.

These organisations work at arms length from the council, providing services, advice or other functions which Council considers support the overall well-being of the community.

Purpose

The purpose of this policy is to set out clearly the policy for selection, appointment and review of directors appointed to companies by Council.

Section 57 of the Local Government Act 2002 (LGA) sets out:

57 APPOINTMENT OF DIRECTORS

- (1) *A local authority must adopt a policy that sets out an objective and transparent process for-*
- (a) *the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and*
 - (b) *the appointment of directors to a council organisation; and*
 - (c) *the remuneration of directors of a council organisation.*

POLICY ON APPOINTMENT OF DIRECTORS (Cont'd)

- (2) *A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority, the skills, knowledge, or experience to-*
- (a) *guide the organisation, given the nature and scope of its activities; and*
 - (b) *contribute to the achievement of the objectives of the organisation.*

The LGA defines the role of directors of Council – controlled organisations as:

58 Role of directors of Council-controlled organisations

- (1) *The role of a director of a council-controlled organisation is to assist the organisation to meet its objectives and any other requirements in its statement of intent.*
- (2) *This section does not limit or affect the other duties that a director of a council-controlled organisation has.*

Council Executive Committee

One of the roles of the Council Executive Committee is in making recommendations to Council for directorial appointments. The Council Executive Committee consists of the Mayor, Deputy Mayor and the Chairs of the Standing Committees. In the absence of the Chairs of the Standing Committees the respective Deputy Chairs can substitute.

Criteria for Selection of Directors

1. The criteria set out in this policy shall apply to all appointments of directors of commercial enterprises where the appointment is controlled by Council.
2. The directors should have an empathy with the Ashburton district, and where all other attributes are equal, preference to be given to people residing in the district.
3. Directors should have the following generic attributes:
 - Strong thinking abilities, including the capacity to think strategically
 - Articulate, able to convey thoughts in a concise and clear manner
 - Have courage to be counted on important matters and force debate
 - Have a clear commitment to the responsibilities of a director.
 - Relevant experience and/or the ability to gain an in-depth familiarity with the company and its business area
 - Ability to objectively take into account all points of view in making decisions
 - Respect for colleagues, and staff
 - Unimpeachable business ethics
 - Proven commercial experience or commercial potential
 - Positive attitude to public ownership and the principles of good corporate citizenship
 - Ability to understand financial issues

POLICY ON APPOINTMENT OF DIRECTORS (Cont'd)**Identification of Director Pool**

1. A pool of potential directors may be established and maintained on an ongoing basis
2. The pool may be derived by:
 - recording names of suitable people known to Councillors and their contacts
 - requesting suggestions from appropriate groups such as the:
Institute of Directors
Canterbury Employers Chamber of Commerce
3. Persons nominated for the pool will be requested to provide details of their CV together with a statement recording:
 - the reasons why they consider they could be appropriate for appointment
 - their understanding of local authority operations
 - their interest in particular activities
 - any potential conflicts of interest
4. The Executive Committee will be responsible for regular review of the list.
5. The list and its detail will be confidential to the Executive Committee.

Process for Appointment of a new Director

1. When a vacancy for a new director arises the Executive Committee shall be responsible to make a recommendation to Council on the basis of the process set out in the rest of this section. In respect of ACL the responsibility will be with the ACL Liaison Group
2. A shortlist shall be prepared from the directors pool. Use may be made of an independent management consultant if considered appropriate.
3. In selection of a new director consideration shall be given to ensuring that there is an appropriate mix of skills and experience on the Board. Consideration will be given to complementing and reinforcing existing skills and reducing known weaknesses where necessary.
4. The shortlist candidates shall be interviewed by the Executive Committee, to check CV's and referees and ensure the short-listed candidates meet Council's criteria.
5. Representatives of the Executive Committee will make a recommendation to the Council.
6. Where appropriate the Executive Committee shall co-operate with other shareholders in the selection process.
7. Where the Council wishes to appoint a Councillor as director, that Councillor should be appointed by the process outlined in this section and according to the same criteria.

