

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 subcommittees.

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, the provisions of the Building Act 2004 regarding swimming pools); and
- Do not delegate the power to sub-delegate or create subcommittees, except as outlined in these Terms of Reference.

COUNCIL

Membership:	13
Meeting Cycle:	Council meets on an eight 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)
Quorum:	Half of the members

POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)¹:

- 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 Local Government Act 2002 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 Local Government Act 1974, 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 for Council employees.

DECIDE ON:

Policy issues

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

District Plan

- Approval to call for submissions on any Proposed District Plan, Plan Changes and Variations.
- Prior to public notification, approval of recommendations of District Plan Hearings Subcommittees on any Proposed Plan, Plan Changes (including private Plan Changes) and Variations, on the recommendation of the Regulatory Committee.

¹ Work required prior to the making of any of these decisions may be delegated.

- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).
- Acceptance, adoption or rejection of private Plan Changes.

Representation, electoral and governance matters

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct for elected members
- 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.
- Appointment and discharge of members of committees when not appointed by the Mayor.
- 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

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.

Long Term and Annual Plans

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- Determination of rating levels and policies required as part of the LTP.
- Adoption of Consultation Documents, proposed and final LTPs and proposed and final Annual Plans.

Council Controlled Organisations

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation.
- Approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations.

Community Engagement and Advocacy

- Receive reports from the Council's Advisory Groups.
- Monitor engagement with the city's communities.

Operational Matters

- National Emergency Management Agency matters requiring Council's input.
- Road closing and road stopping matters.
- Approval of overseas travel for elected members.
- 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.
- The recipients of the annual Civic Honours awards.

COMMUNITY AND ENVIRONMENT COMMITTEE

Membership:	13
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Reports to:	Council

PURPOSE:

With an operational focus, to monitor the contribution made by strategies and policies implemented by Council to promote the social, economic, environmental and cultural wellbeing of the city's communities in the present and for the future. This includes delivering quality infrastructure to support healthy and sustainable living, providing efficient and safe transport options, promoting the city's prosperity and making the city a desirable and attractive place, providing facilities and recreational opportunities that support quality living and healthy lifestyles, protecting biodiversity, supporting the cultural wellbeing of residents, and considering how climate change may impact on these areas.

Transport, Infrastructure and Sustainable Growth:

- Provide direction to the Policy, Finance and Strategy Committee on strategies and policies required for the sustainable growth and development of the city, including economic, transport and infrastructure development, and matters to be addressed in the full review of the City of Lower Hutt District Plan.
- Monitor implemented strategies and policies to assess their contribution towards achieving Council's objectives.
- Oversee the implementation of spatial planning activities in the city.
- Determine 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.
- Recommend to Council the acquisition or disposal of assets, unless the acquisition or disposal is provided for specifically in the LTP.

Environment and Climate Change Response:

- Provide direction to the Policy, Finance and Strategy Committee on required environmental strategies and policies.
- Monitor and review implemented strategies and policies to assess their contribution towards achieving Council's objectives.
- Address matters arising from issues raised relating to climate change.

Community Development, Facilities and Housing:

- Provide direction to the Policy, Finance and Strategy Committee on strategies and policies required to address community wellbeing.

- Monitor and review implemented strategies and policies to assess their contribution towards achieving Council's objectives.
- Advocacy in conjunction with relevant community organisations on matters related to the health and social/cultural wellbeing of communities.
- Adopt, and agree amendments to, open space or reserve management plans.
- Make any decisions under open space or reserve management plans that are not otherwise delegated.
- Grant leases, licences, rights of way and easements in terms of Council policy for Council owned properties that are either open space under the District Plan or reserve under the Reserves Act 1977. This delegation, except the granting of leases and licences to Council owned community houses/centres in the Harbour and Wainuiomata Wards, is sub-delegated to the community boards in those areas.
- Official naming of parks, reserves and sports grounds within the provisions of Council's Naming Policy, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas, except where the sites have a high profile, city-wide importance due to their size and location and/or cross ward or community boundaries.
- Removal and/or planting of street trees within the provisions of Council's Operational Guide for Urban Forest Plan, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas.
- Matters arising from the activities of Community Houses, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas.

General:

- Maintain an overview of work programmes carried out by the Council's operational activities.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

POLICY, FINANCE AND STRATEGY COMMITTEE

Membership:	13
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Reports to:	Council

PURPOSE:

To assist the Council in setting the broad vision and direction of the city in order to promote the social, economic, environmental and cultural wellbeing of the city's communities in the present and for the future. This involves determining specific outcomes that need to be met to deliver on the vision for the city, and taking a holistic approach to establishing strategies, policies, bylaws, regulations and work programmes to achieve those goals. This committee is also responsible for assisting Council to execute its financial and performance monitoring obligations.

