



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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INAUGURAL MEETING OF COUNCIL (following the 2025 triennial elections)

Open Agenda

Meeting Date: Thursday 30 October 2025

Time: 5.00pm

Venue: Natusch Ballroom
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

**The Chief Executive will chair the meeting until the Mayor has made and attested
the declaration required under the Local Government Act 2002**

Council Members **Chair:** Mayor McGrath

Members: Councillors Brownlie, Chrystal, Crown, Isaac-Sharland,
Lawrence, Mawson, Morley, Price, Raihania, Simpson and Taylor

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting
Thursday 6 November 2025

ORDER OF BUSINESS

Karakia

Apologies

Nil

Chief Executive’s Welcome

Declaration of the Mayor Elect

Declarations of Councillors Elect

- Ahuriri Ward
- Napier Central Ward
- Taradale Ward
- Te Whanga / Māori

Mayor’s Opening Speech

Agenda items

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AGENDA ITEMS

1. APPOINTMENT OF DEPUTY MAYOR

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1822807
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Governance Manager

1.1 Purpose of Report

To advise Council of the appointment of the Deputy Mayor and to provide Council with background information on the powers under section 41A of the Local Government Act 2002 for the mayor to appoint the deputy mayor.

Officer's Recommendation

That Council:

- a) **Note** that under section 41A of the Local Government Act 2002 the Mayor has the power to appoint the Deputy Mayor.
- b) **Note** that the Mayor has chosen to use their power to appoint the Deputy Mayor.
- c) **Note** that the Mayor has appointed Councillor Sally Crown as Deputy Mayor for the 2025-2028 Triennium in accordance with section 41A (3)(a) of the Local Government Act 2002.

1.2 Background Summary

Council makes decisions on behalf of the wider public interest, taking into account the needs of current and future generations and the goals of the city.

Appointment of a deputy mayor ensures that the decision-making process and community engagement can continue during any absence of the elected mayor.

The Local Government Act 2002 (LGA), section 41A gives mayors the power to:

- Lead the development of Council plans, policies and budgets;
- Appoint the deputy mayor;
- Establish Council committees; and
- Appoint chairs to those committees.

The use of the powers is discretionary, and the powers can be used at any time during the triennium.

1.3 Issues

The LGA requires the deputy mayor to be appointed at Council's first triennial meeting. This means that either the mayor makes the appointment under their discretionary powers at this meeting (once they have made their official oath of office), or if the mayor declines

to appoint the deputy mayor, then Council must elect one of its members to the office of deputy mayor.

If the mayor declines to exercise their discretionary power to appoint the deputy mayor, then Council will be required to make that appointment following the process described in clauses 25(1) to (4) of Schedule 7 of the Local Government Act 2002.

Council also has the power to remove a deputy mayor appointed by the mayor, following the process outlined in Clause 18, Schedule 7 of the Local Government Act 2002.

This process requires an extraordinary meeting to be called for the purpose of removing the deputy mayor. The meeting can be called either by a resolution of Council, or by a requisition in writing signed by the majority of the total membership of Council.

There must be at least 21 days from the passing of the resolution or delivery of the requisition before the extraordinary meeting may be held.

1.4 Significance and Engagement

This matter is fully legislated by the LGA 2002 and does not trigger the Significance and Engagement Policy.

1.5 Implications

Financial

The remuneration of the deputy mayor will be decided by Council when it reviews its allocation of the remuneration pool.

Social & Policy

There are no social or policy implications in this report.

Risk

Appointing a deputy mayor is a legislative requirement which Council must comply with. This also mitigates a risk to the organisation and the community in cases when the mayor cannot carry out her duties.

1.6 Options

The options available to Council are as follows:

- a) Note the appointment of Councillor Sally Crown as Deputy Mayor.
- b) Follow the process outlined in Clause 18, Schedule 7 of the Local Government Act 2002 if Council wishes to remove the Deputy Mayor appointed by the Mayor.

