

Committees of the Whole

1. Purpose

To provide Council with information on committees of the whole with context on the impact of the current committee structure as requested at the Extraordinary Council meeting held on Tuesday 25 July 2023.

2. Recommendations

Officers recommend that Council receive the Committees of the Whole report.

3. Background

Each year Council must consider the proposed structure and schedule for its Council, and Committee meetings for the following calendar year. In December 2022, Council adopted a committee structure and schedule of meetings for the 2023 calendar year for Council and Committees (Appendix 1).

It was agreed that the committee structure would be reviewed after a period of six months. The Mayor recently requested feedback from elected members on the current committee structure and the responses indicated a strong preference for Council business to be conducted on Wednesdays, with Thursday as a backup day.

Council and Committee meetings are scheduled on Wednesdays where possible, and the regularity according to the requirements of their TOR. Ideally Committee meetings are spaced a week before Council meetings to ensure that decisions or recommendations referred to Council can be managed in a timely manner.

More recently, elected members have requested information on different committee structures including committees of the whole.

4. Legislative Requirements

The Local Government Act 2002, schedule 7, cl 19, Council must hold meetings:

19 General provisions for meetings

(1) A local authority must hold the meetings that are necessary for the good government of its region or district.

The Local Government Official Information and Meetings Act 1987, Part 7 also specifies the process for calling meetings of the Local Authority.

The Local Government Act 2002 requires the Council to hold meetings necessary for the good government of its city. The meetings must be called and conducted in accordance with the requirements set out in the Local Government Act 2002, and the Local Government Official Information and Meetings Act 1987, as well as the Standing Orders of South Wairarapa District Council.

Council must adopt a schedule of meetings that can cover any future period the Council considers appropriate. This schedule may be amended at any time.

Additional ordinary, extraordinary, or emergency meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.

5. Committees of the Whole

Local Government New Zealand has produced a decision-making structure guide for Councils. This document is attached in Appendix 2. It outlines different structures and their advantages and challenges:

- Model 1 - describes the governing body acting by itself (without committees).
- Model 2 - describes the governing body with committees of the whole.
- Model 3 - describes the governing body with committees.
- Model 4 - describes the governing body with committees of the whole with delegations.
- Model 5 - describes the governing body with committees with delegations and is the model this Council adopted.

In Model 2, the governing body decides to create one or more “committee of the whole”. These are committees which are made up of all members of the governing body and may be established for a variety of reasons, such as to allow councillors to “drill down” into issues that are strategic and highly significant or relate to a major council responsibility. Some regional councils, for example, have established committees of the whole to handle public transport, a major responsibility for them.

This model could be adopted with or without delegated decision-making authority and would be described in the Terms of Reference.

Advantages

- The committee of the whole enables member to focus on a single issue without distraction;
- In theory this approach can also limit distractions for the governing body and enable it to focus on strategic and significant matters, however this only applies if committee recommendations are accepted without too much debate;
- Councils can choose who chairs each committee so building up their skill and experience;

- Councils can co-opt external members on to committees, including committees of the whole thus increasing diversity if needed and bringing on specialised knowledge and skills;
- The model can build collegiality and perhaps strengthen non-partisanship amongst members of the governing body.

Challenges and solutions

The big problem with Model 2 is that of “double handling” and the risk of re-litigation when committees report back to the governing body.

Strengthening Model 2

Challenges	Possible solution
The problem of members recommending to themselves and then re-litigating the matter is an issue with this model.	Require committees to seek consensus or virtual consensus on issue before reporting back to the governing body; Amend standing order to require adoption of committee recommendations when unanimous and no contextual changes.
Work load – with all councillors on all committees the work load can be problematic, particularly the lack of flexibility to fit around other commitments some members might have.	Look at having variable meeting times to ensure that no one is consistently inconvenienced.
The risk of having the same group of members consider all matters throughout the electoral term could potentially lead to “group think”, where issues are only considered from a single perspective.	One possible solution is to have a policy of co-opting representatives, as required, to assist the committees by providing alternative perspectives.

Community boards

Council would need to determine how our community boards align with the committees of the whole. It may, for example, require boards to report to the committees on any matters that fall within the committee’s terms of reference.

6. Implications

Any changes to the current schedule of meetings would require revoking the adoption of the 2023 calendar and committee structure resolutions and require new Terms of Reference to be drafted and adopted.

Consideration of the current committees and community boards, their purpose, delegations, and meeting schedules would be important.

7. Appendices

Appendix 1 – Adoption of the Committees, Terms of Reference, and 2023 Schedule of Ordinary Meeting

Appendix 2 – Decision Making Guide

Contact Officer: Amanda Bradley, General Manager; Policy & Governance

Reviewed By: Paul Gardner, Acting Chief Executive

**Appendix 1 – Adoption of the
Committees, Terms of Reference, and
2023 Schedule of Ordinary Meeting**

Adoption of the Committees, Terms of Reference, and 2023 Schedule of Ordinary Meetings

1. Purpose

To adopt the Committees, their Terms of Reference (TOR), and the schedule of ordinary Council and committee meetings for 2023.

2. Recommendations

Officers recommend that the *Council*:

1. Adopt the 2023 Committees, Terms of Reference and Schedule of Ordinary Meetings for Council and Committees.
2. To delegate to the Chair the authority to alter the schedule of ordinary meetings following consultation with the Chief executive.
3. Authorise officers to remove committee delegations from the Financial Delegations Policy and add the following clause to the policy:

“Authorised financial delegations from Council to committees are outlined in the Council adopted Terms of Reference for committees. Any matters for decision which exceed a financial delegation given to the Chief Executive in this policy, or a committee through the Council adopted Terms of Reference are to be made by a resolution of Council.”

3. Background

Each year Council must consider the proposed structure and schedule for its Council, and Committee meetings for the following calendar year.

Council is asked to adopt a committee structure and schedule of meetings for the 2023 calendar year for Council and Committees.

4. Legislative Requirements

Under Section 41A of the Local Government Act, the Mayor has the following powers:

(a) to appoint the deputy mayor:

(b) to establish committees of the territorial authority:

(c) to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—

(i) may make the appointment before the other members of the committee are determined; and

(ii) may appoint himself or herself.

(4) However, nothing in subsection (3) limits or prevents a territorial authority from—

(a) removing, in accordance with clause 18 of Schedule 7, a deputy mayor appointed by the mayor under subsection (3)(a); or

(b) discharging or reconstituting, in accordance with clause 30 of Schedule 7, a committee established by the mayor under subsection (3)(b); or

(c) appointing, in accordance with clause 30 of Schedule 7, 1 or more committees in addition to any established by the mayor under subsection (3)(b); or

(d) discharging, in accordance with clause 31 of Schedule 7, a chairperson appointed by the mayor under subsection (3)(c).

(5) A mayor is a member of each committee of a territorial authority.

And:

The Local Government Act 2002, schedule 7, cl 19, Council must hold meetings:

19 General provisions for meetings

(1) A local authority must hold the meetings that are necessary for the good government of its region or district.

The Local Government Official Information and Meetings Act 1987, Part 7 also specifies the process for calling meetings of the Local Authority.

The Local Government Act 2002 requires the Council to hold meetings necessary for the good government of its city. The meetings must be called and conducted in accordance with the requirements set out in the Local Government Act 2002, and the Local Government Official Information and Meetings Act 1987, as well as the Standing Orders of South Wairarapa District Council.

Council must adopt a schedule of meetings that can cover any future period the Council considers appropriate. This schedule may be amended at any time.

Additional ordinary, extraordinary, or emergency meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive.

5. Discussion: considerations, risks, and resource constraints

- a. Discussion and feedback from Elected Members and Council Officers regarding the 2022 meeting schedule and timeframes for reporting has been taken into consideration in preparing this report.
- b. In the last triennium, Council meetings took place regularly every six weeks, at 10:00am on Wednesdays.

- c. Community Board meetings and Māori Standing Committee (MSC) meetings are split across two weeks and Featherston and Greytown alternate between community forums and formal meetings, effectively meeting at least every six weeks. These meetings held in the evening at a time that suits members.
- d. Council and Committee meetings are scheduled on Wednesdays where possible, and the regularity according to the requirements of their TOR. Ideally Committee meetings are spaced a week before Council meetings to ensure that decisions or recommendations referred to Council can be managed in a timely manner.
- e. The timing of key legislative requirements for the approval of key Council documents including the Annual Plan (budget) and Annual Report (audit).
- f. CEO Employment Committee meetings are scheduled bi-annually in February and September.
- g. Previous requests were noted to consider a calendar schedule where Council meetings do not fall during school holidays.
- h. Formal meetings of council, committees, sub-committees and community boards must use standing orders. Their purpose is to enable democratic local decision-making and action by, and on behalf of, communities. Considerable democracy/governance service support is required for formal meetings. Formal meetings are the only place decisions can be made, through a resolution (or motion) being made, seconded, voted on, and carried.
- i. Workshops do not use standing orders and therefore are much less formal than meetings. They are good for exploring an issue or when requiring in-depth advice on identified priorities. There is less democracy/governance service preparation e.g. agenda, reports, minutes, etc, but they can still require support.
- j. The Office of the Ombudsman recommends that workshops should be held in public and therefore do require some democracy/governance support e.g. an outline of the proposed discussion could be promoted via social media, the workshop could be live-streamed, and any actions e.g. requests for further information, could be noted and made public.
- k. Working groups may be recommended for approval by Council or Committees. Working groups are set up to explore a specific issue within their area of focus and report back within a specific timeframe. Working groups are made up of members of Council or of a Committee and may include officers or other subject matter experts. Working groups do not operate under standing orders and have no decision making power. Working groups enable councillors to work constructively and collegially together to consider an issue and collectively work on solutions.
- l. Advisory, reference, or user groups operate under separate terms of reference as approved by the Council. They can be made up of elected and externally appointed members. Their role is to give advice and feedback to Council and provide a conduit to wider community views. The groups can contribute to Council's established decision-making processes but do not have any delegated decision making powers.

