

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 5.30pm  
**Date:** Wednesday, 13 May 2015  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**MEMBERSHIP**

Mayor Wade-Brown

Councillor Ahipene-Mercer  
Councillor Coughlan  
Councillor Eagle  
Councillor Foster  
Councillor Free  
Councillor Lee  
Councillor Lester

Councillor Marsh  
Councillor Pannett  
Councillor Peck  
Councillor Ritchie  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**Have your say!**

*You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 803-8334, emailing [public.participation@wcc.govt.nz](mailto:public.participation@wcc.govt.nz) or writing to Democratic Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number and the issue you would like to talk about.*

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**TABLE OF CONTENTS**  
**13 MAY 2015**

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<b>Business</b>	<b>Page No.</b>
<b>1. Meeting Conduct</b>	<b>5</b>
<b>1.1 Apologies</b>	<b>5</b>
<b>1.2 Announcements by the Mayor</b>	<b>5</b>
<b>1.3 APW Awards</b>	<b>5</b>
<b>1.4 Conflict of Interest Declarations</b>	<b>5</b>
<b>1.5 Confirmation of Minutes</b>	<b>5</b>
<b>1.6 Items not on the Agenda</b>	<b>5</b>
<b>1.7 Public Participation</b>	<b>5</b>
<b>2. Petitions</b>	
<b>Nil</b>	
<b>3. General Business</b>	<b>7</b>
<b>3.1 Governance Arrangements for the Rest of the 2013/16 Triennium</b>	<b>7</b>
Presented by Mayor Wade-Brown	
<b>3.2 Local Government Act 2002 - Delegations - Enforcement Officers</b>	<b>51</b>
Presented by Councillor Lester	
<b>4. Committee Reports</b>	
<b>Nil</b>	
<b>Questions</b>	

**5. Public Excluded**

**Nil**

## **1 Meeting Conduct**

### **1.1 Apologies**

The Chairperson invites notice from members of:

1. Leave of absence for future meetings of the Wellington City Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

### **1.2 Announcements by the Mayor**

### **1.3 APW Awards**

### **1.4 Conflict of Interest Declarations**

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

### **1.5 Confirmation of Minutes**

The minutes of the meeting held on 8 April 2015 and 30 April 2015 will be put to the Council for confirmation.

### **1.6 Items not on the Agenda**

The Chairperson will give notice of items not on the agenda as follows:

#### ***Matters Requiring Urgent Attention as Determined by Resolution of the Wellington City Council***

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

#### ***Minor Matters relating to the General Business of the Wellington City Council***

No resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington City Council for further discussion.

### **1.7 Public Participation**

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.



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### 3. General Business

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## GOVERNANCE ARRANGEMENTS FOR THE REST OF THE 2013/16 TRIENNIUM

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### Purpose

1. To agree the governance and decision making structures for the remainder of the 2013/2016 triennium with effect from 1 July 2015.

### Summary

2. Section 41A LGA 2002 gives the Mayor authority to establish committees of the governing body and to appoint the chairpersons of those committees. Having discussed a review of the current governance arrangements with Councillors over the last few weeks, I recommend adaptations to our governance and decision making structures for the remainder of the 2013/2016 triennium, effective 1 July 2015.

### Recommendations

That the Council:

1. Receive the information.
2. Agree the governance structures for the remainder of the 2013/16 triennium, the key change being to make the four subject based committees i.e. Community, Sport and Recreation, Economic Growth and Arts, Environment, and Transport and Urban Design “committees of the whole”.
3. Agree the Terms of Reference and delegations in Attachment 1.
4. Note that no remuneration change is anticipated.

### Background

3. Following the 2013 local elections, I circulated proposed Committee structures and appointments for the 2013/16 triennium to Councillors on 24 October 2013. The structure was endorsed by Council on 30 October 2013.
4. The current committee structure comprises the governing body (Council), a committee of the whole (Governance, Finance and Planning), and 4 subject based committees (Transport and Urban Development, Environment, Economic Growth and Arts, and Community, Sport and Recreation) each of which have eight members, and is supported by a number of other committees (Regulatory Processes Committee, Performance Review Committee and Audit and Risk Subcommittee).
5. A network of Portfolio Leaders was also appointed. Each Portfolio Leader has been allocated an area of responsibility within the relevant Committee’s terms of reference. All Councillors currently hold at least one area of responsibility.

### Discussion

6. The current governance arrangements were designed to reflect the following key principles: inclusiveness of councillors; efficiency of decision making; strategic and

integrated decision making; informed decision making; decision taken once; public participation; openness; transparency; and accountability.

7. Over the last months, a number of factors have combined to change the context for Council's current and future decision making. These have included:
  - The mid-point of the triennium providing an appropriate time for a review of the current arrangements.
  - The impending finalisation of the Long Term Plan and consequent changes to both the nature and scope of the committees' work programmes.
  - Feedback received from Councillors on how the current structures were working (both positively and negatively) as part of an external confidential survey undertaken by Vern Walsh.
  - Some Councillors expressing concern that major decisions for Council were being made by subject based committees with limited membership.
  - Some decisions have been reversed between committee and Council which undermines public confidence in our decision-making.
  - The prospect of forthcoming decisions being repeated at subject committees and either GFP or Council including Social Strategy, large Economic projects with their business cases, Special Housing Areas and Cycle Network Routes.
  - Achieving a balance of interest, political views and geographic spread plus even attendance requirements across four committees is simplest as committees of the whole.
8. To address these factors, I propose to add a further principle to underpin Council's decision making structures, which is "All Councillors involved in significant decisions". This will ensure that all Councillors have an equal say on Council decisions and give certainty to Council's decision making processes.
9. To give effect to this principle, I recommend that the four subject-based sub-committees: Economic Growth & Arts, Community, Sport & Recreation, Environment, and Transport & Urban Development will become "committees of the whole", with all Councillors being members of all four committees. This would mean Councillors attending up to eight extra meetings in total between 1 July 2015 and 31 December 2015.
10. Governance, Finance and Planning would continue with its current membership of all Councillors.
11. I am not recommending any major changes to current portfolio arrangements therefore the network of portfolios underpinning the committee structure would remain unchanged. I am also clarifying that, due to my appointment to the WIAL Board, I have asked the Deputy Mayor to be the Council spokesperson on Airport matters.
12. These changes to the Committee structure require consequential changes to the Council delegations for the committees.