Policy, Strategy and Bylaws:

- Develop and agree draft strategies and policies for the growth and development of the city, including economic, transport and infrastructure development, for engagement/public consultation, excluding those strategies and policies that will subsequently be required to follow a statutory process and will be dealt with by the Regulatory Committee.
- Recommend strategies and policies to Council for adoption, including those required as part of the Long Term Plan, and any other policies required by legislation.
- Monitor and review implemented strategies and policies.
- Undertake a full review of the City of Lower Hutt District Plan, including receiving direction from the Community and Environment Committee, establishing a District Plan work programme and monitoring its implementation.
- Develop and agree the Statement of Proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

Financial, Project and Performance Reporting:

- Recommend to Council the budgetary parameters for preparation of the Council's Long Term Plans (LTP) and Annual Plans.
- Monitor progress towards achievement of the Council's budgets and objectives as set out in the LTP and Annual Plans, including associated matters around the scope, funding, prioritising and timing of projects.
- Monitoring and oversight of significant projects including operational contracts, agreements, grants and funding.
- Monitor progress towards achievement of the Council's outcomes as set out in the Leisure & Wellbeing, Urban Growth, Infrastructure and Environmental Sustainability Strategies and their associated plans.
- Monitor the integrity of reported performance information, both financial and non-financial, at the completion of Council's Annual Report, and external accountability reporting

requirements.

- Review and recommend to Council the adoption of the Annual Report.
- Recommend to Council the approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations and granting shareholder approval of major transactions.
- Monitor progress against the CCO and CCTO Statements of Intent and make recommendations to Council in the exercising of Council powers, as the shareholder, in relation to Council Controlled Organisations/Council Controlled Trading Organisations under sections 65 to 72 of the Local Government Act.
- Oversee compliance with Council's Treasury Risk Management Policy.
- Consider and determine requests for rates remissions.
- Consider and determine requests for loan guarantees from qualifying community organisations where the applications are within the approved guidelines and policy limits.
- Approve and oversee monitoring around Community Funding Strategy grants.

General:

- Maintain an overview of work programmes carried out by the Council's organisational activities.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions on matters related to the Committee's area of responsibility.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

DISTRICT PLAN REVIEW SUBCOMMITTEE

Membership: Chair of Policy, Finance and Strategy Committee
4 other councillors
Up to 2 representatives appointed by Iwi

NOTE:

Elected members should hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.

The Chair should in addition hold Chair certification.

Standing Orders 30 and 31 outlining provisions for Tangata Whenua and Taura Here do not apply to this Subcommittee, and Iwi appointees will have full voting rights as members of the Subcommittee under Standing Orders.

Meeting Cycle: As required

Quorum: 4

Reports to: Policy, Finance and Strategy Committee

PURPOSE:

To make recommendations to the Policy, Finance and Strategy Committee, for recommendation to Council, on the matters to be addressed in the full review of the District Plan and development of a Proposed District Plan.

Provide:

Direction to Council officers on all matters relating to the drafting of content for the review of the District Plan. This includes but is not limited to:

- scoping and investigation of the issues
- engagement on possible content
- development of discussion documents and other draft documents for consultation
- development of a Draft District Plan for consultation
- development of a Proposed District Plan for statutory consultation.

General:

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

LONG TERM PLAN/ANNUAL PLAN SUBCOMMITTEE

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

PURPOSE

To carry out all necessary considerations and hearings, precedent to the Council's final adoption of Long Term Plans (LTP) and Annual Plans (AP) which give effect to the strategic direction and outcomes set by the Policy, Finance and Strategy Committee through setting levels of service, funding priorities, the performance framework and budgets.

Determine:

- Development of a framework and timetable for the LTP and AP processes.
- The nature and scope of engagement and public consultation required.
- Statements to the media.
- Such other matters as the Subcommittee considers appropriate and which fall within its Terms of Reference.
- Informal engagement with the community, and the hearing of any formal public submissions.
- Consideration of submissions on Hutt City Council's Assessment of Water and Sanitary Services.

Consider and make recommendations to Council:

- Levels of service, funding priorities, performance framework, budgets, rating levels and policies required as part of the LTP or AP, excluding any policies recommended to Council by the Policy, Finance and Strategy Committee.
- Consultation Documents.
- Council's proposed and final LTP.
- Council's proposed and final AP.
- Final content and wording, and adoption of the final Hutt City Council Assessment of Water and Sanitary Services.

Note:

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.

