

QLDC Council
15 December 2016

Report for Agenda Item: 1

Department: Corporate Services

QLDC Committee Terms of Reference, Appointments and Meeting Schedule

Purpose

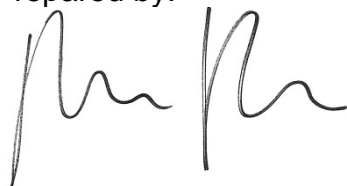
The purpose of this report is to formally adopt the new QLDC Terms of Reference, to confirm appointments to various subcommittees and to adopt the 2017 meeting schedule.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the new committee structure, namely the introduction of the following committees: Community and Services Committee; Infrastructure Committee; Strategy and Planning Committee; and Audit, Risk and Finance Committee;
3. **Adopt** [as referenced in this report]:
 - a. the new Terms of Reference for the committees;
 - b. the Wanaka Community Board revised Terms of Reference and Governance Protocol Statement;
 - c. the continued Terms of Reference for all subordinate committees; and
 - d. the new Terms of Reference for the Appeals Subcommittee;
4. **Note** that the new structure will be subject to review after 12 months;
5. **Confirm** the membership of committees, subcommittees and other official appointments;
6. **Confirm** the Chief Executive and Resource Management Act 1991 delegations.
7. **Adopt** the Meeting Schedule for 2017.

Prepared by:



Meaghan Miller
GM Corporate Services

30/11/2016

Reviewed and Authorised by:



Mike Theelen
Chief Executive

30/11/2016

Background

- 1 A revised committee structure reducing standing committees to one and changing full Council to meet monthly was introduced in October 2013. Under section 41A of the Local Government Act 2002 the Mayor is authorised to establish committees and appoint the chairpersons of those committees.
- 2 Early in his tenure, Mayor Jim Boulton signalled that a new committee-based structure would be re-introduced at QLDC with a goal to enable Council to operate more transparently, more efficiently and more effectively.
- 3 The Local Government Act 2002 and other legislation that applies to local authorities enables the Council to delegate all of its responsibilities, duties or powers, except for certain fundamental decisions that cannot be delegated.
- 4 Council engaged Simpson Grierson to revise the Terms of Reference (TOR) for both the committees (Attachment A) and the Wanaka Community Board (Attachment B) as one impacts the other, in compliance with the Local Government Act 2002 (Part 4). This piece of work also presented an opportunity to review what was known as the Governance Agreement (Attachment B). This has been re-named to better represent what is effectively a protocol for communications between the Board and Council.
- 5 The TORs contain: the objective; activities relating to the particular committee; responsibilities and key projects and delegations.

Comment

- 6 The committee structure and membership established by the Mayor is as follows:

Infrastructure	Councillor Forbes (Chair) Councillor MacLeod (Deputy) Councillor Ferguson Councillor Clark Councillor MacDonald
Planning and Strategy	Councillor Hill (Chair) Councillor Lawton (Deputy) Councillor McRobie Councillor Miller Councillor MacDonald

Community and Services	Councillor Stevens (Chair) Councillor Ferguson (Deputy) Councillor Clark Councillor Miller Councillor McRobie
Finance, Audit and Risk	Councillor McRobie (Chair) Councillor Hill (Deputy) + 2 external members

- 7 The Terms of Reference note that the recommendations of each committee will be reported at the subsequent full Council meeting to enable elected members to be informed of 'other' committee business.
- 8 The Mayor is deemed to be a member of all committees under section 41A(5) of the Local Government Act 2002.

Subordinate Council Structures for 2013-16 Triennium

- 9 All democratic structures which existed prior to the recent triennial election are deemed to have been discharged upon the coming into office of the new Council.
- 10 The Council needs to establish a number of subordinate committees which fulfill a specific function and to make appointments to committees whose constitution only requires the appointment of a smaller number of elected members. They are as follows:

Name	Purpose	Constitution
Chief Executive Performance Review Committee	To monitor, review and report back to the full Council on the CEO's Performance Objectives and Performance Review.	Mayor Boulton Councillor Forbes Councillor McRobie
Dog Control Subcommittee	To hear appeals lodged under the Dog Control Act 1996	All elected members of which any three may form a hearings panel:
QLDC/CODC Coronet Forest Joint Committee	To receive, consider and approve management and operating plans for the Coronet Forest in conjunction with other committee members appointed by the Central Otago District Council.	Councillor Ferguson Councillor Stevens
Otago Civil Defence Emergency Management Group Joint Committee	To ensure regional liaison on civil defence matters.	Mayor Boulton Councillor MacLeod as alternate
Regional Land Transport Committee	Ensure regional integration of land transport activities throughout the region.	Councillor Forbes Councillor MacLeod as alternate.

