

SOUTH WAIRARAPA DISTRICT COUNCIL

21 FEBRUARY 2018

AGENDA ITEM C2

ALTERATION OF RESOLUTION DC2017/127 (HEARINGS PAYMENTS)

Purpose of Report

To seek Council approval to alter resolution DC2017/127 to provide clarity to elected members, Council officers and the public regarding payment for hearings.

Recommendations

Officers recommend that the Council:

1. *Receive the Alteration of Resolution DC2017/127 Report.*
2. *Agree to alter part three of resolution DC2017/127 so that the resolution reads 'To confirm the hourly rate for hearing fees for SWDC hearings under the Resource Management Act, District Plan or Regional Plan for the chair (excluding the Mayor except in exceptional circumstances) as \$78.00 per hour and \$50.00 per hour for other members'*
3. *Agree that the Remuneration Policy is amended to reflect the amendment.*
4. *Note that the alteration is to clarify that councillors participating in hearings, other than those under the Resource Management Act, District Plan or Regional Plan are not entitled to receive remuneration.*

1. Executive Summary

On the 20 September 2017, Council considered several recommendations relating to Local Government Members Determination resulting in resolution DC2017/127.

Councillors have found part three of the resolution ambiguous and have requested an amendment for clarification purposes.

Under standing order 23.6 the Chief Executive has the authority to prepare a report to Council recommending a resolution alteration.

2. Background

On the 20 September 2017, Council resolved the following:

COUNCIL RESOLVED (DC2017/127):

1. To receive the Local Government Members Determination 2017 Report.
(Moved Cr Colenso/Seconded Cr Maynard) Carried
2. To note the 1.7% p.a. increase determined by the Remuneration Authority for elected members for the 2017/2018 financial year.
(Moved Cr Wright/Seconded Cr Craig) Carried
3. To confirm the proposed hourly rate for hearing fees for SWDC hearings for the chair as \$78.00 per hour and \$50.00 per hour for other members.
(Moved Cr Olds/Seconded Cr Harwood) Carried
4. Not to adopt the Remuneration Authority's proposed change regarding elected members claiming a travel allowance of \$37.50 per hour after the first hour of travel on Council business.
(Moved Cr Olds/Seconded Cr Harwood) Carried
5. To defer a decision on the Remuneration Authority's proposed communication allowance payment until December 2017.
(Moved Cr Wright/Seconded Cr Jephson) Carried

Subsequent to the resolution being passed, it became clear that the Remuneration Authority were providing for elected members participating in hearings under the Resource Management Act, District Plan or Regional Plan rather than other types of hearings.

For hearing preparation and mayoral entitlements refer to Appendix 1.

2.1 Options

For clarity it is recommended that the original resolution is amended, resulting in the following administrative actions:

- Update of original resolution in the resolutions database.
- Update of the Remuneration Policy.
- Attachment of a resolution amendment sheet to the hard copy minutes on file.

There are no other recommended options that provide the same level of clarity in all places where resolution DC2017/127 is recorded.

3. Conclusion

It is recommended Council agree to the recommendations for the purposes of elected member, Council officer and public clarity.

4. Appendices

Appendix 1 – Remuneration Authority Hearings Payment

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Appendix 1 – Remuneration Authority Hearings Payments

1. Plan, RMA and HASHA Hearings

1.1 Hearings

Elected members are entitled to additional payments for the following work:

- Resource consent hearings under the [Resource Management Act 1991](#) (RMA) or the [Housing Accords and Special Housing Areas Act 2013](#) (HASHA)
- District Plan hearings
- Regional Plan or Regional Policy Statement hearings.

These fees are not part of the capped fund for positions of additional responsibility that is allocated to each council. Note also that while there is a cap on the total extra amount that councils can pay for positions of additional responsibility, there is no cap on the payment of fees for these hearings.

The hourly rate paid is to be decided by the council up to the following amounts: \$80 an hour for a hearing member and \$100 an hour for a hearing chair.

The Authority does not have any jurisdiction over fees related to alcohol licensing hearings.

1.2 Preparation Time

Councillors undertaking these hearings are also paid for preparation time. Preparation time to be reimbursed should not exceed the time of the actual hearing. For example, if a hearing lasts for three hours then no more than three hours of preparation time may be paid. Preparation time may include time for reading, attending onsite meetings, or attending pre-hearing briefings/meetings. Reimbursement will be at the same rates as those for actual hearings time.

1.3 Committee Chair Chairing a Hearing

If the chair of a council's Hearings Committee undertakes resource consent hearings and is paid additional fees for that, those fees are in addition to what that person can be paid for the additional responsibility as chair of the Hearings Committee.

1.4 Mayors/Regional Chairs

Generally, mayors and regional chairs are not able to receive fees for participating in resource consent hearings. Fees might be considered in **exceptional circumstances** if there is a shortage of experienced hearing commissioners on the council and there is a significant hearing of a lengthy duration, which would create undue time pressure on the mayor or chair. In such circumstances, no fees should be paid without seeking prior approval from the Authority.