### **Changes**

13. The Changes are summarised as follows:
  - a) All five committees will be able to approve exceeding budget level for a project or programme provided that the overall budget for the Activity area is met i.e. savings are found within the Activity area. Where this is not the case the Committee must either:



- i. Recommend to Council that additional funding is approved in the same financial year (outside the Annual Plan or LTP process); or
    - ii. Recommend to GFP that the matter is considered in the next draft LTP or Annual Plan (i.e. dealt with in a subsequent financial year).
  - b) Cycling and traffic resolutions delegations that were removed from TUD would be reinstated, as TUD will become a committee of a whole.
  - c) There will be no ongoing requirement for the Chairs of the subject based committees to provide a written report to Governance, Finance and Planning, but Chairs will provide oral updates to their committees as required on issues of relevance to the activity areas of the committee.
  - d) There will be no ongoing requirement for the portfolio leaders to provide a written report to the subject based committees, but oral updates can be provided on issues of interest, with the agreement of the relevant committee chair.
  - e) All five committees of the whole can review business cases and agree next steps on projects and programmes provided for in the LTP within their areas of responsibility
  - f) The Wharewaka Trust, as a CO, would be included under the delegations to report to Governance, Finance and Planning.
  - g) Community Festivals are included in the Arts portfolio, noting that the relevant grants to external organisations are already dealt with in the Economic Growth and Arts Committee. The delegations will be amended to give effect to this change.
14. I am not recommending changes to the existing calendar of meetings. The new arrangements will operate to the existing six-week committee cycle to the end of 2015.
15. I do envisage with increased membership of committees, some meetings may extend longer than is currently the case. If particularly heavy agendas are anticipated, it will be at the discretion of the Chair to ask Democratic Services to provide light lunches for Councillors to ensure efficient time-keeping. A small budget will be re-instated to facilitate these ad-hoc arrangements.
16. Therefore note that each Councillor will have eight extra committee meetings to go to in the six months from July to December. GFP and Council may be shorter as a consequence. The Mayor already endeavours to attend all of these.

TUD	EGA	Environment	CSR
5/8/15	4/8/15	6/8/15	12/8/15
10/9/15	15/9/15	17/9/15	16/9/15
8/10/15	13/10/15	15/10/15	14/10/15
19/11/15	24/11/15	26/11/15	25/11/15

17. It will be up to each Chair to assess whether a session at the beginning of committee or at an earlier date is necessary to cover any elected member questions they wish to raise before public debate or whether email or phone contact with officers/Chair is sufficient.
18. The new arrangements will take effect from 1 July 2015.

### Attachments

Attachment 1. Updated Terms of Reference and Delegations for the 2013-2016 Triennium

Page 11

Author	Mayor Celia Wade-Brown
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## **SUPPORTING INFORMATION**

### **Consultation and Engagement**

Not required.

### **Treaty of Waitangi considerations**

Not relevant.

### **Financial implications**

A small budget will be re-instated to facilitate these ad-hoc arrangements.

### **Policy and legislative implications**

All policy and legislative implications have been considered.

### **Risks / legal**

All risks and legal implications have been considered.

### **Climate Change impact and considerations**

None.

### **Communications Plan**

Not required.

# **Wellington City Council**

## **Terms of Reference and Delegations for the 2013/16 Triennium**

Adopted by the Wellington City Council - 14 November 2013

(and amended on 13 May 2015)

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>4</b>
1.1.	General	4
1.2.	Council	4
(l)	approve the Council’s Policy programme	6
1.3.	Establishment of Committees	6
1.4	Iwi	6
1.5.	Common Delegations	7
1.6	Delegations to the Mayor	9
1.7	Role specific Delegations	10
1.8	Advisory and Reference Groups	11
1.9	Quorum	11
1.10.	Ambiguity and Conflict	11
<b>2.</b>	<b>COMMITTEES OF THE WHOLE .....</b>	<b>12</b>
2.1.	GOVERNANCE, FINANCE AND PLANNING COMMITTEE	12
<b>2. 2.</b>	<b>ECONOMIC GROWTH AND ARTS COMMITTEE .....</b>	<b>15</b>
2.3.	COMMUNITY, SPORT AND RECREATION COMMITTEE	17
2.4.	ENVIRONMENT COMMITTEE	19
2.5.	TRANSPORT AND URBAN DEVELOPMENT COMMITTEE	22
<b>3.</b>	<b>COMMITTEES AND SUBCOMMITTEES</b>	<b>25</b>
3.1	REGULATORY PROCESSES COMMITTEE	25
3.2	PERFORMANCE REVIEW COMMITTEE	27
3.3	AUDIT AND RISK SUBCOMMITTEE	28
3.4	DISTRICT LICENSING COMMITTEE	31
<b>4.</b>	<b>COMMUNITY BOARDS .....</b>	<b>33</b>
	TAWA COMMUNITY BOARD	33
	MAKARA/OHARIU COMMUNITY BOARD	33
<b>6.</b>	<b>ROLE DESCRIPTIONS .....</b>	<b>37</b>
	Deputy Mayor: Role Description	37
	Committee Chair: Role Description	38
	Portfolio Leader: Role Description	39

## AMENDMENTS

Date	Amendment	Entity	Resolved
27 August 2014	District Licensing Committee pg. 31	District Licensing Committee	Council
27 November 2014 17 December 2014	Trading in Public Places pg. 20	Environment Committee	Council
17 December 2014	Housing Accord pg. 7, 10, 22, 39	Transport and Urban Development Committee and CEO Delegation	Council
3 February 2015	Cycleways pg. 8, 9	Transport and Urban Development Committee	Council

## 1. INTRODUCTION

### 1.1. General

Unless expressly provided otherwise in the Local Government Act 2002, or any other Act, a local authority may delegate to a committee, subcommittee, community board or officer of the local authority any of its responsibilities, duties, or powers.

When an Act or Regulation empowering the "Council" to carry out a decision-making function, that decision must be made by way of a resolution of the full Council unless the Act or Regulation, permits delegation to a Committee, Subcommittee, or Officer.

Delegation to officers is necessary for the operation of the Council and its administration would not be efficient, effective and timely in delivering services. The business to be transacted by a Council and its administration is large and wide-ranging, dealing with the details of many Acts and Regulations, the Council's Plans, Bylaws, and a range of Council functions and activities.

It is impossible for the elected Council to deal with everything itself. Decisions should be made at a level commensurate with efficiency and effectiveness. Generally, the legislation, which the Council uses on a day-to-day basis, provides for delegations. The terms of reference and delegations are intended to allow the Council to delegate its powers and functions to the most efficient and effective levels.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the body or person with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

### 1.2. Council

The following matters cannot be delegated to Committees, Subcommittees, Officers or any other subordinate decision-making body:

- (a) the power to make a rate; or
- (b) the power to make a bylaw; or
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- (d) the power to adopt a Long-term Plan, annual plan, or annual report; or
- (e) the power to appoint a Chief Executive; or
- (f) the power to adopt policies required to be adopted and consulted on under the (Local Government Act 2002) in association with the long-term council community plan or developed for the purpose of the local governance statement; or
- (g) the power to adopt a remuneration and employment policy; or
- (h) the power to approve or change a plan (RMA); or

- (i) the power to approve or amend the Council's Standing Orders; or
- (j) the power to approve or amend the Code of Conduct for elected members; or
- (k) the power to appoint and discharge members of committees or;
- (l) the power to establish a joint committee with another local authority or other public body; or
- (m) the power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

Note: for (a) – (g) see clause 32(1) Schedule 7 Local Government Act 2002 and for (h) - (m) see clauses 15, 27, 30 Schedule 7 of Local Government Act 2002 and section 34A of Resource Management Act 1991

