

ORDINARY MEETING

OF

WELLINGTON CITY COUNCIL

MINUTES

Time: 9:30 am
Date: Thursday, 13 May 2021
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

PRESENT

Mayor Foster (Chair)
Deputy Mayor Free (Deputy Chair)
Councillor Calvert
Councillor Condie
Councillor Day
Councillor Fitzsimons
Councillor Foon
Councillor Matthews
Councillor O'Neill
Councillor Pannett
Councillor Paul
Councillor Rush
Councillor Sparrow
Councillor Woolf
Councillor Young

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1 Meeting Conduct

1.1 Karakia

The Chairperson opened the meeting at 9:31am with the following karakia.

Whakatata te hau ki te uru,	Cease oh winds of the west
Whakatata te hau ki te tonga.	and of the south
Kia mākinakina ki uta,	Let the bracing breezes flow,
Kia mātaratara ki tai.	over the land and the sea.
E hī ake ana te atākura.	Let the red-tipped dawn come
He tio, he huka, he hauhū.	with a sharpened edge, a touch of frost,
Tihei Mauri Ora!	a promise of a glorious day

Phra TK and Manjit Grewal, members of the Wellington Interfaith Council, blessed the meeting.

(Deputy Mayor Free joined the meeting at 9:36am.)

1.2 Apologies

No apologies were received.

1.3 Announcements by the Mayor

There were no announcements.

1.4 Conflict of Interest Declarations

The Mayor and Councillor Condie declared a conflict of interest with public excluded item 4.1 Code of Conduct Investigation and agreed not to participate in debate or vote on the item.

1.5 Confirmation of Minutes

Moved Mayor Foster, seconded Deputy Mayor Free, the following motion

Resolved

That the Council:

1. Approve the minutes of the Ordinary Council Meeting held on 28 April 2021, having been circulated, that they be taken as read and confirmed as an accurate record of that meeting.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

1. 6 Items not on the Agenda

There were no items not on the agenda.

1. 7 Public Participation

There were no requests for public participation.

The meeting adjourned at 9:38am and reconvened at 11:47am at the conclusion of the Strategy and Policy Committee, with all members present.

Secretarial note: In accordance with standing order 19.1, the chairperson accorded precedence to some items of business and announced that the agenda would be considered in the following order:

- Item 3.1 Report of the Strategy and Policy Committee Meeting of 13 May 2021:
Māori Ward
- Item 2.1 New Governance Arrangements for the Remainder of 2019-2022 Triennium
(terms of reference)
- Item 2.2 Governance Review Implementation
- Item 4.1 Code of Conduct Investigation

3. Committee Reports

3.1 Report of the Strategy and Policy Committee Meeting of 13 May 2021

Moved Councillor Day, seconded Mayor Foster, the following motion

Resolved

That the Council:

1. Agree to establish a Māori ward.
2. Note that a decision to establish a Māori ward requires Council to subsequently conduct a representation review.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Woolf,

Against:

Councillor Sparrow, Councillor Young

Majority Vote: 13:2

Carried

The meeting adjourned at 11:51pm for lunch and reconvened at 12:34pm with all members present.

2. General Business

2.1 New Governance Arrangements for the Remainder of 2019-2022 Triennium (terms of reference)

Moved Mayor Foster, seconded Deputy Mayor Free, the following motion

Recommendation/s

That the Council:

1. Receive the information.
2. Agree to the Wellington City Council Terms of Reference and Delegations, **as tabled at the meeting.**
3. Delegate to the Mayor, Deputy Mayor and Chief Executive the authority to give effect to any changes made at the meeting and make editorial changes, prior to publishing the final Terms of Reference and Delegations document.