- m. The potential for an increased workload for both council officers and elected members due to the volume of publicly notifiable meetings:
 - i. Last year we delivered a total of 72 elected member sessions, including extraordinary meetings, and workshops, on a schedule of 55 planned meetings – this workload was high and does not account for planned by-law hearings and formal consultation processes this year.
 - ii. The identified need for additional workshops to deep dive into issues.
 - iii. The volume of additional committees and representations for elected members.
 - iv. Briefing sessions from other entities particularly Wellington Water webinars.
- n. Operational and financial risks of a fuller meeting schedule include:
 - i. Officer time being spent preparing for meetings, in meetings, and responding to actions from meetings, rather than delivering the work set out in the annual plan.
 - ii. Capacity issues meaning the quality of work is lowered to fit meeting frequency, resulting in decisions being delayed or less assurance in decision making.
 - iii. Burn out leading to retention issues for both council officers and elected members and associated risks and costs e.g. by-election, workplan not being able to be delivered, KPIs show no improvement, deadlines not being met, etc.
 - iv. Illness/disengagement resulting in meeting non-attendance and not able to reach quorum or council officers not being able to support meetings and meetings being cancelled.
 - v. Community engagement and consultation fatigue due to the significant planned engagement and consultation processes (besides formal meetings and hearings) due to a backlog of legislative and regulatory by-law and policy work, the annual plan, as well as entering the long-term planning engagement and consultation phase.
- o. If Committees and their TOR are not agreed, it impacts setting remuneration and the completion of the Local Governance Statement, and it is expected an extraordinary meeting would need to be held either before the end of the year or early in the new year.
- p. Workshops calendar holds, combined council, some external committees and Community Board forums have been accounted for in the proposed schedules.

6. Financial Considerations

Costs to hold meetings have been factored into existing Council budgets, with the inclusion of any claim for the childcare allowance.

Over the last triennium, South Wairarapa District Council has had a very high number of formal meetings for officers to service and for elected members to attend.

Democracy/governance reporting takes a significant amount of officer's time. This includes drafting and reviewing the reports, meeting preparation, meeting attendance

by officers, and follow-up on resolutions and actions. The time commitment impacts council officers' capacity to undertake "business as usual".

The inaugural meeting of Council requested a report be prepared that would outline the resources required to service committees. The table below estimates the hours required for a single formal meeting.

Task	Comments	When	Average time to complete
Pre-agenda meeting	Chair, CEO and Committee Advisor discuss items for the agenda for follow up	14 working days prior to meeting	30 minutes
Report writing	Officers research, collate information, writing, and peer review	When request for report is received Deadlines provided by Committee Advisor	Depends on complexity of report. (Average 10 hours)
Agenda items due to Committee Advisor	Write up final agenda, format reports and follow up any issues prior to review	6 working days prior to meeting	2-5 hours
Agenda reviewed by Chair/CE	Provide input and feedback on the meeting agenda prior to release	4 working days prior to meeting	1 hour
Agenda released	Must be released onto our website and loaded onto Stellar, can be printed for public on request. Printed for CE and Chair	3 working days prior to meeting	3 hours
Public participation	Liaising with officers and public, seeking approvals from Mayor	24 hours prior to meeting	1 hour
Pre-meeting briefing	To discuss procedure, any queries, and issues prior to meeting start	30 minutes prior to meeting	15 minutes
Meeting day	Venue setup and pack down Decision making occurs, agenda may include CEO update, action items, confirmation of minutes, Chairperson, and members' reports	Refer to scheduled; or extraordinary meetings	1-5 hours (depending on agenda, complexity of decisions)
Post-meeting briefing	To discuss any follow up items, key issues, feedback	Immediately after meeting (if possible)	15 minutes
Meeting minutes	Reviewed by Chair and released by Committee Advisor	Within 1 week of meeting date	4 hours
Actions/Resolutions	Committee Advisors enter meeting info into register and follow up action with officers	Prior to next meeting, deadlines provided to officers	3 hours
			Total average associated with each meeting (excluding meeting attendance and presentation by report writers)
			30 hours approx.

7. Engagement and Communications

Elected members, the Chief Executive and general managers were consulted in the process of creating the 2023 meeting schedule.

All options allow the Chief Executive to properly notify the public of the times and dates of meetings in accordance with Part 7 of the Local Government Official Information and Meetings Act 1987.

Once a 2023 schedule is adopted, it will be notified on Council's website.

8. Appendices

Appendix 1 – Draft 2023 Committee Terms of Reference and Schedule of Council and Committee Ordinary Meetings

Contact Officer: Amanda Bradley, General Manager; Policy & Governance

Reviewed By: Harry Wilson, Chief Executive

Appendix 1 – Draft 2023 Committee Terms of Reference and Schedule of Ordinary Meetings



**COUNCIL AND COMMITTEE
TERMS OF REFERENCE
2022-2025**



**SOUTH WAIRARAPA
DISTRICT COUNCIL**
Kia Reretahi Tātau

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1. INTRODUCTION

This document sets out the Terms of Reference for the South Wairarapa District Council and its committees for the 2022-2025 triennium.

The Council's business is wide-ranging, and it has many obligations and powers under statutes and regulations. It is not always necessary for the full Council to deal with every matter itself, therefore committees are formed to support. In addition, delegations to officers are made for the effective and efficient operation of Council. These are outlined in the Delegations Policy and Register available on the Council website.

2. COMMITTEE ESTABLISHMENT

The Mayor has the power to establish committees and appoint the chairperson of each committee under section 41A of the Local Government Act 2002.

The Council also has the ability to appoint, discharge, or reconstitute, the committees that it considers appropriate under schedule 7 part 1, 30 of the Local Government Act 2002.

Committees include, in relation to the Council:

- » a committee comprising all the members of the Council
- » a standing committee or special committee appointed by the Council
- » a joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002
- » any subcommittee of a committee described above.

The Mayor is a member of each committee.

3. TERMS OF REFERENCE (TOR)

The Terms of Reference for each committee are set out in full in this document. The Terms of Reference include the purpose, key responsibilities, delegations, membership, quorum and meeting frequency.

4. QUORUM

Generally, unless otherwise specified, a quorum is the presence of:

- » half of the members if the number of members (including vacancies) is even, or
- » a majority of members if the number of members (including vacancies) is odd.

5. AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which committee has delegated authority in respect of a particular matter, the Mayor will decide in consultation with the Deputy Mayor on advice from the Chief Executive.

COUNCIL TOR

1. Purpose

The purpose of Council is to:

- enable democratic local decision-making and action by, and on behalf of, communities; and
- promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

2. Key Responsibilities

Activities that will be decided by the full Council include the power to:

- make a rate
- make a bylaw
- borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- adopt a long-term plan, annual plan, or annual report
- appoint a chief executive
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in associations with the long-term plan or developed for the purpose of the local governance statement
- adopt a remuneration and employment policy
- approve or amend the Council Code of Conduct
- approve or amend Council's Standing Orders
- appoint committees or establish joint committees with another local authority
- approve the Local Governance Statement under section 40 of the Local Government Act 2002
- approve the Triennial Agreement under section 15 of the Local Government Act 2002
- approve the Council's recommendation to the Remuneration Authority for remuneration of elected members
- make decisions on the review of representation arrangements under the Local Electoral Act 2001
- determine any other matters that Council is legally unable to delegate or where a valid delegation has not been made to a committee or other subordinate decision-making body, community board, or member or officer.

3. Membership and Composition

Chair:	The Mayor
Membership:	The Mayor and all councillors
Quorum:	Five members (half the membership)
Meeting Frequency:	Every 8 weeks

MAORI STANDING COMMITTEE TOR

Reports to: Council

Membership: At least one, but up to three councillors appointed by Council in consultation with Iwi representatives

Up to two representatives from each of the three South Wairarapa Marae (Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae)

Up to two representatives from Pae Tū Mokai o Tairā

Up to one representative from Ngāti Kahungunu ki Wairarapa

Up to one representative from Rangitāne o Wairarapa

The Mayor

Up to one youth representative in an advocacy role

Nominations for Iwi or Marae/Pae tū Mōkai O Tairā representatives must be received in writing from each participating body and are ratified by the Committee. Councillor membership is ratified by Council. The chairperson and deputy chairperson are elected by the Committee at the start of the triennium.

A robust induction process will be in place for all incoming members of the Committee.

Non-voting attendees: The youth representative is not a voting member of the Committee

Meeting Frequency: Eight-weekly or as required, with workshops and community forums held as needed.

Quorum: Five members including a minimum of three representatives from Iwi or Marae/Pae tū Mōkai O Tairā and one representative from Council

Committee Continuation: Under clause 30(7) of Schedule 7 of the Local Government Act 2002, this Committee is deemed not to be discharged following each triennial general election.

- **Introduction**

These Terms of Reference reflect the intent and expectations of both the South Wairarapa District Council (“the Council”) and the South Wairarapa District Council Māori Standing Committee (“the Committee”). These Terms of Reference look to strengthen the relationship between the Council and the Committee members and to ensure that the role of kaitiakitanga by the Committee and tāngata whenua is fulfilled and the wellbeing of the South Wairarapa district and its people is enhanced. Te Tiriti o Waitangi/the Treaty of Waitangi is a historical agreement between the Crown and Māori. The Council is a statutory body with powers and responsibilities delegated to it by the Crown. The Council must therefore adhere to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi in respect of tāngata whenua within the South Wairarapa district. The Council and the Committee acknowledge that the iwi of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa and their respective hapū exercise mana whenua and mana moana over the South Wairarapa district. The Council and the Committee acknowledge that the marae in the South Wairarapa district are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tairā as a kaupapa māori community group represented on the Committee. The Council and the Committee further acknowledge that there are mataawaka (people of Māori descent who are not tāngata whenua) living within the South Wairarapa District.

- **Background**

On 15 December 1993, the Council made a resolution to support in principle the establishment of a Māori Standing Committee of the Council. On 27 March 1996, the Council Working Party and tāngata whenua established the Committee. On 17 April 1996, the Committee first met, and on 20 June 1996, the Committee was formally established following the adoption of the 1996/1997 Annual Plan. The Annual Plan included a

Māori Policy and an acknowledgement that the Committee was now fully operational. The Committee has been established every triennium thereafter. The Committee is established pursuant to clause 30(1)(a) of Schedule 7 of the Local Government Act 2002.