The Council has also decided to retain the following powers:

- (a) to approve Council strategy and policy
- (b) to discharge chairpersons of committees and subcommittees and portfolio leaders;
- (c) to approve Council's recommendation to the Remuneration Authority for the remuneration of elected members;
- (d) to approve the Triennial Agreement;
- (e) to approve the Local Governance Statement;
- (f) to determine whether or how to fill any extraordinary Council vacancies;
- (g) to make decisions on representation reviews;
- (h) to appoint and discharge trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (CO's) and to other external bodies;
- (i) in respect of District Plan decisions:
  - to approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change)
  - to approve a proposed plan or a change to a district plan under clause 17 of the First Schedule.
- (j) to exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision;
  - to approve the final design and commercial terms for development proposals under the Waterfront Project.
- (k) In respect to the Housing Accord and Special Housing Areas Act (HASHAA):
  - the power to terminate the Housing Accord is retained by Council

- to approve Special Housing Areas and criteria for qualifying developments, and the disestablishment of special housing areas, to the Minister of Housing under the Housing Accords and Special Housing Areas Act.

(l) approve the Council's Policy programme

### 1.3. Establishment of Committees

In accordance with section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

**Committee** includes, in relation to the Council:-

- (a) A committee comprising all the members of the Council;
- (b) A standing committee or special committee appointed by the Council;
- (c) A standing committee or special committee appointed by the Mayor;
- (d) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- (e) Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
- (f) A subordinate decision-making body, including Subcommittees and Forums.

The delegations to Committees and Subcommittees are set out in full in this document. They comprise:

- Common delegations (For Governance, Finance and Planning and the four subject based committees). See 1.5 below
- Specific delegations listed for each Committee and Subcommittee

### 1.4 Iwi

The Council has statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991 and Local Government Act 2002.

To recognise this critical relationship with iwi, Wellington City Council has Memoranda of Understanding (MOU) with two mandated iwi organisations – Port Nicholson Block Settlement Trust (PNBST) and Te Rūnanga o Toa Rangatira Incorporated (TOA).

The wording in each MOU provides:

"This Memorandum of Understanding provides for the strategic relationship between the parties and the opportunity for the Trust to contribute to Council decision making and to be a provider of leadership with Council for the City."

Iwi are non-voting members of the Governance, Finance and Planning Committee; and the four subject based Committees. Iwi are to receive all papers.

An agreed iwi representative may attend these Committee meetings and may sit at the table and discuss/ debate matters as a participating member of that Committee.

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013* 6



## **1.5. Common Delegations**

The following delegations are common to the the five Committees of the whole, within their areas of responsibility:

### **General Principle**

1. The work of the 5 Committees will be in accordance with the priorities and policy work programme agreed by the Council.
2. The Committee has the powers necessary to perform the Committee's responsibilities, within the approved Long-term Plan and Annual Plan budgets.

### **Strategy and policy**

3. Develop and agree strategy and policy for consultation/ engagement.
4. Recommend to Council strategy and policy for adoption.
5. Monitor and review strategy and policy.

### **Asset Management and service levels**

6. Agree the asset management plan(s) for recommendation to the Governance, Finance and Planning Committee as part of the Long-Term Plan process.
7. Recommend service level changes and new initiatives to the Governance, Finance and Planning Committee as part of the Long-Term Plan and Annual Plan processes.

### **Consultation and engagement**

8. Conduct any consultation processes required on issues before the Committee.
9. Act as a community interface for consultation on policies and as a forum for engaging effectively.

### **Submissions and legislation**

10. Approve submissions to external bodies/organisations and on legislation and regulatory proposals provided that:
  - If there is insufficient time for the matter to be determined by the relevant Committee before the submission 'close date', the submission can be agreed by the Committee Chair, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested)
  - If the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (who will inform the relevant Chair prior to lodging the submission)
  - The Mayor can determine when a submission will be determined by the Council and whether it will be considered by the subject based Committee for recommendation to Council.

11. Recommend to Council the promotion of legislation or significant amendments to legislation (eg. a local bill).

#### **Bylaws**

12. Develop and agree the statement of proposal for new or amended bylaws for consultation.
13. Recommend to Council new or amended bylaws for adoption.
14. Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution.<sup>1</sup>

#### **Council Controlled Organisations and Council Organisations**

15. Outline the Council's key priorities for each CCO to address in their Statement of Intent.
16. Recommend the Statements of Intent for approval by Council each year.
17. Monitoring of Quarterly and Annual Reports of CCO performance, including board performance.
18. Constructively engage with CCOs during the development of key documents, including Council strategies, Long-term Plans, Annual Plans, and relevant Council submissions (as required).
19. Provide CCOs with an opportunity to discuss with the Council and answer elected member questions on relevant matters being considered by the Council, notably those which potentially have a direct impact on a CCO's funding, strategic outlook or risk management framework.
20. Provide shareholder feedback or decisions on specific projects (when required) in a timely manner.
21. Bring to the attention of the Governance, Finance and Planning Committee any matters that the Committee believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCO's under its control.
22. Note that paragraphs 15 – 21 do not apply to Wellington Water and WREDA (because of the specific arrangements for those CCO's in the Shareholders agreements) or any CO<sup>2</sup> but these entities will report to and update the relevant Committee as required.

#### **Property and other assets**

23. Recommend to Council whether land is required for a Public Work or not (noting that a recommendation that land is still required for a public work must be recommended to Council for agreement).

<sup>1</sup> Examples of what this paragraph covers are; traffic resolutions, dog areas under the animal bylaw, speed limits and conditions for waste collection.

<sup>2</sup> While Zealandia and the WRST are CO's paragraphs 15 – 21 apply.

24. Recommend to Council the acquisition or disposal of assets relating to the Committee's responsibilities, unless the acquisition or disposal is provided for specifically in the Long-term Plan.

#### **Projects and programmes**

25. Monitoring and oversight of projects and programmes within area of responsibility.
26. Review business cases and agree next steps on projects and programmes within area of responsibility.

#### **Grants**

27. Consider and approve the allocation of grants (including three year funding contracts) in line with the relevant grants criteria and priorities (focus areas) for those funds within the committee's responsibilities.
28. Review and agree the criteria and priorities for those funds within the committee's responsibilities.

#### **Financial**

29. Approve exceeding the budget level for a project or programme provided that the overall budget for the Activity Area is met i.e. savings are found within the Activity area. Where this is not the case the committee must either,
  - Recommend to Council that additional funding is approved (outside the Annual Plan or LTP process) or
  - Recommend to the Governance, Finance and Planning Committee that the funding is considered for inclusion in the next draft LTP or draft Annual Plan.

#### **Other**

30. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the committee for decision making.
31. The commissioning of new Committee reports and policy work required to respond to issues and to complete the agreed policy programme of Council
32. Establish any new subcommittee or working party and approve its terms of reference.