Moved Councillor Pannett, seconded Councillor O'Neill the following amendment

Resolved

4. Agree that the proposed Policy, Planning and Environment Committee be named the Planning and Environment Committee.
5. Add the following points to the Area of Focus for the Planning and Environment Committee:
 - a) Built Environment
 - b) Natural Environment and biodiversity
6. Agree that the proposed Social, Cultural and Community Services Committee be named the Social, Cultural and Economic Committee.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Moved Mayor Foster, seconded Deputy Mayor Free, the following substantive motion

Resolved

Substantive Motion

That the Council:

1. Receive the information.
2. Agree to the Wellington City Council Terms of Reference and Delegations, **as tabled at the meeting.**
3. Delegate to the Mayor, Deputy Mayor and Chief Executive the authority to give effect to any changes made at the meeting and make editorial changes, prior to publishing the final Terms of Reference and Delegations document.
4. Agree that the proposed Policy, Planning and Environment Committee be named the Planning and Environment Committee.
5. Add the following points to the Area of Focus for the Planning and Environment Committee:
 - a) Built Environment
 - b) Natural Environment and biodiversity
6. Agree that the proposed Social, Cultural and Community Services Committee be named the Social, Cultural and Economic Committee.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Attachments

- 1 Terms of Reference and Delegations

2.2 Governance Review Implementation

Moved Mayor Foster, seconded Councillor Fitzsimons, the following motion

Resolved

That the Council:

1. Receive the information.
2. Agree to implement the thirteen recommendations made in the 'Wellington City Council Governance Review' report.
3. Endorse the actions outlined in this report.
4. Remove all councillors as portfolio holders.
5. Adopt the schedule of meetings in Attachment 1, **as tabled at the meeting.**
6. Note that meetings may cancelled, or additional meetings scheduled, from time to time by the chief executive in consultation with the relevant chair and deputy chair.
7. Disestablish the Strategy and Policy Committee, Council-controlled Organisations Subcommittee, Finance, Audit and Risk Subcommittee, and Safer Speeds Hearing Subcommittee.
8. Recommend the below remuneration proposal to the Remuneration Authority:

Position	Proposed remuneration (per annum)	Total (per annum)
Mayor Foster	\$180,500	\$180,500
Deputy mayor	\$130,227	\$130,227
5 x chair of committee of the whole	\$113,025	\$565,125
8 x councillors	\$111,225	\$889,800
Total (pool)		\$1,585,152

9. Agree to the following short role descriptions for the deputy mayor and chair of committee of the whole, for the Remuneration Authority:

Deputy mayor	<p>The deputy mayor will:</p> <ol style="list-style-type: none">1. assist the mayor in carrying out the statutory and leadership role of the mayor2. if the mayor is absent or incapacitated, perform all the responsibilities and duties, and exercise any powers of the mayor (other than powers under section 41A of the Local Government Act 2002 and the role of Justice of the Peace)3. lead and take responsibility for liaison with councillors on matters of support for carrying out their governance role. <p>In the absence of the mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the deputy mayor is empowered to perform the duties and responsibilities of the mayor under subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.</p> <p>The deputy mayor is authorised to approve elected member attendance at conferences or training and associated travel and accommodation within New Zealand. [refer to the proposed Terms of Reference and Delegations – Specific Role Descriptions and Delegations]</p>
Chair of Committee of the Whole	<p>The chair of a committee of the whole will be responsible for presiding over one of the committees of the whole, which have specific responsibilities in line with their area of focus.</p> <p>The chair of a committee of the whole will be (in association with the deputy chair) the Council spokesperson with respect to matters within the committee's area of focus.</p>

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Mayor Foster, Councillor Calvert, Councillor Condie, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 15:0

Carried

Attachments

1 Meeting Schedule

Secretarial note: Mayor Foster and Councillor Condie declared a conflict of interest in item 4.1 Code of Conduct Investigation and took no part in debate or voting on the matter.

Mayor Foster vacated the chair and the meeting adjourned at 1:06pm. Deputy Mayor Free assumed the chair and reconvened the meeting at 1:11pm with all members present.

The meeting adjourned at 1:39pm and reconvened at 1:42pm with all members present.

