

# HUTT CITY COUNCIL TERMS OF REFERENCE

These Terms of Reference set out the principal areas for which Council maintains overall responsibility. They also set out the delegations of Council functions, duties, and powers to Council committees and working groups.

The delegations in these Terms of Reference are expressed in general terms. They are to be read together with the following propositions.

These Terms of Reference:

- Do not delegate any function, duty or power which a statute (for example, clause 32 of Schedule 7 of the Local Government Act 2002) prohibits from being delegated; and
- Are subject to Council's authority to elect to exercise any of the powers delegated in these Terms of Reference; and
- Do not affect any delegation which the Council has already made or subsequently makes to a Council officer or other member of staff. Note: where a committee has a delegation that overlaps with a delegation made to an officer, it will be presumed that the delegation will be exercised by the officer unless the matter is brought before Council or a committee for its decision; and
- Are subject to any other statutory requirements that may apply to a particular delegation (for example, section 12 of the Fencing of Swimming Pools Act 1987);
- Do not delegate the power to sub-delegate or create subcommittees.

## COUNCIL

**Membership:** 13

**Meeting Cycle:** Council meets on a six weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)

### POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)<sup>1</sup>:

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Act in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Public Works Act 1981 or the Resource Management Act 1991 that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy.

### DECIDE ON:

#### Policy issues

- Adoption of all policy required by legislation.
- Adoption of policies with a city-wide or strategic focus.

#### District Plan

- Promotion of Plan Changes and Variations recommended by the District Plan Committee prior to public notification.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.

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<sup>1</sup> Work required prior to the making of any of these decisions may be deleted.

- Approval, to make operative, of District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

### **Representation, electoral and governance matters**

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct and Local Governance Statement.
- Elected Members Remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- All matters identified in these Terms of Reference as delegated to Council Committees (or otherwise delegated by the Council) and oversee those delegations.
- Council's delegations to officers and community boards.

### **Delegations and employment of the Chief Executive**

The review and negotiation of the contract, performance agreement and remuneration of the Chief Executive.

### **Meetings and committees**

- Standing Orders for Council and its committees.
- Council's annual meeting schedule.

### **Operational matters**

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation and approval of annual Statements of Corporate Intent on the recommendation of the Finance and Performance Committee.
- Civil Defence Emergency Management Group matters requiring Council's input.
- Road closing and road stopping matters.
- All other matters for which final authority is not delegated.

### **Appoint:**

- The non-elected members of the Standing Committees (including extraordinary vacancies of non-elected representatives).
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.
- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate standing committee and/or outside organisations).
- The Chief Executive of Hutt City Council.
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.

## **POLICY AND REGULATORY COMMITTEE**

<b>Membership:</b>	<b>11</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Membership Hearings:</b>	<b>Minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers. The inclusion of an independent Commissioner as the rule rather than the exception</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE:**

- To assist the Council monitor the development of strategies and policy that meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- To consider matters relating to the regulatory and quasi-judicial responsibilities of the Council under legislation. This includes, without limitation, matters under the RMA including the hearing of resource management applications.

### **Determine:**

- Maintain an overview of work programmes carried out by the Council's Environmental Consents, Regulatory Services and strategy and policy development activities.
- Draft policies for public consultation, excluding those that will subsequently be required to follow a statutory process
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility
- Hearing and deciding notified resource consent applications.
- Hearing and deciding objections to conditions imposed on resource consents
- Hearing and deciding any matter notified under the Local Government Act 2002
- Hearing and deciding objections to the classification of dangerous dogs under section 31 of the Dog Control Act 1996 and abatement notices regarding barking dogs under section 55 of that Act
- Hearing and deciding objections to the classification of dogs as menacing dogs under sections 33A and 33C of the Dog Control Act 1996
- Hearing objections to specified traffic matters where the community board wishes to take an advocacy role
- Exercising the power of waiver under section 42A (4) of the Resource Management Act of the requirement to provide parties with copies of written reports prior to hearings
- Authorising the submission of appeals to the Environment Court on behalf of Council

- To appoint a subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee. The Chair of the Policy and Regulatory Committee is also delegated this function.
- All statutory requirements under the Reserves Act 1977 that require the Department of Conservation to ratify.

