

Appendix 1

Upper Hutt City Council's Committees Terms of Reference

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

- Set out to assist elected member's in undertaking their governance role;
- 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.

Council

MEMBERSHIP: Mayor and all Councillors [11]

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):

- Make a rate.
- Make bylaws.
- Borrow money.
- Purchase or dispose of assets 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.
- Undertake all other actions which are by legislation not permitted to be delegated.
- Adopt an Employment and Remuneration Policy.

DECIDE ON:

Policy issues

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

District Plan

- Make determinations relating to the District Plan, as required by Council, under 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.

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

- 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).
- Council's nominee on any Trust.
- Council representatives on any outside organisations.
- The Chief Executive of Upper Hutt City Council.
- Council's Electoral Officer and any other appointments required by statute.

The principal standing committees

Policy Committee	
MEMBERSHIP:	Mayor and all Councillors [11]
MEETING CYCLE:	Policy Committee meets on a six weekly basis
QUORUM:	Six [6] members
DELEGATED AUTHORITY:	To carry out activities within its terms of reference. To make recommendations to Council.
PURPOSE:	To assist Council monitor the development of strategies, policies and bylaws that meet the current and future needs of communities.
FUNCTION:	To review and make recommendations to Council on: <ul style="list-style-type: none">• Strategies, plans and policies in relation to economic development, finance, the environment, social and recreation matters, strategic property investment, wellbeing, urban development and transport, governance, cross-strategy matters and all other policies required by legislation.• Bylaws.• Naming new roads and alterations to street names.• The acquisition and disposal of Council's assets.• Leases, licenses and concessions in respect of land held or managed under the Reserves Act 1977 and council owned open space land, when a hearing is required.• Reserve declarations, revocation, classification and naming.• The transfer to another party of land for a public work under section 50 and to exercise Council's powers of compulsory acquisition under section 2 of the Public Works Act 1981.• To monitor the delivery of the city planning services.• Such other matters referred to it by Council.

Risk and Assurance Committee

MEMBERSHIP: Mayor and five [5] Councillors and one [1] independent member

MEETING CYCLE: Risk and Assurance Committee meets on a quarterly basis

QUORUM: Four [4] members

DELEGATED AUTHORITY: To make recommendations to Council.

PURPOSE

To oversee the effectiveness of Council's risk management, internal control practices, statutory compliance, external audit and health and safety.

FUNCTION:

To review and make recommendations to Council on:

- Council's risk management framework and the operational implementation and effectiveness of the framework.
- Risk management reports (including health and safety), identifying new and/or emerging risks, and any changes to Council's top 10 risks.
- Council's internal control systems and the operation implementation and effectiveness of the systems.
- Corporate policies and recommending new or amended policies to prevent and prohibit unethical, questionable or illegal activities.
- Quarterly report on the expenses incurred by the Mayor and CE.
- Assurance and Risk Committee charter on a triennial basis.
- Insurance renewals.
- Council's Treasury Risk Management Policy.
- Such other matters referred to it by Council.

External Audit

- Discussion with the external auditors on nature of scope of the external audit, and regular meetings with the external audit director.
- Review with external auditors the representations required by senior management and elected members of Council, including representations as to fraud and internal control environment integrity;
- Review of the significant audit findings/recommendations.
- Monitor progress on recommendations.

Finance and Performance Committee

Membership: Mayor and all Councillors

Meeting cycle: Finance and Performance Committee meets on a six [6] weekly basis

Quorum: Six [6] members

Delegated authority: To make recommendations to Council.

PURPOSE

To assist Council execute its financial and performance monitoring obligations.

FUNCTION:

To review and make recommendations to Council on:

- Council's Annual Report and financial statements.
- Council's financial and non-financial performance against the Long Term Plan and Annual Plan.
- Revenue and expenditure targets of key Long Term Plan and Annual Plan projects.
- Council's financial and asset management policies and strategies to ensure they are reasonable and prudent, and that all applicable financial reporting standards have been met.
- Reports on rates and rates rebates, and approval of allocation of rate funding surpluses.
- Council's debt and investments portfolio.
- Debt recovery and recommending debt write-offs as appropriate.
- Applications for community amenities loans.
- Such other matters referred to it by Council.