Reappointment of Directors

1. Where a director's term of appointment has expired and they are offering themselves for reappointment, the process outlined in this section will apply,
2. A representative of the Executive Committee, or the ACL Liaison Committee, will make confidential enquiries from the Chairperson, and other members as appropriate. These enquiries will seek to ascertain:

POLICY ON APPOINTMENT OF DIRECTORS (Cont'd)

- Whether the skills of the incumbent add value to the work of the Board
 - Whether there are other skills which the Board needs
 - The maturity of the Board. There may be circumstances where many of the Board are new and further change would seriously weaken the Board
3. The Executive Committee, or the ACL Liaison Committee, will interview the retiring director.
 4. The Executive Committee, or the ACL Liaison Committee, will consider the information obtained and form a view on the appropriateness of reappointment or making a replacement appointment.
 5. Where it is the opinion of the Executive Committee, or the ACL Liaison Committee, that reappointment is appropriate then the Executive Committee, or the ACL Liaison Committee, will recommend reappointment to the Council.
 6. Where it is not intended to reappoint the incumbent, the process outlined in section 5 of this policy shall be followed.

Councillor Directors

Where the Council wishes to appoint or reappoint a Councillor or Councillors as directors, the Council will nominate a Councillor or Councillors for consideration by the Executive Committee in accordance with sections 5 and 6.

Council will need to consider the requirements of the Transit New Zealand Act 1989, in particular section 27(3) placing restrictions on council-controlled organisations.

Terms of Appointment

The term of the appointment is normally set by the entities constituting agreement. This would not normally exceed three years. It is considered that Boards should be subject to change from time to time to ensure fresh ideas and new skills are introduced.

Remuneration

Where the Council is the sole shareholder in a particular organisation the council will set director's remuneration either by resolution at the annual general meeting or will review salaries on an annual basis (for those organisations that do not have such a meeting). In reaching a view on the appropriate level of remuneration for directors of Council organisations the Council will consider the following factors:

- The need to attract and retain appropriately qualified people to be directors of the organisation
- The levels and movement of salaries in comparable organisations
- The objectives and financial situation of the organisation
- The past performance of the organisation

In cases where the Council cannot exercise direct control, such as an organisation where it is one shareholder among many, it will conduct its own monitoring of salaries against the above factors and will take whatever action is deemed appropriate to ensure compliance with the above factors.



PROTECTED DISCLOSURES

Policy

This policy has been provided to meet the requirements of the Protected Disclosures Act 2000 (the “Act”).

- The Council recognises its responsibility to promote the public interest by facilitating the disclosure and investigation of matters of serious wrongdoing in or by the Council.
- The Council also recognises the need to protect employees who in accordance with the Act make disclosures of information about serious wrongdoing in or by the Council.

“Serious Wrongdoing”

This includes

- An unlawful, corrupt or irregular use of public funds; or
- An act, omission or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- An act, omission or course of conduct that constitutes a serious risk to the maintenance of law including the prevention, investigation, and detection of offences and the right to a fair trial; or
- An act, omission or course of conduct that constitutes an offence; or
- An act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory or grossly negligent, or that constitutes gross mismanagement.

“Disclosure Conditions”

You can disclose information if

- The information is about a serious wrongdoing in or by the Council;
- You believe on reasonable grounds that the information is true or likely to be true;
- You wish to disclose the information so that it can be investigated; and
- You wish to be protected making the disclosure.

“What to Do”

- You can notify the Corporate Services Manager, the Finance Manager, the Planning Manager or the Operations Manager verbally or in writing disclosing the information about the serious wrongdoing.
- If you believe on reasonable grounds that any of these officers may be involved in the wrongdoing you can make the disclosure to the Chief Executive Officer. This also applies if you believe that any of those officers may be in a relationship or associated with a person who is or may be involved in the serious wrongdoing alleged in the disclosure.
- You can make the disclosure to the Mayor if you believe the Chief Executive Officer may be involved or where it is justified by the urgency of the matter or other exceptional circumstances.
- You can make the disclosure to a Minister of the Crown or an Ombudsman if you have made substantially the same disclosure to any of the above parties and they have:
 - Decided not to investigate or
 - Not made progress within 21 days or
 - Not taken any action or recommended any action after the investigation, and
 - You still consider that the disclosure is true or likely to be true.