**Conduct of Hearings:**

- To conduct hearings where these are required as part of a statutory process<sup>2</sup>.
- Hearing of submissions required on any matters falling under the Terms of Reference for this committee or delegating to a panel to undertake hearings (this delegation is also held by the Chair of the Policy and Regulatory Committee).

**General:**

Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

**NOTE:**

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

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<sup>2</sup> When acting in this capacity the committee has a quasi-judicial role.

## CITY DEVELOPMENT COMMITTEE

<b>Membership:</b>	<b>11</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE:

To monitor Council's performance in promoting the on-going growth, redevelopment and improvement of the City, oversee the delivery of projects which contribute to these outcomes and to monitor the delivery of the regulatory and operational services in accordance with goals and objectives set by Council and ensure compliance with relevant legislation.

### Determine and where relevant monitor:

The framework and timetable for relevant work programmes contained in Council's policies, vision statements and strategies to ensure objectives are being met, including:

- The monitoring of key City Development Projects.
- Progress towards achievement of the Council's economic outcomes as outlined in the Economic Development Strategy.
- To consider the monitoring and review the outcomes from the major events programme.
- Oversight of the Advisory Group for economic development and city events.
- Temporary road closures and stopping associated with events.
- Naming new roads and alterations to street names (Central, Eastern, Western and Northern Wards only).
- The effective implementation of Council policies through monitoring the achievement of stated objectives.
- Exercise of Council's statutory and regulatory responsibilities and compliance with relevant legislation.
- Roading issues considered by the Mayor and Chief Executive to be strategic due to their significance on a city-wide basis, including links to the State Highway, or where their effects cross ward or community boundaries.
- Matters arising from issues raised relating to climate change.

### Review and make recommendations to Council on:

- Plans that promote for the on-going growth, redevelopment and improvement of Hutt City.
- Operational and capital projects to promote city development including associated issues such as scope, funding, prioritising and timing of projects.

- Changes to aspects of the LTP arising from issues raised before the committee in the course of its deliberations.
- Operational contracts, agreements, grants and funding for city and economic development purposes.
- Civil Defence Emergency Management Group Plan matters as required.

**General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

**Conduct:**

Hearing of submissions required on any matters falling under the Terms of Reference for this committee.

**Note:**

This does not include hearing objections to conditions imposed on resource consents which will be heard by the Council's Policy and Regulatory Committee.

## FINANCE AND PERFORMANCE COMMITTEE

<b>Membership:</b>	<b>10</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

To assist the Council execute its financial and performance monitoring obligations and associated risk, control and governance frameworks and processes.

#### **Determine and monitor:**

- Maintain an overview of work programmes carried out by the Council's organisational activities (excluding strategy and policy development).
- Progress towards achievement of the Council's objectives as set out in the LTP and Annual Plans.
- Revenue and expenditure targets of key City Development Projects.
- The effectiveness of the internal audit, risk management and internal control processes and programmes for the Council for each financial year.
- The integrity of reported performance information, both financial and non-financial information at the completion of Council's Annual Report and external accountability reporting requirements.
- Oversight of external auditor engagement and outputs.
- Compliance with Council's Treasury Risk Management Policy,
- Requests for rates remissions.
- Approval of overseas travel for elected members..
- Requests for loan guarantees from qualifying community organisations where the applications are within the approved guidelines and policy limits.

#### **Consider and make recommendations to Council:**

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- The approval of The Statements of Intent for Council Controlled Organisations, and Council Controlled Trading Organisations, and monitoring progress against the Statements of Intent.
- The adoption of the Council's Annual Report.