- **Overview**

The South Wairarapa District, which extends from the Tararua Ranges to the South Wairarapa Coastline and includes Greytown, Featherston and Martinborough (“the District”), is rich in Māori history and culture. The iwi of the District are Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa, the marae are Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae and Pae tū Mōkai O Tauira is a kaupapa māori community group represented on the Committee. Some of the earliest known occupational sites exist within the District’s boundaries and for centuries the natural environment has provided both material and spiritual sustenance. Its place in the Māori political history of Aotearoa is a matter of national record. Lake Wairarapa and the South Wairarapa Coastline are of immense cultural, spiritual and historic significance to tāngata whenua.

The Local Government Act 2002 (“the LGA”) signals that the social, cultural and economic development of Māori is of particular importance. There are also specific requirements to enable Māori to contribute to council decision-making. The Resource Management Act 1991 (“the RMA”) places obligations on the Council including a duty to consult with Māori during the planning process and requires consideration of Māori cultural and traditional relationships with their ancestral lands, water, sites of significance, wāhi tapu, and other taonga. These obligations are in turn derived from the underlying principles of Te Tiriti o Waitangi/the Treaty of Waitangi, which in this context, includes:

- Partnership - the development of an active and on-going relationship between the Council and hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa in the South Wairarapa.
- Participation - a principle which emphasises positive and active Māori involvement in the business of the Council, and in particular its planning and delivery functions.
- Active Protection - the requirement to ensure that Māori well-being is enhanced whenever possible, and that principles of equity of Māori outcomes are observed in the Council’s decision-making processes.

The Council is committed to giving effect to these principles by engaging effectively with tāngata whenua and fostering positive relationships in pursuance of the partnership envisaged under Te Tiriti o Waitangi/the Treaty of Waitangi, on matters that affect and concern tāngata whenua.

- **Purpose and Functions**

The purpose of the Committee is to advocate on behalf of and in the best interests of tāngata whenua in the District (including the descendants of hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa) and to ensure that the Council is fulfilling its obligations to them. To achieve this purpose, the Committee will undertake the following functions to the extent that resources allow:

- Give advice and make recommendations to the Council on significant governance issues and decisions that affect tāngata whenua in the District.
- Actively participate in and contribute to decision-making processes, policy and strategy development and other activities of the Council, based on Te Tiriti o Waitangi/the Treaty of Waitangi principles of participation, partnership and active protection.
- Consider ways in which to support the development of Māori capacity and capability to contribute to the decision-making processes of the Council.
- Provide advice and relevant information to the Council regarding economic, social, environmental, spiritual and cultural matters in the District that support sustainable resource management, kaitiakitanga and economic growth.

- Make recommendations to the Council on matters of relevance affecting tāngata whenua in the District, and to help fulfil the Māori consultative requirements of the Council particularly with regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi, the LGA and the RMA.
 - Work with the Council to develop and maintain a Māori consultation policy and advise the Council about particular consultation processes with tāngata whenua in the District. Assist in the development of consultation networks throughout the District.
 - Manage a budget for the purposes of making community grants, marae grants and undertaking projects that promote Māori interests.
 - Advise the Council on engagement with tāngata whenua to ensure that these engagements are positive, productive, and culturally safe and that the tikanga of the tāngata whenua are observed and respected by Council.
- **Stakeholders**

Stakeholders include:

- South Wairarapa District Council.
 - Hapū of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa.
 - Iwi settlement trusts and their entities.
 - Kohunui Marae, Hau Ariki Marae and Pāpāwai Marae.
 - Pae Tū Mokai o Tauria.
 - Greater Wellington Regional Council.
 - Wellington Water Ltd.
 - The wider South Wairarapa District community
- **Deliverables**
- In addition to its functions outlined above, the Committee will:
- Contribute to the Long Term Plan every three years.
 - Contribute to the Annual Plan every other year.
 - Provide advice on the hapū responsible for cultural and historical input into resource consents under the RMA.

- **Accountability and Reporting**

The Committee is accountable to the Council and minutes of Committee meetings and specific reports will be presented to the Council. The chairperson or nominated appointee of the Committee may provide an update to the Council at each Council meeting

- **Delegations**

In addition to the functions of the Committee outlined in paragraph 3 above, the Council delegates to the Committee the power to:

- Discretionarily spend on community grants and projects.
 - Determine the criteria and allocation of the marae development fund granted through Annual or Long Term Plans, and any subsequent development grants, to Kohunui Marae, Hau Ariki Marae, Pāpāwai Marae and Pae tū Mōkai O Tauria.
- **Review of Terms**
- These Terms of Reference may be reviewed, updated or amended at any time by the Committee and must be endorsed by the Committee and approved by Council.

- **Meetings**

Timing and frequency

Ordinary meetings will be convened by the Chief Executive on an eight-weekly cycle, or as required. Extraordinary or emergency meetings may be called in accordance with Standing Orders.

The Chair or their nominated appointee of the Committee have the ability to attend and speak at the following meetings:

Council - Delegation to attend and speak but not vote

Planning and Regulatory Committee - Delegation to attend and speak but not vote

Assets and Services Committee - Delegation to attend and speak but not vote

Finance, Audit and Risk Committee - Delegation to attend and speak but not vote

Meeting procedure

Committee meetings are conducted pursuant to Council's Standing Orders.

Decisions

Decisions will be made at a meeting through a vote exercised by the majority of members.

Quorum

The quorum for Committee meetings is five Committee members including a minimum of three representatives from iwi or marae/Pae tū Mōkai O Tairā and one representative from Council.

Secretariat

Secretariat services are to be provided by the Council Committee Advisor.

Agenda and paper circulation

The agenda for Committee meetings will be circulated by email as well as by post, to be received at least two working days before the Committee meeting. The agenda will also be made publicly available at the South Wairarapa libraries and on the Council's website in the following location: <https://swdc.govt.nz/meetings/>.

Workshops and briefings

The Committee may hold workshops and briefings about matters that impact local government and Māori. These workshops are not decision-making forums and the provisions of Council's Standing Orders relating to workshops and similar forum apply.

STRATEGY & POLICY COMMITTEE TOR

1. Purpose

Ensuring strategic alignment between the various committees, boards, and working groups of Council.

2. Key Responsibilities

- Setting direction and monitoring progress of the statutory planning activities the Council undertakes such as the Annual Plan and the Long-Term Plan.
- Setting direction and monitoring progress of the strategic consultation processes, such as that required by the Local Government Act 2002, and other legislation.
- Setting direction and monitoring progress for the policy and by-laws programme of work and liaising with the appropriate committees when required.
- Understanding the priorities of the Community Boards through their community plans and receiving meeting minutes and advocacy issues from Community Boards and The Māori Standing Committee and ensuring they are appropriately considered.

3. Delegated Authority

Power to Act:

- Authorise Council submissions to external bodies in collaboration with other committees.
- Establish working groups in collaboration with other committees.

Power to Recommend to Council:

- Adoption of the Annual Plan and Long-Term Plan.
- Changes to and adoption of new policies and bylaws.
- Key advocacy issues for the community boards and the Māori Standing Committee.

4. Membership and Composition

Chair: Mayor Martin Connelly

Membership: Mayor Martin Connelly, Councillor Colin Olds, Councillor Rebecca Gray, Councillor Kaye McAulay, Councillor Aidan Ellims, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Three members

Frequency: Every 8 weeks

FINANCE COMMITTEE TOR

1. Purpose

Ensure the strategic overall financial management and performance of the council.

2. Key responsibilities

- Quarterly review of the financial position of Council.
- Advising and supporting the development of the Annual Plan and the Long-Term Plan.
- Collaborate with the Strategy & Policy Committee on the review and adoption of policies with a financial focus or impact.
- Collaborate with the Strategy & Policy Committee on submissions to external bodies.
- Provide input into planning for engagement and consultation activity with a financial focus or impact.

1. Delegated Authority

Power to Act:

- Assess and approve Community & Youth Grants
- The ability to sub-delegate to Community Boards and the Māori Standing Committee, grants consistent with their Terms of Reference.

3. Membership and Composition

Chair:	Councillor Colin Olds
Membership:	Mayor Martin Connelly, Councillor Colin Olds, Councillor Kaye McAulay, Councillor Aaron Woodcock, Councillor Alistair Plimmer, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee
Quorum:	Three Members
Frequency:	Quarterly

INFRASTRUCTURE & COMMUNITY SERVICES COMMITTEE TOR

1. Purpose

To provide governance direction and monitoring of Council programmes, services, and projects against approved levels of service across the following activity areas:

- Land transport (roading and footpaths)
- Water supply (including water races)
- Wastewater
- Stormwater drainage
- Community Facilities & Services

2. Key responsibilities

- Setting direction and monitoring the strategic management of council assets and ensuring alignment to its long-term strategic objectives.
- Monitor levels of service (KPIs) and performance of the activities.
- Setting direction and monitoring of significant projects that are of a nature which pose significant risk or high community impact, including delivery against key milestones, project risks, and budget.
- Collaborate with the Strategy & Policy Committee on the review and adoption of policies with an infrastructure and community services focus or impact.
- Collaborate with the Strategy & Policy Committee on submissions to external bodies.
- Provide input to planning for engagement and consultation activity with an infrastructure and community services focus or impact.

3. Delegated Authority

Power to Act:

- Approve unbudgeted expenditure from reserve funds and emergency expenditure up to maximum of \$400,000.
- Approve activities and unbudgeted expenditure up to 100k outside of the annual plan that do not trigger the Significance & Engagement Policy or other legislative requirements.
- Provide input to planning for community engagement and consultation activities with an infrastructure and community services focus or impact.
- To stop roads.

Power to Recommend:

- The use of reserve funds over \$400,000 for unbudgeted emergency expenditure.
- Activities outside of the annual plan that trigger the Significance & Engagement Policy or other legislative requirements.