City Development Committee

MEMBERSHIP:	Mayor and five [5] Councillors
MEETING CYCLE:	City Services Committee meets on a six [6] weekly basis
QUORUM:	Four [4] members
DELEGATED AUTHORITY:	To make recommendations to Council.

PURPOSE:

To monitor Council's performance in promoting the on-going growth, redevelopment and improvement of the city, oversee the progress of the Long Term Plan and Annual Plan projects which contribute to these outcomes, and monitor the delivery of the regulatory, business, operational and community services.

FUNCTION:

To review and makes recommendations to Council on:

- Progress on the delivery of key projects and initiatives, including 'business as usual' initiatives, identified in the Long Term Plan and Annual Plan.
- Progress towards the achievement of Council's economic outcomes as outlined in the Economic Development Stimulus Policy.
- Outcomes from the major events programme.
- Temporary road closures and stopping associated with events.
- Progress on the operational delivery of the following community services: libraries; parks and reserves; H²O Xtream; community support; recreation services; and Expressions Whirinaki Arts and Entertainment Centre.
- Progress on the operational delivery of the following business services: city promotion and marketing; visitor services; and business support services.
- Progress on the operational delivery of the following infrastructure services: roading; waste management; wastewater disposal; stormwater disposal and water supply.
- Progress on the operation delivery of the following regulatory services: parking facilities and enforcement; animal control; environmental health; bylaw enforcement; building enforcement; and inspection and licensing services.
- Civil Defence Emergency Management matters as required.
- Such other matters referred to it by Council.

Hearings Committee

- MEMBERSHIP:**
- A. The Mayor and five [5] Councillors (Elected Members) are the Committee members and form a pool from which all or some of the members of a specific sitting of the Hearings Committee (SHC) may be appointed.
 - B. Members may also be individuals who are not Elected Members but are appointed from time to time for their specialist knowledge and skills.
 - C. The Chair and members of the SHC are appointed from time to time by the Mayor in accordance with his delegation, the Policy on Use of Commissioners and Composition of Hearing Committees and Panels (Commissioners Policy), this Policy and after consulting the Director of Planning Regulatory Services.
 - D. SHC's have three [3] members and must contain at least one [1] Elected Member. Therefore a Commissioner sitting along does not constitute Hearing Committee.

MEETING CYCLE: Hearings Committee meets as required.

QUORUM: Three [3] members eligible to vote.

DELEGATED AUTHORITY: To hear and make decisions on all matters coming before the Hearings Committee except the approval plan under clause 17 Schedule 1 of the Resource Management Act 1991. In the case of proposed plan changes the Hearings Committee has authority to hear and make recommendations to the Council.

The Hearings Committee sub-delegates its authority to the Hearings Panel as recorded in the Hearings Panel.

FUNCTION:

To conduct hearings and or make decisions when a Hearing Panel is expressly precluded from making a decision, arising from processes under:

- the Resource Management Act 1991 (RMA) (including direct referral requests under S87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Other committees

Chief Executive Committee

MEMBERSHIP: Mayor and four [4] Councillors

MEETING CYCLE: Chief Executive Committee meets as required.

QUORUM: Mayor and two [2] members

FUNCTION:

The Committee is responsible for carrying out performance reviews, setting performance measures and any other matters that relates to the employment of the Chief Executive, and to make recommendations to the Council.

The delegation to:

- Fund recruitment related expenses
- Select and appoint a recruitment agency as required
- Manage the selection process for the position of Chief Executive and determine the initial shortlist of candidates
- Interview and consider the candidates on the initial shortlist
- Recommend to Council a final shortlist of candidates for appointment to the position of Chief Executive.

Civic Awards Selection Panel

MEMBERSHIP: Mayor and two [2] Councillors

Two [2] community representatives

MEETING CYCLE: Civic Awards Selection Panel meets as required.

QUORUM: Three [3] members (one of whom must be a Councillor)

DELEGATED AUTHORITY: To make the decisions.

FUNCTION:

This panel is responsible for assessing and selecting Civic Award recipients. Nominations are called for publically for people who carry out meritorious voluntary work within the community.