### **1.6 Delegations to the Mayor**

The Mayor is the leader of the Council and has the statutory role to provide leadership to the other members of the Council and the people in the district. It is the role of the Mayor to lead the development of the Council's plans, policies and budgets for consideration by the Council. The Mayor is the primary Council spokesperson.

The Mayor will lead the following, supported as necessary by relevant Councillors:

- Central Government liaison
- Regional Governance

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013*

9

- Emergency Management
- Relationships with iwi
- Specific significant projects (to be determined at the Mayor's discretion)

In addition the Mayor has the delegated authority to:

- Consider and approve the allocation of the Discretionary Grants Fund, in consultation with the Chair of the relevant subject based committee
- Agree and enter into Memoranda of Understanding to enhance external relationships and partnerships, provided they are consistent with Council policy and direction

### 1.7 Role specific Delegations

The Deputy Mayor is authorised to approve elected member attendance at conferences and associated travel within New Zealand provided that:

- It can be funded from the budget approved as part of Annual Plan
- The Deputy Mayor consults with one of either the Mayor or Chair of the relevant Committee prior to approval

The Mayor and Deputy Mayor and relevant Committee Chair<sup>3</sup> are authorised to approve an elected member to travel overseas (whether for the purpose of training, representing the Council, international relations, attending conferences) – and the associated costs (if any) in urgent circumstances, when it is impracticable for the Governance, Finance and Planning Committee to consider the item on an agenda prior to the travel

The Chair Regulatory Processes Committee is authorised to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels for Resource Management, Housing Accords and Special Housing Area Act hearings provided that:

- The Chair consults the Deputy Mayor (and the Chair of Transport and Urban Development for plan change hearings)
- Any independent commissioner is on the list approved by the Regulatory Processes Committee
- The composition of the hearings panel meets the guidelines approved by the Regulatory Processes Committee (once approved)

The Chair of Transport and Urban Development Committee is authorised to approve the resolution of minor District Plan appeals, provided that all decisions made under this delegation are reported to the Committee at the next practicable date.

The Mayor, Chair of the relevant Committee, and the Chief Executive is authorised to approve Council submissions in certain circumstances. (Refer Common Delegations, section 1.5, paragraph 11).

<sup>3</sup> Footnote: In the event one is conflicted, only 2 signatures are required. In the event 2 of the 3 are conflicted an additional committee chair will be a decision maker (as nominated by the Mayor).

## **1.8 Advisory and Reference Groups**

Advisory and reference groups operate under specific Terms of Reference as approved by Council or Committee. Their role is to give advice and feedback to Council and provide a conduit to wider community views. The groups are part of the Council's governance processes. They report either to the Governance, Finance and Planning Committee or to the relevant committee that has the closest affinity to the group's sphere of knowledge and interest. The groups contribute to Council's established decision-making processes

## **1.9 Quorum**

Generally (unless otherwise specified) a quorum is defined as a half (or majority) of the members:

Ex officio members are not included in calculating the quorum but are counted towards the quorum when present; this reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present;

Appointed members are included in calculating the quorum and are counted towards the quorum when present; this reflects the expectation that appointed members will attend those committees to which they are appointed; and

Vacancies are not included in calculating the quorum.

## **1.10. Ambiguity and Conflict**

In the event of ambiguity or conflict between any of the provisions contained in these Delegations, with the result that there is uncertainty or dispute as to which Committee or Subcommittee has the delegated authority to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor and having received advice from the Chief Executive. The decision of the Mayor will be final and binding.

## 2. COMMITTEES OF THE WHOLE

### 2.1. GOVERNANCE, FINANCE AND PLANNING COMMITTEE

#### Area of focus

The Committee is responsible for long-term planning, setting the strategic direction for the city, agreeing outcomes, priorities, performance frameworks and annual budgets. The Committee is responsible for the long-term plan annual plan, annual report, and quarterly reports. The Committee also makes sure residents are kept informed about what the Council is doing, are able to have their say, and feel confident that their views count

#### Terms of Reference (Delegations)

The Governance, Finance and Planning Committee will have responsibility for:

- Annual and Three Year Priority Setting
- Long-term Plan (LTP)/Annual Plan
- Governance Processes and Documents
- Regional Governance
- Funding and Financial Policies (Revenue and Financing Policy and Financial Strategy)
- Development Contributions Policy
- Annual Report
- Quarterly Report
- Infrastructure Strategy
- Significance and Engagement Policy
- Rates Remission and Postponement Policy
- Underperforming Land Project
- Community Engagement
- LGNZ and Sector Relationships

In addition to the common delegations identified in Section 1.5, the Governance, Finance and Planning Committee will have authority to:

1. develop the Council's draft and final LTP, Annual Plan, and all other policies required under the Local Government Act 2002 to be included in the LTP for recommendation to Council;
2. determine the form and extent of public consultation methods to be employed for the draft Annual Plan and LTP;
3. receive and consider reports on the Council's performance against the LTP and Annual Plan;
4. review and recommend to Council the adoption of the Annual Report;

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013* 12

5. set fees in accordance with legislative requirements unless the fees are set under a bylaw or set as part of the LTP or Annual Plan (in which case the decision is retained by Council and the committee has the power of recommendation);
6. review, develop and recommend to Council policy and practices in respect of governance (including representation reviews and related issues);
7. oversee, develop and approve an appropriate Council response on the Treaty of Waitangi and relationship with Maori;
8. Undertake any reviews of CCO's and agree CCO changes to governance arrangements;
9. receive reports from the Council's Advisory Groups and monitor engagement with the city's communities;
10. review the Advisory Groups and Forums and agree the preferred model;
11. approve the 3 year Waterfront Development Plan for including in the LTP and agree any variances for including in the Annual Plan that includes broad priorities for work and projected activities for the period.
12. approve the attendance and associated costs of elected members at overseas Conferences, Seminars, Training or Events, representing the Council;
13. establish the Council Airport Liaison Working Group;

**Membership (Mayor and all Councillors)**

**Relevant Portfolio:**

Community Engagement (Portfolio Leader: Cr Woolf), with responsibility for:

- Engagement Action Plan
- Advisory Groups
- Access to Venues
- Volunteers.

**CO:**

- Te Wharewaka O Pōneke Charitable Trust

**Advisory Groups** Pacific Advisory Group  
Youth Council  
Accessibility Advisory Group

**Asset Management Plan:** Commercial Buildings

**Frequency of Meetings:** As and when required.



## **2. 2. ECONOMIC GROWTH AND ARTS COMMITTEE**

### **Area of focus**

The Committee will focus on delivering sustainable long-term economic growth, increased employment, promote the city's visitor attractions, deliver high-quality events and support the development of smart businesses in the city. The Committee will also work to build Wellington's unique identity, bolster business confidence, raise the city's international profile, and ensure Wellington continues to be New Zealand's arts and culture capital by supporting a range of opportunities for entertainment and expression. There will be a continuing focus on the ICT and Digital sector.