4. Public Excluded

Moved Deputy Mayor Free, seconded Councillor Sparrow

Resolved

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.1 Code of Conduct Investigation	<p>7(2)(c)(ii) The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</p> <p>7(2)(f)(ii) The withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment.</p>	<p>s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.</p>
2.	Agree that the results of the Council's determination will be released to the elected members concerned and then to the public, together with this report and the Investigation Report.	
3.	Agree that Richard Caughley and Tess van Dadelzen (of Morrison Kent Lawyers) and Debbie Watkins be permitted to remain in the meeting after the public has been excluded. As the legal representation of Mayor Foster and support person of	

Councillor Condie, each has specific knowledge of this matter and their presence will promote natural justice.

Carried

Secretarial note: Deputy Mayor Free moved the original motion with amendments (supported by officers) as marked in red.

The motion was decided part by part, the divisions for which are as follows:

Clause 1:

For:

Councillor Calvert, Deputy Mayor Free, Councillor Sparrow, Councillor Woolf

Against:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Young

Majority Vote: 4:9

Lost

Clauses 2 and 3:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

Moved Councillor Calvert, seconded Councillor Foon, the following motion

That the Council:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, exclude the public from the following part of the proceedings of this meeting namely, the deliberations portion of item 4.1:

General subject of the matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
4.2 Code of Conduct Investigation	7(2)(c)(ii) The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.	s48(1)(a) That the public conduct of this item would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Councillor Calvert, Councillor Sparrow, Councillor Woolf

Against:

Councillor Day, Deputy Mayor Free, Councillor Fitzsimons, Councillor Foon, Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Young

Majority Vote: 3:10

Lost

Secretarial note: Councillor Condie addressed the Council and answered questions from Councillors on item 4.1 prior to debate.

The meeting adjourned at 2:18pm and reconvened at 2:29pm with all members present.

Secretarial note: Mayor Foster and Richard Caughley addressed the Council and answered questions from Councillors on item 4.1 prior to debate.

The meeting adjourned at 3:01pm and reconvened at 3:10pm with all members present.

Meeting duration

Moved Deputy Mayor Free, seconded Councillor Woolf, the following motion

Resolved

That the Council:

1. Continue the meeting beyond the six hours limit as per standing order 11.7.

A division was required under Standing Order 27.6(d), voting on which was as follows:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

The meeting adjourned at 4:02pm and reconvened at 4:05pm with all members present.

4.1 Code of Conduct Investigation

Moved Deputy Mayor Free, seconded Councillor Woolf, the following motion

Motion

That the Council:

1. Receive the Investigation Report for the investigation into a complaint by Councillor Condie about the conduct of Mayor Foster.
2. Note that the Chief Executive has referred this matter to the Council.
3. Note the contents of the Investigation Report.
4. **Accept the Investigation Report findings that the Mayor breached the Code of Conduct, however this was at the lower end of the scale, and agree that no further action be taken on the basis that the Mayor has publicly apologised for his actions and has commenced the process for apologising to affected staff.**
5. Note that the results of Council's determination will be released to Councillor Condie, Mayor Foster and then to the public, together with this report and the Investigation Report (with redactions).

Moved Councillor Young, seconded Councillor Day, the following amendment

4. Agree that (in relation to the complaint made by Councillor Condie) Mayor Foster breached the Code of Conduct for Elected Members for Wellington City Council dated October 2015.
6. Agree that (in relation to such breach) the following consequences will arise for the Mayor:
 - a) ~~that Mayor Foster is formally censured by Council (with the censure effected through this resolution and that no letter of censure is required), and~~
 - b) that Mayor Foster be requested to apologise in writing to Councillor Condie and relevant officers (and former officers) affected by his actions regarding the code of conduct complaint, and
 - c) that Mayor Foster be requested to make a contribution towards the costs of the independent investigation into this Code of Conduct complaint.