Name	Purpose	Constitution
Event Funding Panel	To determine allocations under Events Strategy funding framework, with amounts greater than \$30,000 recommended to Council.	Councillor Stevens (Chair) Councillor Lawton Councillor Clark Councillor Ferguson General Manager Corporate Services
Elected Member Conduct Committee	To monitor compliance with the Code of Conduct and the QLDC Standing Orders; To conduct an inquiry into any matters which may be referred to it by the CE or the Mayor; Conduct an inquiry and determine whether or not any complaint is to be upheld and make recommendations to Council.	All elected members of the Council and an independent person to be appointed by Council. The quorum is three, one of whom must be the independent person. The independent person is the Chair. No appointment to this position has been made.
Appeals Subcommittee	To guide the resolution of appeals and mediations under the Resource Management Act 1991	The Chairperson of the Planning and Strategy Committee and any two other members of that Committee.

11 It is recommended that the terms of reference for the above subordinate committees remain the same as those in place at the end of the 2013-16 Triennium. The Appeals Subcommittee is a new Subcommittee recommended to enable Resource Management Act appeals and mediations to be resolved efficiently and effectively. The proposed Terms of Reference for the Appeals Subcommittee are set out in Attachment C.

12 It is noted that the Governance Subcommittee with a membership of Mayor Boulton, Councillor Hill and the Chief Executive was established at the 24 November Council meeting, with the 2013-16 terms of reference continuing, and appointments to the District Licensing Committee, a statutory committee, were made on 6 October 2016.

2017 Meeting Schedule

13 Clause 19 in Schedule 7 of the *Local Government Act 2002* contains the following general provisions with respect to meetings:

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

(4) *A local authority must hold meetings at the times and places that it appoints.*

(6) *If a local authority adopts a schedule of meetings,—*

(a) *the schedule—*

- (i) may cover any future period that the local authority considers appropriate;
and
(ii) may be amended;*

- 14 The proposed meeting schedule for 2017 is set out in Attachment D. The schedule is planned around a six-week cycle and contains standing committee, Wanaka Community Board and full Council meetings.
- 15 There are some variations to the regularity of the cycle. An additional Council meeting has been scheduled on 24 March to adopt the draft Annual Plan for 2017/18 and the Community and Services Committee and the Council meeting dates for the end of June and the end of October have been swapped to accommodate the adoption of the Annual Plan for 2017/18 and Annual Report 2016/17 by their respective statutory deadlines.
- 16 It is recommended that the ordinary Council meetings scheduled for April and September be held in Wanaka.

Chief Executive Delegations and Resource Management Delegations

- 17 It is necessary to delegate functions to the Chief Executive and officers to ensure efficient, effective and timely delivery of services. The delegations to the Chief Executive are largely unchanged from the 2013-16 Triennium (Attachment E). The Chief Executive can sub-delegate functions to officers as necessary.
- 18 Resource Management Act delegations cannot be sub-delegated and therefore must be delegated direct from the Council rather than via the Chief Executive. There are some changes to reflect the new committee structure, changes in job titles and to ensure more operational matters are addressed at the most efficient level (Attachment F).

Options

- 19 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 20 Option 1 Decline the recommendations as outlined and continue with the status quo.

Advantages:

- 21 All matters will be considered by all elected members

Disadvantages:

- 22 This does not enable elected members the opportunity to meaningfully engage at a strategic level on key projects in specific activity areas, and will not ensure that decisions are made efficiently.
- 23 Option 2 Adopt the recommendations as outlined.

Advantages:

- 24 The opportunity for elected members to specialise in activity areas, enabling a more strategic, efficient and effective level of governance.

Disadvantages:

- 25 Some adjustment will be required to take advantage of the 'right' level of delegation to officers.
- 26 It will be important that all parties manage the potential for duplication and potentially increased workload for officers.
- 27 This report recommends **Option 2** for addressing the matter because it is in keeping with the intent of the governance principles set out in the Local Government Act 2002 (Part 4). It has the potential to give greater transparency and be more effective and efficient from a governance perspective. It also empowers officers to more efficiently and effectively operate in accordance with their expertise, knowledge and delegation.

Significance and Engagement

- 28 This matter is not significant, as determined by reference to the Council's Significance and Engagement Policy because it relates to a mechanism to enable decision making.

Risk

- 29 This matter relates to the strategic risk SR2: 'Business capability planning - delegation ownership and business continuity' and is classed as moderate.
- 30 The recommended option (adopting the new committee structure and terms of reference) mitigates the risk by 'treating the risk – putting measures in place which directly impact the risk.'

Financial Implications

- 31 There will be some additional (minor) public notification costs and the potential for increased resourcing (yet to be determined) in governance resourcing. It is anticipated the previous remuneration of Portfolio Leaders and Deputies will translate directly to the newly created Chair and Deputy Chair roles – with the exception of the Audit, Risk and Finance Committee, the previous chair of Audit and Risk having operated on a pro bono basis. The additional remuneration will be moderate and in accordance with the recommended Remuneration Authority funding.

Council Policies, Strategies and Bylaws

- 32 The following Council policies, strategies and bylaws were considered:

- 10 Year Plan

Local Government Act 2002 Purpose Provisions

33 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses through strategic governance. And:
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Attachments

- A Terms of Reference Committees
- B Wanaka Community Board Terms of Reference and Governance Protocol Statement
- C Terms of Reference Appeals Subcommittee
- D 2017 Schedule of Meetings
- E Delegations from Council to the Chief Executive
- F Delegations from Council under the Resource Management Act 1991