### **Terms of Reference (Delegations)**

The Economic Growth and Arts Committee will have responsibility for:

- Arts Partnership (Toi Poneke)
- Community Arts and Cultural Support
- City Promotion, Major Events, and Attractions
- Business Support
- Galleries and Museums
- Community Festivals

The Economic Growth and Arts Committee has the common delegations set out in Section 1.5

### **Membership (Mayor and all Councillors)**

#### **Relevant Portfolios:**

Small Medium Enterprise and Tertiary Liaison (Portfolio Leader: Cr Marsh) with responsibility for:

- Business Improvement Districts
- Liaison with Suburban Business Associations
- Liaison with public and private tertiary institutions
- Co-promotion
- Student Attraction
- Advocacy for Centres of Excellence.

Arts (Portfolio Leader: Cr Ahipene-Mercer), with responsibility for:

- Galleries and Museums
- City Archives
- Arts, Community and Cultural Festivals
- Cultural Grants
- Access and Support for Community Arts
- Professional Art Partnerships.
- Community Festivals

**CO's and CCOs:**

Basin Reserve Trust (BRT)  
Wellington Museums Trust (WMT)  
Wellington Regional Stadium Trust  
Wellington International Airport Ltd (WIAL)  
Wellington Regional Economic Development Agency Ltd (WREDA)

**Relevant Grants:** Business Improvement District Development Fund  
Arts and Culture Fund

**Asset Management Plan:** CCO Assets

**Frequency of Meetings:** 6 weekly

## **2.3. COMMUNITY, SPORT AND RECREATION COMMITTEE**

### **Area of focus**

The focus of the Committee is to build strong, safe, healthy communities for a better quality of life. It will be responsible for social infrastructure (including social housing), social cohesion, encourage healthy lifestyles, support local community events, protect public safety, and provide a wide range of recreation and sporting facilities for residents and visitors to use and enjoy.

### **Terms of Reference (Delegations)**

The Community, Sport and Recreation Committee will have responsibility for:

- Marinas
- Libraries
- Sports Fields
- Social Housing
- Community Centres and Halls
- Swimming pools
- Burials and Cremations
- City safety
- Public health and Regulations
- Synthetic Sports Fields
- Recreation Centres
- Recreation Partnerships
- Recreation Programmes
- Playgrounds
- Golf Course
- Access Support (Leisure Card)
- Community Advocacy
- Public Toilets
- Community Resilience
- Community Leases

### **Membership (Mayor and all Councillors)**

**Relevant Portfolio:**

Community Resilience (Portfolio Leader: Cr Sparrow), with responsibility for:

- Liaison with Community Emergency Management Volunteers and WREMO outreach
- CDEM Meetings with Mayor
- Community Resilience Initiatives – e.g. Neighbours Day.

Community Facilities (Portfolio Leader Cr Sarah Free), with responsibility for:

- Libraries
- Community Centres and Halls.

**Relevant Grants:**

Social and Recreation Fund  
School Pools Partnership Fund  
The CH Iazard Bequest

**Asset Management Plans:**

Social Housing  
Community Facilities

**Frequency of Meetings:**

6 weekly

## **2.4. ENVIRONMENT COMMITTEE**

### **Area of focus**

The Committee will focus on climate change initiatives, enhancing the city's open spaces, protecting biodiversity in plant, bird and animal life, and ensuring there are high quality outdoor areas for residents and visitors to enjoy. The committee is also responsible for waste minimisation, energy efficiency and the three waters (drinking water, stormwater and wastewater).

### **Terms of Reference (Delegations)**

The Environment Committee will have responsibility for:

- Climate Change
- Gardens and Beaches
- Walkways
- Town Belt
- Reserves
- Energy Efficiency
- Waste Minimisation
- Recycling
- Botanic Gardens
- Three Waters
- Environmental Attractions

In addition to the common delegations identified in section 1.5, the Environment Committee has the following responsibility and authority as follows:

1. For all Council-owned land that is either open space under District Plan, reserve under the Reserves Act 1977 or subject to the 1873 Town Belt Deed, the power to:
  - 1.1 Agree leases, subleases and easements (in relation to land or buildings);
  - 1.2 Agree that a Permanent Forest Sink Initiative covenant to be added or removed;
  - 1.3 Adopt management plans and amendments to management plans;
  - 1.4 Adopt names;
  - 1.5 Make any decision under a management plan which provides that it may not be made by a Council officer (for example agree a concession);
  - 1.6 Make decisions that would change the legal status of such land, including under the Reserves Act 1977 to classify a reserve, declare land to be a reserve and revoke the reservation of land;
  - 1.7 Recommend to Council for approval anything that would change the ownership of such land.

2. Licences on land that is subject to the 1873 Town Belt Deed.

**Except** that all decisions (in paragraph 1 above) requiring Council or Committee approval under the Leases Policy for Community and Recreation Group must be made by the Community, Sport and Recreation Committee).

Note that decisions (in paragraph 1 above) relating to Trading in Public Places Policy (December 2014) can be made by officers (and do not need to be referred to the Environment Committee under this delegation), unless the licence is on Town Belt or the Town Belt Bill requires the Council or Committee to make the decisions.

Note: Some of the powers delegated to the Environment Committee may themselves be delegated to Council by the Minister of Conservation.

### **Membership (Mayor and all Councillors)**

#### **Relevant Portfolios:**

Climate Change (Portfolio Leader: Cr Lee), with responsibility for:

- Climate Change Action Plan Implementation
- Cross Committee and Portfolio liaison.

Natural Environment (Portfolio Leader: Cr Ritchie), with responsibility for:

- Our Living City
- Town Belt
- Environmental Attractions
- Open Spaces and Reserves.

#### **CO's and CCOs:**

Wellington Zoo Trust  
Zealandia  
Wellington Water Ltd

**Reference Group:** Environmental Reference Group

**Relevant Grant:** Our Living City Fund

**Asset Management Plans:** Water Supply  
Sewerage  
Stormwater/Flood Protection  
Solid Waste  
Parks and Open Spaces

**Frequency of Meetings:** 6 weekly

## 2.5. TRANSPORT AND URBAN DEVELOPMENT COMMITTEE

### Area of focus

The focus of the Committee is to direct growth to where the benefits are greatest and where adverse effects are minimised, and to deliver a quality compact urban environment.

The Committee will also lead and monitor a safe, efficient and sustainable transport system that supports Wellington's economy and adds to residents' quality of life with a strong focus on improving cycling and public transport and enhancing Wellington's walkability.