Civil Defence Emergency Management Group (Joint Committee)

MEMBERSHIP: One [1] member from Upper Hutt City Council

FUNCTION:

This joint committee is responsible for coordinating civil defence emergency management within the Wellington region.

Community Grants Committee

MEMBERSHIP: Three [3] Councillors

MEETING CYCLE: Community Grants Committee meets as required.

QUORUM: Two [2] members

DELEGATED AUTHORITY: To approve the funding applications.

FUNCTION:

To make recommendations to Council as to the allocation of grants to community and regional organisations in accordance with established criteria (Chapter 6, Part 6.2 of the Manual of Policies).

Creative Communities New Zealand Upper Hutt Arts Funding Assessment Committee

MEMBERSHIP: Two [2] Councillors, one [1] local iwi representative, seven [7] community representatives, not Councillors.

Note: Representatives are nominated according to the Creative Communities NZ scheme requirements.

Council communicates directly with Orongomai Marae to nominate a local iwi representative.

Nominations for community representatives are called for in the Upper Hutt Leader. The term of office is three [3] years with a maximum of two [2] consecutive terms. Community representatives are appointed by the existing assessment committee after the public nomination process.

MEETING CYCLE: Creative Communities NZ UH Arts Funding Assessment Committee meets as required.

QUORUM: Five [5] members (one of whom must be a Councillor)

DELEGATED AUTHORITY: To determine applications and disperse funds.

FUNCTION:

To disperse the funds under the Creative Communities Upper Hutt Arts Fund (Creative New Zealand) scheme, in accordance with the scheme guidelines.

Emergency Committee

MEMBERSHIP: Mayor and Councillors [11]

MEETING CYCLE: Emergency Committee meets as required.

QUORUM: Two [2] members

DELEGATED AUTHORITY: Authority to make decisions on all matters coming before the committee as described in the function section of the terms of reference.

FUNCTION:

To exercise all Council functions that cannot be exercised by the Council using its standard processes and procedures for lack of a quorum of the full Council due to a pandemic or other natural disaster, except for those that:

- Have been delegated to staff
- Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

Hutt Valley Services Committee (Joint Committee)

This is a joint committee of the Upper Hutt and Hutt City Councils.

MEMBERSHIP: Each Council appoints four [4] members and an alternate member who may act in the event that a regular member is absent. The Chair alternates 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.

MEETING CYCLE: Hutt Valley Services Committee meets quarterly or as required.

QUORUM: Four [4] members (i.e. a combination of Upper Hutt City Council and Hutt City Council members)

DELEGATED AUTHORITY: Nil.

FUNCTION:

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

Consider and make recommendations to the two Councils on:

- The coordination of activities of the Upper Hutt City Council and the Hutt City Council in respect of matters affecting the Hutt Valley as a whole
- In particular, the coordination 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 coordinated.

District Licensing Committee (DLC)

MEMBERSHIP:

- A. The Mayor and five Councillors (Elected Members), together with one (1) external commissioner as Chair are the Committee members. The Elected Members form a pool from which two of the members of a specific sitting of the District Licensing Committee (DLC) may be appointed.
- B. The members of a DLC, excluding the permanent Chair, are appointed from time to time by the Mayor in accordance with his Delegation, this Policy, the requirements of the Sale and Supply of Alcohol Act 2012 and after consulting the Director of Planning and Regulatory Services.
- C. DLCs have either one (1) member or three [3] members.
- D. Notwithstanding paragraph 1.13.2(c) a three (3) member DLC meeting will be reduced to two [2] members in Exceptional Circumstances.

Exceptional Circumstances are when:

- A. Prior to the start of a Committee meeting but after the appointment of the DLC members an appointed member cannot sit and cannot be replaced before the Committee meeting date, or
- B. When the DLC member becomes incapable of continuing to sit part way through a Committee meeting.

MEETING CYCLE:

District Licensing Committee meets as required.

QUORUM:

Three [3] members when the composition is three members; except when the membership is reduced to two, [2] in accordance with paragraph 1.13.2(d) above, in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one (1) member when the composition is one (1) member.