1.7 Development of Preferred Option

No alternative option was developed.

1.8 Attachments

Nil

2. LEGISLATION AFFECTING ELECTED MEMBERS - GENERAL EXPLANATION

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	1822803
Reporting Officer/s & Unit:	Anna Eady, Governance Manager

2.1 Purpose of Report

To provide elected members with a general explanation of laws affecting members as per the Local Government Act 2002, Schedule 7(21).

Officer's Recommendation

That Council:

- a) **Particularly** note the provisions and requirements outlined by the:
 - i. Local Government Official Information and Meetings Act 1987
 - ii. Local Authorities (Members' Interests) Act 1968
 - iii. Crimes Act 1961 sections 99, 105 and 105a
 - iv. Secret Commissions Act 1910
 - v. Financial Markets Conduct Act 2013

As per Schedule 7(21) of the Local Government Act 2002
- b) **Note** the obligations of the Privacy Act 2020, Local Government (Pecuniary Interests Register) Amendment Act 2022, and the Health and Safety at Work Act 2015.
- c) **Note** the further national and local legislation affecting the activities of Napier City Council, a list of which is provided to members so they may familiarise themselves as required (Doc ID: 1879058).

2.2 Background Summary

The Local Government Act 2002 (LGA) requires that a general explanation be provided to all elected members of the provisions of the following legislation:

- Local Government Official Information and Meetings Act 1987
- Local Authorities (Members' Interests) Act 1968
- Crimes Act 1961 sections 99, 105 and 105a
- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013

In addition, the Privacy Act 2020 outlines the requirements on an agency (and all its representatives) in regard to the collation, storage, management and any release of personal information.

The Health and Safety at Work Act 2015 places particular obligations on “Officers”, defined under the Act as any person occupying a position in relation to the business or undertaking that allows that person to exercise significant influence over the business or undertaking. For the purposes of this Act, elected members and the Chief Executive are considered “Officers”.

A summary of each of these acts is outlined below.

As well as the legislation above, Napier City Council activities are governed by many further statutory requirements; a full list of the national and local legislation impacting on Napier is shown at **Attachment 1**.

Local Government Official Information and Meetings Act 1987

This act requires agencies (including councils) to maintain transparency and availability in relation to the information they hold, and to promote the open and public transaction of business at meetings, in order to enable better participation by the public in the actions and decisions made, and to increase accountability.

There are provisions within the Act to protect official information and business deliberations in some instances where making them public at that time would negatively affect the public interest or personal privacy.

The Office of the Ombudsman acts as the advisory and adjudicating body in relation to queries or complaints under this Act.

Official Information

All information held by Council, including that produced or held by elected members within the requirements of their role falls within the scope of this Act and may be requested.

Any requests for information received by elected members must be provided to the Chief Executive and/or Governance Team as soon as possible for appropriate action under the Act, which specifies clear timeframes for actions taken in relation to requests.

Meeting Procedures

The Act outlines several requirements for formal meetings of Council (that is, a meeting where decisions, recommendations and or resolutions are made) including public notification, access to agendas and minutes, and attendance by the public. It makes provision for the maintenance of orderly conduct of the meeting as required.

It notes the instances where local authorities may exclude the public from a meeting or section of a meeting and how this must be handled.

Local Authorities (Members' Interests) Act 1968

This Act prevents an elected member or their spouse/partner from holding or having an interest in contracts with Council where the value is \$25,000 or more per year. There are some cases when permission can be sought from the Office of the Auditor general to exceed this limit. *This provision is currently under central government review via the Regulatory Systems (Internal Affairs) Amendment Bill. The Bill includes an amendment that would lift the interest limit to \$100,000 per year.*

An elected member may not discuss or vote on any matter in which they or their spouse/partner have a financial interest, with some caveats.

Penalties include fines and/or automatic disqualification from office.