#### **General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.



## COMMUNITY SERVICES COMMITTEE

<b>Membership:</b>	<b>9</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

To assist the Council with the development of community services which contribute to the character, culture, and identity of the city and to pursue an active community development role in active partnership with local communities.

#### **Determine and monitor:**

- To approve and/or monitor where required the allocation of grants to the following areas:
  - Community Development Fund.
  - Community Houses/Centres Fund.
- Key Community Projects.
- Progress towards achievement of the Council's Environmental Sustainability Strategy.
- Advocacy in conjunction with Healthy Families Lower Hutt to maintain and to improve health services, and to comment on issues to do with health that impinges upon the well-being of communities.
- Progress towards strategies, policies and visions that provide for social and cultural wellbeing of the City including but not limited to, Safe City and Liquor Bans.
- Official naming of parks, reserves and sports grounds within the provisions of Council's Naming Policy<sup>3</sup> (Central, Eastern, Western and Northern Wards only).
- Parks, reserves and sports ground naming for sites that have a high profile, city-wide importance due to their size and location and/or cross ward or community boundaries.
- The granting of leases and licences in terms of Council policy to voluntary organisations for Council owned properties in their local area, for example, halls, including the granting of leases and licences to community houses and centres (Central, Eastern, Western and Northern Wards only).

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<sup>3</sup> This excludes sites that are considered high profile, significant on a city-wide basis due to their size and location, or where the site crosses ward or community boundaries.

- Removal and/or planting of street trees within the provisions of Council's Operational Guide for Urban Forest Plan)<sup>4</sup> (Central, Eastern, Western and Northern Wards only).
- The granting of rights-of-way and other easements over local purpose reserves and granting of leases or licences on local purpose reserves (Central, Eastern, Western and Northern Wards only).
- The granting of leases and licences for new activities in terms of Council policy to community and commercial organisations over recreation reserves subject to the provisions of the Reserves Act 1977 and land managed as reserve subject to the provisions of the Local Government 2002, in their local area. (Central, Eastern, Western and Northern Wards only).
- Matters arising from the activities of Community Houses.
- Maintain an overview of work programmes carried out by the Council's Libraries, Museums, Aquatics and Recreation, Parks and Reserves, Community Safety and Connections and Emergency Management activities.

**Consider and make recommendations to Council:**

Matters arising from Council for consideration by the Committee to report back.

**General:**

- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.

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<sup>4</sup> The Operational Guide for Urban Forest Plan is available from Council's Parks and Gardens Division.

## CIVIC HONOURS COMMITTEE

<b>Membership:</b>	<b>11</b> <b>The Mayor</b> <b>6 Councillors (on representing each ward)</b> <b>4 Community representatives</b>
<b>Alternate:</b>	<b>6 Councillors (on representing each ward)</b>
<b>Meeting Cycle:</b>	<b>Annually</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

Civic Honours selection.

**Determine and monitor:**

The selection of the recipients of the annual Civic Honours awards.

## DISTRICT PLAN COMMITTEE

<b>Membership:</b>	<b>6 elected members</b>
	<b>Chair: RMA Certified (RMA hearing commissioner under Making Good Decisions programme)</b>
	<b>Minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.</b>
	<b>The inclusion of independent Commissioners in hearing subcommittees or hearing panels as appropriate</b>
<b>Quorum:</b>	<b>3</b>
<b>Meeting Cycle:</b>	<b>Meets on a six weekly basis, as required or at the requisition of the Chair</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

To monitor the effectiveness of the City of Lower Hutt District Plan as a strategic policy and operational document for the district and facilitate consideration of Plan Changes.

To consider matters relating to quasi-judicial responsibilities of the Council under legislation. This includes matters under the RMA including district plan hearings.

#### Recommend

- Recommend to Council District Plan changes and District Plan variations for Council approval prior to notification.
- Recommend to Council private District Plan Change requests for Council to Accept, Adopt or Reject.
- Recommend to the relevant Requiring Authority decisions on all matters concerning Designations and Notices of Requirements in accordance with Part 8 of the Resource Management Act 1991.
- Recommend to Council for final approval, to make operative, District Plan and District Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).