AUDIT AND RISK SUBCOMMITTEE

Membership:	<p>Independent Chair and 6 Members</p> <p>Audit and Risk Subcommittee members should be appointed so that the subcommittee has a diversity of governance skills, experiences and personal qualities. Between them, the members should bring a mix of the following attributes:</p> <ol style="list-style-type: none"> 1. Broad governance experience; 2. Familiarity with risk management disciplines; 3. Understanding of internal control and assurance frameworks; 4. An understanding of financial and non-financial performance reporting; 5. A good understanding of the roles of internal and external audit; and 6. A sound understanding of the local government sector. <p>Use of the matrix below has assisted other councils to consider the best fit for membership of an Audit and Risk Committee.</p>
Quorum:	Half of the members
Meeting Cycle:	Quarterly or as required
Reports to:	Council

PURPOSE

To provide objective advice and recommendations around the sufficiency, quality and results of assurance over the Council Group's financial management practices, risk management, internal control systems and governance frameworks.

Consider and make recommendations to Council:

The effectiveness and robustness of the internal audit, risk management and internal control systems, processes and practices of the Council for each financial year:

- Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile
- Review the adequacy of management's implementation of internal audit recommendations
- Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place
- Review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for identifying, assessing and responding to the Council's significant risks, potential opportunities and adverse effects in accordance with its risk approach

- Monitor whether appropriate action is being taken by management to respond to the Council's significant risks, potential opportunities and adverse effects
- Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour
- Review whether management has established and maintains a sound internal control system, policies and procedures so that activities are effectively controlled and carried out as planned towards the achievement of the Council's objectives and safeguard the Council's financial and non-financial assets
- Review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively respond to fraud

The integrity and appropriateness of internal and external reporting and accountability requirements:

- Consider the processes for ensuring the completeness, reliability and quality of financial and operational information being provided to the Council, including information provided by Council Controlled Organisations and Council Controlled Trading Organisations
- Seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council
- Review the appropriateness of the Council's existing accounting policies, judgements, treatments and principles and any proposed change
- Enquire of internal and external auditors 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
- 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
- Confirm that processes are in place to ensure that financial and non-financial information included in the Council's Annual Report and Long Term Plan is consistent with the audited financial statements

Oversight of external auditor engagement and outputs:

- At the start of each audit, confirm the terms of engagement, including the nature and scope of the audit, timetable and fees, with the external auditor
- Receive the external auditor's management letters and monitor action to be taken by management on audit recommendations raised
- Conduct a members' only session (ie, without any management present) with external auditors to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence

Review the effectiveness of systems for monitoring the Council's compliance with laws, regulations, standards, Council policies, plans, code of conduct and good practice guidelines as appropriate.

Matrix of Experience, Skills and Personal Qualities

Experience, Skills and Personal Qualities	Member A	Member B	Member C	Member D	Independent Chairperson
<i>The recommended combination of experience is:</i>					
• financial reporting					
• broad governance experience					
• familiarity with risk management disciplines					
• understanding of internal control and assurance frameworks					
• good understanding of the roles of internal and external audit					
• local government expertise					
<i>For an “advisory-oriented” audit committee, particular emphasis should be placed on:</i>					
• Strategy					
• Performance management					
• Risk management disciplines					
<i>In determining the composition of the audit committee, the combined experience, skills, and personal qualities of audit committee members is critical. Members should bring:</i>					
• the ability to act independently and objectively					
• the ability to ask relevant and pertinent questions, and evaluate the answers					
• the ability to work constructively with management to achieve improvements					
• an appreciation of the public entity’s culture and values, and a determination to uphold these					
• a proactive approach to advising the governing body and chief executive of matters that require further attention					
• business acumen					
• appropriate diligence, time, effort, and commitment					
• the ability to explain technical matters in their field to other members of the audit committee					

REGULATORY COMMITTEE

Membership:	10
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Membership RMA Hearings:	An independent Commissioner plus a 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.
Reports to:	Council

PURPOSE:

To consider matters relating to the regulatory and quasi-judicial responsibilities of the Council under Council's bylaws and relevant legislation including the following:

- Local Government Act 1974
- Public Works Act 1981
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012

Determine:

- Undertaking the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.
- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan, with the exception of a full review of the Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Recommending for Council approval any Proposed District Plan, Plan Changes and Variations recommended from the District Plan Hearings Subcommittee prior to notification.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- Approve Council's list of hearings commissioners under the Resource Management Act 1991, including councillors sitting as hearings commissioners and independent commissioners.

- Conduct statutory hearings on regulatory matters and make decisions on those hearings², excluding those conducted under the Resource Management Act 1991, which are delegated to the Hearings Subcommittee and District Plan Hearings Subcommittee.
- Authorise the submission of appeals to the Environment Court on behalf of Council.
- Hear objections to specified traffic matters where the community board wishes to take an advocacy role.
- 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 in respect of temporary road closures, including making decisions on any ancillary matters including, without limitation, approval of temporary “No Stopping” restrictions under Hutt City Council Traffic Bylaw 2017.
- Undertake hearings on road stopping under the Local Government Act 1974.
- 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.
- 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.
- Make any resolution required under section 319A of the Local Government Act 1974 regarding the naming of new roads and alterations to street names (other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas).
- Make decisions on applications required under the Development Contributions Policy for remissions, postponements, reconsiderations and objections.
- Recommend to Council the list of members approved to be members of the District Licensing Committee under section 192 of the Sale and Supply of Alcohol Act 2012.

