

**ORDINARY MEETING**

**OF**

**WELLINGTON CITY COUNCIL**

**AGENDA**

**Time:** 1:30 pm  
**Date:** Wednesday, 9 November 2016  
**Venue:** Committee Room 1  
Ground Floor, Council Offices  
101 Wakefield Street  
Wellington

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**MEMBERSHIP**

Mayor Lester  
Councillor Calvert  
Councillor Calvi-Freeman  
Councillor Dawson  
Councillor Day  
Councillor Eagle  
Councillor Foster  
Councillor Free  
Councillor Gilberd  
Councillor Lee  
Councillor Marsh  
Councillor Pannett  
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**

### **9 NOVEMBER 2016**

---

<b>Business</b>	<b>Page No.</b>
<b>Declaration of Councillor Elect Southern Ward</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 Conflict of Interest Declarations</b>	<b>5</b>
<b>1.4 Confirmation of Minutes</b>	<b>5</b>
<b>1.5 Items not on the Agenda</b>	<b>5</b>
<b>1.6 Public Participation</b>	<b>5</b>
<b>2. General Business</b>	<b>7</b>
<b>2.1 Maiden Speeches for first term Councillors</b>	
<b>2.2 Governance Arrangements for the 2016/2019 Triennium</b> Presented by Mayor Justin Lester	<b>7</b>
<b>2.3 2016-2017 Elected Member Remuneration</b> Presented by Mayor Justin Lester	<b>57</b>
<b>2.4 Appointment of Councillor as member and deputy chair         of Wellington District Licensing Committee</b> Presented by Mayor Justin Lester	<b>63</b>
<b>2.5 2016-2019 Triennium Meeting Schedule</b> Presented by Mayor Justin Lester	<b>70</b>
<b>3. Committee Reports</b> <b>Nil</b>	
<b>Questions</b>	
<b>4. Public Excluded</b>  <b>Nil</b>	



## **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 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.

### **1.4 Confirmation of Minutes**

The minutes of the meeting held on 26 October 2016 will be put to the Council for confirmation.

### **1.5 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.

### **1.6 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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## 2. General Business

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# GOVERNANCE ARRANGEMENTS FOR THE 2016/2019 TRIENNIUM

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### Purpose

1. In accordance with section 41A of the Local Government Act 2002 (the Act), the Mayor has appointed Councillor Paul Eagle as Deputy Mayor, established the committee structure for the 2016/2019 triennium and appointed chairpersons to those committees and subcommittees and a number of portfolio leaders.
2. The Council is now required to agree the formal Terms of Reference and Delegations of those committees and subcommittees.

### Recommendations

That the Council:

1. Receive the information.
2. Confirm the committee and subcommittee memberships and portfolios as announced by the Mayor in his memorandum (dated 20 October 2016) and received by the Council at its meeting on 26 October 2016 (copy attached as Appendix 1).
3. Agree to establish the Revenue and Finance Working Party with Councillor Andy Foster as Chair and Mayor Justin Lester and Councillors Nicola Young and Diane Calvert as members.
4. Note that the Long-term and Annual Plan Committee will appoint two additional members to Working Party.
5. Agree the Council, Committee and Subcommittee Terms of Reference and Delegations and the membership of each, attached as Appendix 2.
6. Agree the role descriptions and responsibilities of the Mayor Deputy Mayor, Chairs and Portfolio Leaders as set out in Appendix 2.
7. Agree to establish an Appointments Group, with the membership and functions as set out in Appendix 2.
8. Agree that the Port Nicholson Block Settlement Trust (PNBST) Te Runanga o Toa may attend any meetings of the City Strategy Committee and the Long term Plan and Annual Plan committee and take part in discussion and debate at those meetings.
9. Agree the specific delegations to the Mayor, Deputy Mayor, Chair of the City Strategy Committee, Chair of the Regulatory Processes Committee and the Portfolio Leader for Urban Development as set out in Appendix 2.
10. Agree the delegations for the Tawa Community Board and the Makara/Ohariu Community Board as set out in Appendix 2.
11. Agree to delegate the duties, responsibilities and powers for all delegations as set out in Appendix 2.
12. Note that the delegations regarding the Resource Management decision-making and

the delegations to the Chief Executive will be the subject of a Councillor workshop to be held in the first quarter of 2017 and the Council will consider any changes to these delegations at a future meeting if required.

13. Note that the Chief Executive holds the delegations agreed on 14 November 2013.
14. Note that the Resource Management Act 1991 and the Housing Accords and Special Housing Areas Act 2013 delegations agreed on 14 November 2013 and 17 December 2014 remain in place.

15. Agree to amend the Chief Executive's delegation for the City Growth Fund is as follows:

The authority to allocate funding from the City Growth Fund up to a total commitment of \$100,000 provided that:

- a. The criteria of the Fund are met; and
  - b. The decision is made in consultation with, the Mayor and the Deputy Mayor.
16. Delegate the Chief Executive authority to give effect to any changes made at the meeting and make editorial changes, prior to publishing the final Terms of Reference and Delegations document.

## **Background**

3. Section 41A LGA 2002 gives the Mayor authority to establish committees of the governing body and to appoint the chairpersons of those committees. In accordance with that authority the Mayor has announced the governance and decision making structure that will operate for the 2016/2019 triennium. The structure takes the following key principles into consideration:
  - Inclusiveness of councillors
  - Efficiency of decision making
  - Strategic and integrated decision making
  - Informed decision making
  - Public participation
  - Openness
  - Transparency
  - Accountably
  - Governance
4. The Council structure ensures that elected members are empowered to maximise their contribution to advancing the growth and well-being of Wellington. It is designed to ensure that decisions are made as efficiently as possible while ensuring that Council decisions are well informed by our communities.
5. The membership of those committees and subcommittees and the adoption of the terms of reference and delegations now need to be determined by the Council in order to implement the Mayor's structure.

## **Discussion**

### **Delegation**

6. The Local Government Act 2002 and other legislation affecting local authorities provides a local authority with the power to delegate all of its responsibilities, duties or powers, except for a number of fundamental decisions that the legislation specifies cannot be delegated.
7. In addition, there is a range of other responsibilities, such as adopting or changing the Standing Orders or the adoption of a Code of Conduct, which the Council must exercise.

### **Committee Structure**

10. The committee structure is outlined as follows, with the detailed terms of reference in Appendix 2:

### **Council**

8. The Council is the paramount governing body which includes all elected members. It retains all powers that cannot be delegated and must be made by the Council and those judged to be of such significance that they should continue to be exercised by the Council. The Council also provides a check and balance on decisions made by committees, and will approve strategy and policy referred to it by the City Strategy Committee.

### **City Strategy Committee**

9. The role of the City Strategy Committee is to set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.
10. In shaping the strategies, policies and work programme, the Committee will take a holistic approach to ensure there is strong alignment between the objectives and work programmes across the Council.

### **Long-term Plan and Annual Plan Committee**

11. The Committee will develop the Council's draft and final Long-term Plan, Annual Plan, and all other policies required under the Local Government Act 2002 to be included in the Long-term Plan for recommendation to Council. It will recommend the Consultation Document for adoption by the Council and determine the form and extent of public consultation; agree asset management plans and receive reports from the Revenue and Finance Working party. The committee will appoint two further members to the working party.

### **Regulatory Processes Committee**

12. The Regulatory Processes Committee has responsibility for overseeing Council's regulatory functions. The Committee has primary responsibility for:
  - approving the list of hearings commissioners (which comprises independent commissioners and Councillors who have completed the requisite training)
  - supervising the conduct of statutory hearings on regulatory matters, and undertaking those hearings when they are not undertaken by hearings commissioners
  - making decisions on temporary road closures

- making recommendations on road stopping applications
- making decisions on remissions under the Development Contributions Policy
- making decisions on Community leases.

### **CEO Performance Review Committee**

13. The CEO Performance Review Committee has primary responsibility for matters relating to the Chief Executive's performance and remuneration.

### **Grants Subcommittee**

14. The Grants Subcommittee is responsible for the effective allocation and monitoring of the Council's grants. It will approve the priorities within each grant fund annually as well as review the criteria and focus for grants funds on a three year basis to align with the Long-term Plan process. The subcommittee reports to the City Strategy Committee.

### **Council-Controlled Organisations Subcommittee**

15. The Council-Controlled Organisations Subcommittee will be responsible for communicating the Council's priorities and strategic outcomes to CCOs and ensuring delivery by CCOs through the development of Statements of Intent and integration of CCO outcomes with the Council's Long-term and Annual plan processes and decisions. It will also be responsible for monitoring the financial performance and delivery on the strategic outcomes of the Council's CCOs. It is a subcommittee of the City Strategy Committee.

### **Finance, Audit and Risk Subcommittee and Revenue and Finance Working Party**

16. The Finance, Audit and Risk Subcommittee will monitor the Council's financial management and reporting and review the audit and risk function, ensuring the existence of sound external and internal programmes. It is a subcommittee of the City Strategy Committee.
17. Consideration was given to including a broader finance function into the role of this Subcommittee. Governance principles do not support mixing the monitoring and risk management functions of an audit committee with the decisions explicit in a finance function. In addition, it recommended that issues regarding finance are a role for the whole of Council.
18. Accordingly, it is proposed to establish the Revenue and Finance Working Party. This working party will work with officers on revenue and finance matters with a clear reporting line to the Long-term and Annual Plan Committee, where all Councillors will be involved in making financial decisions.