4. Membership and Composition

Chair: Councillor Aidan Ellims
Deputy Chair: Deputy Mayor Melissa Sadler-Futter

Membership: Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter, Councillor Rebecca Gary, Councillor Martin Bosley, Councillor Aaron Woodcock, Councillor Alistair Plimmer, Councillor Aidan Ellims, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Four members

Frequency: Every 8 weeks

CLIMATE CHANGE & ENVIRONMENT COMMITTEE TOR

1. Purpose

Provide strategic thinking and planning around climate change and the environment that will promote the environmental well-being of our communities now and into the future.

2. Key Responsibilities

- Setting direction and monitoring progress of the key strategic climate change strategies and plans for Council.
- Ensuring alignment across Council of key regional and national strategic environmental wellbeing strategies and plans.
- Collaborate with the Strategy & Policy Committee on the review and adoption of policies with a climate change and environment wellbeing focus or impact.

3. Delegated Authority

Power to Act:

- Provide input to planning for community engagement and consultation activities with a climate change and environment focus or impact.

Power to Recommend to Council:

- Advice on direction and action to address Climate Change and environmental wellbeing.
- Adoption of relevant strategies and plans.

4. Membership and Composition

Chair: Councillor Rebecca Gray

Membership: Mayor Martin Connelly, Councillor Rebecca Gary, Councillor Pip Maynard, Councillor Colin Olds, Councillor Martin Bosley, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Three members

Frequency: Quarterly

ASSURANCE AND RISK COMMITTEE TOR

2. Purpose

Provide independent assurance and assistance on Council's risk, controls, compliance framework, and its external accountability responsibilities.

3. Key Responsibilities

- Setting direction and monitoring progress of the risk management framework, and associated procedures for effective identification and management of Council's financial and business risks, including insurance and fraud.
- Ensure legal and compliance risks including monitoring Council's compliance with relevant laws, regulations, and associated government policies.
- Setting direction and monitoring progress of the Annual Report.
- Ensure the interim and final audit process is well managed and any audit findings are addressed.
- Setting direction and monitoring progress of Council's emergency response and business continuity planning arrangements.
- Collaborate with the Strategy & Policy Committee on the review and adoption of policies with an assurance and risk focus or impact.
- Ensuring the health, safety and well-being responsibilities of Council are well managed (noting the distinct responsibilities of the CEO under legislation).

4. Delegated Authority

Power to Act:

- Approve strategies and plans related to emergency response and business continuity within budgeted limitations.
- Delegate to members of the Committee and Chief Executive the powers to appoint an Independent Chair, as recommendations by the Auditor General.

Power to Recommend to Council:

- Adoption of the Annual Report.

5. Membership and Composition

Collectively, members of the Committee should have a broad range of skills and experiences, both relevant to the operations of the council as well as to the risk profile of the council. At least one member should have expertise in accounting and finance. All members should have at least some accounting and financial literacy. Professional development of members to enable them to build their skills should be considered.

Chair: Independent Chair

Membership: Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter, Councillor Aidan Ellims, Councillor Alistair Plimmer, a nominated representative from the Māori Standing Committee as determined by the Māori Standing Committee

Quorum: Two members

Frequency:

Quarterly

CEO EMPLOYMENT COMMITTEE TOR

1. Purpose

The committee acts on behalf of Council to promote an effective working relationship between the Council and the Chief Executive Officer (CEO). The committee oversees matters relating to the CEO employment, development, and performance.

2. Key responsibilities

- Promote a collaborative and effective working relationship between the Council and the CEO.
- Establish a performance agreement with the CEO including agreed Key Result Areas (KRAs) and Key Performance Indicators (KPIs).
- Provide feedback to the CEO on the effectiveness of their performance, and any areas for development or improvement.
- Support the CEO to attend appropriate professional development courses and conferences.
- Ensure there are three-monthly reviews with an external consultant, Mayor and CEO.
- Complete formal reviews in conjunction with an external consultant, including ensuring the CEO completes a self-assessment report each year.
- Arrange for confidential feedback to be provided by councillors to an external consultant to be compiled into one document to be reported to the full Council.
- Review the salary of the CEO and make recommendations to Council on an annual basis.
- Receive written progress reports from an external consultant.

3. Delegated Authority

The Committee is delegated the Power to Act:

- To complete half-yearly reviews and feedback to CEO, in conjunction with an external consultant, with the summary reported to Council.
- The authority to forward written progress reports from the external consult to Council as required, but at least once a year.
- To seek specialist advice and support.
- The authority to authorise advertising for the position of CEO.

The Committee is delegated the Power to Recommend:

- To recommend to Council appointment of a CEO.
- To recommend to Council CEO salary adjustments.

4. Membership and Composition

Chair: Councillor Kaye McAulay

Membership: Mayor Martin Connelly, Deputy Mayor Melissa Sadler-Futter and Councillor Kaye McAulay

An external consultant may be co-opted to provide advice but is not a member of the committee

Quorum: Two members.

Meeting Frequency: At least six-monthly or as required throughout the year

HEARINGS COMMITTEE TOR

1. Purpose

To hear and determine matters that require hearings under legislative instruments.

2. Key responsibilities

- Hearing and determining matters that require statutory hearings under legislative instruments, including the:
 - Dog Control Act 1996
 - Local Government Acts 1974 and 2002 (other than the Long-Term Plan and the Annual Plan)
 - Reserves Act 1977
 - Soil Conservation and Rivers Control Act 1941
 - Any other legislative instrument (excluding the Sale and Supply of Alcohol Act 2012 and the Resource Management Act 1991¹).
- Hearing and determining matters that may arise under Council bylaws or policies or as delegated by Council, including applications for dispensation from compliance with the requirements of bylaws and policies, and any other matter as delegated by Council.

3. Delegated Authority

Power to Act:

- To conduct hearings and make determinations on matters within the terms of reference of this committee and as delegated by Council.

Power to Recommend to Council:

- The committee shall have the authority to make a decision on any matter before it without reference to Council but has the power to make a recommendation or refer matters to Council if it so wishes.
- To hear and make recommendations to Council for those matters where a decision can't be delegated.

4. Membership and Composition

Chair:

Membership: The Mayor and up to three elected "RMA Making Good Decisions" accredited members of Council.

Quorum: Two members

Frequency: As required.

Members will meet no later than 6 months after the swearing in of elected members to ensure suitability and readiness of members.

¹ Matters arising under the Sale and Supply of Alcohol Act 2012 are the responsibility of the District Licensing Committee and matters arising under the Resource Management Act 1991 are the responsibility of Hearings Panels.

RESOURCE MANAGEMENT HEARINGS PANELS TOR

1. Purpose

To hear and determine matters arising under the Resource Management Act 1991.

2. Key responsibilities

- Hearing and determining resource consents under sections 104 and 104A, 104B, 104C, and 104D under the Resource Management Act 1991.
- Hearing and recommending decisions on notices of requirement and amendments to notices of requirement under the Resource Management Act 1991.
- Hearing and deciding or recommending matters under the 1st Schedule of the Resource Management Act 1991, excluding clause 17.
- Specific delegations have been set out in Council's delegation register for panels convened for matters arising from the Resource Management Act 1991.

3. Delegated authority

Power to Act:

- To conduct hearings and make determinations on areas within its key responsibilities.
- To act in accordance with specific delegations set out in Council's delegation register.

Power to Recommend to Council:

- The committee shall have the authority to make a decision on any matter before it without reference to Council but has the power to make a recommendation or refer any matter to Council if it so wishes for decisions on Notices of Requirements and Plan Changes pursuant to the Resource Management Act 1991.
- To hear and make recommendations to Council for those matters where a decision can't be delegated (e.g. District Plan).

4. Membership and Composition

Membership

The Chief Executive has delegated authority to appoint a Hearings Panel on a recommendation received from the Group Manager, Planning and Environment.

The Chief Executive may appoint:

- Independent accredited commissioners
- Chair including chair acting alone
- Hearings Committee members
- An iwi approved accredited commissioner with relevant experience and skills to the matters being heard.

For matters pursuant to Plan Changes, the Chief Executive is encouraged to appoint a member or members from the Hearings Committee to a Hearings Panel where appropriate.

The chair will be an independent accredited commissioner and will have a casting vote.

Quorum: One member or commissioner with a 'chair' endorsement from the 'Making Good Decisions' programme.

Meeting Frequency: As required.

DISTRICT LICENSING COMMITTEE TOR

5. Purpose

This committee is appointed in accordance with section 186 of the Sale and Supply of Alcohol Act 2012 to deal with licensing matters for its district.

6. Key responsibilities

The committee has the functions outlined in section 187 of the Sale and Supply of Alcohol Act 2012:

- consider and determine applications for licences and manager's certificates
- consider and determine applications for renewal of licences and manager's certificates
- consider and determine application for temporary authority to carry on the sale and supply of alcohol in accordance with section 136
- consider and determine applications for the variation, suspension, or cancellation of special licences
- consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280
- refer applications to the licensing authority with the leave of the chairperson for the licensing authority,
- conduct inquiries and to make reports as may be required of it by the licensing authority under section 175
- carry out any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.

7. Delegated Authority

In accordance with section 188 of the Sale and Supply of Alcohol Act 2012, the committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act 2023 or any other acts, and all the powers as may be reasonably necessary to enable it to carry out its functions.

