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## **GOVERNANCE ARRANGEMENTS FOR 2013/2016 TRIENNIUM**

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### **1. Purpose of report**

In accordance with section 41A of the Local Government 2002 (LGA 2002), the Mayor has appointed Councillor Justin Lester as Deputy Mayor, established the committee structure for the 2013/2016 triennium and appointed chairpersons to those committees and a number of portfolio leaders.

The Council is now required to confirm its committee and subcommittee membership and to agree the formal terms of reference and delegations of those committees and subcommittees.

### **2. Recommendation**

It is recommended that Council:

1. *Receive the information.*

#### ***Committee Structure and Delegations***

2. *Confirm the committee and subcommittee memberships as announced by the Mayor in her memorandum (dated 24 October 2013) and received by Council at its meeting on 30 October 2013 (copy attached as Appendix 1).*
3. *Agree to the establishment and appointment of two further Portfolio Leaders as follows:*
  - (i) *Councillor Simon Woolf, Portfolio Leader, Community Engagement*
  - (ii) *Councillor Sarah Free, Portfolio Leader, Community Facilities*
4. *Agree the committee and subcommittee terms of reference and respective delegations attached as Appendix 2.*
5. *Agree the role descriptions and responsibilities of the Deputy Mayor, Chairs, and Portfolio Leaders set out in Appendix 2.*
6. *Agree to establish an Appointments Group, with the membership and functions as set out in Appendix 2.*

7. *Agree that Port Nicholson Block Settlement Trust (PNBST) and Te Rūnanga o Toa Rangatira Incorporated (TOA) may attend any meetings of the Governance, Finance and Planning Committee and the four subject based committees and take part in discussion and debate at those meetings.*
8. *Agree the specific delegations to the Mayor, Deputy Mayor, Chair of the Regulatory Processes Committee and the Chair of Transport and Urban Development Committee as set out in Appendix 2.*
9. *Agree the delegations for Tawa Community Board and Makara/Ohariu Community Board as set out in Appendix 2.*

### ***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 RMA 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 RMA, 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.*

### ***Committee Processes***

12. *Note that, where possible, briefings will be made to the relevant subject matter committee rather than holding a separate briefing meeting.*

### ***Chief Executive Delegations***

13. *Agree the delegations to the Chief Executive as set out in Appendix 2.*

## **3. Background**

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 2013/2016 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
- Decision taken once
- Public participation
- Open
- Transparency
- Accountable

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 our decisions are well informed by our communities.

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.