### **Appointments Group**

19. It is proposed that the process of interviewing and selecting candidates for recommendation to Council for Council Controlled Organisations and external roles on subcommittees is undertaken by an Appointments Group comprising the Mayor, Deputy Mayor and Chair of the Council Controlled Organisations subcommittee. It will also provide advice when required on the performance of external members on the Council's CCOs and Council subcommittees.

### **Role Descriptions/Portfolio Leaders**

20. It is important that Councillors have clear areas of focus and responsibility, while working together to ensure that key strategic issues are dealt with within a whole-of-council framework.
21. Portfolio Leaders have been allocated areas of responsibility to reflect the values and strengths of the Council. Role descriptions for the Mayor, Deputy Mayor, Committee Chairs and Portfolio Leaders are attached at Appendix 2. The Mayor and Deputy Mayor will work with Councillors and officers to define the scope of the individual portfolios.

### **Role Specific Delegations**

22. 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.
23. The Mayor will lead the following, supported as necessary by relevant councillors:
  - Liaison with Central Government
  - Regional Governance
  - Emergency Management
  - Relationship with iwi
  - Specific significant projects (to be determined at the Mayor's discretion)
  - City Resilience
24. The Mayor has the authority to agree and enter into Memoranda of Understanding to enhance external relationships and partnerships, provided the arrangement is consistent with Council policy and direction and, if there are any funding implications, that it is already in the Annual Plan (or expressly contingent on its inclusion).
25. It is proposed that the Deputy Mayor has the responsibility for approving Councillor attendance at domestic conferences, and associated travel and accommodation—rather than requiring written reports requesting Committee approval to attend conferences. Attendance will be subject to funds being available in the elected member conference budget and relevance to the attendee's roles and responsibilities. It is proposed that the decisions regarding overseas travel (whether for the purpose of training, representing the Council/ international relations, attending conferences) is approved by the City Strategy Committee. However (for urgent circumstances) there is a proposed delegation for approval to be given by the Mayor, Deputy Mayor and Chair of City Strategy Committee.
26. The Chair of the Regulatory Processes Committee has a specific role to appoint hearings panels to hear and determine applications for resource consent, designations, heritage orders and plan changes. The terms of reference provide the Chair the authority to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners (from the agreed list) to hearings panels. When the hearing is for a plan change under the first schedule of the Resource Management Act 1991 this delegation is to be exercised following consultation with the Portfolio Leader – Urban Development.
27. A delegation is proposed to give the Chair of the City Strategy Committee and the Portfolio Leader Urban Development, the authority to agree the resolution of minor appeals, in order to streamline the process for lower end/minor appeals.

## **Relationship with Iwi**

28. The enduring relationship of iwi mana whenua to this city: its past, present and future is acknowledged.
29. There are statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991 and LGA 2002.
30. To recognise this critical relationship with iwi, Wellington City Council has Memoranda of Understanding with two mandated iwi organisations – Port Nicholson Block Settlement Trust (PNBST) and Te Rūnanga o Toa Rangatira Incorporated (TOA).
31. The wording in the MOU is specific:  
*“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.”*
32. Both Memoranda of Understanding are MOU are currently being reviewed. It is timely that during this review consideration is given to how the Council involves our iwi partners in the Council Committee process particularly in light of the new Committee structure.
33. Pending that review iwi are to be invited to join the City Strategy and Long-term Plan and Annual Plan Committee as non-voting members.
34. There will also be regular meetings with the Mayor, Portfolio Leader – Māori partnerships and Chief Executive, including Councillors relevant to the issues at hand.

## **Workshops, Working Parties and Briefings**

35. Council can also make use of workshops, working parties, and briefings, to progress matters outside of the formal structure of a committee meeting. Working parties are a particularly useful way for officers and elected members to work together on complex policy matters, or projects, and ensure initiatives and proposals are well-developed and tested before they are formally presented to elected members for discussion and decision-making. Working parties do not have decision-making authority, and are required to report back on their work and proposals for action to a committee or Council. Through briefings, elected members can be informed about topical issues, or matters that will at some stage in the future be the subject of a formal report to a committee.

## **Workshop on Chief Executive and Resource Management Delegations**

36. The existing arrangements for delegations to the Chief Executive, including the approach and rationale to the delegation of Resource Management matters to the officers (which operates via the delegation to the Chief Executive) is explained below.
37. The Mayor has requested that prior to the new Council agreeing these delegations for the 2016/19 triennium there is an opportunity for all Councillors to be briefed on these delegations and work through the practical operation and rationale for them. A workshop will be scheduled next year and following that, if any changes are to be made, a further paper can be considered by Council.
38. In the meantime, except for the proposed change for the City Growth Fund (see recommendation 15), the delegations as outlined above (and in Section 10 and 11 of Appendix 2) remain in place.

### **Chief Executive Delegations**

39. Delegation to officers is necessary for the operation of the Council and its administration to 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.
40. It is impossible for the elected Council and its Committees and Subcommittees to deal with everything itself. Decisions should be made at a level commensurate with efficiency, effectiveness and transparency.
41. The overall approach in the section 42 LGA 2002 , and generally taken by local authorities, is that it is the role of the Chief Executive to implement the Council direction and decisions as expressed in the Long Term plan, the Annual Plan and specific Council decisions. Specifically this means that operational and capital expenditure budgets, fees and charges, service levels, specific projects, and other significant requirements are approved by the Council. The Chief Executive is authorised to make all arrangements to give effect to those decisions.
42. The delegation to the Chief Executive is set out in Appendix 2 (section 10). With the exception of the City Growth Fund (refer below) this delegation was agreed at the commencement of the 2013/16 triennium and remains in place for the new triennium, unless changed by Council.
43. The Chief Executive has been delegated all powers and authorities, other than those retained by Council, or contained within the delegations to committees or other subordinate decision-making bodies or community boards. In other words, if the Council or Committee has not retained the power it can be exercised by the Chief Executive. The delegation is expressly subject to:
  - Acting within the law
  - Acting within Council policy
  - Acting within the Long Term and Annual Plan (subject to financial tolerances agreed by Council to ensure effective and efficient delivery of the Long Term Plan and Annual Plan).
44. The Chief Executive's delegations contain the financial tolerances beyond which Council or Committee approval is sought, which is included in the terms of reference the City Strategy Committee (re clause 3). The Councillor workshop will provide examples of the operation of these tolerances.
45. The delegations to the Chief Executive are supported by effective communication and constructive working arrangements between Elected Members and the Chief Executive, such as the quarterly reports, regular briefings and Council and CEO only time. This way of working is supported by the Chief Executive's agreed key performance indicators.
46. It is proposed that the Chief Executives delegation for the City Growth Fund is changed and that the Chief Executive can approve applications from the City Growth Fund up to \$100,000 in consultation with the Mayor and Deputy Mayor. Beyond that financial level, all funding applications will be received, considered and decided by the City Strategy Committee.

## Resource Management Act 1991

47. Council has many functions under the Resource Management Act 1991 (RMA) and the Housing Accords and Special Housing Areas Act 2013. To ensure the efficient and effective discharge of these statutory functions, the RMA provides for them to be exercised by Council itself, officers, or hearing commissioners. The key resource management decisions that arise when considering appropriate governance arrangements and delegations are:
- the process for making decisions on plans and plan changes
  - the process for hearing and making decisions on resource consent applications, designations, heritage orders
  - the process for appointing hearings commissioners.
48. All other functions are delegated to the Chief Executive, to enable the efficient administration of the Council's functions, duties and powers (in particular having regard to statutory timeframes and the Council's duty to avoid delay). This is consistent with the approach taken by other metropolitan Councils.
49. The Terms of Reference provide that the City Strategy Committee the authority to notify plan changes, but that Council retain the power to approve the decision on the plan change (following the recommendation from the hearings panel). Persons sitting as hearings commissioners will have the necessary functions, duties and powers to conduct hearings and, in the case of plan changes, make a recommendation to Council, and in the case of resource consents, designations and the like, make a decision.
50. As set out in paragraphs 27 and 28, the Chair of the Regulatory Processes Committee is to be given the authority to appoint hearings commissioners and the Chair of City Strategy and Portfolio Leader - Urban Development the authority to approve the resolution of District Plan appeals for minor matters.

## Conclusion

51. The Mayor announced the new governance and decision making structure that will operate for the 2016/2019 triennium at the Inaugural meeting. The Council needs to agree the formal terms of reference and delegations of its committees and subcommittees to support the governance structure.

## Attachments

- Attachment 1. Committee Structure | Mayor Justin Lester Memorandum | Agreed at Council 26 October 2016 Page 16
- Attachment 2. Draft Governance Terms of Reference, Committee Structure, and Delegations 2016-2019 Page 18

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Authoriser	Kane Patena, Director Governance and Assurance

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

No additional consultation was taken.

### **Treaty of Waitangi considerations**

Refer to paragraphs 28 to 34 of the report.

### **Financial implications**

There are no financial implications.

### **Policy and legislative implications**

There are no implications.

### **Risks / legal**

For good governance the Council must have a delegations register.

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

There is no impact.

### **Communications Plan**

The terms of reference and delegations will be publically available.

### **Health and Safety Impact considered**

There are no impacts.

**Memorandum**

**Absolutely Positively  
Wellington City Council**  
Me Heke Ki Pōneke

Date: 20 October 2016 File ref:  
 To: **The Council**  
 From: **His Worship the Mayor**  
 Subject: **Committee Structure, Chairpersons and Membership**

This memorandum provides a broad overview of the governance and decision making structures for the Wellington City Council for the 2016 – 2019 triennium. The structure is designed to be inclusive at both a political and community level and facilitates quality decision-making.