DELEGATED AUTHORITY:

1. determine On Licences, Off Licences, Club Licences and Manager's Certificates
2. determine renewals of On Licences, Off Licences, Club Licences and Manager's Certificates
3. determine temporary authorities and Special Licences
4. impose conditions or endorsements on licences or certificates and renewals of licences or certificates
5. determine whether any hearings should be ex parte or on notice
6. hold any hearing on behalf of the District Licensing Authority
7. determine and grant exemption
8. prepare any reports required by the Sale and Supply of Alcohol Act 2012
9. vary, suspend or cancel any Special Licence
10. suspend any licence for non-compliance with Public Health or Fire Precaution requirements in accordance with the Sale and Supply of Alcohol Act 2012.
11. From 18 December 2013 authority to carry out the functions in Section 187 of the Sale and Supply of Alcohol Act 2012.

District Licensing Committee (DLC) cont.

FUNCTION:

This committee meets as and when required for the purpose of carrying out the functions prescribed by the Sale and Supply of Alcohol Act 2012 and its composition is prescribed by that Act. This committee has an external commissioner as Chair.

Legislation Committee

MEMBERSHIP: Six [6] members

MEETING CYCLE: Legislation Committee meets as required.

QUORUM: Two [2] members

DELEGATED AUTHORITY: To consider central government legislation and make submissions on behalf of Council when it deems it appropriate.

FUNCTION:

To consider central government legislation and make submissions on Council's behalf when it deems it appropriate.

Other decision making bodies

Contracts Group

MEMBERSHIP: Three [3] Councillors. An alternate member in the event of absence of a regular member is also appointed.

MEETING CYCLE: Contracts Group meets as required.

QUORUM: Two [2] members

DELEGATED AUTHORITY: Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

FUNCTION:

Authority to enter into contracts in excess of officers' delegated authority, but only if such contracts are provided for in the Council's Long Term Plan (LTP) or Annual Plan or have obtained the express approval of Council.

Economic Development Stimulus Panel

MEMBERSHIP: His Worship the Mayor (Chair), Deputy Mayor, Chief Executive, Chair of the Policy Committee, Chair of the Audit, Risk and Finance Committee and Chair of the City Services Committee

MEETING CYCLE: Economic Development Stimulus Panel meets as required.

QUORUM: Chief Executive and two [2] members

DELEGATED AUTHORITY: Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

FUNCTION:

Authority to approve economic development stimulus package applications up to the value of \$95,000. Applications over \$95,000 must go the Policy Committee.

Hearings Panel

The Hearings Panel is established to increase efficiency and streamline the processes relating to Resource Management Act 1991 (RMA), Reserves Act 1977, and Dog Control Act 1996, hearings and other statutory hearings the Council is obliged to hold. The Hearings Panel does not have a permanent membership or composition; it may consist of one (1) member or three (3) members. Membership and the composition of the Hearings Panel will be determined for specific hearings in accordance with this Policy, Council Delegations and the Policy on Use of Commissioners and Composition of Hearings Committees and Panels (Commissioners Policy).

When holding hearings, Hearings Panels will follow the same procedures that Hearings Committees follow.

MEMBERSHIP: The membership of a Hearings Panel (HP) is appointed from time to time and consists of either one [1] member or three [3] members unless there are Exceptional Circumstances when membership of a three [3] member Panel will be reduced from three [3] to two [2]

Exceptional circumstances are when:

- Prior to the start of a hearing but after the appointment of the HP (Hearing Panel) members, an appointed member cannot sit and cannot be replaced before the hearing date, or
- When the HP member becomes unable to continue sitting part way through a hearing.

The specific members, including the chairperson, of an HP are appointed from time to time by the Mayor in accordance with his delegation, the Commissioners Policy, this Policy, and after consulting the Director of Planning and Regulatory Services.

Only an Elected Member who is a member of the Hearings Committee may be appointed to an HP but an HP does not have to include an Elected Member.

Members of an HP may be selected from the Hearings Committee or be individuals who are not Elected Members but are appointed to an HP for their specialist knowledge and skills.

MEETING CYCLE: Hearings Panel meets as required.

QUORUM: Three [3] members - when the composition is three members, except when the membership is reduced to two [2] in accordance with paragraph 1.6.2 above in which case it shall be two [2] and the Chairperson will have a casting vote. Alternatively, the quorum is one [1] member when the composition is one [1] member.