8. Membership and Composition

Chair or Commissioner:	TBC
Deputy Chair:	Appointed councillor
Membership:	Chairperson and list members maintained under section 192, including one councillor and external members appointed by Council
Quorum:	Three members The Chairperson is able to act alone to consider and determine applications for a licence, manager's certificate or renewal of a licence or manager's certificate where no objection has been filed and no matters of opposition have been raised under sections 103, 129 or 141.
Meeting Frequency:	As required

2023		JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	2023
MON						1								MON
TUE						2			1					TUE
WED		1 ICS / S&P	1 CCE			3 GCB (Meeting) AP			2 Council			1 Combined Council (CDC) / FCB (Meeting)		WED
THU		2 Rating Review Workshop (scheduled)	2 Workshop (hold)			4 MCB (Meeting) AP / WCDP Joint Committee	1 ICS / S&P							THU
FRI		3	3			5	2		3		1	2	3	FRI
SAT		4	4	1		4	3		1		2	4	2	SAT
SUN		1 New Years Day	5	2		7	4		2		3	5	3	SUN
MON		2 Public Holiday	6 Waitangi Day	6	3	8	5 King's Bday	3	7	4	2	6	4	MON
TUE		3	7 Wairarapa Committee	7 WRLC/CDEM/RTC	4	9 Wairarapa Committee	6 MSC (Forum)	4	8 Wairarapa Committee	5 Workshop (hold)	3	7	5 WRLC/CDEM/RTC	TUE
WED		4	8 Council / GCB (Meeting)	8 Combined Council (MDC)	5 Council	10 Finance / RA	7 Council	5 Workshop (hold)	9 Finance / RA / FCB (Meeting)	6 GCB (Forum) FCB (Meet the Board) / Community & Youth Grants	4 FCB (Forum)	8 CCE	6 Workshop (hold)	WED
THU		5	9 MCB (Meeting)	9	6 Workshop (hold)	11 Workshop (hold)	8 WCDP Joint Committee	6 WCDP Joint Committee	10	7 MCB (Meeting) / Community & Youth Grants	5	9 Workshop (hold)	7	THU
FRI		6	10	10	7 Good Friday	12	9	7	11	8	6	10	8	FRI
SAT		7	11	11	8	13	10	8	12	9	7	11	9	SAT
SUN		8	12	12	9	14	11	9	13	10	8	12	10	SUN
MON		9	13	13	10 Easter Monday	15	12	10	14	11	9	13	11	MON
TUE		10	14	14 MSC (Forum)	11	16	13 WRLC/CDEM/RTC	11	15	12 Wairarapa Committee	10 MSC (Meeting)	14	12	TUE
WED		11	15 Finance / RA	15 Workshop (hold)	12	17 Workshop (hold) / FCB (Meeting)	14 Workshop (hold) / GCB (Forum) / FCB (Meet the Board)	12 FCB (Forum)	16 Workshop (hold)	13 CEO	11 Workshop (hold)	15 ICS / S&P	13 Workshop (hold)	WED
THU		12	16 WCDP Joint Committee	16	13	18	15 MCB (Meeting)	13	17	14 Workshop (hold)	12	16 Workshop (hold)	14	THU
FRI		13	17	17	14	19	16	14 Matariki	18	15	13	17	15	FRI
SAT		14	18	18	15	20	17	15	19	16	14	18	16	SAT
SUN		15	19	19	16	21	18	16	20	17	15	19	17	SUN
MON		16	20	20	17	22	19	17	21	18	16	20	18	MON
TUE		17	21	21 Wairarapa Committee	18	23 CCE	20	18 MSC (Meeting)	22	19 WRLC/CDEM/RTC	17	21 MSC (Forum)	19	TUE
WED		18 FCB (Forum)	22 FCB (Meeting)	22 GCB (Forum) FCB (Meet the Board)	19 Regulatory Hearings FCB (Forum)	24 AP Hearings	21 Workshop (hold)	19 Workshop (hold)	23 CCE	20 ICS / S&P	18 GCB (Meeting) / Workshop (hold)	22 Council	20	WED
THU		19	23 Workshop (hold)	23 MCB (Meeting)	20 Regulatory Hearings	25 AP Hearings	22	20	24 Workshop (hold)	21	19 MCB (Meeting)	23	21	THU
FRI		20	24	24	21	26	23	21	25	22	20	24	22	FRI
SAT		21	25	25	22	27	24	22	26	23	21	25	23	SAT
SUN		22	26	26	23	28	25	23	27	24	22	26	24	SUN
MON		23 Wgtn Anniversary	27	27	24	29	26	24	28	25	23 Labour Day	27	25 Xmas Day	MON
TUE		24	28	28	25 Anzac Day	30 Workshop (hold)	27	25 ICS / S&P	29 MSC (Forum)	26	24 Wairarapa Committee	28	26 Boxing Day	TUE
WED		25		29 ICS/S&P	26 Workshop (hold)	31 Combined Council (GWRC)	28 Council (AP adoption)	26 GCB (Meeting) / LGNZ conference	30 Combined Council (SWDC)	27 Council	25 Finance / RA	29 GCB (Forum) FCB (Forum) / Workshop (hold)	27	WED
THU		26		30 CEO	27 MSC (Meeting) AP		29	27 MCB (Meeting) / LGNZ Conference	31	28	26	30 MCB (Meeting)	28	THU
FRI		27		31	28		30	28 LGNZ Conference / WCDP Joint Committee		29	27		29	FRI
SAT		28			29			29		30	28		30	SAT
SUN		29			30			30			29		31	SUN
MON		30						31			30			MON
TUE		31 MSC (Meeting)									31			TUE

- COUNCIL** District Council meeting
- MCB** Martindorough Community Board
- FCB** Featherston Community Board
- GCB** Greytown Community Board
- MSC** Māori Standing Committee
- ICS** ICStructure and Community Services Committee
- S&P** Strategy and Policy Committee
- CEO** CEO Employment Committee
- Finance** Finance Committee - Quarterly
- RA** Risk and Assurance Committee - Quarterly
- CCE** Climate Change and Environment Committee
- School Holidays
- WCDP Wairarapa Combined District Plan Joint Committee
- WRLC Wellington Regional Leadership Committee
- CDEM Civil Defence Emergency Management Group
- RTC Regional Transport Committee
- Workshop (hold) Workshops for Council and Committees

Appendix 2 – Decision Making Guide

**Designing decision-making structures:
A guide for councils**

DRAFT

LGNZ

November 2019

The Local Government Committee System

While abolished under Labour the 2011 Localism Act gave councils the freedom to revive the system in 2012. This could bring more people (including tenants) into debates around and scrutiny of decision making. The Committee System allows councils to delegate decision-making on certain areas (e.g. housing or planning) to committees or sub committees comprised of elected councillors.

Rather than decisions being made behind closed doors by a cabinet or an elected Mayor, this opens the process up to greater accountability and scrutiny. We challenge more councils to take up this opportunity and – as often occurred in the past – to extend invitations to local elected tenant representatives who could speak up for social housing in their borough (Pat Turnbull, Centre for London 2019).

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Introduction

Decision-making structures matter. The ability of a local authority to meet the needs of its community and achieve the objectives set by its governing body is strongly influenced by the nature of its governance system which has a direct effect on elected members' workload, the opportunities for citizens to engage and participate, responsiveness to local concerns and the quality of governance oversight and strategic thinking. A poorly designed system will frustrate elected members, alienate citizens and diminish oversight and scrutiny.

This guide is primarily concerned with the core decision-making elements of a governance structure. It does not consider in detail the broader range of mechanisms such as workshops, briefings, joint committees and Post-Treaty co-governance arrangements which occur in many councils or the various bespoke committees that councils have established to address local issues.

Designing a governance or decision-making system that works will also be strongly influenced by the circumstances of each council, in particular the number of members on the governing body, the specific geography and whether or not it has community boards. There are also some important principles that should also be considered, namely:

- **Accountable and transparent:** decision-making structures should enable citizens to understand who is accountable for decisions made and the reasons behind those decisions;
- **Responsive:** the structure should be able to respond to issues brought to the council's attention without unnecessary delay;
- **Participation and diversity;** decision-making structures should facilitate direct engagement between elected members and members of the public and the expression of diverse views;
- **Strategic focus;** Decision-making structures should be designed so that members' ability to consider strategic matters is not "crowded out" by the urgent and reactive;
- **Equitable and inclusive;** Decision-making structures should be accessible to all communities;
- **Efficient and effective;** Decision-making structures should enable decision to be made in a timely manner, without unnecessary duplication.

Decision-making structures play a big role in whether or not a council is responsive to community concerns, innovative, focused, open and inclusive. Most importantly the nature of these models shape the interactions between elected members themselves, their officials and communities.

Figure 1 Elements of a good governance system



The over-riding consideration when designing your governance system is to ensure it is able to manage the complex and diverse responsibilities that councils undertake in an efficient and effective manner while also accounting for the future needs of communities.

Getting Started

The first challenge when designing a decision-making structure is to find a structure that fits the specific circumstances of each councils as well as its priorities and the challenges its communities face. This section of the guide sets out the generic decision-making models, discusses their advantages and disadvantages of each model as well as suggesting ways of addressing any perceived disadvantages.

A number of generic models are described below. The models fall into one of two categories – those that have no delegations (except those delegations to the chief executive and essential sub-committee like Audit and Risk and CE performance) and those that do, see table 1.

Table 1 Generic models

No delegations	Delegations
1 Governing body acting by itself	4 To committees of the whole
2 Governing body with committees of the whole	5 To committees
3 Governing body with committees	

Each model is presumed to have what in our view are the two essential committees or sub-committees, namely a chief executives performance committee and an audit and risk committee. Each model also includes the necessary delegations made to the chief executive officer and staff. These are discussed in more detail towards the end of the Guide.

Models with no delegations

Model 1 Governing body acting by itself (no committees)

In this approach the governing body makes all decisions except for those delegated to the chief executive. It has no committees or community boards but may establish short term project teams (often composed of councillors and external appointees) to undertake or oversee specific projects, or respond to particular issues.

This model is most likely to suit a council with a small and diverse number of councillors with limited resources as the cost of administration is likely to be less than other governance models.

Advantages:

- Administrative simplicity
- Speed and agility of decision-making process
- Clarity
- Accountability of decision-making is clear

Challenges and solutions

The challenges created by this approach include the difficulty of applying multiple perspectives as part of the decision-making process, the large amount of material governing bodies need to handle and the capability of the governing body itself. Possible solutions are discussed below in table 2.