**Committees of Council**

<b>Committee</b>	<b>Chairperson</b>	<b>Membership</b>
City Strategy Committee	Cr Iona Pannett	Mayor and all Councillors
Long-term and Annual Plan Committee	Deputy Mayor Paul Eagle	Mayor and all Councillors
Regulatory Process Committee	Cr Malcolm Sparrow	Mayor Justin Lester Cr Chris Calvi-Freeman Cr Diane Calvert Cr David Lee
CEO Performance Review Committee	Deputy Mayor Paul Eagle	Mayor Justin Lester Cr Jill Day Cr Andy Foster Cr Iona Pannett Cr Diane Calvert

**Subcommittees reporting to City Strategy Committee**

<b>Subcommittee</b>	<b>Chairperson</b>	<b>Membership</b>
Grants Subcommittee	Cr Sarah Free	Mayor Justin Lester Cr Peter Gilbert Cr Brian Dawson Cr Nicola Young
Finance, Audit and Risk Management Subcommittee	Cr Andy Foster	Mayor Justin Lester Cr Nicola Young Cr Diane Calvert Plus 2 external appointments
Council Controlled Organisations Subcommittee	Cr Simon Woolf	Mayor Justin Lester Deputy Mayor Paul Eagle Cr Simon Marsh Cr David Lee

The Mayor is a member of every committee and subcommittee of the territorial authority.

**Portfolio Leaders**

<b>Portfolio Leaders</b>	<b>Area of Focus</b>
Mayor Justin Lester	Arts and Culture, Major City Projects, Governance
Deputy Mayor Paul Eagle	Housing, Recreation, Events
Cr Iona Pannett	Infrastructure and Sustainability
Cr Andy Foster	Urban Development, Finance, Predator Free Wellington, Karori Framework
Cr Simon Marsh	Economic Development, Small Business (joint)
Cr Simon Woolf	Wellington Ambassador Tourism, Small Business (joint), Sport
Cr Malcolm Sparrow	Community Resilience
Cr Nicola Young	Central City Projects, Education Partnerships
Cr David Lee	Technology, Innovation, Enterprise (TIE), Climate Change
Cr Jill Day	Maori Partnerships, Children and Young People
Cr Peter Gilbert	Natural Environment, City Scientist
Cr Brian Dawson	Social Development , Living Wage
Cr Diane Calvert	Community Planning and Engagement
Cr Chris Calvi-Freeman	Transport strategy and operations
Cr Sarah Free	Public Transport, Cycling and Walking

The governance and decision making structure takes the following key principles into consideration:

- Inclusiveness of councillors
- Efficiency of decision making
- Strategic/integrated decisions
- Informed decision making
- Public participation
- Openness
- Transparency
- Accountability
- Governance

**Delegations**

The formal terms of reference and delegations on which the structure will be based will be considered at a future meeting of Council. Other Councillor appointments to Boards, Trusts and Advisory Groups will be considered at the Inaugural meeting.



Justin Lester  
 Mayor of Wellington

# **Wellington City Council**

## **DRAFT Governance Terms of Reference, Committee Structure, and Delegations 2016-2019**

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

1

**Contents**

<b>RECORD OF AMENDMENTS .....</b>	<b>4</b>
<b>1 INTRODUCTION .....</b>	<b>5</b>
1.1 General	5
1.2 Establishment of Committees	5
1.3 Iwi	5
1.4 Quorum	6
1.5 Advisory and Reference Groups	6
1.6 Ambiguity and Conflict	6
<b>2 COUNCIL .....</b>	<b>7</b>
2.1 Terms of Reference	7
<b>3 COMMITTEES.....</b>	<b>9</b>
3.1 City Strategy Committee	9
3.2 Long-Term and Annual Plan Committee	14
3.3 Regulatory Processes Committee	15
3.4 CEO Performance Review Committee	17
<b>4 SUBCOMMITTEES .....</b>	<b>18</b>
4.1 Finance, Audit and Risk Management Subcommittee	18
4.2 Grants Subcommittee	21
4.3 Council-Controlled Organisations Subcommittee	22
<b>5 REVENUE AND FINANCE WORKING PARTY .....</b>	<b>24</b>
<b>6 APPOINTMENTS GROUP .....</b>	<b>26</b>
<b>7 DISTRICT LICENSING COMMITTEE .....</b>	<b>27</b>
<b>8 COMMUNITY BOARDS .....</b>	<b>29</b>
Tawa Community Board	29
Makara/Ohariu Community Board	29
<b>9 SPECIFIC ROLE DESCRIPTIONS AND DELEGATIONS .....</b>	<b>32</b>

Democratic Services

Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

2

9.1	Mayor	32
9.2	Deputy Mayor	32
9.3	Other	33
9.4	Chair of a Committee or Subcommittee	33
9.4	Portfolio Leader	34
10	CHIEF EXECUTIVE DELEGATIONS .....	36
11	RESOURCE MANAGEMENT DELEGATIONS .....	38
12	APPENDICES .....	39

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

**RECORD OF AMENDMENTS**

Version	Date	Resolution Number	Summary of Amendment(s)
1			N/A

## 1 INTRODUCTION

### 1.1 General

This document sets out the terms of reference and delegations for the Wellington City Council, and its committees and subcommittees. It also sets out the responsibilities of and delegations associated with certain roles, including the Mayor, Deputy Mayor, Chief Executive, Committee and Subcommittee Chairs, and Portfolio Leaders.

The Council's business is wide-ranging, and it has obligations and powers under many statutes and regulations. It would be impossible for the full Council to deal with everything itself. Delegation to officers is necessary for the operation of the Council to be efficient and effective and achieve its objectives and for its service delivery to be timely and successful.

These terms of reference are intended to allow the Council to ensure that its powers and functions are exercised at a level commensurate with efficiency and effectiveness and the significance of the power or function.

A delegate is not obliged to exercise a power or function delegated to it. If a matter has become publicly or politically contentious, it may be appropriate for the delegate not to exercise the particular power or function and to refer the power or function back to the delegator. Provision is made for this in the Council delegations (Clause 23) and the delegations for the City Strategy Committee (Clause 43). The expectation is that the Mayor will be consulted and provide input into decisions by the delegate to refer a matter under these provisions.

### 1.2 Establishment of Committees

Under 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 terms of reference and delegations to Committees and Subcommittees are set out in full in this document.

### 1.3 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).

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 City Strategy Committee and the Long-term Plan and Annual Plan Committee. Iwi are to receive all papers.

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

## **1.4 Quorum**

The terms of reference for each committee or subcommittee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if the number of members is even, and a majority of members if the number of members is odd. Vacancies are not included in calculating the quorum.

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.

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.

## **1.5 Advisory and Reference Groups**

Advisory and reference groups operate under separate terms of reference as approved by Council or the City Strategy Committee (or its predecessor in an earlier triennium). 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 and they report to the City Strategy Committee. The groups contribute to Council's established decision-making processes.

## **1.6 Ambiguity and Conflict**

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which Committee, Subcommittee or Portfolio 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 COUNCIL

<b>Membership</b>	Mayor and all Councillors
<b>External Membership</b>	None
<b>Quorum</b>	8
<b>Frequency of meeting</b>	Monthly or as required

### 2.1 Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:<sup>1</sup>

1. the power to make a rate.
2. the power to make a bylaw.
3. the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan.
4. the power to adopt a Long-term Plan, Annual Plan, or Annual Report.
5. the power to appoint a Chief Executive.
6. the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement.
7. the power to adopt a remuneration and employment policy.
8. the power to approve or amend the Council's Standing Orders.
9. the power to approve or amend the Code of Conduct for elected members.
10. the power to appoint and discharge members of committees (when not appointed by the Mayor).
11. the power to establish a joint committee with another local authority or other public body.
12. the power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.
13. the powers contained in section 15(1) of the Wellington Town Belt Act 2016.

The Council has also decided to retain, and not delegate, the following powers:

14. to approve a proposed policy statement or plan under the Resource Management Act 1991.
15. to approve Council strategy and policy.
16. to remove chairpersons of committees and subcommittees and portfolio leaders.
17. to approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.

<sup>1</sup> For powers 1-13 see clause 32(1) Schedule 7 Local Government Act 2002. For powers 14-27 see clauses 15, 27, 30 Schedule 7 Local Government Act 2002 and section 34A of Resource Management Act 1991.

18. to approve the Triennial Agreement.
19. to approve the Local Governance Statement.
20. to determine whether or how to fill any extraordinary Council vacancies.
21. to make decisions on representation reviews.
22. to appoint or remove trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
23. in respect of District Plan decisions:
  - a. to approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - b. to approve a proposed plan or a change to a district plan under Clause 17 of the First Schedule.
24. to exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision.
25. to approve the final design and commercial terms for development proposals under the Waterfront Project as required by the Waterfront Framework.
26. under the Housing Accord and Special Housing Areas Act 2013:
  - a. to terminate the Housing Accords;
  - b. to recommend to the Minister of Housing special housing areas and criteria for qualifying developments;
  - c. to recommend to the Minister of Housing that any special housing area be disestablished .
27. to promote any legislation or significant amendments to legislation relating to Wellington (e.g. a Local Bill).