Crimes Act 1961 sections 99, 105 and 105a

This Act outlines penalties for officials (including any member of any council) who accept bribes or agree to accept bribes for actions taken or not taken in the course of their official duties. The bribe may be for themselves or another person. A bribe is defined as money, valuable consideration, office, or employment, or any benefit, whether direct or indirect.

There are also penalties for officials who corruptly use or disclose information obtained in an official capacity for financial gain for themselves or any other person.

Penalties include imprisonment up to seven years.

Secret Commissions Act 1910

This Act states that an agent (a term which includes elected members of a council) must not give or receive gifts or inducements to do or not do things in relation to the business of the principal (being Council).

Agents must not divert, obstruct or interfere with the proper business of the principal, and must not fail to use due diligence in conducting this proper business with the intent to gain any gift or consideration for themselves or any other person.

Agents must make known any financial interest they hold in any contracts undertaken by the principal; this includes interests held by a spouse or partner, parent, child or business partner of the agent.

It is an offence to produce false or incomplete receipts, invoices or other accounting documents with an intent to deceive the principal of any payments that may have been made to the agent.

It is an offence for agents to receive any secret reward for facilitating particular contract procurement outcomes.

There are also penalties for aiding and abetting any of the offences under this Act.

Penalties under this act include imprisonment up to seven years.

Financial Markets Conduct Act 2013

This act essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities).

Elected members may be **personally** liable if:

- Documents that are registered under the Act such as a product disclosure statement contain false or misleading statements
- Any requirements under the Act are not met in relation to offers of financial products

Privacy Act 2020

The Privacy Act 2020 outlines principles that must be followed by any agency (and by association any representative of that agency) in relation to personal information.

These principles guide the purpose, source and manner of collecting personal information, the storage and protection of personal information including length of storage, the expectations in relation to accuracy of and corrections to information held, and the limits on use and any disclosure of personal information.

The Act also provides for complaints to be made to the Privacy Commissioner and outlines how these will be addressed, should someone feel these principles have been breached.

As representatives of Council, as an agency, elected members must abide by the expectations of the Act in relation to any personal information they are privy to.

Council has appointed Privacy Officers as required under section 201 of the Act; these are the Executive Director Corporate Services and Deputy Chief Executive, Chief People Officer, Manager Governance, and the Manager Information Services and the Information Compliance Specialist – Performance & Data.

Local Government (Pecuniary Interests Register) Amendment Act 2022

This Act amended the Local Government Act 2002 to require a local authority to keep a register of the pecuniary interests of their elected members.

A 'pecuniary interest' is defined as 'a matter or activity of financial benefit to the member'.

It is mandatory for members to declare their pecuniary interests by certain dates, containing prescribed information. The local authority must make a summary of the information contained in the register publicly available.

The required interests for annual declaration by members are:

- Directorship or a company, employment, and/or interests in a trust
- Property interests
- Membership of an organisation that has applied for Council funding
- The organisation the member is appointed to as an elected member
- Gifts received, including hospitality and donations
- Payments received for activities in which the elected member is involved.
- Overseas travel where travel and accommodation costs are paid in full or part by others (excluding family)

Health and Safety at Work Act 2015

This act requires the "person conducting a business or undertaking" (PCBU) (i.e. the Council) to ensure, as far as is reasonably practicable, the safety of workers and others who may be impacted by the work the business undertakes, and allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace.

One of the most significant changes with the implementation of this Act was the introduction of "officers", defined as any person occupying a position in relation to the business or undertaking that allows that person to exercise significant influence over the management of the business or undertaking.

Officers have obligations of due diligence, which are:

- to acquire, and keep up-to-date, knowledge of work health and safety matters
- to gain an understanding of the nature of the operations of the business or undertaking of the PCBU, and generally of the hazards and risks associated with those operations
- to ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking

- to ensure that the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards, and risks and for responding in a timely way to that information
- to ensure that the PCBU has, and implements, processes for complying with any duty or obligation of the PCBU under this Act
- to verify the provision and use of the resources and processes referred to above.

