

Chairperson and Committee Members
STRATEGY AND POLICY

20 JUNE 2019

Meeting Status: **Public**

Purpose of Report: For Decision

LGNZ ANNUAL GENERAL MEETING REMITS

PURPOSE OF REPORT

- 1 This report seeks a decision from the Strategy and Policy Committee on whether it supports the remits and rule amendments to be considered at the next Local Government New Zealand (LGNZ) Annual General Meeting to be held on 7 July 2019.

DELEGATION

- 2 The Committee has the delegation to consider this matter under Section B.1 of the Governance Structure and Delegations: *'This Committee will deal with all strategy and policy decision-making that is not the responsibility of the Council. Key responsibilities will include:*
 - Signing off any submission to an external agency or body.

BACKGROUND

- 3 Each year, member local authorities submit remits for consideration at the LGNZ Annual General Meeting (AGM). Proposed remits are intended to have a national focus articulating a major interest or concern at the political level.
- 4 Remits must have formal support from at least one zone or sector group meeting, or five councils prior to being submitted.
- 5 At the AGM, councils vote on each remit in accordance with their subscription level. Kāpiti Coast District Council is entitled to three votes at the AGM, to be made by the Mayor.
- 6 In addition to the remits, changes to the LGNZ rules are being proposed which will also be voted on at the AGM.
- 7 A decision by the Strategy and Policy Committee on whether it supports the remits and rule amendments will give public indication of how the Council intends to vote at the AGM.

ISSUES AND OPTIONS

LGNZ remits

- 8 There are 24 remits submitted for consideration at this year's AGM. Background information for each remit is attached at Appendix 1 to this report (Corp-19-823). The Council has not been approached to give formal support on any of the remits prior to them being submitted.

- 9 Officers recommend that the Strategy and Policy Committee agree that Council intend to vote in support of all remits as proposed, with the following exceptions:
- Conditional support for remits number 9 and 13.
 - Do not support remits number 22 and 23.

Conditional support proposed

- 10 Remit 9 asks LGNZ to call on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.
- 11 Note that Council’s preference is for proportionate liability – as indicated in its submission to the Ministry of Business, Innovation and Employment on building system legislative reform approved by Council on 13 June 2019. However, if proportionate liability is not achievable then a cap on liability is acceptable.
- 12 Remit 13 asks LGNZ to pursue an amendment to the Local Government Act 2002 to address issues in relation to councils undertaking works on infrastructure assets located on private land. While Officers recommend supporting the intent of the remit, more information is desired on how the proposed legislative change would address the issues.

No support proposed

- 13 Remit 22 asks for the selection of all independent commissioners for Resource Management Act hearings to be centralised. While Officers acknowledge that it may be useful to have the option of requesting centralised selection of commissioners in certain cases, requiring it for all hearings would introduce a significant administrative burden on councils and the Ministry for the Environment (MfE). Officers also note that MfE already maintains a list of all accredited commissioners and chairs.
- 14 Remit 23 asks that LGNZ request the Government to amend S.41A of the LGA 2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland. Officers recommend that the existing legislation is adequate.

LGNZ rules amendments

- 15 There are four amendments to the LGNZ rules proposed. Background information on each is attached at Appendix 2. The four proposed amendments are:
- 1) Provide that the Chair of Te Maruata is a member of National Council, with full voting rights.
 - 2) Provide that Auckland Council has three seats on National Council.
 - 3) Minor administrative changes, including
 - Inclusion of community board members in the definition of Elected Member
 - The ability for National Council to appoint individuals (with full speaking rights, but no voting rights) to the National Council
 - Changes to the definition of a quorum for the purpose of National Council meetings; and

- The ability for National Council to pass a resolution without a meeting with the agreement of 75 per cent of all National Council members (as opposed to all National Council members, as currently required).
- 4) Modernise the rules and rationalise the language (no substantive change).
- 16 Officers recommend that the Strategy and Policy Committee support the rule amendments as proposed.

CONSIDERATIONS

Policy considerations

- 17 There are no impacts on Council policies arising from this report.

Legal considerations

- 18 There are no legal considerations arising from this report.

Financial considerations

- 19 There are no financial considerations arising from this report.