### 3 COMMITTEES

#### 3.1 City Strategy Committee

<b>Chair</b>	Councillor Iona Pannett
<b>Membership</b>	Mayor and all Councillors
<b>External Membership (non voting)</b>	One representative of Ngati Toa appointed by Ngati Toa Rangatira  One representative of the Port Nicholson Block Settlement Trust appointed by the Port Nicholson Settlement Trust
<b>Quorum</b>	8
<b>Frequency of meeting</b>	Three weeks per month or as required

##### Area of focus

The role of the City Strategy Committee is to set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.

In determining and shaping the strategies, policies, regulations, and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the seven strategic areas of Council, including:

- *Environment and Infrastructure* – delivering quality infrastructure to support healthy and sustainable living, protecting biodiversity and transitioning to a low carbon city
- *Economic Development* – promoting the city, attracting talent, keeping the city lively and raising the city’s overall prosperity
- *Cultural Wellbeing* – enabling the city’s creative communities to thrive, and supporting the city’s galleries and museums to entertain and educate residents and visitors
- *Social and Recreation* – providing facilities and recreation opportunities to all to support quality living and healthy lifestyles
- *Urban Development* – making the city an attractive place to live, work and play, protecting its heritage and accommodating for growth
- *Transport* – ensuring people and goods move efficiently to and through the city
- *Governance and Finance* – building trust and confidence in decision-making by keeping residents informed, involved in decision-making, and ensuring residents receive value for money services.

The City Strategy Committee also determines what role the Council should play to achieve its objectives including: Service delivery, Funder, Regulator, Facilitator, Advocate

The City Strategy Committee works closely with the Long-term and Annual Plan committee to achieve its objectives.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

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

#### **General**

1. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

#### **Strategy and policy**

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

#### **Service levels**

5. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term Plan and Annual Plan processes.

#### **Significant Projects & Monitoring and reporting**

6. Monitoring and oversight of significant projects
7. Review business cases and agree next steps on significant projects
8. Receive and consider reports on the Council's performance against the Long-term Plan and Annual Plan
9. Review and recommend to Council the adoption of the Annual Report.

#### **Financial**

10. Approve budget overspends (above the tolerance levels in the Chief Executive's delegations) and any reprogramming of capex for a project or programme provided that:
  - a. the overall budget for the Activity Group (Strategy) is met from savings and efficiencies within the Activity Group (Strategy).
  - b. the overall budget for capex is not exceeded.
11. Where this is not the case the committee must either;
  - a. recommend to Council that additional funding is approved (outside the Annual Plan or Long-term Plan process) or
  - b. recommend to the Long-term and Annual Plan Committee that the funding is considered for inclusion in the next Long-term Plan or Annual Plan.

#### **Consultation and engagement**

12. Conduct any consultation processes required on issues before the Committee
13. Act as a community interface for consultation on policies and as a forum for engaging effectively
14. Receive reports from the Council's Advisory Groups and monitor engagement with the city's communities
15. Review and agree the model for Council Advisory Groups and Forums

**Submissions and legislation**

16. Approve submissions to external bodies/organisations and on legislation and regulatory proposals provided that:
  - a. if there is insufficient time for the matter to be determined by the Committee before the submission 'close date', the submission can be agreed by the relevant Portfolio Leader, Chair of City Strategy Committee, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested)
  - b. if the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (in consultation with the relevant Portfolio Leader prior to lodging the submission)
17. Recommend to Council the promotion of legislation or significant amendments to legislation (eg. a local bill).

**Bylaws**

18. Develop and agree the statement of proposal for new or amended bylaws for consultation.
19. Recommend to Council new or amended bylaws for adoption.
20. 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>2</sup>

**Fees**

21. Set fees in accordance with legislative requirements unless the fees are set under a bylaw (in which case the decision is retained by Council and the committee has the power of recommendation) or set as part of the Long-term Plan or Annual Plan (in which case the decision will be considered by the Long-term and Annual Plans Committee and agreed by Council)

**Property and other assets**

22. Recommend to Council the acquisition or disposal of assets, unless the acquisition or disposal is provided for specifically in the Long-term Plan.
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).

**Open Space and Reserves, (excluding Town Belt and Leases under the Leases Policy for Community and Recreation Groups)**

24. For all Council-owned land that is either open space under the District Plan, or reserve under the Reserves Act 1977, the power to:
  - a. Agree leases, subleases and easements (in relation to land or buildings)
  - b. Agree that a Permanent Forest Sink Initiative covenant to be added or removed
  - c. Adopt management plans and amendments to management plans
  - d. Adopt names

<sup>2</sup> Examples of what this clause covers are: traffic resolutions, dog areas under the animal bylaw, speed limits and conditions for collection of waste.

- e. Make any decision under a management plan which provides that it may not be made by a Council officer (for example, agree a concession)
- f. 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
- g. Recommend to Council for approval anything that would change the ownership of such land.

**Wellington Town Belt Act 2016**

25. For all land that is subject to the Wellington Town Belt Act 2016, the power to:
- a. Exercise the powers contained in Section 15(2) of that Act;
  - b. Make recommendations to the Council on whether it should exercise its powers under Section 15(1) of that Act;
  - c. Make a decision under a management plan which provides that it may not be made by a Council Officer (for example, agree a concession);
  - d. Adopt names.

**The Waterfront project**

26. For development proposals under the Waterfront Framework:
- a. conduct public engagement/consultation processes as required on design;
  - b. develop and approve performance briefs for individual areas or sections of work;
  - c. approve detailed designs for recommendation to Council
  - d. consider the commercial terms of any proposal for recommendation to Council
  - e. monitor implementation including approval of variations from approved designs.

**District Plan**

27. 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)
28. Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
29. Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
- a. to authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Portfolio Leader urban Development;
  - b. 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;
  - c. to consider and approve council submissions on a proposed plan, plan changes, and variations;
  - d. to manage the private plan change process

- e. to accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act (RMA).

**Housing Accords and Special Housing Areas Act 2013**

- 30. In relation to Housing Accords and Special Housing Areas Act 2013 recommend to Council:
  - a. to recommend to the Minister of Housing Special Housing Areas and criteria for qualifying developments under Section 17;
  - b. to recommend to the Minister of Housing that any Special Housing Area be disestablished.

**Governance and CCOs**

- 31. Review, develop and recommend to Council policy and practices in respect of governance (including representation reviews and related issues);
- 32. Oversee, develop and approve the Council's relationship with Maori;
- 33. Undertake any reviews of CCO's and agree CCO changes to governance arrangements and consider any issues regarding CCOs referred to the Committee by the CCO subcommittee;
- 34. Approve Statements of Intent of Council's CCOs.

**Elected members**

- 35. Approve the attendance and associated costs of elected members at overseas Conferences, Seminars, Training or Events or when representing the Council as part of a delegations or invitations.

**Grants including City Growth Fund**

- 36. Agree the criteria and focus areas for grants funds referred for decision by the Grants Subcommittee
- 37. Approve any grants referred for decision by the Grants Subcommittee.
- 38. Approve the allocation of funding from the City Growth Fund, where the total commitment is more than \$100,000 (calculated by reference to the total funding sought in one or more financial years).

**Other**

- 39. 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.
- 40. Establish a subcommittee or working party and approve its terms of reference.

### 3.2 Long-Term and Annual Plan Committee

<b>Chair</b>	Deputy Mayor Paul Eagle
<b>Membership</b>	Mayor and all Councillors
<b>External Membership (non voting)</b>	One representative of Ngati Toa appointed by Ngati Toa Rangatira  One representative of the Port Nicholson Block Settlement Trust appointed by the Port Nicholson Settlement Trust
<b>Quorum</b>	8
<b>Frequency of meeting</b>	As required for the purposes of developing the Council's Long-term Plan and/or Annual Plan, usually in weeks when the City Strategy Committee is not meeting.

#### Area of focus

The Committee is responsible for developing the draft and final Long-term Plan and Annual Plans for the Council. The Long-term Plan and Annual Plan give effect to the strategic direction and outcomes set by the Strategy Committee by setting levels of service and budgets.

The Committee is responsible for developing the draft Annual and Long term Plan for consultation – including agreeing levels of service, the phasing of work, priorities across the seven strategic areas, the performance measurement framework, and budgets to be consulted on with the community as part of the Annual and Long-term Plan processes. It also recommends the Consultation Document for adoption by the Council.

The Committee also determines the nature and scope of any consultation and engagement required to support the Annual and Long-term plan process, considers community and stakeholder feedback, and is responsible for oral hearings where required.