#### Determine

- Determine all other matters (including decisions requested by submitters) concerning the District Plan and District Plan changes (in accordance with Schedule 1 of the Resource Management Act 1991)."
- Exercise the power of waiver of the requirement to provide parties with copies of written reports prior to hearings (under Section 42A (4) of the Resource Management Act 1991).
- Appoint a subcommittee or hearing panel of suitably qualified person(s) to conduct statutory hearings on behalf of the Committee. The Chair of the District Plan Committee is also delegated this function.

## **General**

- Set the District Plan Work Programme and monitor its implementation.
- Develop and review appropriate strategies and policies in relation to the District Plan.
- Approve and forward submissions to other authorities on matters relevant to the Committee's area of responsibility.
- Monitor the effectiveness of the District Plan and consider issues raised with the committee.

## **NOTE:**

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Making Good Decisions RMA training that MfE runs (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

## **COMMUNITY PLAN COMMITTEE**

**(Committee of Council as a whole)**

<b>Membership:</b>	<b>13</b>
<b>Quorum:</b>	<b>Half of the members</b>
<b>Meeting Cycle:</b>	<b>Meets as required during LTP and Annual Plan processes</b>
<b>Reports to:</b>	<b>Council</b>

### **PURPOSE**

To carry out all necessary consideration and hearings, precedent to the Council's final adoption of Long Term Plans (LTP) and Annual Plans (AP).

#### **Receive and consider:**

Submissions with regard to the Hutt City Council's Assessment of Water and Sanitary Services.

#### **Determine:**

- The development of a framework and timetable for the LTP and AP processes.
- Appropriate public consultation and statements to the media.
- Such other matters as the Committee considers appropriate.
- The hearing of all public submissions.

#### **Consider and make recommendations to Council:**

- Rating levels and policies required as part of the LTP.
- The Council's Proposed Draft Long Term Plan and final LTP.
- The Council's Annual Plan.
- Final content and wording, and adoption of the final Hutt City Council Assessment of Water and Sanitary Services.

## (ATTACHMENT TO COMMUNITY PLAN COMMITTEE TERMS OF REFERENCE)

Extract from the Controller and Auditor General's October 2010 Good Practice Guide: Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968

### **Appointment as the local authority's representative on another organisation**

- 5.47 You may have been appointed as the authority's representative on the governing body of a council-controlled organisation or another body (for example, a community-based trust).
- 5.48 That role will not usually prevent you from participating in authority matters concerning the other organisation – especially if the role gives you specialised knowledge that it would be valuable to contribute.
- 5.49 However, you could create legal risks to the decision if your participation in that decision raises a conflict between your duty as a member of the local authority and any duty to act in the interests of the other organisation. These situations are not clear cut and will often require careful consideration and specific legal advice.
- 5.50 Similarly, if your involvement with the other organisation raises a risk of predetermination, the legal risks to the decision of the authority as a result of your participation may be higher, for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.

## TEMPORARY ROAD CLOSURES SUBCOMMITTEE

<b>Membership:</b>	<b>5</b>
<b>Quorum:</b>	<b>3</b>
<b>Meeting Cycle:</b>	<b>As required.</b>
<b>Parent Body:</b>	<b>The Temporary Road Closures Subcommittee will report to the City Development Committee</b>

### PURPOSE

The Temporary Road Closures Subcommittee has primary responsibility for approving temporary road closures.

#### **The Temporary Road Closures Subcommittee will have authority to:**

- 1.0 Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.
  - 1.1 Determine the procedure to be adopted by the Subcommittee when making a decision in 1.0 above.
  - 1.2 Make decisions on any other ancillary matter related to 1.0 above including without limitation approval of temporary “No Stopping” restrictions under Hutt City Council Traffic Bylaw 2007.