## **4. Discussion**

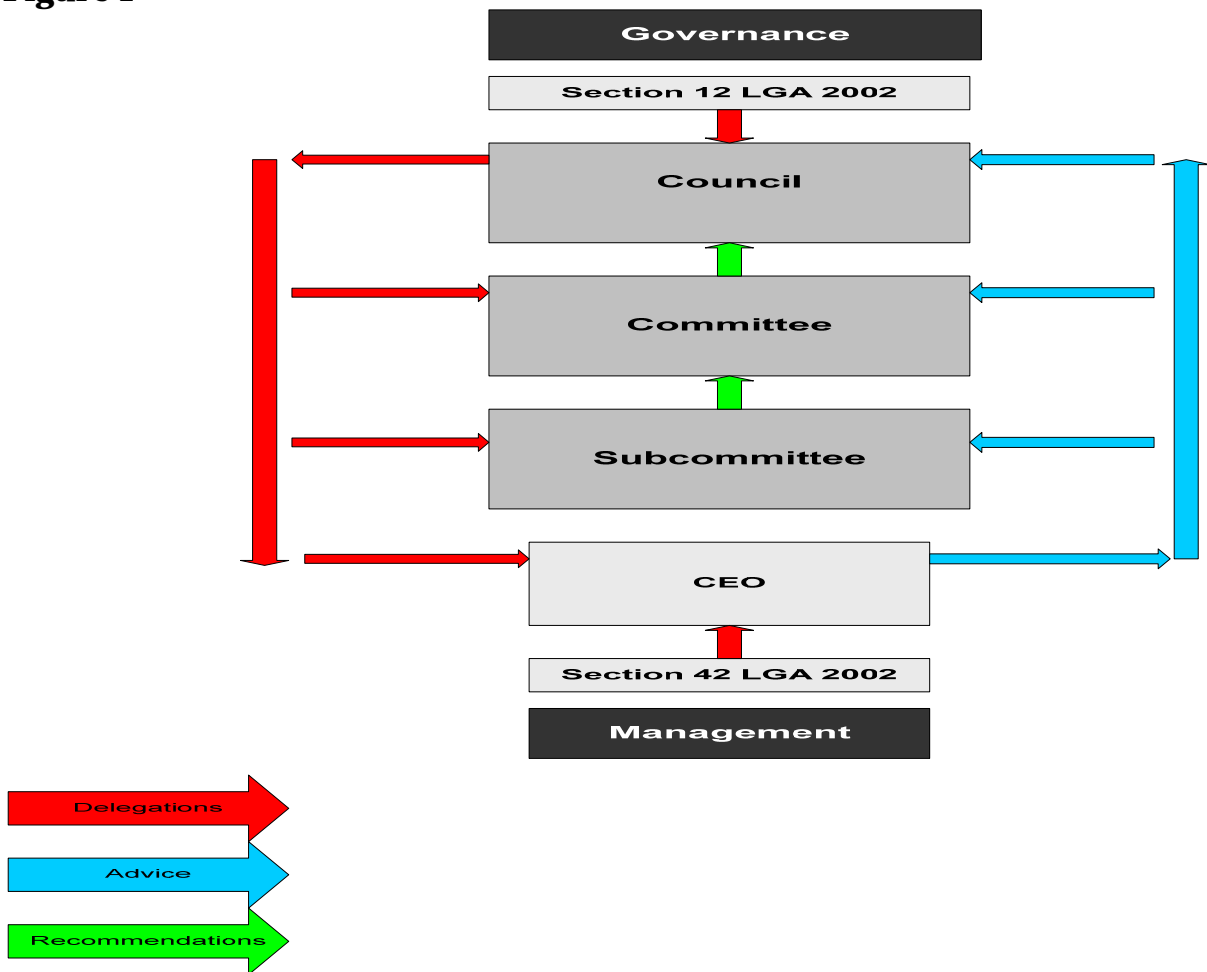
### **4.1 Delegation**

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 can not be delegated.

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, and cannot delegate.

Figure 1 outlines the governance and management framework contained in the LGA 2002 and highlights reporting lines for delegation, advice and recommendations.

**Figure 1**



#### **4.2 Committee Structure**

The Committee structure comprises the governing body, a committee of the whole, and 4 subject based committees and is supported by the other committees (Regulatory Processes Committee, Performance Review Committee and Audit and Risk Subcommittee).

Portfolio Leaders have also been appointed to the committee as a whole and the 4 subject based committees. Each Portfolio Leader has been allocated an area of responsibility within the relevant Committee's terms of reference. The role description and objectives of these positions are included in Appendix 2.

All Committees will work to build confidence in the Capital and confidence in the Council.

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

#### **Council**

Council is the paramount governing body which includes all elected members. It retains all powers that cannot be delegated and must be made by Council plus those judged to be of such significance that they should continue to be exercised

by Council. Council also provides a check and balance on decisions made by committees, and will approve strategy and policy referred to it by committee.

### **Governance Finance and Planning Committee**

The Committee is responsible for long-term planning, agreeing outcomes, priorities, performance frameworks and annual budgets and monitoring engagement with the city's communities. The Committee is responsible for developing the Long Term Plan, Annual Plan, Annual Report, and quarterly reports.