Table 2 Strengthening Model 1

Challenge	Possible solution
Capability to deal with complex issues may not be sufficient.	Establish ad hoc project groups with external representatives chosen for knowledge and mandate. Opotiki District Council successfully used this approach to upgrade its underground infrastructure.
Risk that the governing body will be overwhelmed by reactive and minor issues at the expense of strategic and significant matters	Increase delegation to the chief executive and staff.
The model is not conducive to taking an inclusive approach or reflecting community diversity	Create partnerships with, for example, local Iwi/Maori, business organisations or other sector bodies; Hold public forums at the start of council meetings; Set up mayoral advisory panels to give under-represented groups additional voice.
Due to the need to meet frequently, multiple workshops and briefings are required – concerns about secrecy are common.	Make all workshop open to the public.
Members have limited opportunity to build a community profile	Consider creating portfolios which give each member the role of spokesperson on one or more policy matter.

Community boards

Councils with community boards that adopt Model 1 frequently make provision for community board chairs to attend governing body meetings and personally put forward any recommendations from the board. They can also give their community boards specific terms of reference.

2 Governing body with committees of the whole

In this model the governing body decides to create one or more “committee of the whole”. These are committees which are made up of all members of the governing body and may be established for a variety of reasons, such as to allow councillors to “drill down” into issues that are strategic and highly significant or relate to a major council responsibility. Some regional councils, for example, have established committees of the whole to handle public transport, a major responsibility for them.

Within the non-delegation model committees of the whole make recommendations to the governing body.

Advantages

- The committee of the whole enables member to focus on a single issue without distraction;
- In theory this approach can also limit distractions for the governing body and enable it to focus on strategic and significant matters, however this only applies if committee recommendations are accepted without too much debate;
- Councils can choose who chairs each committee so building up their skill and experience;
- Councils can co-opt external members on to committees, including committees of the whole thus increasing diversity if needed and bringing on specialised knowledge and skills;
- The model can build collegiality and perhaps strengthen non-partisanship amongst members of the governing body.

Challenges and solutions

The big problem with Model 2 is that of “double handling” and the risk of re-litigation when committees report back to the governing body, see table 3.

Table 3 Strengthening Model 2

Challenges	Possible solution
The problem of members recommending to themselves and then re-litigating the matter is an issue with this model.	Require committees to seek consensus or virtual consensus on issue before reporting back to the governing body; Amend standing order to require adoption of committee recommendations when unanimous and no contextual changes.
Work load – with all councillors on all committees the work load can be problematic, particularly the lack of flexibility to fit around other commitments some members might have.	Look at having variable meeting times to ensure that no one is consistently inconvenienced.

The risk of having the same group of members consider all matters throughout the electoral term could potentially lead to “group think”, where issues are only considered from a single perspective.	One possible solution is to have a policy of co-opting representatives, as required, to assist the committees by providing alternative perspectives.
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Community boards

Where a Model 2 council has community boards then it will need to determine how the boards align with the committees of the whole. It may, for example, require boards to report to the committees on any matters that fall with the committee’s terms of reference.

3 Governing body with committees

The key difference between model 2 and 3 is the make-up of the committees. In model 3 councillors do not sit on all committees which, as a result, allows for a greater number of committees focussing on a broader range of topics (see page 14 for information on defining terms of reference).

Advantages

- Greater opportunities for councillors to develop leadership skills as committee chairs
- Easier (due to smaller number of members and less formality) for citizens and organisations to directly engage with councillors;
- Ability to create more focussed committees, such as a focus on a council’s strategic objective, and include appointed members;
- Flexibility – as committees can be quickly established in response to emerging issues such as, for example, a housing crisis or influx of visitors. This allows attention to be focused on a single policy issue with minimal distraction;
- Enables establishment of special purpose advisory bodies, such as Maori Advisory Committees.

Challenges and solutions

As with model 2, this approach requires committees to consider matters and make recommendations to the governing body, creating an element of duplication although not to the same degree, see table 4.

Table 4 Strengthening Model 3

Challenges	Possible solution
Possible tension due to fact that members are on different committees and the feeling of being “left out”	Adopt a policy of changing membership after 18 months to enable all members to be members of each committee
The risk of recommendations being re-litigated by members not on the committee which made the recommendations.	Require committees to seek consensus or virtual consensus on issues before reporting back to the governing body; Amend standing orders to require the governing body to adopt committee recommendations if they have been passed unanimously by the committee.

More complex administration and servicing needs.	Invest in capability and capacity of governance team.
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Community boards

For model 3 councils with community boards it is common for community boards to be able to make recommendations to the relevant committee (according to terms of references) which may or may not endorse those recommendations to go forward to the governing body.

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Model 4 Governing body with committees of the whole (with delegations)

In this model the governing body chooses to create “committees of the whole”. Committees consist of all members of the governing body, as full members, and maybe established for a variety of reasons, such as to allow councillors to “drill down” into a topical issue or oversee a major council responsibility. Some regional councils, for example, have established committees of the whole to handle public transport, a major responsibility for them.

Unlike Model 2 the committees have the delegated decision-making authority, and requisite budget lines, to fulfil their terms of reference without seeking the agreement of the governing body.

Whangarei District Council is a good example of this approach, see

<http://www.wdc.govt.nz/YourCouncil/WhatWeDo/Documents/Local-Governance-Statement.pdf>

Advantages

The addition of delegated decision-making powers increases the advantages of Model 2 with the following:

- Accountability for decision-making is clear and duplication is removed;
- Ability to establish meaningful co-governance arrangements, for example with Iwi/Maori;
- Members of the committees of the whole are more strongly incentivised to “get the decision right”;
- Governing body can concentrate on major issues with less distraction on operational matters.

Challenges and solutions

While the addition of delegated decision-making powers addresses the major problems found with Model 2, namely duplication and risk of re-litigation, there are still challenges with the Model, see table 5.

Table 5 Strengthening Model 4

Challenges	Possible solution
Work load – with all councillors on all committees the work load can be problematic, particularly the lack of flexibility for councillors who may have other commitments.	Look at having variable meeting times to ensure that no one is consistently inconvenienced.
The risk of having the same group of members responsible for considering all matters could potentially lead to “group think”, which occurs where issues are only considered from a single perspective.	One possible solution is to have a policy of co-opting representatives to assist the committee by providing an alternative perspective.

Community boards

Councils that have adopted this approach and also have community boards are more likely to give boards a level of decision-making authority over local neighbourhood issues. If a community board is dealing with a matter that falls within the mandate of a committee of the whole any recommendations would go to the committee for action.

Model 5 Governing body with committees (with delegations)

In this model the governing body chooses to create committees to assist achieve its objectives and delegates decision-making powers to those committees. Members are allocated to different committees with membership numbers determined by committee purpose, members' interests and workload.

Unlike Model 3, "committees without delegations" the committees have sufficient delegated decision-making authority, and requisite budgets to fulfil their terms of reference without seeking the agreement of the governing body, unless they choose to do so.

Advantages

The model has the same advantages as Model 3, "committees without delegations" with the added benefits of:

- Because the 'buck stops' with the committee, members are more incentivised to make a good decision (which is not necessarily the case when a decision can be re-litigated at a later date);
- Accountability for decision-making is clear and duplication is reduced;
- Governing body can concentrate on major issues with less distraction on operational matters.

Challenges and solutions

Model 5 is best suited to larger councils that have a sufficient number of members to share between committees and rotate over the term, see table 6.



Table 6 Strengthening Model 5

Challenges	Possible solution
Possible tension due to fact that members are on different committees and the feeling of being "left out"	Adopt a policy of changing membership after 18 months to enable all members to experience each committee
More complex budget management as committees have spending authority	Ensuring budget software has the capability to handle the additional complexity;
More complex administration and servicing needs.	Build up capability and capacity of governance team and look at ways of working smarter.

Community boards:

Councils which have decentralised their decision-making to committees tend to also extend delegations to community boards or require boards to report to the relevant committee.

Governance approaches

<p>Centralised</p> 	1	<p>Governing body makes all decisions, except decisions that need to be made by the administration, statutory committees or joint committees involving other councils etc.</p>	<p>Variations can include providing members with “portfolios”, regular workshops (usually prior to governing body meetings) for informal discussions and specialised sub committees, such as CE Performance and Audit and Risk.</p>
	2	<p>Governing body makes decisions with “committees of the whole” providing advice, including community boards if established.</p>	<p>Committees of the whole involve all members of the governing body. May be established to address topical issues or to provide oversight for a significant function.</p>
	3	<p>Governing body makes all decisions but has a range of committees charged with providing advice, including community boards if established.</p>	<p>Committees may include appointed experts and/or representatives of relevant organisations e.g. Iwi or business. Appointees may vary according to each terms of reference.</p>
	4	<p>Governing body delegates decision-making on specified policy areas to “committees of the whole”. Delegations can be extend to community boards if established</p>	<p>Delegations to committees of the whole reduces risk of re-litigation and double-handling.</p> <p>Committee chairs act as spokespersons for matters within their committee’s mandate.</p>
 <p>Decentralised</p>	5	<p>Governing body limits its decision-making to strategic and district wide issues and delegates decisions to committees and community boards.</p>	<p>Greater flexibility than Model 4 with membership of committees determined by interest, capability and workload. .</p>

The case for delegation

Delegations are the secret to effective decision making as they enable governing bodies to manage their work loads, shift decision-making to those levels of the organisations/officials best suited to address particular topics and ensure attention is given to the important and strategic.

Councils have broad powers of delegation however there are some decisions that can only be exercised by the full governing body and cannot be delegated, these include:

- the power to make a rate
- the power to make a bylaw (although local boards have the right to recommend these for their local areas)
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan
- the power to adopt a long term plan, annual plan, or annual report
- the power to appoint a chief executive (cl. 32 of Schedule 7 of the LGA 2002).