The duties of the officers and of the PCBU are independent of each other. This means if a PCBU has failed to meet its duty, but the officers exercised due diligence then they would not be personally liable for the health and safety failings.

Elected members are not currently defined as officers under this Act. However elected members are encouraged to maintain a good understanding of health and safety matters in relation to Council, its employees, contractors and the public and to review Council's performance in this area through the Risk & Assurance Committee.

2.3 Issues

If elected members have any questions or concerns in relation to legislation impacting on the activities of Council and their role during their term of office, these should be discussed with the Chief Executive as soon as they arise.

2.4 Significance and Engagement

This report is prepared in accordance with the requirements of the LGA for a Triennial meeting and does not trigger the Significance and Engagement Policy.

2.5 Implications

Financial

There are no financial implications in relation to this report.

Social & Policy

There are no social or policy implications in relation to this report.

Risk

Non-respect of any aspect of this legislation carries a substantial risk for the individuals concerned as well as for Council as a whole.

As noted above, according to the particular Act, penalties include fines and imprisonment.

2.6 Options

There are no other options

2.7 Development of Preferred Option

There is no preferred option.

2.8 Attachments

- 1 2025-10-30 NCC Legislation (Doc Id 1879058) [↓](#)

National legislation particularly affecting Napier City Council**Aa**

- Accident Compensation Act 2001
- Ahuriri Hapū Claims Settlement Act 2021
- Airport Authorities Act 1966
- Animal Welfare Act 1999
- Animals Law Reform Act 1989
- Anti-money Laundering and Countering Financing of Terrorism Act 2009
- Arbitration Act 1996

Bb

- Bill of Rights Act 1990
- Biosecurity Act 1993
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Bylaws Act 1910

Cc

- Cadastral Survey Act 2002
- Children's Act 2014
- Citizenship Act 1977
- Civil Aviation Act 2023
- Civil Defence Emergency Management Act 2002
- Climate Change Response Act 2002
- Commerce Act 1986
- Companies Act 1987
- Conservation Act 1987
- Construction Contracts Act 2002
- Contract and Commercial Law Act 2017
- Consumer Guarantees Act 1993
- Copyright Act 1994
- Crimes Act 1961

Dd

- Data and Statistics Act 2022
- Dog Control Act 1996

Ee

- Electoral Act 1993
- Employment Relations Act 2000
- Equal Pay Act 1972

Ff

- Fair Trading Act 1986
- Fast Track Approvals Act 2024
- Fencing Act 1978
- Financial Markets Conduct Act 2013
- Financial Reporting Act 2013
- Food Act 2014
- Freedom Camping Act 2011

Gg

- Gambling Act 2003

Hh

- Harmful Digital Communications Act 2015
- Hawke's Bay Crematorium Act 1944
- Hawke's Bay Endowment Land Empowering Act 2002
- Hazardous Substances and New Organisms Act 1996
- Health and Safety at Work Act 2015
- Heritage New Zealand Pouhere Taonga Act 2014
- Holidays Act 2003
- Human Rights Act 1993

Ii

- Income Tax Act 2007

Ll

- Land Transfer Act 2017
- Land Transport Act 1998
- Limitation Act 2010
- Litter Act 1979
- Local Authorities (Members' Interests) Act 1968
- Local Electoral Act 2001
- Local Government Act 1974
- Local Government Act 2002

- Local Government Borrowing Act 2011
- Local Government Official Information and Meetings Act 1987
- Local Government (Rating) Act 2002
- Local Government (Water Services) Act 2025