Portfolio Leader, Community Engagement – Councillor Simon Woolf

### **Economic Growth and Arts Committee**

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

Deputy Chair & Portfolio Leader, Small Medium Enterprises and Tertiary Liaison – Councillor Simon Marsh  
Portfolio Leader, Arts – Councillor Ray Ahipene-Mercer

### **Community Sport and Recreation Committee**

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

Portfolio Leader, Community Resilience – Councillor Malcolm Sparrow

Portfolio Leader, Community Facilities – Councillor Sarah Free

### **Environment Committee**

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

Portfolio Leader, Climate Change – Councillor David Lee  
Portfolio Leader, Natural Environment – Councillor Helene Ritchie

## **Transport and Urban Development Committee**

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

The Committee will also lead, develop and monitor a safe, efficient and sustainable transport system that supports Wellington's economy and adds to residents' quality of life.

Portfolio Leader, Buildings – Councillor Iona Pannett

Portfolio Leader, Central City Projects – Councillor Nicola Young

## **Regulatory Processes Committee**

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.

## **Performance Review Committee**

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

## **Audit and Risk Subcommittee**

The Audit and Risk Subcommittee monitors the Council's financial management and reporting and reviews the audit and risk function, ensuring the existence of sound external and internal programmes. It is a subcommittee of the Governance Finance and Planning Committee.

## **Appointments Group**

It is proposed that the process of interviewing and selecting candidates for recommendation to Council for Council Controlled Organisations and external roles on subcommittees continue to be done through a separate delegation from Council to the Mayor, Deputy Mayor and the Chief Executive.

## **Airport Liaison working group**

It is proposed that a working group be set up to liaise with the Eastern ward

communities and the Airport operations, not addressing funding or resource consent issues. The Governance Finance & Planning Committee has the delegation to set this up.

### **Use of Ad Hoc Bodies**

Under this governance structure, Council has the ability to set up ad hoc committees and subcommittees, or other subordinate decision-making bodies, if required.

### **4.3 Role Descriptions and Objectives**

The basis of the new committee structure is for all Councillors to 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. Role descriptions for the Deputy Mayor, Committee Chairs, Deputy Chair and Portfolio Leaders, setting out clear roles, responsibilities and boundaries for the positions are attached at Appendix 2.

### **4.4 Role Specific Delegations**

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

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

- Liaison with Central Government
- Regional Governance
- Emergency Management
- Relationship with iwi
- Specific significant projects (to be determined at the Mayor's discretion)

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).

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, relevance to the attendee's roles and responsibilities and interest. The importance of members reporting back from the conference remains. It is intended that the attendee reports back to the relevant committee, and that in the interests of timely and effective reporting, written reports will not be required, although they may be provided.

It is proposed that the decisions regarding overseas travel (whether for the purpose of training, representing the Council/ international relations, attending conferences) – and the associated travel (if any) is approved by the Governance Finance and Planning Committee. However (for urgent circumstances) there is a proposed delegation for approval to be given to the Mayor, Deputy Mayor and relevant Committee Chair.

The Chair of the Regulatory Processes Committee has a specific role to appoint hearings panels to hear and determine applications under the Resource Management Act 1991 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 Chair of the Transport and Urban Development Committee.

The timely resolution of District Plan appeals is a key priority for simplifying our District Plan. In addition the Environment Court now requires the parties to attend mediation with full authority to agree an outcome. A delegation is proposed to give the Chair of Transport and Urban Development Committee the authority to agree the resolution of minor appeals, in order to streamline the process for lower end/minor appeals.

#### **4.5 Relationship with Iwi**

The enduring relationship of iwi mana whenua to this city: its past, present and future is acknowledged.

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.

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).

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.”*

Both Memoranda of Understanding are MOU qre due to be 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.



Pending that review iwi are to be invited to join the Governance, Finance and Planning Committee; and the four subject based Committees as non voting members.

There will also be regular meetings with the Mayor and Chief Executive, including Councillors relevant to the issues at hand.

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

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.

Where possible briefings will be to the relevant subject based committee.

#### **4.7 Chief Executive Delegations**

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.

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.

The overall approach in the section 42 LGA 2002 , and 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.

The Council's existing delegations are that 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. In other words, if the Council or Committee has not retained the power it can exercise 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)

It is proposed to retain this approach to the Chief Executive delegations, but changes are proposed to improve the transparency and visibility of the financial delegations.