The motion was decided part by part, the divisions for which are as follows:

Clause 4:

For:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free, Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Young

Against:

Councillor Calvert, Councillor Pannett, Councillor Rush, Councillor Sparrow, Councillor Woolf

Majority Vote: 8:5

Carried

Clause 6(a):

For:

Councillor Day, Councillor Fitzsimons, Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Young

Against:

Councillor Calvert, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Pannett, Councillor Rush, Councillor Sparrow, Councillor Woolf

Majority Vote: 6:7

Lost

Clause 6(b):

For:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Rush, Councillor Young

Against:

Councillor Calvert, Deputy Mayor Free (Deputy Chair), Councillor Pannett, Councillor Sparrow, Councillor Woolf

Majority Vote: 8:5

Carried

Clause 6(c):

For:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Young

Against:

Councillor Calvert, Deputy Mayor Free (Deputy Chair), Councillor Pannett, Councillor Rush, Councillor Sparrow, Councillor Woolf

Majority Vote: 7:6

Carried

Attachments

1 Cr Condie Tabled Document

The meeting adjourned at 4:15pm and reconvened at 4:19pm with all members present.

Moved Deputy Mayor Free, seconded Councillor Woolf, the following substantive motion

That the Council:

1. Receive the Investigation Report for the investigation into a complaint by Councillor Condie about the conduct of Mayor Foster.
2. Note that the Chief Executive has referred this matter to the Council.
3. Note the contents of the Investigation Report.
4. Agree that (in relation to the complaint made by Councillor Condie) Mayor Foster breached the Code of Conduct for Elected Members for Wellington City Council dated October 2015.
5. Note that the results of Council's determination will be released to Councillor Condie, Mayor Foster and then to the public, together with this report and the Investigation Report (with redactions).
6. Agree that (in relation to such breach) the following consequences will arise for the Mayor:
 - a) that Mayor Foster be requested to apologise in writing to Councillor Condie and relevant officers (and former officers) affected by his actions regarding the code of conduct complaint, and
 - b) that Mayor Foster be requested to make a contribution towards the costs of the independent investigation into this Code of Conduct complaint.

The motion was decided part by part, the divisions for which are as follows:

Clause 1:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

Clause 2:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

Clause 3:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

Clause 4:

For:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Young

Against:

Councillor Calvert, Councillor Rush, Councillor Sparrow, Councillor Woolf,

Majority Vote: 9:4

Carried

Clause 5:

For:

Councillor Calvert, Councillor Day, Councillor Fitzsimons, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Matthews, Councillor O'Neill, Councillor Pannett, Councillor Paul, Councillor Rush, Councillor Sparrow, Councillor Woolf, Councillor Young

Against:

None

Majority Vote: 13:0

Carried

Clause 6(a):

For:

Councillor Day, Councillor Fitzsimons, Councillor Foon, Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Rush, Councillor Young

Against:

Councillor Calvert, Deputy Mayor Free (Deputy Chair), Councillor Pannett, Councillor Sparrow, Councillor Woolf

Majority Vote: 8:5

Carried

Clause 6(b):

For:

Councillor Day, Councillor Fitzsimons, , Councillor Matthews, Councillor O'Neill, Councillor Paul, Councillor Young

Against:

Councillor Calvert, Councillor Foon, Deputy Mayor Free (Deputy Chair), Councillor Pannett, Councillor Rush, Councillor Sparrow, Councillor Woolf

Majority Vote: 6:7

Lost

Councillor Calvert left the meeting at 4:27pm

The meeting concluded at 4:28pm with the reading of the following karakia:

Unuhia, unuhia, unuhia ki te uru tapu nui	Draw on, draw on
Kia wātea, kia māmā, te ngākau, te tinana, te wairua	Draw on the supreme sacredness To clear, to free the heart, the body
I te ara takatū	and the spirit of mankind
Koia rā e Rongo, whakairia ake ki runga	Oh Rongo, above (symbol of peace)
Kia wātea, kia wātea	Let this all be done in unity
Āe rā, kua wātea!	