#### Terms of Reference (Delegations)

The Committee has the responsibility and authority to:

1. develop the Council's draft and final Long-term Plan and Annual Plan, for recommendation to the Council;
2. develop all policies required to be part of, or included in, the Long-term Plan and the funding and financial policies in Section 102 of the Local Government Act 2002;
3. determine the form and extent of public consultation methods to be employed for the draft Annual Plan and Long-term Plan and conduct any consultation processes
4. approve the three year Waterfront Development Plan for including in the draft and final Long-term Plan and agree any variances for including in the draft and final Annual Plan;
5. agree asset management plan(s)
6. receive reports from the Revenue and Finance Working Party
7. recommend the Consultation document for a Long-term Plan or Annual Plan for adoption by the Council
8. establish any new subcommittee or working party and approve its terms of reference.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

### 3.3 Regulatory Processes Committee

<b>Chair</b>	Councillor Malcolm Sparrow
<b>Membership</b>	Mayor Justin Lester Councillor Chris Calvi-Freeman Councillor Diane Calvert Councillor David Lee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	Monthly

#### Area of focus

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

The 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 Contributions Remissions.
- Approving leases under the “Leases Policy for Community and Recreation Groups”

#### Terms of Reference (Delegations)

The Regulatory Processes Committee has responsibility for and authority to:

1. undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.
2. approve Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners).
3. Review and agree the Council’s guidelines for composition of hearings panels
4. conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991).
5. undertake hearings on road stopping under the Local Government Act 1974.
6. 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.
7. 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.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

15

8. hear appeals on officers' decisions to decline permission for an activity that would breach the Wellington Consolidated Bylaw 2008 Part 4 Liquor Control.
9. make any resolution required under section 319A of the Local Government Act 1974 (naming of roads).
10. make decisions under Clause 11(e), Schedule 10 of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.
11. make decisions on applications required under the Development Contribution Policy for remissions, postponements, reconsiderations and objections.
12. approve Commissioners and list members under the Sale and Supply of Alcohol Act 2012
13. Make all decisions requiring Council or Committee approval under the 'Leases Policy for Community and Recreation Groups'.

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

- The Chair consults the Deputy Mayor (and when the panel is for a plan change, also the Portfolio Leader for Urban Development).
- 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).

### 3.4 CEO Performance Review Committee

<b>Chair</b>	Deputy Mayor Paul Eagle
<b>Membership</b>	Mayor Justin Lester Councillor Jill Day Councillor Andy Foster Councillor Iona Pannett Councillor Diane Calvert
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

#### Area of focus

The CEO Performance Review Committee will have responsibility for the effective monitoring of the Chief Executive Officer’s performance and has the authority to undertake the annual remuneration review. The Committee also has the role of undertaking any review for the purposes of clause 35 schedule 7 LGA 2002, making a recommendation under clause 34 schedule 7 LGA 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

#### Terms of Reference (Delegations)

The Performance Review Committee will have responsibility and authority to:

1. agree with the Chief Executive the annual performance objectives;
2. undertake a 6 monthly review to review progress against the annual performance objectives, provide feedback, and agree any modifications to the annual performance objectives with the Chief Executive;
3. conduct the performance review required in the employment agreement between the Council and the Chief Executive;
4. undertake the annual remuneration review and make decisions regarding remuneration;
5. 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;
6. conduct and complete a review of employment under clause 35 schedule 7 LGA 2002, and make a recommendation to Council under clause 34 schedule 7 LGA 2002
7. oversee any recruitment and selection process for a Chief Executive (noting that a decision on appointment must by law be made by the Council).

NOTE: Twice annually the Chair and Mayor will receive a 6 month report on the Chief Executive’s “sensitive expenditure” (as defined in the Council’s ‘Sensitive Expenditure’ Guidelines). The Chair and Mayor have the discretion to refer any such report to the Committee for noting.

## 4 SUBCOMMITTEES

### 4.1 Finance, Audit and Risk Management Subcommittee

<b>Chair</b>	Councillor Andy Foster
<b>Membership</b>	Mayor Justin Lester Councillor Nicola Young Councillor Diane Calvert
<b>External Membership</b>	Two externals
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3 (including at least one external member)
<b>Frequency of meeting</b>	Quarterly or as and when required

#### Area of focus

The Finance, Audit and Risk Management Subcommittee provides objective advice and recommendations regarding the sufficiency, quality and results of assurance on the adequacy and functioning of the council's financial processes, 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.

The Finance, Audit and Risk Management Subcommittee has responsibility for assisting the Council to discharge its responsibilities for:

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

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

#### Terms of Reference (Delegations)

The Finance, Audit and Risk Subcommittee has responsibility and authority to:

1. undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

18

**Audit**

2. Internal Control Framework
  - a. Review whether management's approach to maintaining an effective internal control framework is sound and effective.
  - b. Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour.
  - c. Review whether management has in place relevant policies and procedures and how these are reviewed and monitored.
  - d. Review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud.
3. Internal Reporting
  - a. Consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council.
  - b. Seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.
4. External Reporting and Accountability
  - a. Agree the appropriateness of the Council's existing accounting policies and principles and any proposed change.
  - b. 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.
  - c. 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.
  - d. 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.
5. Risk Management
  - a. 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.
  - b. Consider whether appropriate action is being taken by Management to mitigate Council's significant risks.

6. Internal Audit
  - a. Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile.
  - b. Review the adequacy of management's implementation of internal audit recommendations.
  - c. Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.
7. External Audit
  - a. 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.
  - b. Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
  - c. 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.
8. Compliance with Legislation, Standards and Best Practice Guidelines
  - a. 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.

## 4.2 Grants Subcommittee

<b>Chair</b>	Councillor Sarah Free
<b>Membership</b>	Councillor Nicola Young Councillor Brian Dawson Councillor Peter Gilbert Councillor Jill Day
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

### Area of focus

The Grants Subcommittee is responsible for the effective allocation and monitoring of the Council's grants.

### Terms of Reference (Delegations)

The Grants Subcommittee has responsibility for and authority to:

1. consider the allocation of grants (including three year funding contracts) in in line with the relevant grants criteria and priorities (focus areas) for:
  - a. **ECONOMIC** Business Improvement District Development Fund
  - b. **CULTURAL WELLBEING**, Arts and Culture Fund
  - c. **SOCIAL & RECREATION** Social and Recreation Fund, The CH Iazard Bequest, Neighbours Day Aotearoa Fund, Sportsville Feasability Fund
  - d. **ENVIRONMENT** Our Living City Fund, Waste Minimisation Seed Fund (medium/large projects)
  - e. **URBAN DEVELOPMENT** Built Heritage Incentive Fund

Provided that the Subcommittee can approve any grant up to \$100,000 per annum and shall make recommendations to the City Strategy Committee for any grant over \$100,000 per annum.
2. approve the priorities for allocating grants within each grant fund annually.
3. review the criteria and focus areas for grants funds and make recommendations to the City Strategy Committee prior to the finalisation of the 2018-2028 Long-term Plan
4. consider and make recommendations to the Long-term and Annual Plan Committee, on grants for the Sportsville Partnership Fund (from 18/19) for consideration as part of the draft and final Long-term or Annual Plan.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

### 4.3 Council-Controlled Organisations Subcommittee

<b>Chair</b>	Councillor Simon Woolf
<b>Membership</b>	Mayor Justin Lester Deputy Mayor Paul Eagle Councillor Simon Marsh Councillor David Lee
<b>Parent Committee</b>	City Strategy Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	As and when required

#### Area of focus

The Council-Controlled Organisations Subcommittee is responsible for communicating the Council's priorities and strategic outcomes to CCOs and ensuring delivery by CCOs through the development of Statements of Intent and integration of CCO outcomes with the Council's Long-term Plan and Annual Plan funding processes and decisions. The Subcommittee is also responsible for monitoring the financial performance and delivery on strategic outcomes of the Council's CCOs.

#### Terms of Reference (Delegations)

The Council-Controlled Organisations Subcommittee has the responsibility for and authority to:

1. outline the Council's key priorities for each CCO to address in their Statement of Intent.
2. receive, review, and provide feedback on draft Statements of Intent
3. recommend Statements of Intent for approval by the City Strategy Committee
4. monitor the financial performance and the delivery of strategic outcomes of Council's CCO's through Quarterly and Annual Reports of CCO performance,
5. monitor board performance, including the performance of board members appointed by Council, raising any concerns with the Chair of the CCO
6. constructively engage with CCOs during the development of any Council strategy and policy or relevant submission by Council to an external entity (where relevant)
7. engage with CCOs and provide the members of the Subcommittee and the Board and Chief Executive the opportunity to discuss issues that have the potential to impact a CCOs funding, strategic outlook or risk management framework.
8. bring to the attention of the City Strategy Committee any matters that the Subcommittee believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCO's
9. receive reports and updates from COs, noting that while the Wellington Regional Stadium Trust 'WRST' is a CO, paragraphs [1-9] apply that that entity.

#### NOTES:

Because of specific arrangements in the shareholders agreements for Wellington Water and WREDA, paragraphs 1 and 2 still apply but the channel is through the joint committee responsible for governance of these entities.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

22

Paragraphs 1-9 do not apply to any CO, except for the Wellington Regional Stadium Trust  
'WRST'

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

## 5 REVENUE AND FINANCE WORKING PARTY

<b>Chair</b>	Councillor Andy Foster
<b>Membership</b>	Councillor Nicola Young Councillor Diane Calvert 2 additional members
<b>Parent Committee</b>	Long-term and Annual Plan Committee
<b>Quorum</b>	3
<b>Frequency of meeting</b>	A schedule of meetings will be agreed with the Working Party

### **Purpose of Working Party**

The purpose of the working party is to:

- a. Review the Revenue and Financing Policy at least annually as it applies to all activity components;
- b. Review the performance measure framework as part of the Long-term Plan process
- c. Review asset management plans as part of the Long-term Plan process;
- d. Provide a governance perspective and strategic overview of Council's revenue, funding and financing
- e. Provide input into the Annual Plan financials and underlying assumptions.