The Chair of the Regulatory Committee, in conjunction with the Chief Executive, is authorised to appoint a subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee.

The Chair of the Regulatory Committee is authorised to appoint three people from the list prepared under the Sale and Supply of Alcohol Act 2012 to specific meetings (Chair and two members).

General:

- Maintain an overview of work programmes carried out by the Council’s regulatory activities.
- Approval and forwarding of submissions on matters related to the Committee’s area of responsibility.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

² When acting in this capacity the committee has a quasi-judicial role.

NOTE 1:

Council makes decisions to notify District Plan Changes and Variations and call for submissions, on the recommendation of the Regulatory Committee.

District Plan Hearings Subcommittee members are appointed by the Chair, in conjunction with the Chief Executive, and comprise elected members and/or independent commissioners. All District Plan Hearings Subcommittee members must be certified under the Making Good Decisions programme.

District Plan Hearings Subcommittee makes recommendations to the Regulatory Committee for recommendation to Council on proposed District Plan provisions and matters raised in submissions.

Council makes its decision on the provisions and matters raised in submissions. The Council decision may be appealed to the Environment Court.

Council gives final approval to make District Plan changes operative, in accordance with clause 17 of Schedule 1 of the Resource Management Act 1991.

NOTE 2:

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.

DISTRICT PLAN HEARINGS SUBCOMMITTEE

Membership:	<p>Members are appointed for specific projects by the Chair in conjunction with the Chief Executive.</p> <p>All members must hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.</p> <p>The Chair must in addition hold Chair certification.</p> <p>Note:</p> <p>34A Delegation of powers and functions to employees and other persons</p> <p>(1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under Part 1 or 5 of Schedule 1,—</p> <ul style="list-style-type: none"> (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.
Quorum:	1
Meeting:	As required
Reports to:	Regulatory Committee

PURPOSE

To make recommendations with reasons to the Regulatory Committee, for recommendation to Council, on Proposed District Plan provisions and matters raised in submissions.

The District Plan Hearings Subcommittee has all the powers necessary to conduct a hearing for this purpose. When a District Plan Hearings Subcommittee has an even number of members, the Chair has a casting vote.

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.

HEARINGS SUBCOMMITTEE

Membership:	An independent Commissioner plus a 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.
Meeting Cycle:	Meets as required
Quorum:	Half of the members
Reports to:	Regulatory Committee

PURPOSE:

To conduct the hearing of resource consent applications and related matters under the Resource Management Act 1991.

Determine:

- Hearing and deciding notified resource consent applications.
- Hearing and deciding objections to conditions imposed on resource consents.

Conduct of Hearings:

- To conduct hearings where these are required as part of a statutory process.
- Hearing of submissions required on any matters falling under the Terms of Reference for this Subcommittee.

General:

Any other matters delegated to the Subcommittee 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.

DISTRICT LICENSING COMMITTEE

Membership:	7 Members comprising the Chair, Deputy Chair and list members.
Quorum:	3 (<u>opposed</u> licence or manager's certificate applications) 1 Chair (<u>unopposed</u> licence or manager's certificate applications)
Meeting Cycle:	As required
Reports to:	Council

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 as it requires. The Chair of the 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

Membership:	6
Alternates:	3
Quorum:	Half of the members
Meeting Cycle:	The Traffic Subcommittee will meet on an eight weekly basis or as required.
Reports to:	Council

PURPOSE

The Traffic Subcommittee has primary responsibility for considering and making recommendations to Council on traffic matters and considering 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 refer any traffic matter to:

- 1.2.1 A Community Board; or
- 1.2.2 The Community and Environment Committee; or
- 1.2.3 Council.

DELEGATED AUTHORITY:

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

CHIEF EXECUTIVE'S EMPLOYMENT SUBCOMMITTEE

Membership:	5
Quorum:	Half of the members
Meeting Cycle:	Three times per annum or as required
Reports to:	Council

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
 - measuring 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.

CODE OF CONDUCT SUBCOMMITTEE

Membership:	4 - The Mayor (or delegate) and 3 Community Members
Quorum:	Half of the members
Meeting Cycle:	Meets as required
Reports to:	Council

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 investigator's report and any submissions from affected parties.

Determine:

On receipt of the Chief Executive's report:

- 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.