Authenticated: _____
Chair

ORDINARY MEETING
OF
WELLINGTON CITY COUNCIL
MINUTE ITEM ATTACHMENTS

Time: 9:30 am
Date: Thursday, 13 May 2021
Venue: Ngake (16.09)
Level 16, Tahiwī
113 The Terrace
Wellington

Business

Page No.

2.1 New Governance Arrangements for the Remainder of the 2019-2022 Triennium (terms of reference)

1. Terms of Reference

2.2 Governance Review Implementation

1. Schedule of Meetings

4.1 Code of Conduct Investigation

1. Councillor Condie Tabled Document

**TERMS OF REFERENCE AND
DELEGATIONS
OF
WELLINGTON CITY COUNCIL**

2019 - 22

Adopted by Council on 13 May 2021

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RECORD OF AMENDMENTS

Version	Date	Resolution Number	Summary of Amendment(s)
1	10/12/2019	Item 2.2 of Council meeting minutes on 20 November 2019	<p>Membership of Regulatory Processes Committee, Grants Subcommittee, Council-Controlled Subcommittee and Revenue and Finance Working Group</p> <p>Editorial changes:</p> <ul style="list-style-type: none"> - Name of Annual Plan / Long-term Plan Committee - Name of Finance, Audit and Risk Subcommittee - Quorum of Finance, Audit and Risk Subcommittee - Membership of Mākara/Ohariu Community Board - Paragraph 4 in section 4.3 Council-Controlled Organisations Subcommittee
2	13/03/2020	Item 2.2 Strategy and Policy Committee meeting minutes on 13 February 2020	<p>Addition of Safer Speeds Hearing Subcommittee Terms of Reference</p> <p>Editorial changes:</p> <ul style="list-style-type: none"> - lettering of bullets in CCO delegations
3	25/05/2020	Item 2.4 Strategy and Policy Committee meeting minutes on 21 May 2020	Membership and delegations of Safer Speeds Hearing Subcommittee
4	13/05/2021	Item 2.1 Council meeting minutes on 13 May 2021	New governance structure

1 INTRODUCTION

General

1. This document sets out the terms of reference and delegations for the Wellington City Council, and its committees and subcommittees. It also sets out the responsibilities of and delegations associated with certain roles, including the Mayor, Deputy Mayor, Chief Executive, Committee and Subcommittee Chairs and Deputy Chairs.
2. The Council's functions are wide-ranging, and it has obligations and powers under many statutes and regulations. It would be impossible for the full Council to deal with everything itself. Delegation to officers is necessary for the operation of the Council to be efficient and effective and achieve its objectives and for its service delivery to be timely and successful.
3. These terms of reference are intended to allow the Council to ensure that its powers and functions are exercised at a level commensurate with efficiency and effectiveness and the significance of the power or function.
4. A delegate is not obliged to exercise a power or function delegated to it. If a matter has become publicly or politically contentious, it may be appropriate for the delegate not to exercise the particular power or function and to refer the power or function back to the delegator. Provision is made for this in the Council delegations and the delegations to all committees. Delegates should consult with the Mayor in respect of any decision to refer matters back to a delegator.

Committees

5. Committee includes, in relation to the Council:
 - (a) A committee comprising all the members of the Council;
 - (b) A standing committee or special committee appointed by the Council;
 - (c) A standing committee or special committee appointed by the Mayor;
 - (d) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
 - (e) Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
 - (f) A subordinate decision-making body, including Subcommittees and Forums.
6. The terms of reference and delegations to Committees and Subcommittees are set out in full in this document. In respect of committees and subcommittees:
 - (a) The committees have no decision making powers other than those set out in these terms of reference
 - (b) Any committee may request expert advice through the Chief Executive where necessary.
 - (c) The committees may make recommendations to their governing committee or Council, or Chief Executive as appropriate.