PROTECTED DISCLOSURES (Cont'd)

“Council’s Response”

Where the disclosure is made to the Corporate Services Manager, Finance Manager, Planning Manager or Operations Manager or the Chief Executive Officer we will

- Acknowledge receipt of the complaint;
- Interview the complainant;
- Investigate the allegation;
- Keep a detailed file note recording the interview, the investigation and the explanation given to the complainant about procedures to be followed;
- Have the file note signed by the complainant to verify the accuracy and completeness of the interview notes and to record the complainant’s acceptance of the procedures to be followed; and
- Report back to the complainant on how the matter has been dealt with, within 20 working days. If we fail to do this, the complainant may refer the matter some other appropriate authority.

“Appropriate Authorities”

These include the Commissioner of Police, the Controller and Auditor-General, the Director of the Serious Fraud Office, the Inspector-General of Intelligence and Security, and Ombudsman, the Parliamentary Commissioner for the Environment, the Police Complaints Authority, the Solicitor-General, the State Services Commissioner, the Health and Disability Commissioner and the head of every public sector organisation.

“Protection”

- If you make a protected disclosure in accordance with this policy and suffer retaliatory action from the Council you may have a personal grievance that can be dealt with under the provisions of the Employment Relations Act 2000.
- You will not be liable in any civil or criminal proceedings or subject to disciplinary proceedings by reason of having made or referred the disclosure of information.
- The fact that you made the disclosure must be kept confidential by the person(s) that you made the disclosure to unless:
 - You agree otherwise or
 - It is essential to the effective investigation of allegation or
 - It is essential to prevent serious risk to public health or safety or the environment or
 - It is essential having regard to the principle of natural justice.
- Requests for information under the Local Government Official Information and Meeting Act 1987 may be refused if it might identify the person who made the protected disclosure.
- Protection does not apply to allegations made that you known are false or where you act in bad faith.



FRAUD POLICY

[Finance & Corp Services 15/02/07]

This policy should be read in conjunction with Council's Human Resource Management Policy – Protected Disclosures.

Background

It is important that Ashburton District Council provides confidence to the community and staff regarding the administration of ratepayer's funds. Whilst the Human Resource Management Policy – Protected Disclosures covers serious wrongdoing (which may include fraud), it is important to expressly state Council's view that fraudulent behaviour is unacceptable, and to clearly set out how fraud will be dealt with.

The Human Resource Management Policy – Protected Disclosures details the protection to be given to the person(s) making a disclosure ("whistleblower").

Purpose

The purpose of this policy is to ensure that controls and systems are in place to deal with fraudulent behaviour by anyone employed by, elected to, contracted to, or is a service recipient of the Ashburton District Council.

The objectives of the policy are:

- To prevent fraudulent behaviour within the terms of this policy
- To instill responsibility and awareness amongst Ashburton District Council staff and elected members
- To establish an environment where fraud concerns can be identified and readily addressed
- To require responsibility on the part of executive officers to be aware of the type of fraud that may occur in their area of responsibility and be alert for any indication of fraud.
- To ensure compliance with internal control systems that are designed to minimise the opportunity for fraudulent behaviour.
- To provide guidance on how to effectively progress an allegation of fraud.

Definition

Fraud is deception or false representation by means of a statement or conduct, in order to gain a material advantage. "Fraud" is the misappropriation of what rightfully belongs to an individual or organisation and usually involves some form of intentional misrepresentation of financial information, such as falsifying, altering or neglecting to update records or documents.