The proposed Chief Executive delegations are set out in appendix 2. The key changes from the existing delegations are to clarify the financial tolerances. The delegations in appendix 2 also record the delegations that apply to the City Growth Fund (renamed from the Wellington Economic Initiatives Development Fund). An additional clause is proposed to specifically cover memorandum of understanding, particularly where the objective of a memorandum is to record relationships and understandings with external organisations and stakeholders. In such cases the Mayor and Chief Executive will agree the appropriate signatory and/or whether the matter is to be referred to Council or Committee.

The delegations to the Chief Executive will be 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.

#### **4.8 Resource Management Act 1991**

Council has many functions under the Resource Management Act 1991 (RMA). 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

All other RMA functions are delegated to the Chief Executive, to enable the efficient administration of the Council's RMA 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.

It is proposed that the Transport and Urban Development Committee has 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.

As set out in section 4.4, the Chair of the Regulatory Processes Committee is to be given the authority to appoint hearings commissioners and the Chair of Transport and Urban Development the authority to approve the resolution of District Plan appeals for minor matters.

## **5. Conclusion**

Since the Mayor has announced the new governance and decision making structure that will operate for the 2013/2016 triennium, the Council needs to confirm its committee and subcommittee memberships, agree to the appointment of two further Portfolio Leaders, the role descriptions of the various positions and the formal terms of reference and delegations of its committees and subcommittees.

The adoption of the recommendations outlined in this report will achieve that.

Contact Officers: *Sally Dossor, Director, CEO's Office and Anusha Guler, Manager Democratic Services*

## MEMORANDUM



Date: Thursday 24 October 2013

To: Council

From: Her 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 2013 – 2016 triennium. The structure is designed to be inclusive at both a political and community level and facilitates quality decision making.

The governance structure is comprised of Council and five subject based committees:

Committee	Chairperson	Portfolio Leaders	Membership
Governance Finance and Planning	Deputy Mayor, Justin Lester		Mayor and all Councillors
Economic Growth and Arts	Cr Jo Coughlan Deputy Chairperson Cr Simon Marsh	Arts Cr Ray Ahipene Mercer  Small Medium Enterprise and Tertiary Liaison Cr Simon Marsh	Cr Ahipene-Mercer Cr Coughlan Cr Eagle Cr Lester Cr Marsh Cr Peck Cr Young
Community, Sports and Recreation	Cr Paul Eagle	Community Resilience Cr Malcolm Sparrow	Cr Eagle Cr Free Cr Marsh Cr Peck Cr Ritchie Cr Sparrow Cr Woolf
Environment	Cr Iona Pannett	Climate Change Cr David Lee  Natural Environment Cr Helene Ritchie	Cr Ahipene-Mercer Cr Foster Cr Free Cr Lee Cr Pannett Cr Ritchie Cr Sparrow
Transport and Urban Development	Cr Andy Foster	Buildings Cr Iona Pannett  Central City Projects Cr Nicola Young	Cr Coughlan Cr Foster Cr Lee Cr Lester Cr Pannett Cr Young Cr Woolf

Other Committees

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Committee	Chairperson	Membership
Regulatory Processes	Cr Ray Ahipene-Mercer	Cr Ahipene-Mercer Cr Foster Cr Lee Cr Pannett Cr Sparrow
Performance Review Committee	Deputy Mayor Justin Lester	Cr Coughlan Cr Lester Cr Marsh Cr Peck
Audit and Risk Subcommittee	Cr Mark Peck	Cr Peck Cr Marsh Cr Woolf Two external members

The Mayor is an ex officio member of every committee and subcommittee, other than a quasi-judicial committee.

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

- Inclusiveness of councillors
- Efficiency of decision making
- Strategic and integrated decision making
- Informed decision making
- Decision taken once
- Public participation
- Open
- Transparency
- Accountable

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 decisively as possible while ensuring that every decision is well informed by our communities.

## Delegations

The formal terms of reference and delegations on which the structure will be based will be considered at the 14 November 2013 meeting of Council. Other Councillor appointments - to Boards, Trusts and Advisory Groups - will also be considered at that meeting, as will the external appointments to the Audit and Risk Subcommittee.