Working groups

7. Working groups may be recommended by committees and subcommittees for Council approval. Working groups are set up to investigate a specific issue within their area of focus and report back within a specific timeframe. Working groups are made up of members of the committee or subcommittee. Working groups do not have decision making power. Working groups enable Councillors to work constructively and collegially together to consider an issue and collectively work on solutions.

Iwi

8. The Council has statutory obligations to iwi and Māori, by virtue of the Treaty of Waitangi, in particular in relation to the Resource Management Act 1991 and Local Government Act 2002.
9. The Council is committed to improving and facilitating participation by Māori in its decision-making processes. Further, Te Ao Māori is a relevant consideration in many of the decisions that Council makes. Local Iwi (Taranaki Whānui and Ngāti Toa, “Mana Whenua”) are important partners in this respect and provide vital input into Council committees’ decision-making. This is reflected in the Council’s adoption of the “Mana Whenua Representation” paper on 28 April 2021, which has seen the Council facilitate the appointment of non-elected representatives from Mana Whenua by invitation onto all Council committees and subcommittees (except the CEO Performance Review Committee, Community Boards, the Appointment Group, and the District Licencing Committee) .
10. The iwi representatives appointed to these committees will contribute an additional To Ao Māori perspective to decision making.
11. The appointment process is undertaken under cl 31(3) sch 7 of the Local Government Act 2002. This enables the Council to appoint un-elected committee members who are considered to have relevant skills, attributes or knowledge that will assist the committee’s work. The Council will consider and approve Mana Whenua’s recommended appointees under this statutory power. A separate agreement with iwi is being developed to ensure clarity as to the nature of this appointment process, and the appointees’ functions and responsibilities as members of these committees.
12. Appointed mana whenua representatives are full members of the decision-making bodies to which they are appointed and have full rights as members under standing orders to participate in debate and vote on items.

Quorum

13. The terms of reference for each committee or subcommittee contain the quorum required. Appointed members and ex officio members are only counted towards the quorum when present.

Advisory and Reference Groups

14. Advisory and reference groups operate under separate terms of reference as approved by the Social, Cultural and Economic Committee or Council (or the predecessor Strategy and Policy Committee in this or an earlier triennium). Their role is to give advice and feedback to Council and provide a conduit to wider community views. The groups contribute to Council's established decision-making processes and do not have any delegated powers of decision making.

Ambiguity and Conflict

15. In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, Democracy Services can provide advice. If the ambiguity or conflict results in uncertainty or dispute as to which chairperson, committee or subcommittee has the delegation to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor and having received advice from the Chief Executive. The decision of the Mayor will be final and binding.
16. In resolving ambiguity or conflict in the allocation of matters to committees, the guiding principle is that the primary outcome of the decision required should determine which committee deals with the matter.

Health and Safety

17. In regard to health and safety, all members of the Governing Body are required to discharge their responsibilities of due diligence under the Health and Safety at Work Act 2015. Staff will provide regular reports to the Governing Body, through the Audit and Risk subcommittee and Finance and Performance Committees to enable members to discharge their duties.

2 COUNCIL – Te Kaunihera o Pōneke

Chair	Mayor Andy Foster
Deputy Chair	Deputy Mayor Sarah Free
Membership	Mayor and all Councillors
External Membership	None
Quorum	8
Frequency of meeting	Monthly or as required

Decision making powers

1. The Council's decision-making powers include the following which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:¹
 - (a) The power to make a rate
 - (b) The power to make a bylaw
 - (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan
 - (d) The power to adopt a Long-term Plan, Annual Plan, or Annual Report, including adopting changes to fees and charges
 - (e) The power to appoint a Chief Executive
 - (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement
 - (g) The power to adopt a remuneration and employment policy
 - (h) The power to approve or amend the Council's Standing Orders
 - (i) The power to approve or amend the Code of Conduct for elected members
 - (j) The power to appoint and discharge members of committees (when not appointed by the Mayor)
 - (k) The power to establish a joint committee with another local authority or other public body
 - (l) The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation
 - (m) The powers contained in section 15(1) of the Wellington Town Belt Act 2016

¹ For powers 1-13 see clause 32(1) Schedule 7 Local Government Act 2002. For powers 14-27 see clauses 15, 27, 30 Schedule 7 Local Government Act 2002 and section 34A of Resource Management Act 1991.