#### **Delegated Authority:**

The Temporary Road Closures Subcommittee will have delegated authority to carry out activities within its terms of reference.



## DISTRICT LICENSING COMMITTEE

<b>Membership:</b>	<b>6 Members comprising the Chair, Deputy Chair and four list members.</b>
<b>Quorum:</b>	<b>3 (<u>opposed</u> licence or manager's certificate applications) 1 Chair (<u>unopposed</u> licence or manager's certificate applications)</b>
<b>Meeting Cycle:</b>	<b>As required.</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

The functions of the District Licensing Committee are specified under the Sale and Supply of Alcohol Act 2012 and are:

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

#### **Determine**

The District Licensing Committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

#### **Develop, review and make recommendations to Council on:**

- Trends / issues identified by the Committee from the administration of the Sale and Supply of Alcohol Act 2012.
- The annual report required to be produced by Council under Section 199 of the Sale and Supply of Alcohol Act 2012.

#### **Conduct:**

- An application that is not opposed by any of the reporting agencies (Police, medical officer of health or licensing inspector) may be dealt with by the chair "on the papers". A meeting is not required in this case.
- Where a meeting of the Committee is required, a quorum of three is required. Those persons must be from the list required to be adopted by Council under section 192 of the Sale and Supply of

Alcohol Act 2012. The Mayor and Deputy Mayor are not ex-officio members in the case of the District Licensing Committee. The Mayor and Deputy Mayor can be members of the Committee if they qualify under Section 192 of the Act.

- The Council can appoint as many commissioners and members to its list that it requires. The Chair of the Policy and Regulatory Committee will appoint three people from the list to specific meetings (Chair and two members).
- The provisions of the Local Government Official Information and Meetings Act 1987, other than Part 7, apply to every licensing committee.
- Subject to the provisions of this Act and of any regulations made under this Act, the authority or committee may regulate its procedure in such manner as it thinks fit (refer Section 203(9) of the Sale and Supply of Alcohol Act 2012).

**General:**

Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

## TRAFFIC SUBCOMMITTEE

<b>Membership:</b>	<b>One Councillor from each Ward</b>
<b>Alternates:</b>	<b>One Councillor from each Ward</b>
<b>Quorum:</b>	<b>3</b>
<b>Meeting Cycle:</b>	<b>The Traffic Subcommittee will meet on a six weekly basis.</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

The Traffic Subcommittee has primary responsibility for considering and making recommendations to Council on traffic matters and consider any traffic matters referred to it by Council.

For the avoidance of doubt, “traffic” includes parking and excludes temporary road closures under clause 11(e) of the Tenth Schedule of the LGA 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.

### TERMS OF REFERENCE:

The Traffic Subcommittee will have authority to:

- 1.0 Do all things necessary to hear, consider and make recommendations to Council on any traffic related matter.
- 1.1 Regulate its own processes and proceedings to achieve its purpose and objective.
- 1.2 Provide options for the consideration of Council.

The Chair will have authority to:

- 1.3 Refer any traffic matter to:
  - 1.3.1 A Community Board; or
  - 1.3.2 The Policy and Regulatory Committee; or
  - 1.3.3 Council.

### DELEGATED AUTHORITY:

The Traffic Subcommittee will have delegated authority to carry out activities within its terms of reference.

## CHIEF EXECUTIVE'S EMPLOYMENT SUBCOMMITTEE

<b>Membership:</b>	<b>4</b>
<b>Quorum:</b>	<b>2</b>
<b>Meeting Cycle:</b>	<b>Three times per annum or as required</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

The Chief Executive's Employment Subcommittee has primary responsibility for executing the Chief Executive's performance agreement and monitoring the Chief Executive's performance. The Subcommittee also has the responsibility, if required, of conducting a Chief Executive recruitment process.