Celia Wade-Brown  
Mayor of Wellington

# **Wellington City Council**

## **Terms of Reference and Delegations**

Adopted by the Wellington City Council -14 November 2013

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# 1. INTRODUCTION

## 1.1. General

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

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

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

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

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

## 1.2. Council

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

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

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

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

The Council has also decided to retain the following powers:

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

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### 1.3. Establishment of Committees

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

Committee includes, in relation to the Council:-

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

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

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

### 1.4. Iwi

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

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

The wording in each MOU provides:

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

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

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

### 1.5. Common Delegations

The following delegations are common to the Governance, Finance and Planning Committee and the four subject based Committees of the Council, within their areas of responsibility:

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### General Principle

1. The work of the 4 subject based Committees will be in accordance with the priorities and policy work programme agreed by the Governance, Finance and Planning Committee.
2. The Committee has the powers necessary to perform the Committee's responsibilities, within the approved Long Term Plan and Annual Plan budgets

### Strategy and policy

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

### Asset Management and service levels

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

### Consultation and engagement

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

### Submissions and legislation

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

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### Bylaws

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

### Council Controlled Organisations

15. Outline the Council's key priorities for each CCO to address in their Statement of Intent
16. Recommend the Statements of Intent for approval by Council each year
17. Monitoring of Quarterly and Annual Reports of CCO performance, including board performance
18. Constructively engage with CCOs during the development of key documents, including Council strategies, Long Term Plans, Annual Plans, and relevant Council submissions (as required)
19. Provide CCOs with an opportunity to discuss with the Council and answer elected member questions on relevant matters being considered by the Council, notably those which potentially have a direct impact on a CCO's funding, strategic outlook or risk management framework
20. Provide shareholder feedback or decisions on specific projects (when required) in a timely manner
21. Bring to the attention of the Governance, Finance and Planning Committee any matters that the Committee believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCO's under its control

### Property and other assets

22. 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)
23. Recommend to Council the acquisition or disposal of assets relating to the Committee's responsibilities, unless the acquisition or disposal is provided for specifically in the Long Term Plan

### Projects and programmes

24. Monitoring and oversight of projects and programmes within area of responsibility

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### Grants

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

### Other

27. 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
28. The commissioning of new Committee reports and policy work must be required to enable the Council agreed priorities and/or the agreed policy programme of work agreed by the Governance, Finance and Planning Committee
29. Establish any new subcommittee or working party and approve its terms of reference

## 1.6. Delegations to the Mayor

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

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

- Central Government liaison
- Regional Governance
- Emergency Management
- Relationships with iwi
- Specific significant projects (to be determined at the Mayors discretion)

In addition the Mayor has the delegated authority to:

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

## 1.7. Role specific Delegations

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

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

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

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

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

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

### 1.8. Advisory and Reference Groups

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

### 1.9. Quorum

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

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

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

Vacancies are not included in calculating the quorum.

### 1.10. Ambiguity and Conflict

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

### GOVERNANCE, FINANCE AND PLANNING COMMITTEE

#### Area of focus

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

#### Terms of Reference (Delegations)

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

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

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

1. develop the Council's draft and final LTP, Annual Plan, and all other policies required under the Local Government Act 2002 to be included in the LTP (including but not limited to the funding and financial policies and the Significance Policy) for recommendation to Council;
2. determine the form and extent of public consultation methods to be employed for the draft Annual Plan and LTP;
3. receive and consider reports on the Council's performance against the LTP and Annual Plan;
4. review and recommend to Council the adoption of the Annual Report;
5. set fees in accordance with legislative requirements unless the fees are set under a bylaw or set as part of the LTP or Annual Plan (in which case the decision is retained by Council and the committee has the power of recommendation);
6. approve exceeding the budget level for an Activity Area with no commensurate savings elsewhere, up to \$500,000 and recommend to Council amounts exceeding \$500,000
7. review, develop and recommend to Council policy and practices in respect of governance (including representation reviews and related issues);
8. oversee, develop and approve an appropriate Council response on the Treaty of Waitangi and relationship with Maori;
9. Undertake any reviews of CCO's and agree CCO changes to governance arrangements;