- (n) The power to approve a proposed policy statement or plan under the Resource Management Act 1991
 - (o) to approve a proposed plan or a change to a district plan under clause 17 of the First Schedule of the Resource Management Act 1991
2. The Council has also decided to retain, and not delegate, the following powers:
- (a) To remove chairpersons of committees and subcommittees
 - (b) To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
 - (c) To approve the Triennial Agreement under the Local Government Act 2002.
 - (d) To approve the Local Governance Statement
 - (e) To determine whether or how to fill any extraordinary Council vacancies
 - (f) Review, develop policy and practices and make decisions in respect of governance (including representation reviews).
 - (g) Oversee, develop and approve the Council's relationship with M āori, including iwi appointments to, or removal from committees.
 - (h) To promote any legislation or promote significant amendments to legislation e.g. a Local Bill)
 - (i) To approve the setting up of a subcommittee referred to it by a committee.
 - (j) To approve the setting up of working groups referred to it by committee, or subcommittees, and approve the terms of reference.
 - (k) To exercise any authority which it has delegated to a committee, subcommittee or officer, which is referred to it for decision
 - (l) To oversee and approve the Council's strategy and policy work programme.

3 COMMITTEES

3.1 Finance and Performance Committee – Pūroro Tahua

Chair	Cr Diane Calvert
Deputy Chair	Cr Laurie Foon
Membership	Mayor and all Councillors
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	9
Frequency of meeting	Monthly

Area of focus

1. The Finance and Performance Committee has the following responsibilities:
 - a. Financial oversight
 - b. Procurement policy
 - c. Financial and non-financial performance oversight in relation to the Long-term Plan and Annual Plan
 - d. Health and Safety
 - e. Non-strategic asset investment and divestment as provided for through the Long-Term Plan, and recommending to Council for matters not provided for in the Long-Term Plan.
 - f. CCO oversight and performance, with the exception of Wellington Water Limited which sits with the Infrastructure Committee
 - g. CCO director review and appointments
 - h. WellingtonNZ oversight and performance
2. The committee has the responsibility to discuss and approve a forward agenda.

Delegations

General

3. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

Strategy and policy

4. Develop and approve strategy and policy within its area of focus and monitor and review these strategies and policies.

Service levels

5. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term and Annual Plan processes, within its area of focus.

Significant Projects & Monitoring and reporting

6. Receive and consider quarterly reports on the Council's performance against the Long-term Plan and Annual Plan. This includes Council's Performance Framework that is made up of Council Key Performance Indicators and City Outcome Indicators.
7. Review business cases and approve next steps on significant projects not otherwise within another committee's area of focus.
8. Monitor and maintain oversight of financial aspects of significant projects.
9. Review and recommend to Council the adoption of the Annual Report.

Financial

10. Approve budget overspends (above the tolerance levels in the Chief Executive's delegations) and any reprogramming of capex for a project or programme provided that:
 - (a) The overall budget for the Activity Group is met from savings and efficiencies within the Activity Group
 - (b) The overall budget for capex is not exceeded
11. Where this is not the case the committee must either:
 - (a) Recommend to Council that additional funding is approved (outside the Annual Plan or Long-term Plan process) or
 - (b) Recommend to the Long-term and Annual Plan Committee that the funding is considered for inclusion in the next Long-term Plan or Annual Plan.

Consultation and engagement

12. Conduct any consultation processes required for issues before the Committee that are within its Area of Focus.
13. Act as a community interface for consultation on issues before the Committee that are within its Area of Focus and as a forum for engaging effectively.