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

The Working Party will have specific responsibility to:

1. Review the Revenue and Financing Policy and be guided by the requirements of the Local Government Act 2002 to set funding sources for each activity component from the most appropriate source after considering:
  - a. the community outcomes to which the activity primarily contributes;
  - b. the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals;
  - c. the period over which those benefits are expected to occur;
  - d. the extent to which the action or inaction of particular individuals or a group contribute to the need to undertake the activity;
  - e. the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities;
  - f. the overall impact of any allocation of liability for revenue needs on the community.
2. Recommend the appropriate level for the commercial/residential rates differential and recommend any changes to rating resulting from rates reviews.
3. Recommend how capital funding should be reflected in Council policy (including Development Contributions);

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

24

4. Undertake an annual review of performance against current revenue and financing policy targets and recommend changes as appropriate;
5. Review and recommend any changes to the Council's financial policies as required under the Local Government Act 2002 (s102);
6. Make recommendations on other factors that may impact on the Council's rate funding or Revenue and Financing Policy.
7. Review the performance measurement framework as part of the long-term plan process, and recommend any amendments to the performance measurement framework.
8. Review asset management plans as part of the long-term plan process to ensure they:
  - a. identify the relevant levels of service and policies, together with associated demand forecasts, and confirm that the listed assets are suitable to deliver on these; and
  - b. provide for maintenance and renewal programmes that incorporate lifecycle asset management strategies that are cost effective, industry standard and optimise the use of the assets.
  - c. review the appropriateness of the degree of risk the Council will tolerate in managing assets.
9. Review the Annual Plan financials and underlying assumptions.

## **6 APPOINTMENTS GROUP**

<b>Chair</b>	Mayor Justin Lester
<b>Membership</b>	Deputy Mayor and Chair CCO subcommittee
<b>Parent Body</b>	Council
<b>Quorum</b>	Two
<b>Frequency of meeting</b>	As and when required

### **Area of Focus**

The Appointments Group's role is 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**

The Appointments Group has responsibility for and 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.

## 7 DISTRICT LICENSING COMMITTEE

<b>Chairs</b>	Sir Douglas Kidd (Commissioner) Murray Clearwater (Commissioner) Rex Woodhouse (Commissioner)
<b>Membership</b>	Zoe Doole Mary Hubble Sandra Kirby Kiri Rikihana Luke Tuffs Kate Thomson
<b>Executive</b>	The Chief Executive is the Secretary of District Licensing Committee/s. The Chief Executive may delegate this responsibility.
<b>Frequency of meeting</b>	As and when required

### Area of focus

The Sale and Supply of Alcohol Act 2012 requires the Council to appoint one 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.

### Terms of Reference (Delegations)

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

1. To consider and determine applications for licenses and manager's certificates.
2. To consider and determine applications for renewal of licences and manager's certificates.
3. 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.
4. To consider and determine applications for the variation, suspension, or cancellation of special licences.
5. 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).
6. With the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority.
7. To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act.
8. Any other functions conferred on licensing committees by or under the Act or any other enactment.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

27

**Reporting to Council**

The Secretary will prepare, for Council approval, an annual report on the proceedings and operations of the District Licensing Committees.

## 8 COMMUNITY BOARDS

### Tawa Community Board

<b>Chair</b>	[Insert]
<b>Deputy Chair</b>	[Insert]
<b>Members</b>	Graeme Hansen Richard Herbert Margaret Lucas Jack Marshall Robyn Parkinson  1 vacancy  Council Appointed Members: Cr Malcolm Sparrow and Cr Jill Day
<b>Quorum</b>	4
<b>Frequency of meeting</b>	To be determined by the Board

### Makara/Ohariu Community Board

<b>Chair</b>	[Insert]
<b>Deputy Chair</b>	[Insert]
<b>Members</b>	Christine Grace Hamish Todd Chris Renner John Apanowicz Wayne Rudd Judy Liddell
<b>Quorum</b>	3
<b>Frequency of meeting</b>	To be determined by the Board

#### Area of focus

The role of a Community Board is to:

- represent and act as an advocate for the interests of its community, and
- 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
- maintain an overview of services provided by the territorial authority within the community; and
- prepare an annual submission to the territorial authority for expenditure within the community; and

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

- communicate with community organisations and special interest groups within the community; and
- undertake any other responsibilities that are delegated to it by the territorial authority.

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

The Community Boards 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 will 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 has responsibility for and authority 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.
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:
  - a. monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided;
  - b. providing input to the Council's Long-term and Annual Plans;
  - c. providing input to proposed District Plan changes that impact on the Board's area;
  - d. providing input to strategies, policies and plans;
  - e. 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:
  - a. local road work priorities;
  - b. traffic management issues (such as traffic calming measures, pedestrian crossing, street lighting, etc);
  - c. street facilities management (such as taxi-stands, bus stops, bicycle stands, etc);
  - d. applications for licences under the Sale and Supply of Alcohol Act 2012;
  - e. application of the Resource Management Act (including notification decisions) within the Board's area;
  - f. the emergency management needs of the area, including the appointment of emergency centre coordinators.

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

30

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 may have up to two suitably-trained members available for selection to sit on hearings panels on resource management issues. 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.

## **9 SPECIFIC ROLE DESCRIPTIONS AND DELEGATIONS**

### **9.1 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. The Mayor will 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.
- Emergency Management.
- Relationships with iwi.
- Specific significant projects (to be determined at the Mayor's discretion).
- City Resilience.

In addition the Mayor has the delegated authority to:

1. Consider and approve the allocation of the Discretionary Grants Fund, in consultation with the Chair of the Grants Subcommittee.
2. Agree and enter into Memoranda of Understanding to enhance external relationships and partnerships, provided they are consistent with Council policy and direction.
3. Approve the Chief Executive's annual leave, overseas travel and expenditure on professional development.
4. Approve the Deputy Mayor's attendance at conferences and associated travel within New Zealand provided that it can be funded from the budget approved as part of the Annual Plan.

### **9.2 Deputy Mayor**

The Deputy Mayor will:

- assist the Mayor in carrying out the statutory and leadership role of the Mayor.
- if the Mayor is absent or incapacitated, 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).
- lead and take responsibility for liaison with Councillors on matters of support for carrying out their governance role.

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 subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.

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

- It can be funded from the budget approved as part of Annual Plan and
- The Deputy Mayor consults with one of either the Mayor or Chair of the City Strategy

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

32

Committee prior to approval

- Attendance is relevant to the member's role and responsibilities.

### 9.3 Other

The Mayor and Deputy Mayor and Chair of the City Strategy Committee<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 City Strategy Committee to consider the item on an agenda prior to the travel.

The Chair of the City Strategy Committee and the Portfolio Leader for Urban Development 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 City Strategy Committee, relevant Portfolio Leader and the Chief Executive are together authorised to approve Council submissions if there is insufficient time for the matter to be determined by the City Strategy Committee before the submission 'close date' (and all Councillors must be advised of the submission and provided copies if requested).

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

- The Chair consults the Deputy Mayor (and when the panel is for a plan change, also the Portfolio Leader for Urban Development).
- 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).

### 9.4 Chair of a Committee or Subcommittee

A Chair of a Committee or Subcommittee 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;
- where an issue does not come within a separate portfolio responsibility or is an issue of Committee process, act as the Council's spokesperson and point of contact for the committee's activities
- 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

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

- 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 report to their committee.
- ensure Council's advisory groups 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.

#### **9.4 Portfolio Leader**

A Portfolio Leader will:

- ensure progress is made towards the Council's strategic priorities and projects within their portfolio responsibility
- enhance relationships with key stakeholders
- act as the Council's spokesperson and point of contact for those activities within their 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 they cannot attend projects and activities
- as far as possible, attend Council launches of new activities and projects in their area of responsibility
- ensure Council's advisory groups have effective input into their portfolio area of responsibility
- meet regularly with the Mayor, Deputy Mayor, Chief Executive, Chair 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 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**

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

##### **External Communication**

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

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

34

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 portfolio are of responsibility.

**Officer Liaison**

Portfolio leaders act as the point of contact for officers in supporting the work programme in their area of activity.

## **10 CHIEF EXECUTIVE DELEGATIONS**

The Council has delegated the following matters to the Chief Executive under clause 32 of Schedule 7 of the Local Government Act 2002:

1. The Chief Executive is delegated all powers and authorities (other than those retained by Council, or contained within the delegations to committees or other subordinate decision-making bodies or community boards), subject to any legal limits on the Council's ability to do so, provided that the Chief Executive acts within the law, Council policy (as approved from time to time) and the Long-term Plan and Annual Plan.
2. The Chief Executive delegations authorise the following tolerance levels, in order to ensure effective and efficient delivery of the Long-term Plan and Annual Plan:
  - a. if the operating budget for an Activity area will be exceeded by an amount no greater than 5% for that year, but the overall Annual Plan budget level can be maintained, the Chief Executive has the authority to approve budget transfers between Activity areas, but subject to the following criteria:
    - (i) the overspends will not result in other projects or sub projects being cancelled or
    - (ii) any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the appropriate Committee for approval.
    - (iii) (Note, the net operating budget or surplus for this purpose excludes revaluations and gain/loss on sale of assets and any other extraordinary items).
  - b. if an individual Capital Expenditure project in the Annual Plan will be exceeded by an amount no greater than 10% for that year, the Chief Executive has the authority to approve that expenditure, as long as the overall Capital Expenditure budget for the year is not exceeded and subject to the following criteria:
    - (i) the overall Annual Plan capital expenditure dollar amount is not exceeded; and
    - (ii) any overspends must be offset by savings in the current year or a reduction in the dollar amount carried forward to the following years; and
    - (iii) the overspends will not result in other projects or sub projects being cancelled or
    - (iv) any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the appropriate Committee for approval.
    - (v) for any projects that straddle more than one financial year then the 10% applies to the total project cost and not the cost in the current financial year.
  - c. any actual or forecast variations to budget will be reported to the Council or a Committee of the whole of Council for noting and approval.
3. The Chief Executive has the authority to approve unbudgeted expenditure (either Capital or Operating) where the incurring of the expenditure relates to:
  - a. urgent health and safety or legislative requirements