## APPENDIX 2

10. receive reports from the Council's Advisory Groups and monitor engagement with the city's communities;
11. review the Advisory Groups and Forums and agree the preferred model;
12. approve the 3 year Waterfront Development Plan for including in the LTP and agree any variances for including in the Annual Plan that includes broad priorities for work and projected activities for the period, having received recommendations on Urban Design matters from the Transport and Urban Development Committee;
13. approve the attendance and associated costs of elected members at overseas Conferences, Seminars, Training or Events, representing the Council;
14. establish the Council Airport Liaison Working Group;

### Membership (Mayor and all Councillors)

Chairperson: Deputy Mayor Justin Lester

Members: Her Worship the Mayor Celia Wade-Brown  
Cr Ray Ahipene-Mercer  
Cr Jo Coughlan  
Cr Andy Foster  
Cr Sarah Free  
Cr David Lee  
Cr Simon Marsh  
Cr Iona Pannett  
Cr Mark Peck  
Cr Paul Eagle  
Cr Helene Ritchie  
Cr Malcolm Sparrow  
Cr Simon Woolf  
Cr Nicola Young

Quorum: 8 members

### Relevant Portfolios:

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

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

Advisory Groups Pacific Advisory Group  
Youth Council  
Accessibility Advisory Group

Asset Management Plans: Commercial Buildings

Frequency of Meetings: As and when required.

## ECONOMIC GROWTH AND ARTS COMMITTEE

### Area of focus

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

### Terms of Reference (Delegations)

The Economic Growth and Arts Committee will have responsibility for:

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

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

### Membership (Mayor and Seven Councillors)

Chairperson: Cr Jo Coughlan

Deputy Chairperson: Cr Simon Marsh

Members: Her Worship the Mayor Celia Wade-Brown  
Cr Ray Ahipene-Mercer  
Cr Paul Eagle  
Cr Justin Lester  
Cr Mark Peck  
Cr Nicola Young

Quorum: 4 members

### Relevant Portfolios:

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

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

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

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

**CCOs:** Basin Reserve Trust (BRT)  
Positively Wellington Tourism (PWT)  
Positively Wellington Venues Limited (PWV)  
Wellington Museums Trust (WMT)  
Wellington Regional Stadium Trust  
Wellington International Airport Ltd (WIAL)

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

**Asset Management Plans:** CCO Assets

**Frequency of Meetings:** 6 weekly

### COMMUNITY SPORT AND RECREATION COMMITTEE

#### Area of focus

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

#### Terms of Reference (Delegations)

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

- Marina
- Libraries
- Sports Fields
- Social Housing
- Community Halls
- Swimming Pools
- Cemeteries
- City Safety
- Public Health and Safety
- Social and Cultural Festivals

The Community Sport and Recreation Committee will has the common delegations set out in Section 1.5

#### Membership (Mayor and Seven Councillors)

Chairperson: Cr Paul Eagle

Members: Her Worship the Mayor Celia Wade-Brown

- Cr Sarah Free
- Cr Simon Marsh
- Cr Mark Peck
- Cr Helene Ritchie
- Cr Malcolm Sparrow
- Cr Simon Woolf

Quorum: 4 members

#### Relevant Portfolio:

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

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

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

- Libraries
- Community Centres and Halls

## APPENDIX 2

Relevant Grants: Social and Recreation Fund  
School Pools Partnership Fund  
The CH Iazard Bequest

Asset Management Plans: Social Housing  
Community Facilities

Frequency of Meetings: 6 weekly

### ENVIRONMENT COMMITTEE

#### Area of focus

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

#### Terms of Reference (Delegations)

The Environment Committee will have responsibility for:

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

In addition to the common delegations identified in Section 1.5, the Environment Committee has the authority to:

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

Note for 1.1 Some of these powers being delegated to the Environment Committee may themselves be delegated to Council by the Minister of Conservation.