DELEGATED AUTHORITY: The Hearings Panel will hear and decide or make recommendations on all matters coming within the Hearings Committee's delegated authority. The Hearings Panel will only hear and make recommendations on proposed plan changes when the hearing is to be presided over by a Commissioner sitting alone. For clarification when a Hearings Panel may only make a recommendation it will still conduct the hearing and make a

recommendation to the Council and the Council will make the decision.

FUNCTION:

- To conduct hearings and make decisions or recommendations except where it is expressly precluded arising from processes under:
- the Resource Management Act 1991 (including direct referral requests under s87D)
- the Reserves Act 1977
- the Dog Control Act 1996
- any other statutory rules (except under the Sale and Supply of Alcohol Act 2012) or Council bylaw or policy.

Infringements Panel

MEMBERSHIP: Three [3] members appointed from time to time by the Chief Executive. An alternate member in the event of absence of a regular member is also appointed.

MEETING CYCLE: Infringements Panel meets as required.

QUORUM: Two [2] members

DELEGATED AUTHORITY: To review and determine infringements in relation to dog, parking and water.

FUNCTION:

To review and determine infringements in relation to dog, parking and water.

Sculpture Advisory Panel

MEMBERSHIP: Chair (The Director of Business Transformation and Insight)
Two [2] community representatives
One [1] Expressions Whirinaki Arts and Entertainment Centre representative
One [1] Orongomai Marae representative
The Director of Business Transformation and Insight may appoint additional members to provide arts expertise as required. Advisory members do not have voting rights.

MEETING CYCLE: Sculpture Advisory Panel meets as required.

QUORUM: Three [3] members

DELEGATED AUTHORITY: Authority to approve sculptures in accordance with the sculpture guidelines.

FUNCTION:

Authority to approve sculptures in accordance with the sculpture guidelines.

Sporting Chance Panel

MEMBERSHIP: His Worship the Mayor, Director of Community Services, Recreations Services Manager and Team Leader Activation

MEETING CYCLE: Sporting Chance Panel meets as required.

QUORUM: Three [3] members

DELEGATED AUTHORITY: Authority to determine the allocation of the Sporting Chance grant funds.

FUNCTION:

Authority to determine the allocation of the Sporting Chance grant funds.

Temporary Road Closures For Events Group

MEMBERSHIP: Mayor and two [2] Councillors. An alternate member in the event of absence of a regular member is also appointed.

MEETING CYCLE: Temporary Road Closures for Events Group meets as required.

QUORUM: Three [3] members

DELEGATED AUTHORITY: Noted as the function for the Group below.

FUNCTION:

Authority to close roads pursuant to Schedule 10 clause 11(e) of the Local Government Act 1974 subject to the following:

- That the road closures decision making body determines applications for event road closures when no objections are received or the objectors do not require a hearing; and
- That the road closures decision making body's decision is a unanimous decision.

Working/Steering Groups

- Arts and Heritage Working/Steering Group
- Business and Economic Development Working/Steering Group
- Sports and Recreational Working/Steering Group
- Environmental Working/Steering Group

Council membership on external organisations

Council appoints members to represent it on a number of external organisations, including the following:

REGIONAL TRANSPORT COMMITTEE (GREATER WELLINGTON REGION)

1 Member, 1 alternate

ORONGOMAI MARAE COMMUNITY CENTRE TRUST

1 Member

HUTT VALLEY FLOOD MANAGEMENT SUBCOMMITTEE

3 Members

RIMUTAKA HILL ROAD COMMITTEE

2 Members

ZONE 4 LOCAL GOVERNMENT ASSOCIATION

2 Members

SAFE HUTT VALLEY

2 Members

WELLINGTON REGIONAL STRATEGY COMMITTEE

1 Member, 1 alternate

WELLINGTON WASTE FORUM

2 Members

WELLINGTON WATER COMMITTEE

1 Member, 1 alternate

CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE (WELLINGTON REGION)

1 Member

WELLINGTON REGIONAL AMENITIES FUND JOINT COMMITTEE

1 Member

WELLINGTON REGIONAL WASTE MANAGEMENT AND MINIMISATION JOINT COMMITTEE

1 Member