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

36

- b. An emergency (whether one has been declared or not) provided that if the amount is in excess of \$1,000,000 then the Chief Executive must make every effort to inform the Mayor or Deputy Mayor before committing to the expenditure. However, in the event that the Chief Executive is unable to consult, then the Chief Executive is still authorised to commit to the expenditure, but must report the exercise of the delegation to the Mayor and Council as soon as practicable.
4. The authority to allocate funding from the City Growth Fund up to a total commitment of \$100,000 provided that:
  - a. The criteria of the Fund are met; and
  - b. The decision is made in consultation with, the Mayor and the Deputy Mayor.
5. The Chief Executive has the authority to sign any contract or memorandum of understanding in order to give effect to the Annual Plan and Long-term Plan and / or existing policy. Where the content relates to Council's relationship with external stakeholders / organisations, the Mayor must be advised. The Mayor will determine whether the Mayor or Chief Executive is the appropriate signatory and / or whether the matter is referred to Council or Committee

#### **Explanatory Notes to delegations**

- 1 This delegation affirms that the Long-term Plan and the Annual Plan provide the basis for the implementation of Council decisions by the Chief Executive. Through and under the Long-term Plan and Annual Plan, operational and capital expenditure budgets, fees and charges, service levels, specific projects, and other significant requirements are approved by the Council.
- 2 The Chief Executive and management are then authorised to proceed to make all arrangements in line with those decisions.
- 3 The delegations are supported by effective communication and constructive working arrangements between Elected Members and the Chief Executive, such as the quarterly report, regular briefings, Council and CEO only time, and the Chief Executive's Key Performance Indicators.

## 11 RESOURCE MANAGEMENT DELEGATIONS

1. Under the Chief Executive delegations (see Section 10) the Chief Executive has been delegated all powers and authorities under the Resource Management Act 1991 and Housing Accords and Special Housing Areas Act 2013 except:
  - a. the powers retained by Council or its Committees.
  - b. the functions, powers and duties to conduct Resource Management Act hearings on resource consent applications, designations, heritage orders and fee objections – which have been delegated to those persons on Council’s approved list of Hearings Commissioners.
  - c. the functions, powers and duties to conduct Housing Accords and Special Housing Areas Act hearings on resource consent applications - which have been delegated to those persons on the Council’s approved list of Hearings Commissioners.

2. The resolution of the Council on 14 November 2013, relating to paragraph 1(b) is as follows:

### **Resource Management Act 1991**

10. *Agree under the delegation provisions of the Resource Management Act 1991 (RMA) to delegate to those persons who are from time to time on the Council's schedule of approved hearings commissioners, the necessary functions, powers and duties to conduct Resource Management Act 1991 hearings on resource consent applications, designations, heritage orders, objections to additional charges and plan changes; and*
    - (a) *In the case of matters requiring a decision under clause 10 or 29(4) First Schedule Resource Management Act 1991, to make a recommendation to Council;*
    - (b) *In the case of designations (except where the Council is the Requiring Authority where (c) applies), to make a recommendation;*
    - (c) *For all other matters, to make a decision.*
  11. *Agree that the delegations in recommendation 10 above shall only be exercised by a hearings commissioner following the appointment of the particular hearings commissioner by the Chair of the Regulatory Processes Committee.*
3. The resolution relating to the Housing Accords Special Housing Area Act 2013 was made at a meeting of the Council on 17 December 2014.

## 12 APPENDICES

[Insert, if any]

Democratic Services  
Terms of Reference and Delegations for the 2016-2019 triennium, adopted by the Wellington City Council on [insert date].

39

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## **2016-2017 ELECTED MEMBER REMUNERATION**

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### **Purpose**

1. The report seeks the Council's approval for the proposed allocation of the pool for additional remuneration based on the new governance structure for the 2016/19 triennium.

### **Summary**

2. The Remuneration Authority (the Authority) advised Wellington City Council of the base salaries for elected members for the 2016/2017 financial year.
3. A pool is established to cover Councillors additional responsibilities. The pool is calculated by the Authority at 200 percent of a councillor's base salary. The figure available is \$164,836.
4. The report reflects the new governance structure and allocation of responsibilities as agreed at the Inaugural Council meeting on 26 October 2016. The Council is required to apply to the Authority for an amended determination.

### **Recommendations**

That the Council:

1. Receive the information.
2. Note that the Remuneration Authority has set the base annual salary for Wellington city council elected members as follows:
  - Mayor \$170,317;
  - Councillor \$82,418;
  - Chair Tawa Community Board \$17,864;
  - Member Tawa Community Board \$8,932
  - Chair Makara-Ohariu Community Board \$9,135
  - Member Makara-Ohariu Community Board \$4,568
3. Note that the Remuneration Authority has set a pool of \$164,836 (i.e. 200%, twice a councillor's base salary) to cover Councillors additional responsibilities.
4. Agree to make a submission to the Remuneration Authority recommending the following salaries for positions of additional payments for additional responsibility for the remainder of the 2016/2017 year (Option two – preferred option):
  - Deputy Mayor, \$109,403;
  - Chair City Strategy Committee, \$96,952;
  - Chairs of Regulatory Processes Committee and Finance and Audit and Risk Management, Grants and Council Controlled Organisations subcommittees and Portfolio Leaders, \$90,050.

### **Background**

5. The Authority has the responsibility for setting the remuneration and determining what expenses and allowances can be paid to elected members. The Authority has issued its information on base salaries for Councils for the 2016/17 year.

### Discussion

6. In 2012, the Authority made a number of significant changes to how remuneration is calculated for elected members following the report it issued in *2012 Remuneration setting proposal for local authorities: 2013 and beyond*. This included:
- Fixing a base salary for Mayor, Councillor and Community board Chairpersons and Members
  - Fixing a pool for additional responsibilities
  - Requiring a request to be put for additional remuneration for additional responsibilities.
7. The Authority has advised that it is still to fully implement the decisions from the 2012 report. It will conduct a new review of the remuneration framework and will engage further with local government.
8. The Authority has advised that it has increased the amount available for additional remuneration of councillors from one and a half times a councillor's salary to twice that of a councillor's base salary. The maximum amount available is \$164,836.
9. The Council is not obliged to allocate the total amount available. Officers are proposing allocating for additional responsibility at close to the 2016/17 level for the previous triennium, while reflecting the governance structure for the new triennium.
10. No additional payment is made to the Mayor.

### Options

11. There are two options.
12. Option one distinguishes between the duties and responsibilities of a Chair and Subcommittee Chair and a Portfolio Leader.

#### Option 1

Position	Base salary	Additional responsibility weighting	Total costs additional responsibility	Proposed New Total Salary 16/17	Previous Determination 16/17 approved by RA
Mayor	\$170,317	N/A		<b>\$170,317</b>	\$170,317
Deputy Mayor (including additional Committee Chair duties) (1)	\$82,418	30% \$24,725	<b>\$24,725</b>	<b>\$107,143</b>	\$107,143
Chair, City Strategy Committee (1)	\$82,418	16.30% \$13,434	<b>\$13,434</b>	<b>\$95,852</b>	\$95,869
Chair Regulatory Processes Committee & subcommittee (4)	82,418	9.60% \$7,912	<b>\$31,649</b>	<b>\$90,330</b>	\$90,322

Portfolio leaders (8)	\$82,418	5.10% \$4,203	<b>\$33,627</b>	<b>\$86,621</b>	\$86,605
Total additional allowed by Authority	200% \$164,836				
Total allocated by recommendation			<b>126%</b> <b>\$103,485</b>		150% \$123,627

13. This total allocated figure is lower as it reflects the new governance structure agreed by the Council at the Inaugural meeting but apportions the same percentages as previously determined by the Authority.

**Option Two**

Position	Base salary	Additional responsibility weighting	Total costs additional responsibility	Proposed New Total Salary 16/17	Previous Determination 16/17 approved by RA
Mayor	\$170,317	N/A		<b>\$170,317</b>	\$170,317
Deputy Mayor & Chair LTP & AP & CEO Performance Committees (1)	\$82,418	32.96% \$26, 985	<b>\$26,985</b>	<b>\$109,403</b>	\$107,143
Chair, City Strategy Committee (1)	\$82,418	17.76% \$14,534	<b>\$14,534</b>	<b>\$96,952</b>	\$95,869
Chairs Regulatory Processes Committee & subcommittees chairs & portfolio leaders(12)	82,418	9.26% \$7,632	<b>\$91,585</b>	<b>\$90,050</b>	\$90,322
Total additional allowed by Authority	200% \$164,836				
Total allocated by recommendation			<b>162%</b> <b>\$133,385</b>		150% \$123,646

14. Option two, detailed above, aligns with the Mayor's vision of how the Council will operate. The Mayor has indicated that he wants to work with the Council with a unified vision for the next three years. He has introduced a sharpened focus for some existing portfolios and introduced new responsibilities to ensure the incoming Council can meet the challenges of the Capital's growing population and economy. He has also mentioned in his Inaugural speech that he is proud of the Councillors who have put themselves forward to serve the city.
15. Option two recognises the additional responsibilities of the Deputy Mayor and the Chair of City Strategy Committee. All other councillors are remunerated on an equal basis as a result of a more streamlined committee structure and shared responsibility and duties across portfolio leaders.