Apart from the decisions set out above, and some duties in other statutes, most other decisions can be delegated to committees, local or community boards and in some cases, the chief executive. A delegation means that the body with the delegated power has the full authority of the governing body in respect of the decision-making powers defined in the delegation. The governing body, while retaining legal responsibility for the exercise of any powers it has delegated, cannot overturn or amend a decision made by a body which is exercising a delegation, although it can always revoke the delegation at some later point. The reasons for delegating include:

- **focusing on strategic matters:** delegation can reduce problems of governing bodies spending time on detailed issues or matters that are urgent but minor;
- **scale:** some decisions are better made in a smaller groups where all members can participate and matters be explored in detail. For example, decisions about procurement and decisions about the performance of a chief executive;
- **work load:** some issues, such as a review of a district plan, will require frequent meetings and considerable reading/research. This is simply impractical for the governing body as a whole;
- **building knowledge and capability:** some issues may require decision-makers to build up expertise in a specific area, such as asset management, to enable them to properly scrutinise management's performance. In some cases the members may not have the necessary expertise. External appointments can be made to committees but not the governing body;
- **facilitating community engagement:** governing bodies tend to operate in a formal manner with limited time for debate. This is not conducive to citizen engagement. Delegations to committees or community boards enables citizens and local organisations to be more actively involved with the council.

Delegating authority is a key process for municipalities to ensure operational efficiency, transparency in municipal transactions and preserving public confidence in municipalities' decision-making (City of St Albert, Canada, Governance Review).

Once approved, the delegations made by the governing body can be found in the council's Governance Statement and in many cases, a delegations manual will be published. Please note that a governing body can remove or amend delegations it has made to a subsidiary body.

Committees - terms of reference and other matters

Just as they have the ability to use discretion on whether to have committees or not councils have discretion about the type of committee and whether they have delegations or not. Typically, terms of reference tend to be functional, procedural or have an outcome or theme focus.

1 The Functional approach

Under the functional approach committees are given responsibility for activities that the council delivers or is responsible for. The normal practice is to group activities by common characteristic, taking note to ensure that workloads are roughly equivalent. Depending on the size of the local authority, a typical distinction might be between activities that are community related and those that are network related. For example “community services” “transport” and “water and drainage” committees.

2 The procedural approach

Under the procedural approach committees are more likely to be concerned with the processes that councils undertake, both external and internal. Some example include a “strategy and policy committee”, a “planning committee” and a “regulatory” committee.

3 The outcome approach

Some committee structures are designed to focus on the outcomes councils want to achieve rather than the services that are delivered or commissioned.

Such models are often designed to align with the Long Term Plan or the council’s outcomes, or the four well-beings and are designed to focus elected members’ minds on the results of council activity, rather than simply the activities themselves – these are often expressed as themes, such as the “keep the city moving committee” or the “safer communities committee”.

Select Committees enable citizens to engage directly with members of parliament across party boundaries. Standing committees are the local government equivalent.

In practice most committee structures have elements of all three, a good example being Rotorua Lakes Council’s committee structure, which consists of two standing committees, Strategy, Policy and Finance and Operations and Monitoring as well as six working/strategy groups based around key themes. The strategy groups are:

- People and engagement
- Creative Communities
- Sustainable Economy
- Sustainable living
- District revitalisation
- Sport and recreation

The strategy groups oversee the development and implementation of key strategies for the council. Membership is drawn from community organisations that contribute to each groups’ focus area

Resourcing committees

If committees are given delegated decision-making powers then budgetary provision should follow, with budgets commensurate with a committee’s responsibilities. Determining the appropriate budget level is likely to be more straightforward where a committee is established on a functional basis. For example a community services committee would normally oversee a number of discreet business units, such as libraries.

The importance of review

Councils frequently stay with the same decision-making structure established at the beginning of a term throughout the triennium, yet in many cases it may not be helping the local authority to achieve its objectives in a responsive and inclusive way. At the start of the triennium a time should be scheduled to evaluate the effectiveness of a council's decision-making structure. Such a review should be undertaken by someone external to the council who is more likely to be able to review the governance structure with fresh eyes.

Implications for organisational structure

In making a choice about governance structure elected members should also be mindful of how that structure fits with the council management and organisational structure. There are schools of thought that an organisation structure should align with its governance structure, for example, a situation where a community services department reports to the community services committee, and the library and art gallery reports to the culture committee.

Where committees are theme-based they cross organisational boundaries and it may be necessary for each committee to have an organisation leader whose role is to help align the work and priorities of departments with the objectives of their specific committee.

Joint committees

Joint committees are a way of working collaboratively with neighbouring councils on matters of joint interest or concern and are able to have an ongoing life beyond the three year electoral cycle. Joint committees can be used as an alternative to establishing jointly owned Council Controlled Organisations (CCOs). In comparison to CCOs they are less expensive to establish or de-establish and more transparent.

Specialist committees

Regardless of the decision-making structure adopted there are a number of “specialist” committees or sub-committees that are recommended, the most important being Audit and Risk and CE performance.

Audit and Risk committee

Audit and risk management is an essential function of any governance body, but is not a function that a governance body as a whole can easily fulfil. To assist an Audit and Risk committee achieve its purpose it is recommended that they have delegated authority and at least one external member, more information can be found at <http://www.lgnz.co.nz/assets/Uploads/458c6ff032/LGNZAudit-and-Risk-Guide.pdf>.)

The role of an audit and risk committee is to use good governance skills to gain an assurance that the risks have been identified and where possible have been mitigated. An effective audit and risk committee will be based on the following attributes:

- it will have a degree of independence from council and management which will enable the robust consideration of Council’s financial and non-financial risks; and
- the audit and risk committee will consist of both elected and non-elected (external appointee) members who have an enquiring mind and are not afraid to ask the tough questions. The committee will encourage open and effective relationships with external and internal auditors and with management

Delegations for your Audit and Risk Committee

To be effective an audit and risk committee shall have a range of delegated powers, such as:

- The authority to approve the appointment of the internal auditor of risk management and internal audit programmes, audit engagement letters and letters of undertaking for audit functions and additional services provided by the external auditor.
- The authority to conduct and monitor special investigations in accordance with council policy, including engaging expert assistance, legal advisors or external auditors, and, where appropriate, recommend action(s) to Council.
- The ability to recommend to the council the:
 - adoption or non-adoption of completed financial and non-financial performance statements;
 - governance policies associated with Council’s financial, accounting, risk management, compliance and ethics programmes, and internal control functions;
 - accounting treatments, changes in generally accepted accounting practice; and
 - new accounting and reporting requirements.

The chairperson of the audit and risk committee shall have delegated authority to approve the letter of engagement for the external appointee to the audit and risk committee.

Depending upon the council’s governance structure an audit and risk committee may report directly to the governing body or to a committees, such as a Finance Committee.

When introducing an audit and risk committee a number of issues need to be considered:

- Size of the committee – the common practice is for audit and risk committees not to be “committees of the whole”

- Number of external appointees – common practice is for an external appointee with financial skills. Given the nature of the risks facing communities it may be important to consider whether appointees with other specialist knowledge may also be needed, such as climate change experts.
- Whether an external appointee should be the chair or not – being a chair can be inhibited from fully contributing fully to a discussion. If an appointee is not the chair thought needs to be given to the process for deciding a meeting’s agenda.

In addition, if an audit and risk committee is to undertake robust consideration of a council’s financial and non-financial risks it will require some independence from the governing body. (See Appendix 2 for information on terms of reference).

CE Performance Committee

The governing body is responsible for employing the chief executive and managing the relationship on a day to day basis. For practical reasons however, despite the fact that the governing body will make the final decision, there are a range of matters that are not ideally undertaken by the full council, such as the negotiation of remuneration and employment conditions, regular feedback on, employment performance and annual assessments.

LGNZ recommends that liaison between the governing body and the CE is undertaken by a chief executive performance committee or sub-committee, should it report to a committee. Factors that should be taken into account when designing a CE performance committee include:

- Size of the committee
- Membership and whether a member should be an external appointee;
- Terms of reference;
- Delegations.

A committee is to be responsible for negotiating with its council’s chief executive must also have access to a budget in order to be able to contract independent advice during any such negotiations. Please note that appropriate delegations to allow for the allocation of expenditure are vitally important.

Please note; the terms of reference of a CE Employment committee are set out in Appendix 1.

Portfolios

Over recent years a number of councils have chosen to complement their governance structures by the appointment of portfolio holders. Portfolio holders are councillors with responsibilities for a specific policy area, such as transport, arts and culture or recreation.

The nature of a portfolio holder's responsibilities are not prescribed and vary between councils, ranging from being the public spokesperson for issues affecting their portfolio to leading policy discussions related to their portfolio.

Why appoint portfolio holders?

Councils tend to appoint portfolio holders for a variety of reasons, for example:

- To keep councillors engaged
- To make up for having no committee structure
- To ensure issues get air/attention
- To create issue specific spokespersons who can act as champions.

The decision to appoint portfolio holders should only be made in the context of selecting the decision-making structure that is appropriate for each council's specific circumstances and needs. While the use of portfolio holders provides a way of engaging councillors and arguably improving media relationships issues can emerge if they are not designed to complement the overall decision-making model, particularly the relationship between governance and administration, for example:

- *Confusion over spokesperson and accountability:* it needs to be clear, especially when the media is looking for comment, who the relevant spokesperson is on any issue. Is it the portfolio holder, the chair of the relevant committee or the mayor?
- *Openness and transparency:* Portfolio holders are frequently allocated an appropriate senior staff person for liaison and advice. This can create transparency concerns as the interactions do not take place in an open environment and the provisions of LGOIMA difficult to apply;
- *Provider capture:* A consequence of the lack of transparency in the relationship between portfolio holder and staff can be a lack of diversity in the advice given to the portfolio holder. This is sometimes known as provider capture, which can happen when "governors" uncritically accept the advice of their officials.

Determining portfolio subjects

Portfolio subjects can reflect topical issues, such as a climate change portfolio, or simply each of the major activities that a council is responsible for. The choice of portfolio subject will be heavily influenced by the number of councillors in the governing body. For example, after reviewing their governance structure the Hastings District Council made the decision to give all 13 members of the governing body a portfolio.

I wanted to create a more inclusive governance structure that engaged all councillors. The new structure of having portfolio leaders will allow all councillors to be involved across the broad spectrum of council activity - with particular links to our annual plan and long term plan (Mayor Sandra Hazlehurst, Mayor of Hastings District Council, 26 June 2018).