Note: Corruption and other serious wrongdoing is covered directly by the Human Resource Management Policy – Protected Disclosures.

Fraud Minimisation

The primary means to prevent or minimise fraud is by implementation and continued operation of adequate systems of internal control, supported by written policies and procedures. These controls include, but are not limited to:

- Segregation of duties
- Appropriate delegations and authorisation levels
- Enforcement of mandatory holidays
- Active risk management through an effective internal control function
- Financial planning, reporting and monitoring

FRAUD POLICY (Cont'd)

All staff have a responsibility to adhere to the Council's systems of internal control and Managers need to ensure staff are aware of the reasons for such controls and the expectation that they will be complied with.

Council's systems of internal control are evaluated each year by Council's auditors. Any weaknesses identified need to be addressed on an ongoing basis. Internal audit work should also be regularly undertaken to also provide assurance that the systems are sufficient and are being adhered to.

General Policy Guidelines

1. All reports or indications of fraud will be investigated appropriately. This investigation will be undertaken by the Chief Executive (or Mayor) or his/her nominee.
2. An attempt will be made to recover all losses.
3. Any staff member(s) found to have committed fraud may be dismissed. References will not be available if dismissal results.
4. In most instances of suspected fraudulent behaviour the Chief Executive Officer will refer the matter to the Police or other appropriate authority.
5. Protection of any "whistleblower" will be in accordance with the Human Resource Management Policy – Protected Disclosures
6. Any media liaison will be through the Chief Executive or his/her nominee.

Any Council employee who is subject to an investigation may be stood down on full pay for all or part of the duration of the investigation. The decision to stand down an employee must be approved by the Chief Executive or the Chief Executive's appointed representative.

Council will regard all correspondence and records of correspondence such as letters, emails and phone calls made during Council work hours or using Council property as belonging to Council and this may be examined as part of any investigation process.

Process

1. Allegations of fraud should be made in the first instance directly to a Senior Manager.
2. All allegations must be acknowledged in writing by the Senior Manager, including all relevant details of the allegation. Secrecy and confidentiality must be maintained where possible.
3. The Senior Manager must advise the Chief Executive Officer in writing (or the Mayor where the Chief Executive Officer is the subject of the allegation) of details of the allegations made.
4. The Chief Executive Officer will appoint an Investigation Officer (or the Mayor where the Chief Executive Officer is the subject of the allegation) to undertake or oversee an agreed investigation process.
5. The Investigation Officer will carry out a preliminary investigation and report their findings and recommendations to the Chief Executive Officer (or the Mayor where the Chief Executive Officer is the subject of the allegation). All documentary evidence relevant to the investigation should be obtained and secured as early as possible.
6. If the preliminary investigation finds no substance to the allegation then the process is terminated and this outcome is advised in writing to the person making the original allegation.

FRAUD POLICY (Cont'd)

7. If the preliminary investigation finds there is substance to the allegation, further investigation should take place. This may include involving the police or other outside agencies, taking legal advice, and advising Council's insurers.
8. If surveillance is going to be undertaken as part of any investigation then there must be accurate recording of surveillance and immediate signing and dating of records.
9. Council may require the person who is the subject of the investigation to be stood down on full pay during the term of the investigation.
10. Upon confirming evidence of fraud, the Investigation Officer will report in writing to the Chief Executive Officer (or the Mayor where the Chief Executive Officer is the subject of the allegation) the findings of the investigation and any recommendations.
11. The Chief Executive Officer (or the Mayor where the Chief Executive Officer is the subject of the allegation) will take appropriate action. This will include disciplinary action or dismissal, and may include the involvement of the police or other outside agencies (i.e. the Serious Fraud Office). Restitution for any losses will be sought. Any media comment and report to Council's standing committees will need to be considered.
12. All investigation records are to be retained in a separate file and a post investigation assessment carried out. Any identified control system weaknesses are to be addressed.
13. A formal acknowledgment of the outcome of the investigation must be forwarded to the person making the original allegation.