**Attachments**

Nil

Author	Clare Sullivan, Principal Governance Advisor
Authoriser	Kane Patena, Director Governance and Assurance

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

No additional consultation was taken. The Authority consults with the Council.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi considerations.

### **Financial implications**

The base salaries for all elected members together with the pool for additional responsibilities is met from the allocation for elected member remuneration in the 2016/17 Annual Plan.

### **Policy and legislative implications**

There are no implications.

### **Risks / legal**

The Authority sets the determination for the Council based on legislation and the decision is gazzetted.

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

There is no impact.

### **Communications Plan**

The information is publically available.

### **Health and Safety Impact considered**

There are no impacts.



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## **APPOINTMENT OF COUNCILLOR AS MEMBER AND DEPUTY CHAIR OF WELLINGTON DISTRICT LICENSING COMMITTEE**

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### **Purpose**

1. This report asks Council to appoint a Councillor as a member and deputy chair of the Wellington District Licensing Committee (DLC).

### **Summary**

2. The Wellington DLC was appointed by Council under the Sale and Supply of Alcohol Act 2012 (the Act) to deal with alcohol licensing matters. When it was established, two Councillors were appointed as deputy chairs of the DLC to act in the absence of the three DLC chairs appointed by Council. The chairs have never been absent all at the same time, so the deputy chairs have not had an opportunity to sit on the DLC. Their term as deputy chairs expired at the end of the last triennium. If the Councillors had also been included as list members of the DLC, they would have had an opportunity to participate in public hearings / meetings and the DLC would have had the benefit of their experience / expertise in doing so.
3. Council is empowered under the Act to appoint deputy chairs to the DLC and to include the names of persons with experience relevant to alcohol licensing matters in the list of DLC members. It is recommended that Council include the name of one Councillor in the list of DLC members and appoint that same Councillor as deputy chair of the DLC for the term of this triennium.

### **Recommendations**

1. Receive the information.
2. Agree to include a Councillor in the Wellington District Licensing Committee (DLC) list of members and to appoint that Councillor as deputy chair of the DLC for their term of office during this triennium.

### **Background**

4. As required by s186 of the Act, the Council appointed Wellington DLCs to deal with alcohol licensing matters in the district.
5. The DLCs consider and determine all applications for alcohol licences, managers certificates, and temporary authority orders that enable licensed businesses to continue trading pending an alcohol licence being granted. Between 1 July 2015 to 30 June 2016 the DLCs issued 2065 decisions on such applications. The vast majority of these decisions are made 'on the papers' by a DLC chairperson alone.
6. Where an application is contentious, however, a public hearing or meeting will be convened at which a three person committee, comprising one chair and two members, will consider and determine the application. Between 1 July 2015 and 30 June 2016, the DLCs convened 16 meetings and 15 public hearings from which, in total, 51 decisions were issued.
7. The DLCs were established with effect from 18 December 2013, at which time the following individuals were appointed to the following roles:

### **Chairs**

Commissioner Hon Sir Douglas Kidd  
Commissioner Rex Woodhouse  
Commissioner Murray Clearwater

### **Deputy Chairs**

Cr Andy Foster  
Cr Iona Pannett

### **Members**

Zoe Doole  
Mary Hubble  
Hon Sir Douglas Kidd  
Sandra Kirby  
Kiri Rikihana  
Alick Shaw  
Kate Thomson  
Luke Tuffs

8. Mr Alick Shaw has since resigned as a member of the DLC. The appointment of Councillors Foster and Pannett as deputy chairs was for their term of office. Their appointments ceased at the end of the last triennium. All other chairs and members of the DLC remain the same. Their appointments are until 31 October 2018.
9. The Council is empowered to appoint any of its members to the role of deputy chair of the DLC, but a DLC deputy chair may only act “if the chairperson is unable to act because of illness or absence from New Zealand, or for other sufficient reason” – s189(3) of the Act. A deputy chair is only regarded as a member of the DLC while deputising for the chair – s189(4).
10. Neither of the deputy chairs appointed from 18 December 2013 had an opportunity to chair a DLC meeting or hearing during the term of their appointment because one of the three DLC chairs was always available to do so. Nor did they have an opportunity to sit on any of the meetings or public hearings of the DLC as a member because, to be a member of the DLC, a person’s name must be included on a list of members established, maintained and published by the Council – s192(1); the Councillors were not included in the DLC members list.
11. The deputy chairs were restricted in their ability to publically comment on alcohol licensing related matters due to the risk of being perceived to have a conflict of interest.
12. DLC public hearings are complex, quasi-judicial proceedings that attract the risk of appeal / judicial review. A range of processes and principles have been developed since the DLCs were first appointed to minimise these risks. In the event that a deputy chair is called on to chair a DLC public hearing, they will need to be appropriately trained / experienced in order to do so – the best possible experience would be to have sat as a member of the committee.

### **Discussion**

13. For this triennium, it is recommended that one Councillor be appointed as a deputy chair of the DLC **and also** be approved for inclusion on the list of DLC members. Based on the experience of the DLC workload since December 2013, this should provide adequate cover for any possible absences of the three chairs and would ensure the Councillor appointed as deputy chair had the opportunity to participate in

DLC decision-making processes as a member of the committee when not acting as deputy chair.

14. In order to be approved for inclusion on the list of DLC members, a person must “have experience relevant to alcohol licensing matters” – s192(2).
15. It is noted that both Councillors Andy Foster and Iona Pannett have the following relevant experience:
  - An understanding of Council’s approach to alcohol licensing policy for Wellington City;
  - Experience as Planning Commissioners addressing some similar issues in that capacity (e.g. amenity and good order);
  - Knowledge of their communities and a community perspective on DLC decision-making, which the new Act is designed to promote;
  - Training in alcohol licensing law and DLC decision-making processes in which the Councillors participated in their capacity as DLC deputy chairs during the last triennium. This included participation in two Wellington DLC annual meetings, DLC training through Local Government New Zealand, and on-going professional development via regular DLC newsletters and communications.
16. A person can be included on the DLC members’ list for up to 5 years, with renewals for periods of up to 5 years – s192(3). It is recommended that the Councillor be included on the list for the term of their appointment as a deputy chair, which corresponds to their term as a member of the territorial authority – s 189(3).

### **Risks**

17. The following risks with the recommended action have been identified:
  - Being a list member and deputy chair of the DLC could mean that the Councillor is called on to decide applications where there is a strong public interest that may give rise to conflict with their political / representative role as a Councillor. This risk would be mitigated through the standard conflict of interest check process that occurs before the appointment of members for every DLC fixture.
  - Appointing another name to the list of DLC members could reduce the work available to other DLC list members. The DLC workload has increased since its inception and one list member has resigned since that time. There is a process undertaken by the DLC committee advisor to select list members to sit on DLC meetings and hearings that is designed to ensure, so far as practicable, an equitable division of work. These factors will mitigate this potential risk.

### **Benefits**

18. The following benefits of the above recommendation have been identified:
  - The Councillor would bring valuable insight and experience to the role of DLC deputy chair and list member, including highly relevant knowledge / perspectives in relation to issues such as ‘amenity and good order’ and the policy framework within which DLC decision-making sits.
  - If appointed as both deputy chair and list member, the Councillor would have an opportunity to gain experience sitting on the DLC as a member, which would support them to best fulfil the role of deputy chair if called upon to do so.
  - The Councillor would have the opportunity to actively serve on the DLC, justifying the potential limitation placed on their political role by their appointment as a deputy chair.

**Attachments**

Nil

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Authoriser	Greg Orchard, Chief Operating Officer Kane Patena, Director Governance and Assurance

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

The DLC Secretariat and the Manager, Democratic Services have been consulted in relation to the recommendations and in agreement with them.

### **Treaty of Waitangi considerations**

n/a

### **Financial implications**

DLC members are engaged on contracts for services and remunerated for hours worked in accordance with the 'Cabinet Fees Framework.' The current level of remuneration for a DLC list member is \$51 excluding GST.

### **Policy and legislative implications**

The recommendations in the paper are in line with the relevant provisions of the Sale and Supply of Alcohol Act 2012.

### **Risks / legal**

As discussed in the body of the paper.

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

n/a

### **Communications Plan**

n/a

### **Health and Safety Impact considered**

All DLC members and chairs receive Health & Safety induction specific to their roles. Where the matters covered differ to the Health & Safety induction provided to Councillors, this will be supplemented for the new deputy chair / DLC list member.





















































JULY 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 no meetings in July	3 no meetings in July	4 no meetings in July	5 no meetings in July	6 no meetings in July	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				







NOVEMBER 2018						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 City Strategy Cmt 9.15am	2	3
4	5	6 Pre-city Strategy Cmt 9.15am	7	8 City Strategy Cmt 9.15am	9	10
11	12	13 Pre-city Strategy Cmt 9.15am	14 CCOs subcmt 9.15am	15 City Strategy Cmt 9.15am	16	17
18	19	20 Pre-city Strategy Cmt 9.15am	21	22 City Strategy Cmt 9.15am	23	24
25	26	27 Workshop	28 Council 5.30pm	29	30	



JANUARY 2019						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23 Wellington Anniversary	24	25	26
27	28	29	30	31		

