Tāngata whenua considerations

- 20 There are no tāngata whenua considerations arising from this report.

Strategic considerations

- 21 While Council's voting intention on the remits has no direct contribution to our strategic direction, two of the remits do support the Council's three-year focus on an effective response to climate change (refer remits 1 and 18 in Appendix 1).

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 22 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

- 23 No consultation has been undertaken in relation to this report.

Engagement planning

- 24 No engagement is proposed in relation to this report.

Publicity

- 25 No publicity is proposed in relation to this report.

RECOMMENDATIONS

LGNZ Remits

It is recommended that the Strategy and Policy Committee agree to support each of the following remits, as per Appendix 1 of this report (Corp-19-823), being submitted for consideration at the 2019 LGNZ Annual General Meeting:

- 26 Remit 1 – call on the Government to include local government representation on climate change response policies.
- 27 Remit 2 – that LGNZ work with central government to raise the issue about the sale of fireworks and advocate for legislative change.
- 28 Remit 3 – request the Government to bring into line camera and officer-detected red light running offences with other traffic offences that incur demerit points.
- 29 Remit 4 – seek an amendment to clause 6.2 of the Land Transport (road User) rule 2004 to prohibit parking on urban berms.
- 30 Remit 5 – advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council.
- 31 Remit 6 – recommend to the government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research.
- 32 Remit 7 – initiate a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting.
- 33 Remit 8 – encourages member councils to consider using environmentally friendly weed control methods.
- 34 Remit 10 – urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision.
- 35 Remit 11 – investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure.
- 36 Remit 12 – advocate to the Government to phase out single use polystyrene.
- 37 Remit 14 – request the Government to amend the Camping – Ground Regulations to allow councils to approve remote camp facilities on private property.
- 38 Remit 15 – that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.
- 39 Remit 16 – ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm.
- 40 Remit 17 – that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.

- 41 Remit 18 – recommend to Government that they establish an independent expert group to develop a new policy framework for adapting to climate change impacts.
- 42 Remit 19 – request a review of the New Zealand Transport Authority’s Code of Practice for Temporary Traffic Management.
- 43 Remit 20 – requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.
- 44 Remit 21 – That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.
- 45 Remit 24 – call on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the ‘health and beauty clinic’ industry.

It is recommended that the Strategy and Policy Committee *conditionally support* the following remits, as per Appendix 1 of this report (Corp-19-823), being submitted for consideration at the 2019 LGNZ Annual General Meeting:

- 46 Remit 9 – call on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.
 - 46.1 Note that Council’s preference is for proportionate liability. However, if this is not achievable then a cap on liability is acceptable.
- 47 Remit 13 – pursue an amendment to the Local Government Act 2002 to address issues in relation to councils undertaking works on infrastructure assets located on private land.
 - 47.1 Note that Council supports the intent of the remit, however, more information is desired on how the proposed legislative change would address the issues.

It is recommended that the Strategy and Policy Committee *does not support* the following remits, as per Appendix 1 of this report (Corp-19-823), being submitted for consideration at the 2019 LGNZ Annual General Meeting:

- 48 Remit 22 – that the selection of all independent commissioners for Resource Management Act hearings be centralised.
 - 48.1 Note that Officers’ advice is that although it may be useful to have the option of requesting centralised selection of commissioners in certain cases, requiring it for all hearings would introduce a significant administrative burden on councils and the Ministry for the Environment.
- 49 Remit 23 – request the Government to amend S41A of the Local Government Act 2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.
 - 49.1 Note that Officers’ advice is that the existing legislation is deemed adequate.

LGNZ Rules amendments

It is recommended that the Strategy and Policy Committee:

- 50 Support the proposed amendments, as per Appendix 2 of this report (Corp-19-823), to the LGNZ Rules.

Report prepared by	Approved for submission	Approved for submission
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Manager, Corporate Planning and Reporting	Group Manager, People and Partnerships	Group Manager, Corporate Services

ATTACHMENTS

Appendix 1 – Remits to the LGNZ Annual General Meeting
(Updates to remits 2,18 and 23 made on 29 May 2019 are incorporated)

Appendix 2 – LGNZ rules review