

Rebecca Watson

From: [REDACTED]
Sent: Monday, 24 June 2019 13:43
To: [REDACTED]
Cc: official information
Subject: RE: Information Request
Attachments: RE: LGOIMA 19152 - Section 39(a) of the LGA – "Governance principles"

Kia ora [REDACTED]

I refer to the below and **attached** correspondence, in particular your request on 21 June for Mayor Andrew King to provide you with the information you have requested.

We had considered our email of 17 June to have responded to your request for information, but appreciate that you appear to have expected further or different information to be contained in Council's response. Accordingly, I would appreciate an opportunity to speak with you so we can understand the exact scope of your request before responding further. Is there a time on Tuesday 25 or Wednesday 26 June that would suit for me to call you? If you could also provide the best phone number to reach you on, that would be appreciated.

Thank you – I look forward to hearing from you.

Ngaa mihi

[REDACTED]
Kaiwhakahaere Ratonga Ture | Kaawana
Legal Services Manager | Governance Unit



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

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From: [REDACTED]
Date: 21 June 2019 at 3:56:15 PM NZST
To: "Andrew King" <Andrew.King@council.hcc.govt.nz>
Subject: Information Request

Andrew King

Mayor
Hamilton City Council

Dear Mayor

I sent an email to you on 7 May 2019 requesting information re s 39(a) of the LGA.

I quoted the relevant paragraph and included some background concerns.

I specially asked you the question "What has your Council done to comply with this piece of legislation?"

The section in the LGA is ""A local authority must act in accordance with the following principles in relation to its governance:

- (a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; ..."

I received an email from Amy Viggers whom I assume responded on your behalf as it was you to whom my email was addressed. The reply I received acknowledged your receipt of my request on 7 May 2019, and directed me to a link to "Council's governance statement on its democratic processes".

Included in the reply is "provide links to other information on governance on Council's website in order to enhance clarity and understanding of the role of democratic governance of the community, and the expected conduct of elected members, in accordance with s 39(a) of the Act."

Nowhere in this link (or any other link) do I find the term 'democratic governance'. Nor have I found an explanation of what it means and how council has ensured 'that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community'; - i.e. the official information I requested.

Consequently, I cannot accept that the email sent to me on your behalf supplies me with the information I requested.

I originally sent my request on the 7 May 2019, from which 33 working days has now passed.

Could you please send me the information that I requested?

Regards



Rebecca Watson

From: official information
Sent: Monday, 17 June 2019 08:11
To: [REDACTED]
Cc: official information; Andrew King
Subject: RE: LGOIMA 19152 - Section 39(a) of the LGA – “Governance principles”
Attachments: Hamilton Mayor - email to - 2019_0507.pdf

Kia ora,

Further to your information request of 7 May and 11 June 2019, in respect of information about what Hamilton City Council (**Council**) has done to comply with s 39(a) of the Local Government Act 2002 (**Act**) relating to governance principles, I am now able to provide Hamilton City Council’s response.

Your request:

As attached.

Our response:

Our website contains a page that sets out Council’s governance statement on its democratic processes:

https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/governancestatement/Pages/default.aspx. The purpose of this page is to set out Council’s Local Governance Statement (required under s 40 of the Act), and provide links to other information on governance on Council’s website in order to enhance clarity and understanding of the role of democratic governance of the community, and the expected conduct of elected members, in accordance with s 39(a) of the Act.

Kind regards,

Amy Viggers

On behalf of the Privacy Officer

DDI: 07 8386727 | Email: amy.viggers@hcc.govt.nz



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From: official information
Sent: Wednesday, 12 June 2019 8:03 AM
To: [REDACTED]
Cc: official information <officialinformation@hcc.govt.nz>
Subject: Re LGOIMA 19152 - Section 39(a) of the LGA – “Governance principles”

Kia ora,

I write to acknowledge your information request of 5 May 2019 in respect of section 39(a) of the LGA – “Governance principles”.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information or not “as soon as reasonably practicable”, no later than 20 working days after the day we received your request. This has not occurred and we apologise for the delay. We will respond to you no later than 9 July 2019.

Kind regards,

Amy Viggers

On behalf of the Privacy Officer

DDI: 07 8386727 | Email: amy.viggers@hcc.govt.nz



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From: [REDACTED] >
Sent: Tuesday, 11 June 2019 8:21 AM
To: Andrew King <Andrew.King@council.hcc.govt.nz>
Subject: Information Request

Andrew King
Mayor
Hamilton City Council

Dear Mayor

I set an email to you on 7 May 2019 regarding the request of information – copy of email is attached.

It is now more than 20 working days since that request for information was made, and I have not received the information I requested.

Could you please resend me the information that I requested?

Regards

[REDACTED]

From: [REDACTED]
Sent: 7 May 2019 1:43 PM
To: 'andrew.king@council.hcc.govt.nz'
Subject: Governance principles

Andrew King
Mayor
Hamilton City Council

Dear Mayor

I have been concerned with the council/ratepayers relationship within my city over the past 2 years and I have done a lot of research into Local Government in NZ, e.g. the LGA and many other documents. My focus has been from the ratepayer's perspective and particularly the rights conferred on ratepayers through legislation.

I have also considered the results of the Quality of Life surveys and note with some concern the results of the questions relating to council processes. I note that most cities were surveyed in 2018 and in 2016. Some of the cities surveyed in both surveys show some disturbing trends over the past two years.

One of my principal concerns on behalf of ratepayers is section 39(a) of the LGA – "Governance principles"

"A local authority must act in accordance with the following principles in relation to its governance:
(a) a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community; ..."

I have researched for a clear and teachable outline of 'democratic governance' and found little. However, using a simple research principle, (i.e. the role of democratic governance in local government should not be in conflict with any of the principles stated in the LGA, and conversely the interpretation of any of the principles stated in the LGA should not be in conflict with the role of democratic governance), an understanding can be readily compiled.

Two significant questions relative to this legislative requirement of the LGA (and therefore bound to all elected members of local government through their oath of office), are:

- If elected members of council do not have a clear understanding of the role of democratic governance, and a clear understanding of how to conduct themselves to meet this role of democratic governance, then how can any ratepayer have confidence that elected members will meet the requirements of the legislation and make decisions accordingly.
- Furthermore, if any ratepayer does not understand the role of democratic governance and how elected members are to conduct themselves to meet that role, then how can ratepayers be effectively involved in decision-making, how can their legislative rights be upheld, and how can they determine accountability of their elected members (which they have the right to do).

I know that since the LGA was introduced in 2002 I have never received any instruction from my local council regarding this piece of legislation. Researching the internet has not yet produced any information

of this being done by a NZ local government. The reply to my email to LGNZ relating to democratic governance gave no useful information.

Question: What has your Council done to comply with this piece of legislation?

I would appreciate any help you may be able to offer that may help in my research.

Regards

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