#### **Review and make recommendations to Council on:**

- Setting the employment terms and conditions of the Chief Executive.
- Determining the remuneration of the Chief Executive.
- Managing the Council's working relationship with the Chief Executive which includes:
  - the setting of the performance targets and expectations, and to measure the Chief Executive's performance against those targets and expectations.
- A recruitment and selection process for a Chief Executive.
- Oversee any recruitment and selection process agreed to by the Council for a Chief Executive.

#### **Delegated Authority**

The Subcommittee shall have delegated authority to make recommendations to the Council.

## ARTS AND CULTURE SUBCOMMITTEE

<b>Membership:</b>	<b>10</b> (4 elected members, 1 iwi representative and 5 community representatives)  To be chaired by a Councillor.
<b>Quorum:</b>	<b>3</b>
<b>Meeting Cycle:</b>	<b>Meets on a quarterly basis, as required or at the requisition of the Chair</b>
<b>Reports to:</b>	<b>Community Services Committee</b>

### PURPOSE

To advise Council regarding a strategic direction for community arts and culture in Hutt City that aligns with the principles of Council's Arts and Culture Policy 2016-2021.

#### **Determine and monitor:**

- To ensure that outcomes outlined in the Council's Arts and Culture Policy 2016-2021 are achieved.
- To ensure the strategic direction for arts and culture supports tangata whenua and Lower Hutt's many diverse communities.
- To receive reports on grants in the following area: Community Arts and Culture Fund.
- To monitor fulfilment of Council's obligations towards Creative Communities funding.
- To foster communication between Council and the Lower Hutt arts sector.

#### **Consider and make recommendations to Council on:**

- Developments that support Council in achieving an increased focus on arts and culture in the city.
- Opportunities to strengthen the arts sector.

#### **General:**

Approval and forwarding of submissions on matters to other consent authorities on matters relevant to the Subcommittee's area of responsibility.

#### **Delegated Authority:**

The Arts and Culture Subcommittee will have delegated authority to carry out activities within its terms of reference.

## CODE OF CONDUCT COMMITTEE

<b>Membership:</b>	<b>4 - The Mayor (or delegate) and 3 Community Members</b>
<b>Quorum:</b>	<b>2</b>
<b>Meeting Cycle:</b>	<b>Meets as required</b>
<b>Reports to:</b>	<b>Council</b>

### PURPOSE

To carry out all necessary consideration and hearings and make decisions on material breaches of the Code of Conduct (the **Code**).

#### **Receive and consider:**

Reports from the Chief Executive, including the investigators report and any submissions from affected parties.

#### **Determine:**

On receipt of the Chief Executive's report, the Committee will:

- In considering a report from the Chief Executive, the Committee may, if necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- On consideration of the evidence, the Committee will decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- The Committee will inform the respondent and complainant of its decision in writing.

#### **Other matters**

No member of the Council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the Council or Committee to speak to their submission. This includes the Mayor. Where the Mayor determines he or she has an interest, the Committee will be comprised solely of non-Council members.

#### **Decision making**

Decisions of the Committee are final and binding on members.

## **HUTT VALLEY SERVICES COMMITTEE**

**(Special Committee of Council)**

**A joint committee of the Hutt City Council and the Upper Hutt City Council**

**Membership:** 4 elected members appointed by the Hutt City Council and 4 elected members appointed by the Upper Hutt City Council plus one alternate appointed by each Council

**Chair to alternate between the two Councils with Hutt City Council appointing the Chair in odd numbered years and the change taking place at the final meeting of each year**

**Quorum:** Half of the members

**Meeting Cycle:** Meets quarterly or as required

**Reports to:** Council

### **PURPOSE**

To facilitate coordination and decision-making on combined council services in the Hutt Valley.

#### **Consider and make recommendations to the two Councils on:**

- The co-ordination of activities of the Hutt City Council and the Upper Hutt City Council in respect of matters affecting the Hutt Valley as a whole.
- In particular, the co-ordination of the sewage disposal scheme, the Silverstream refuse landfill, Akatarawa Cemetery, dog control, environmental health and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be co-ordinated.