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### Membership (Mayor and Seven Councillors)

Chairperson: Cr Iona Pannett

Members: Her Worship the Mayor Celia Wade-Brown  
Cr Ray Ahipene-Mercer  
Cr Andy Foster  
Cr Sarah Free  
Cr David Lee  
Cr Helene Ritchie  
Cr Malcolm Sparrow

Quorum: 4 members

### Relevant Portfolios:

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

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

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

- Our Living City
- Town Belt
- Open Spaces and Reserves

CCOs: Wellington Zoo Trust  
Zealandia  
Capacity Infrastructure Services Ltd

Reference Group: Environmental Reference Group

Relevant Grant: Our Living City Fund

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

Frequency of Meetings: 6 weekly

## TRANSPORT AND URBAN DEVELOPMENT COMMITTEE

### Area of focus

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

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

### Terms of Reference (Delegations)

The Transport and Urban Development Committee will have responsibility for:

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

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

1. In relation to the Waterfront Project:
  - 1.1 conduct public engagement/consultation processes as required on design;
  - 1.2 develop and approve performance briefs for individual areas or sections of work;
  - 1.3 approve detailed designs for recommendation to Council (for consideration alongside the commercial terms of any proposal which will be reported direct to Council);
  - 1.4 monitor implementation including approval of variations from approved designs;
2. In respect of the District Plan:
  - 2.1 review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991)
  - 2.2 withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991;
3. Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
  - 3.1 to authorise the resolution of appeals on a proposed plan, plan change or variation;
  - 3.2 to decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the



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- resolution of any such appeal;
- 3.3 to consider and approve council submissions on a proposed plan, plan changes, and variations;
- 3.4 to manage the private plan change process;
- 3.5 to accept, adopt or reject private plan change applications under clause 25 First Schedule RMA.

### Membership (Mayor and Seven Councillors)

Chairperson: Cr Andy Foster

Members: Her Worship the Mayor Celia Wade-Brown  
Cr Jo Coughlan  
Cr David Lee  
Cr Justin Lester  
Cr Iona Pannett  
Cr Simon Woolf  
Cr Nicola Young

Quorum: 4 members

### Relevant Portfolios:

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

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

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

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

CCO: Wellington Waterfront Limited (WWL)  
Wellington Cable Car Limited (WCCL)

Advisory Group Safe and Sustainable Transport Advisory Group  
Waterfront Technical Advisory Group

Relevant Grant: Built Heritage Incentive Fund

Asset Management Plans: Roads

Frequency of Meetings: 6 weekly

### REGULATORY PROCESSES COMMITTEE

#### Area of focus

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

#### Terms of Reference (Delegations)

The Regulatory Processes Committee will have responsibility for:

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

The Regulatory Processes Committee will have responsibility and authority:

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

#### Membership (Mayor and Five Councillors)

Chairperson: Cr Ray Ahipene-Mercer

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

Quorum: 3 members

Frequency of Meetings: 6 weekly

## PERFORMANCE REVIEW COMMITTEE

### Area of focus

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

### Terms of Reference (Delegations)

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

The Performance Review Committee will have responsibility and authority to:

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

### Membership (Mayor and Four Councillors)

Chairperson: Deputy Mayor Justin Lester

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

Quorum: 3 members

Frequency of Meetings: As and when required

### AUDIT AND RISK SUBCOMMITTEE

#### Area of focus

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

#### Terms of Reference (Delegations)

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

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

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

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

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

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### 3. *External Reporting and Accountability*

- 3.1 agree the appropriateness of the Council's existing accounting policies and principles and any proposed change;
- 3.2 enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above;
- 3.3 satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive/Mayor and adoption of the Annual Report;
- 3.4 confirm that processes are in place to ensure that financial information included in the entity's Annual Report is consistent with the signed financial statements;

### 4. *Risk Management*

- 4.1 review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks;
- 4.2 consider whether appropriate action is being taken by Management to mitigate Council's significant risks;

### 5. *Internal Audit*

- 5.1 review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile;
- 5.2 review the adequacy of management's implementation of internal audit recommendations;
- 5.3 review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place;

### 6. *External Audit*

- 6.1 at the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor;
- 6.2 receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within;
- 6.3 conduct a members only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence;

### 7. *Compliance with Legislation, Standards and Best Practice Guidelines*

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- 7.1 review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and Best Practice Guidelines as applicable.