Hastings District created 13 portfolios which reflected the outcome pillars on which the council's LTP was structured (see Appendix 3). In contrast Wellington City Council, with 14 councillors, has approximately 35 portfolios.

Remuneration and other factors

Portfolio holders are often given higher levels of remuneration to reflect their additional responsibilities.¹ When considering remuneration at least two questions need to be considered:

- What level of remuneration should a portfolio holder receive?
- Should remuneration vary amongst portfolio holders reflecting the differing amount of work associated with their portfolio?

Regardless of the way in which portfolios are defined, some will always be more demanding than others and require more time and effort from the portfolio holder. To ensure portfolio holders are remunerated at a level appropriate to the demands of the portfolio some councils have introduced a weighting system (similar to "job-sizing") to come up with the right level of payment. Weighting could consider, for example the level of accountability, the degree of complexity, the importance of relationships, the required expertise, the amount of time needed and the size of the budget.

- **Term:** Policies on the use of portfolios should specify whether or not the responsibility is for the full three years of the term or for a lesser period. One option is for portfolios to have a limited period, say 12 months, so that the knowledge and experience can be shared around all councillors. Enabling councillors to take turns at a specific portfolio helps to address the risk that some councillors may feel left out or jealous at councillors who might appear to be favoured.
- **Method of selection:** One matter a council's policy on portfolios should address is the process for making portfolio appointments. Is it made, for example, on the basis of a member's interest or on the basis of a member's experience or expertise? Are appointments made through a process involving all councillors or is the mayor entrusted to negotiate with councillors on a "one to one" basis.
- **Job description:** Portfolio holders need a "job description" that sets out the purpose of their position, the extent of their discretion and the process by which they liaise with officials. Clarity is also needed about how policy positions that portfolio holders promote are decided, as well as a reporting back system to the full governing body. (See Appendix 6 for a sample portfolio holder job description.)

¹ The approach established by the Remuneration Authority provides a discretionary amount that can be used to reward positions, such as committee chairs or portfolio holders

Appendix 1 Chief executive performance committees

Under the Local Government Act 2002 (Act), every local authority must appoint a chief executive. Under clause 34(2) of Schedule 7 of the Act, the local authority and the chief executive must enter into a performance agreement. It is usual for a performance agreement to provide for periodic reviews and a structure will need to be put in place for the reviews to be completed. A local authority may wish to have a permanent structure in place to deal with any issues that arise in relation to the management of the chief executive.

This attachment looks at the types of structures a local authority may put in place to undertake performance reviews and to deal with any other management issues that may arise in relation to the chief executive's employment.

Structures

If a local authority wishes to implement a formal structure, the two main options to choose from are a committee or a subcommittee.² A committee reports to the local authority. A subcommittee can report to another committee or to the local authority directly (clause 30 of Schedule 7 of the Act).

Each local authority has a certain amount of flexibility associated with its committee/subcommittee structures. A local authority is able to discharge or reconstitute a committee or subcommittee at any time. However, unless the local authority resolves otherwise, following a triennial general election, a committee or subcommittee will be deemed to be discharged on the coming into office of the newly elected members (clause 30 of Schedule 7 of the Act). **In this situation, we recommend that this sort of committee/subcommittee should be subject to a non- discharge resolution. It avoids the situation, where after the triennial general election, there is no direct liaison point for the chief executive.**

Similarly, it is desirable to have a standing committee or subcommittee rather than appoint an ad hoc committee each time an issue arises with a chief executive. A standing committee or subcommittee can build a more meaningful relationship with the chief executive and this makes it more manageable to deal with issues in a timely manner if they arise.

Membership

The local authority may appoint or discharge any member of a committee or subcommittee. The minimum number of members for a committee is 3 and the minimum number of members for a subcommittee is 2 (clause 31(6) of Schedule 7 of the Act).

In the case of a committee, at least one member must be an elected member of the local authority (clause 31(4) of Schedule 7 of the Act). In the case of both a committee and a subcommittee, a person who is not an elected member may be appointed to the committee but only if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee (clause 31(3) of Schedule 7 of the Act).

The Act expressly prohibits an employee acting in the course of his or her employment from acting as a member of a committee unless that committee is a subcommittee (clause 31(4) of Schedule 7 of the Act).

It is up to each local authority to determine the size and membership of the committee or subcommittee. However, in this situation, a relatively small committee or subcommittee would

² The Act also provides for a local authority to appoint other subordinate decision-making bodies and make delegations to other subordinate decision-making bodies. The reference to other subordinate decision-making bodies is new. A subordinate decision-making body must be something other than a committee, subcommittee or joint committee. It must also be a "body" which is subordinate to the Council and has a specific decision-making function. In this paper we do not focus on other subordinate decision-making bodies as the more appropriate structures are committees or subcommittees.

seem appropriate where the body is dealing with the performance review and management issues of one employee albeit the chief executive.

The local authority may well want to consider whether or not it appoints a non-elected member to a committee or subcommittee. Any non-elected members would need to have relevant experience in such areas as executive employment issues and performance management.

Powers

The local authority needs to consider what delegations will be made to the committee or subcommittee. There are two options for a local authority. The committee/subcommittee can have delegated authority to carry out activities within its terms of reference or alternatively, it can have the more limited power to recommend to the local authority a particular course of action. However, it should be noted that under clause 32(1)(e) of Schedule 7 of the Act, a local authority is not permitted to delegate the actual power to appoint a chief executive.

Examples of delegations could include:

- Approving the employment agreement between the local authority and the chief executive and setting key performance indicators in a performance agreement.
- Working with the chief executive on the implementation of the performance agreement.
- Conducting any performance reviews required by the performance agreement.
- Making decisions about the remuneration of the chief executive.
- Conducting any statutory performance reviews under clauses 34 and 35 of Schedule 7 of the Act.
- Deciding any other issues that may arise in relation to the employment or performance of the chief executive.
- Fulfilling the local authority's contractual obligations to the chief executive.
- Disciplinary or performance issues that may need to be addressed/investigated relating to the chief executive.

If external advisers are not members of the committee or subcommittee, then it would be appropriate for the committee/subcommittee to take advice from people who have relevant experience in executive employment issues and performance management. This should be provided for in the delegations to the committee/subcommittee. A financial limit may also be appropriate so that the committee/subcommittee may contract for advice up to a certain amount. If the power to take advice from external advisers is omitted from the delegations, the committee/subcommittee will have no power to seek external assistance as and when required.

Reporting to and involvement of full Council

The establishment of a committee or subcommittee does not mean that the full Council will not be involved in the performance review process for a chief executive or have knowledge of various employment issues that have arisen between the Council and the chief executive. In this respect, we recommend that the committee/subcommittee reports to the full Council on a regular basis.

During the performance review process, it would also be appropriate for the committee or subcommittee to seek input from councillors who are not members of the committee on the performance of the chief executive.

Meetings

Meetings of the committee or subcommittee will need to be conducted in accordance with the Act, the Local Government Official Information and Meetings Act 1987 (LGOIMA), and the Council's Standing Orders. In addition:

- A chairperson will need to be appointed to the committee or subcommittee.

- The Council will need to decide whether the committee or subcommittee meets on a regular basis or as and when required. If meetings are scheduled on a regular basis, this will provide an opportunity for the chief executive and the Council to discuss issues at regular intervals.

A further decision will need to be made as to whether particular meetings should be conducted with the public excluded. This would be the usual practice but the local authority will need to meet the requirements of section 48 of the LGOIMA.

A common ground for excluding members of the public in this instance would be to protect the privacy of natural persons (sections 48(1)(a)(i) and 7(2)(a)). Although, it is not possible to exclude members of the public on the ground of protecting the free and frank expression of opinions by or between or to members or officers or employees of a local authority in the course of their duty (sections 48(1)(a)(i) and 7(2)(f)).

Finally, it should be noted that under section 45(2) of the LGOIMA, any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting for the purposes of part 7 of the LGOIMA. This means part 7 will not apply if the committee/subcommittee and the chief executive get together simply for a general discussion.

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Appendix 2 Audit and Risk Committees

Example terms of reference: the Whanganui Audit and Risk Committee

The objectives of the Audit and Risk Committee are to assist the Council to discharge its responsibilities for:

- a) The robustness of the internal control framework and financial management practices;
- b) The integrity and appropriateness of internal and external reporting and accountability arrangements;
- c) The robustness of risk management systems, processes and practices;
- d) Compliance with applicable laws, regulations, standards and best practice guidelines; and
- e) The establishment and maintenance of controls to safeguard the Council's financial and non-financial assets. In fulfilling their role on the Audit and Risk Committee, members shall be impartial and independent at all times.

Delegated Authority

The Council has delegated to the Audit and Risk Committee the necessary authority to effectively carry out the tasks assigned to it.

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Appendix 3 Portfolio holder Job description

Portfolio holder job description - Wellington City Council

- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Play a strategic and policy leadership role in their areas of responsibility assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- Act as the Council's spokesperson and point of contact for those activities within their portfolio responsibility
- Collaborate with committee chairs and other portfolio leaders where objectives are shared
- Work effectively with council officers
- Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- As far as possible attend council launches of new activities and projects in their area of responsibility
- Ensure council's advisory groups have effective input into their areas of responsibility
- Meet regularly with the Mayor, Deputy Mayor, Chief Executive, Chair and senior staff
- Keep the Mayor informed of emerging issues
- Maintain a no-surprises approach for elected members and staff
- Raise issues of Council performance with assigned executive leadership staff member in the first instance, following up with the chair, mayor and CE if necessary.

The portfolio leader also facilitates informal policy discussion between elected members, public and officials on matters within their responsibility.

Portfolio topics – Hastings District Council

<p>Long term financial planning</p> <p>Safeguarding our money</p> <p>Our places</p> <p>Our economy</p> <p>Protecting our communities</p> <p>Our water</p>	<p>Planning our assets for tomorrow</p> <p>Ambassador for Hastings</p> <p>Community engagement</p> <p>Our people</p> <p>Partnerships and uplifting our communities</p> <p>Our environment</p> <p>Moving around and operations.</p>
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