Mm

- Marine Mammals Protection Act 1978
- Minimum Wage Act 1983

Nn

- Napier Borough Endowments Act 1876
- Napier Borough Endowments Amendment Act 1999
- Napier City Council (Land) Empowering Act 1989
- Napier City Council (Sale of Liquor) Empowering Act 1993
- Napier Foreshore Act 1927
- Napier Foreshore Extension Act 1935
- Napier Foreshore Extension Act 1966
- Napier Harbour Board Act 1878
- Napier Harbour Board Amendment and Endowment Improvement Act 1887
- Napier Harbour Board Amendment and Endowment Improvement Act 1899
- Napier Harbour Board Amendment and Endowment Improvement Act 1912
- Napier Harbour Board and Napier Borough Enabling Act 1926
- Napier Harbour Board and Napier Borough Enabling Act 1933
- Napier Harbour Board and Napier Borough Enabling Act 1936
- Napier Harbour Board and Napier Borough Enabling Act 1945
- Napier Harbour Board Empowering Act 1932-33
- Napier Harbour Board and Napier City (Inner Harbour) Subdivision Act 1966
- Napier Harbour Board Loan Act 1906
- Napier Public Baths Act 1908
- National Animal Identification and Tracing Act 2012

Oo

- Official Information Act 1982
- Ombudsmen Act 1975

Pp

- Privacy Act 2020
- Protected Objects Act 1975
- Psychoactive Substances Act 2013

- Public Records Act 2005
- Public Works Act 1981

Rr

- Rates Rebate Act 1973
- Rating Valuations Act 1998
- Receiverships Act 1993
- Reserves Act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991

Ss

- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Sir Donald McLean Memorial Park Act 1911
- Smoke-free Environments and Regulated Products Act 1990
- Soil Conservation and Rivers Control Act 1941
- Sovereign's Birthday Observance Act 1952
- Stamp and Cheque Duties Act 1971
- Standards and Accreditation Act 2015
- Summary Offences Act 1981
- Summary Proceedings Act 1957

Tt

- Te Ture Whenua Maori Act 1993 (Māori Land Act 1993)
- Treaty of Waitangi Act 1975

Uu

- Urban Development Act 2020

Ww

- Waitangi Day Act 1976
- Water Services Authority – Taumata Arowai Act 2020
- Waste Minimisation Act 2008
- Water Services Act 2025
- Water Services Act Repeal Act 2024

3. SETTING OF THE FIRST COUNCIL MEETING

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1822802
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Governance Manager

3.1 Purpose of Report

To set the date and time of the first meeting of Council in accordance with Schedule 7, Clause 21(d) of the Local Government Act 2002 and confirm the meeting schedule for the remainder of the 2025 calendar year.

Officer's Recommendation

That Council:

- a) **Sets** the first ordinary meeting of Council on Thursday 6 November 2025 at 9.30am.
- b) **Confirms** the meeting schedule for the remainder of the 2025 calendar year:

3.2 Background Summary

The Local Government Act 2002 requires a council to set the time and date of its first ordinary (business) meeting at its Triennial/Inaugural meeting.

The Act also outlines the required length of time for public notification of the first business meeting; in order to meet these requirements and allow for the appropriate preparation of reports, it is proposed that the first ordinary meeting of Council be held at 9.30am, Thursday, 6 November 2025.

The following dates are confirmed for the remainder of 2025:

- 6 November 2025 – Council
- 4 December 2025 - Risk and Assurance Committee
- 11 December 2025 – Council

Once the new governance structure has been confirmed, the draft schedule of meetings for 2026 will be presented to Council for adoption.

3.3 Issues

There are no issues to consider.

3.4 Significance and Engagement

This report is prepared in accordance with the requirements of the Local Government Act 2002 and does not trigger the Significance and Engagement Policy.

3.5 Implications

Financial

There are no financial implications associated with this report.

Social & Policy

There are no social or policy implications associated with this report.

Risk

Council mitigates any risk related to this matter by conforming to the legislative requirements.

3.6 Options

The options available to Council are as follows:

- a) To authorise the first ordinary meeting of Council to be held at 9.30am, Thursday 6 November 2025 and confirm the schedule of meetings for the remainder of the calendar year.
- b) To set another date or time for the first business meeting or for the other scheduled meetings, noting that there will be significant logistical implications for any adjustments to the recommendations.

3.7 Development of Preferred Option

No alternative options have been developed.

3.8 Attachments

Nil