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

Chairperson: Cr Mark Peck

Members: Her Worship the Mayor Celia Wade-Brown  
Cr Simon Marsh  
Cr Simon Woolf

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

Parent Committee: Governance, Finance and Planning

Frequency of Meetings: Quarterly or as requested

### TAWA COMMUNITY BOARD

### MAKARA/OHARIU COMMUNITY BOARD

#### Area of focus

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

- (a) represent and act as an advocate for the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

#### Terms of Reference (Delegations)

The Community Board shall:

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

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

The Community Board is able to:

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



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make submissions or recommendations in response to those matters as appropriate. This will include:

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

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

### *Resource Management Hearings*

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

## Membership

### Tawa Community Board

Chairperson: To be confirmed

Elected Members: Graeme Hanson  
Richard Herbert  
Margaret Lucas  
Jack Marshall  
Alistair Sutton  
Robert Tredger

Appointed Members: 2 Northern Ward Councillors (to be confirmed)

Quorum: 4 members

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### Makara/Ohariu Community Board

Chairperson: To be confirmed

Members: Murray Burdan  
Christine Grace  
Judy Liddell  
Wayne Rudd  
Margie Scotts  
Hamish Todd

Quorum: 3 members

Frequency of Meetings: To be confirmed by the Boards.

# APPOINTMENTS GROUP

## Area of focus

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

## Terms of Reference (Delegations)

The Appointments Group has authority to:

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

## Membership:

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

### ROLE DESCRIPTION

#### Deputy Mayor: Generic

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##### *Role of the Deputy Mayor*

As the Deputy Mayor, you will:

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

### ROLE DESCRIPTION

#### Committee Chair: Generic

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##### *Role of the Chairperson*

As chairperson of Committee, you will:

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

##### *Reporting requirements*

A six monthly report on the performance of your Committee will be required to be presented to Governance, Finance and Planning, commencing in May 2014. This will assess progress towards the Council's strategic priorities, as agreed by Governance Finance & Planning Committee, and the overall objectives of the committee.

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

### ROLE DESCRIPTION

#### Portfolio Leader: Generic

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##### *Role of the Portfolio Leader*

As the Portfolio Leader, you will:

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

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

##### *External Representation and Relationships*

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

##### *External Communication*

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

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

## APPENDIX 2

### *Officer Liaison:*

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

### *Reporting requirements*

This portfolio reports to the XXX Committee.

A six monthly report of progress towards the Council's strategic priorities and overall objectives of the portfolio will be required, starting in April 2014.

## Chief Executive Delegations

### Chief Executive Delegations

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 LTP and Annual Plan:
  - 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 will have the authority to approve budget transfers between Activity areas, but subject to the following criteria:
    - the overspends will not result in other projects or sub projects being cancelled or
    - 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.  
(Note, the net operating budget or surplus for this purpose excludes revaluations and gain/loss on sale of assets and any other extraordinary items).
  - 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 will have the authority to approve that expenditure, as long as the overall Capital Expenditure budget for the year is not exceeded and subject to following criteria;
    - the overall Annual Plan capital expenditure dollar amount is not exceeded and;
    - 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
    - the overspends will not result in other projects or sub projects being cancelled or
    - 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.
    - 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.
  - 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;
  - urgent health and safety or legislative requirements
  - 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



## APPENDIX 2

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 power to allocate funds from the City Growth fund (formerly called the Wellington Economic Initiatives Development Fund) in accordance with the criteria of the fund, but for proposals greater than \$100,000, only in consultation with, and with the agreement of the majority of, the Mayor, the Deputy Mayor and the Chair Economic Growth and Arts.
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

### 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 LTP 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.