### Terms of Reference (Delegations)

The Transport and Urban Development Committee will have responsibility for:

- Waterfront
- District Plan (Including Resolution of Appeals)
- Heritage
- Earthquake Strengthening
- Transport
- Housing Affordability/Housing Accord
- Building Control
- Development Control
- Public Spaces (Urban)
- Parking

In addition to the common delegations identified in Section 1.5, the Transport and Urban Development Committee has the following responsibility and will have authority:

1. in relation to the Waterfront Project:
  - 1.1. conduct public engagement/consultation processes as required on design;
  - 1.2. develop and approve performance briefs for individual areas or sections of work;
  - 1.3. approve detailed designs for recommendation to Council (for consideration alongside the commercial terms of any proposal which will be reported direct to Council);
  - 1.4. monitor implementation including approval of variations from approved designs.
2. in respect of the District Plan:
  - 2.1. review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991)

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013* 22



- 2.2. withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
3. to make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
  - 3.1. to authorise the resolution of appeals on a proposed plan, plan change or variation;
  - 3.2. to decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal;
  - 3.3. to consider and approve council submissions on a proposed plan, plan changes, and variations;
  - 3.4. to manage the private plan change process;
  - 3.5. to accept, adopt or reject private plan change applications under clause 25 First Schedule RMA.
4. In relation to Housing Accords and Special Housing Areas Act recommend to Council:
  - 4.1. to recommend to the Minister of Housing Special Housing Areas and criteria for qualifying developments
  - 4.2. to recommend to the Minister of Housing that any Special Housing Area(s) be disestablished.

### **Membership (Mayor and all Councillors)**

#### **Relevant Portfolios:**

Buildings (Portfolio Leader: Cr Pannett), with responsibility for:

- Earthquake Prone Buildings
- Heritage Buildings
- Affordable Housing Strategy (beyond social housing)
- Building Consents
- Leaky Buildings

Central City Projects (Portfolio Leader: Cr Nicola Young) with responsibility for:

- CBD Revitalisation Programmes
- CBD cross-portfolio Project and Programme Monitoring
- Capital Precinct Project

#### **CCO:**

Wellington Cable Car Limited (WCCL)

#### **Advisory Group**

Safe and Sustainable Transport Advisory Group

Waterfront Technical Advisory Group

#### **Relevant Grant:**

Built Heritage Incentive Fund

**Asset Management Plans:** Roads

**Frequency of Meetings:** 6 weekly

## **3. COMMITTEES AND SUBCOMMITTEES**

### **3.1 REGULATORY PROCESSES COMMITTEE**

#### **Area of focus**

The Regulatory Processes Committee has responsibility for overseeing Council's regulatory functions.

#### **Terms of Reference (Delegations)**

The Regulatory Processes Committee will have responsibility for:

- Resource Management Act (RMA) Commissioners – Approve List and Appointment Guidelines
- Dog Objections and Fencing of Swimming Pools
- Road Stopping
- Temporary Road Closures
- Liquor Ban Bylaw Appeals
- Development Contribution Remissions.

The Regulatory Processes Committee will have responsibility and authority:

1. to approve Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners) and the Council's guidelines for composition of hearings panels;
2. to conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991);
3. to undertake hearings on road stopping under the Local Government Act 1974;
4. to make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road; including (where the proposal includes or involves a related acquisition, disposal or land exchange) a recommendation to Council on the acquisition, disposal or exchange;
5. to consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road;
6. to hear appeals on officer's decisions to decline permission for an activity that would breach the Wellington Consolidated Bylaw 2008 Part 4 Liquor Control;
7. to make any resolution required under section 319A of the Local Government Act 1974 (naming of roads);
8. to make decisions under Clause 11(e), Schedule 10 of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965;

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013*

25

9. to make decisions on applications required under the Development Contribution Policy for remission or postponement;
10. to approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012.

**Membership (Mayor and Five Councillors)**

**Chairperson:** Cr Ray Ahipene-Mercer

**Members:** Her Worship the Mayor Celia Wade-Brown  
Cr Andy Foster  
Cr David Lee  
Cr Iona Pannett  
Cr Malcolm Sparrow

**Quorum:** 3 members

**Frequency of Meetings:** 6 weekly

## **3.2 PERFORMANCE REVIEW COMMITTEE**

### **Area of focus**

The Performance Review Committee is established to review the Chief Executive's performance and to recommend to the Council the terms and conditions of the Chief Executive's employment including any performance agreement measures and annual remuneration

### **Terms of Reference (Delegations)**

The Performance Review Committee will have responsibility for the effective monitoring of the Chief Executive Officer's performance and performance agreement.

The Performance Review Committee will have responsibility and authority to:

1. agree with the Chief Executive the annual performance objectives;
2. conduct the performance review required in the employment agreement between the Council and the Chief Executive;
3. undertake the annual remuneration review and make decisions regarding remuneration;
4. represent the Council in regard to any issues which may arise in respect to the Chief Executive's job description, agreement, performance objectives or other similar matters;
5. oversee any recruitment and selection process for a Chief Executive (noting that the decision on appointment must by law be made by the Council).

### **Membership (Mayor and Four Councillors)**

**Chairperson:** Deputy Mayor Justin Lester

**Members:** Her Worship the Mayor Celia Wade-Brown  
Cr Jo Coughlan  
Cr Simon Marsh  
Cr Mark Peck

**Quorum:** 3 members

**Frequency of Meetings:** As and when required

### 3.3 AUDIT AND RISK SUBCOMMITTEE

#### Area of focus

Providing objective advice and recommendations regarding the sufficiency, quality and results of assurance on the adequacy and functioning of the council's risk management, control and governance frameworks and processes. It is also responsible for exercising active oversight of all areas of the Council's control and accountability in an integrated and systematic way.

#### Terms of Reference (Delegations)

The Audit and Risk Subcommittee will have responsibility for assisting the Council to discharge its responsibilities for:

- (a) the robustness of the internal control framework and financial management practices;
- (b) the integrity and appropriateness of internal and external reporting and accountability arrangements;
- (c) the robustness of risk management systems, processes and practices;
- (d) the independence and adequacy of internal and external audit functions;
- (e) compliance with applicable laws, regulations, standards and best practice guidelines; and
- (f) the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets.

In fulfilling their role on the Audit and Risk Management Subcommittee, members shall be impartial and independent at all times.

The Audit and Risk Subcommittee will have responsibility and authority to:

1. *Internal Control Framework*
  - 1.1 review whether management's approach to maintaining an effective internal control framework is sound and effective;
  - 1.2 review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour;
  - 1.3 review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud;
2. *Internal Reporting*
  - 2.1 consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council;
  - 2.2 seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council;
3. *External Reporting and Accountability*
  - 3.1 agree the appropriateness of the Council's existing accounting policies and principles and any proposed change;

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013* 28

- 3.2 enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above;
  - 3.3 satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive/Mayor and adoption of the Annual Report;
  - 3.4 confirm that processes are in place to ensure that financial information included in the entity's Annual Report is consistent with the signed financial statements;
4. *Risk Management*
- 4.1 review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks;
  - 4.2 consider whether appropriate action is being taken by Management to mitigate Council's significant risks;
5. *Internal Audit*
- 5.1 review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile;
  - 5.2 review the adequacy of management's implementation of internal audit recommendations;
  - 5.3 review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place;
6. *External Audit*
- 6.1 at the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor;
  - 6.2 receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within;
  - 6.3 conduct a members' only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence;
7. *Compliance with Legislation, Standards and Best Practice Guidelines*
- 7.1 review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and Best Practice Guidelines as applicable.

**Membership (Mayor, Three Councillors and Two External Appointees)**

**Chairperson:** Cr Mark Peck

**Members:** Her Worship the Mayor Celia Wade-Brown  
Cr Simon Marsh  
Cr Simon Woolf  
2 external members (Kevin Simpkins and Peter Harris).

**Quorum:** 3 members (at least one external member must be present for a quorum to exist).

**Parent Committee:** Governance, Finance and Planning

**Frequency of Meetings:** Quarterly or as requested



## **3.4 DISTRICT LICENSING COMMITTEE**

### **Area of focus**

The Sale and Supply of Alcohol Act 2012 (Act) requires the Council to appoint 1 or more District Licensing Committees to deal with licensing matters.

District Licensing Committee/s are appointed to administer the Council's alcohol licensing framework as determined by the Act and the Council's Local Alcohol Policy.

### **Terms of Reference (Delegations)**

The functions of District Licensing Committees are specified by the Act and are:

- (a) To consider and determine applications for licenses and manager's certificates; and
- (b) To consider and determine applications for renewal of licences and manager's certificates; and
- (c) To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act; and
- (d) To consider and determine applications for the variation, suspension, or cancellation of special licences; and
- (e) To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence); and
- (f) With the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority; and
- (g) To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act; and
- (h) Any other functions conferred on licensing committees by or under the Act or any other enactment.

### **Reporting to Council**

- (a) The Secretary will prepare, for Council approval, an annual report on the proceedings and operations of District Licensing Committee/s.

### **Membership**

The Chief Executive is the Secretary of District Licensing Committee/s. The Chief Executive may delegate this responsibility.

**Chairpersons:** Murray Clearwater (Commissioner), Sir Douglas Kidd (Commissioner) and Rex Woodhouse (Commissioner)

**Deputy Chairpersons:** Cr Andy Foster and Cr Iona Pannett

Note: A Deputy Chairperson only acts as chairperson for the reasons in Section 189(3) of the Act.

**Members:**

Murray Clearwater (commissioner only)  
Rex Woodhouse (commissioner only)  
Sir Douglas Kidd (both commissioner and list member)  
Zoe Doole  
Mary Hubble  
Sandra Kirby  
Kiri Rikihana  
Alick Shaw  
Luke Tuffs  
Kate Thomson

**Quorum:**

A quorum for opposed or objected licence or managers' certificate applications is 3.

A quorum for unopposed and not objected to licence or managers' certificate applications is 1 who must be the Chairperson

**Frequency of Meetings:** District Licensing Committee/s will meet on a weekly basis. They may meet more or less frequently as required to efficiently process licence and manager's certificate applications.

## **4. COMMUNITY BOARDS**

### **TAWA COMMUNITY BOARD**

### **MAKARA/OHARIU COMMUNITY BOARD**

#### **Area of focus**

The role of a Community Board, as provided under Section 52 of the Local Government Act 2002; is to:

- (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.

#### **Terms of Reference (Delegations)**

The Community Board shall:

- facilitate the Council's consultation with local residents and community groups on local issues and local aspects of citywide issues including input into the Long-term Plan, Annual Plan, and policies that impact on the Board's area; and
- engage with council officers on local issues and levels of service, including infrastructural, recreational, community services and parks and gardens matters.

Council shall consult with the Board on issues that impact on the Board's area and allow sufficient time for the Board's comments to be considered before a decision is made.

The Community Board is able to:

1. make submissions (as a Community Board) to any organisation (including submissions on resource consents notified by the Greater Wellington Regional Council and Wellington City Council) relating to matters of interest to the Board in respect of the Board's area (a copy of any such submission is to be given to the Council's Chief Executive);
2. represent the interests of the community at Council, Committee or Subcommittee meetings when a motion under debate relates to a matter that the Board considers to be of particular interest to the residents within its community;
3. determine expenditure of funds allocated by Council to the Board for specific purposes;

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013*

33

4. consider matters referred to it by officers, the Council, its committees or subcommittees, including reports relating to the provision of council services within the Board's area, and make submissions or recommendations in response to those matters as appropriate. This will include:
  - monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided
  - providing input to the Council's Long Term Council Community Plan and Annual Plan
  - providing input to proposed District Plan changes
  - providing input to strategies, policies and plans that impact on the Board's area
  - providing input to bylaw changes that impact on the Board's area;
5. Provide input (whether from the full Board, a subcommittee of the Board, or a nominated board member/s) to officers on the following matters:
  - local road work priorities
  - traffic management issues (such as traffic calming measures, pedestrian crossing, street lighting, etc)
  - street facilities management (such as taxi-stands, bus stops, bicycle stands, etc)
  - liquor licence applications
  - application of the Resource Management Act (including notification decisions) within the Board's area
  - the emergency management needs of the area, including the appointment of emergency centre coordinators.

The final decision on matters set out in activity 5 will be made by council officers acting under their delegated authority.

#### **Resource Management Hearings**

The Community Board will have up to two suitably-trained members available for selection to sit on hearings panels on resource management issues in the Board's area. Such selection will be in accordance with the Guidelines for Appointment of Hearings Panels approved by Council on 30 March 2005 (and as may be amended from time to time). No Board member shall be eligible for selection if the Board has made a submission on the matter to be decided.

#### **Membership:**

##### **Tawa Community Board**

**Chairperson:** Robert Tredger  
**Deputy Chairperson:** Margaret Lucas  
**Members:** Graeme Hansen  
Richard Herbert  
Jack Marshall

*Terms of Reference and Delegations for the 2013 – 2016 Triennium adopted by Wellington City Council on 14 November 2013* 34

Alistair Sutton

**Appointed Members:** Cr Justin Lester  
Cr Malcolm Sparrow

**Quorum:** 4 members

**Makara/Ohariu Community Board**

**Chairperson:** Christine Grace

**Deputy Chairperson:** Judy Liddell

**Members:** Murray Burdan  
Wayne Rudd  
Margie Scotts  
Hamish Todd

**Quorum:** 3 members

**Frequency of Meetings:** To be confirmed by the Boards.

## 5. APPOINTMENTS GROUP

### Area of focus

The Appointments Group's principal functions are to select the preferred external candidates to fill vacancies on the Boards of Council's CCOs and on those of its subcommittees to which external appointments are required, and to monitor the performance of external members on the boards of Council's CCOs and subcommittees

### Terms of Reference (Delegations)

The Appointments Group has authority to:

1. Select the preferred external candidates to fill vacancies on the boards of Council's CCOs and on those of its subcommittees to which external appointments are required;
2. Interview the preferred external candidates to confirm their suitability for the vacant position. Where the preferred candidate is being re-appointed or has previously served on one of the Boards of Council's CCOs or its subcommittees then there is no requirement to interview the candidates;
3. Make recommendations to Council regarding the appointment of external appointments to the boards of Council's CCOs and to Council's subcommittees, noting that any recommendation of the Group must be unanimous;
4. Provide advice as and when required to the Council on the performance of external members on its CCOs and Council's subcommittees.

### Membership:

The Appointments Group will comprise the Mayor, the Deputy Mayor and the Chief Executive Officer (or his/her delegate).

## **6. ROLE DESCRIPTIONS**

### **Deputy Mayor: Role Description**

#### *Role of the Deputy Mayor*

As the Deputy Mayor, you will:

- The Deputy Mayor shall assist the Mayor in carrying out the statutory and leadership role of the Mayor.
- If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the powers under section 41A LGA 2002 and the role of Justice of the Peace).
- In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Mayor is empowered to perform the duties and responsibilities of the Mayor under clause 17(3)(4)(5) of Schedule 7 of the Local Government Act 2002.
- The Deputy Mayor will lead and take responsibility for liaison with Councillors on matters of support for carrying out their governance role.

## Committee Chair: Role Description

### *Role of the Chairperson*

As chairperson of a Committee, you will:

- provide leadership to the committee
- ensure decision-making is evidence based and made in a timely manner
- conduct the meeting in accordance with standing orders and legislation
- enhance relationships with key stakeholders;
- act as the Council's spokesperson and point of contact for those committee's activities not allocated to a separate portfolio responsibility
- collaborate with other Committee Chairs where objectives are shared
- support and work effectively with portfolio leaders within their committee, if any
- work effectively with Council officers
- ensure progress is made towards the Council's strategic priorities in the committee's area of responsibility
- ensure governance oversight and direction is provided to the projects that relate to the enhanced relationships with CCOs reporting to their committee.
- ensure Council's advisory groups reporting to their committee have effective input
- meet regularly with the Mayor, Deputy Mayor, Chief Executive and senior staff
- keep the Mayor informed of emerging issues
- maintain a "no surprises" approach for elected members and staff
- raise issues of Council performance with assigned Executive Leadership staff member in the first instance, following up with the Mayor and Chief Executive if necessary.

### *Reporting requirements*

Regular oral report on the performance of your Committee to be presented to the Committee. This will assess progress towards the Council's strategic priorities, as agreed by Council, and the overall objectives of the Committee.

The **Deputy Chair** of the Economic Growth and Arts Committee's role is to support the Chair's effectiveness in all the above objectives, to extend the range of stakeholder contact and external support for this committee's activities.



## **Portfolio Leader: Role Description**

### *Role of the Portfolio Leader*

As the Portfolio Leader, you will:

- ensure progress is made towards the Council's strategic priorities
- enhance relationships with key stakeholders
- act as the Council's spokesperson and point of contact for those activities within portfolio responsibility
- collaborate with Committee Chairs and other Portfolio Leaders where objectives are shared
- work effectively with Council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if you cannot attend projects and activities
- as far as possible, attend Council launches of new activities and projects in your area of responsibility
- ensure Council's advisory groups have effective input into your portfolio area of responsibility
- meet regularly with the Mayor, Deputy Mayor, Chief Executive, Chair and senior staff
- keep the Chair informed of emerging issues
- maintain a "no surprises" approach for elected members and staff
- raise issues of Council performance with assigned Executive Leadership staff member in the first instance, following up with the Chair, Mayor and Chief Executive if necessary.

The Portfolio Leader will also facilitate informal policy discussions between elected members, public and officers, on matters within their area of responsibility.

### *External Representation and Relationships*

To represent the Council at meetings of pan-council working groups, functions and other external organisations within their area of responsibility.

### *External Communication*

The Mayor and the Chair have the right of first right of refusal as the Council's principal spokespersons on significant issues, including representing Council at Select Committees.

Notwithstanding this, it is the role of portfolio leaders to act as the principal spokesperson in communicating to the media and public the official policy of the Council, or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction, on items relating to their respective area of activity.

### *Officer Liaison:*

Act as the point of contact for officers in supporting the work programme in their area of activity.

*Reporting requirements*

The portfolio leader reports to the relevant Committee.

Regular oral reports on progress towards the Council's strategic priorities and overall objectives of the portfolio to the Committee.

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## **LOCAL GOVERNMENT ACT 2002 - DELEGATIONS - ENFORCEMENT OFFICERS**

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### **Purpose**

1. The purpose of this report is to update the Chief Executive's delegations to appoint enforcement officers under section 177 of the Local Government Act 2002 (LGA 2002) and issue warrants to those enforcement officers under clause 32A, Schedule 7, LGA 2002.
2. This delegation will enable the Chief Executive to continue to appoint enforcement officers and issue warrants to those officers appointed under section 177 of the LGA 2002. It will update existing delegations for use in Court proceedings and will be in place before the next set of warrants is issued.

### **Recommendations**

That the Council:

1. Receive the information.
2. Agree, pursuant to clause 32A, Schedule 7, LGA 2002:
  - a. not to limit or restrict the power to issue warrants, impose conditions on that power or prohibit the exercise of it; and
  - b. to delegate to the Chief Executive the power appoint enforcement officers and issue warrants under section 177 of the LGA 2002.
3. Note that this delegation only relates to enforcement officers under section 177 LGA 2002 and does not apply to the power to appoint 'enforcement officers' under other legislation, which has been delegated to the Chief Executive pursuant to the Council delegations to the Chief Executive, dated 14 November 2015.

### **Background**

3. The term 'enforcement officer' is used in various legislation (e.g. the RMA, Building Act 2004, Freedom Camping Act 2011, and Land Transport Act 1998). The delegation the subject of this paper relates to 'enforcement officers' under the LGA 2002. These officers enforce specific provisions of the LGA 2002 and any Council bylaws made under the LGA 2002.
4. It is prudent to update the delegation under this provision of the LGA 2002 so that enforcement officers involved in Court proceedings can produce a current delegation showing the relevant chain of authority for both their appointment and warranting (i.e. a chain of authority from the Council, to the Chief Executive, to the relevant enforcement officer).

5. Clause 32A of the Seventh Schedule to the LGA 2002 requires that before the Council decides to delegate the power to issue warrants to the Chief Executive, that it determines whether to:
  - Limit or restrict the exercise of the power, or
  - Impose conditions on the exercise of the power, or
  - Prohibit, in specified circumstances, the exercise of the power.
6. It is not recommended that there are any limitations on the power to issue warrants to enforcement officers although it is noted that the Chief Executive only exercises the power in circumstances where the delegation is necessary for an Officer's role.
7. Allowing the Chief Executive to appoint enforcement officers and issue their warrants under the LGA 2002 ensures enforcement officers can exercise the powers necessary for their role, in a timely manner, after their appointment.

### **Attachments**

Nil

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## **SUPPORTING INFORMATION**

### **Consultation and Engagement**

Not applicable.

### **Treaty of Waitangi considerations**

Not applicable.

### **Financial implications**

Not applicable.

### **Policy and legislative implications**

### **Risks / legal**

Council's lawyers have been consulted during the development of this report.

### **Climate Change impact and considerations**

There are no climate change considerations.

### **Communications Plan**

A Communications plan is not required.