Submissions and legislation

14. Approve submissions to external bodies/organisations and on legislation and regulatory proposals that are within its Area of Focus except:
 - (a) If there is insufficient time for the matter to be determined by the Committee before the submission 'close date', in which case the submission can be agreed by

the relevant Committee Chair, Deputy Chair, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested).

- (b) If the submission is of a technical and operational nature, in which case the submission can be approved by the Chief Executive (in consultation with the relevant Committee Chair prior to lodging the submission).
- (c) During the formal pre-election period, in which case submissions are approved by the Chief Executive.

CCOs

- 15. The Finance and Performance Committee has the responsibility for and authority to:
 - a. Ascertain and outline the Council's key priorities for each CCO to address in their Statement of Intent in an annual Letter of Expectation and issue the Letter of Expectation
 - b. Receive, review, and provide feedback on draft Statements of Intent
 - c. Monitor the performance, including financial, and the delivery of strategic outcomes of Council's CCO's through Quarterly and Annual Reports of CCO performance
 - d. Require CCO attendance at the committee meetings to present their reports and respond to any questions from members of the committee
 - e. Monitor board performance, including the performance of board members appointed by Council or committee, raising any concerns with the Chair of the CCO
 - f. Constructively engage with CCOs during the development of any Council strategy and policy or relevant submission by Council to an external entity (where relevant)
 - g. Engage with CCOs and provide the members of the committee and the Board and Chief Executive the opportunity to discuss issues that have the potential to impact a CCOs funding, strategic outlook or risk management framework
 - h. Receive reports and updates from certain COs, noting that while the Wellington Regional Stadium Trust (WRST) is a CO, clauses (a) to (g) apply to that entity
 - i. Receive reports and updates from Wellington International Airport Limited on a quarterly and annual basis
- 16. Undertake any reviews of CCOs and approve CCO changes to governance arrangements and consider any issues regarding CCOs .
- 17. To appoint or remove trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs), external members to other external bodies
- 18. In respect of Wellington Water Limited and Wellington Regional Economic Development Agency (WREDA), this committee performs delegations (a) and (b) only.

19. For the avoidance of doubt, council organisations (excluding WRST) are not within the remit of this committee.

Elected members

20. Approve the attendance and associated costs of elected members at conferences, seminars, training, or events or when representing the Council overseas as part of delegations or invitations.

Health and Safety

21. Oversight of the systems in place to manage compliance.

Other

22. Consider and make decisions which are within the Chief Executive's delegations that the Chief Executive has referred to the committee for decision making.
23. Recommend to Council the establishment of a subcommittee or working group and approve its terms of reference.
24. The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

3.2 Planning and Environment Committee – Pūroro Āmua

Chair	Cr Iona Pannett
Deputy Chair	Cr Tamatha Paul
Membership	Mayor and all Councillors
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	9
Frequency of meeting	Monthly

Area of focus

1. The Planning and Environment Committee has the following responsibilities:
 - a. RMA matters
 - b. Urban Planning, District Plan
 - c. Built environment
 - d. Natural environment and biodiversity
 - e. Future Development Strategy, Spatial Plans and Housing Supply
 - f. Climate Change Response and Resilience
 - g. Heritage
 - h. Transport Strategy and Planning, including significant traffic resolutions
 - i. Parking policy
 - j. Submissions to Government or other local authorities
 - k. Regulatory activity and compliance
 - l. Planning and approval of business cases for Let's Get Wellington Moving, associated traffic resolutions and other non-financial statutory powers necessary for the progressing the business cases (such as decisions under the Local Government Act 1974)
 - m. Implementing and monitoring delivery of the affordable housing strategy
2. The Committee has the responsibility to discuss and approve a forward agenda

Delegations

General

3. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

Strategy and policy

4. Develop and approve strategy and policy within its area of focus and monitor and review these strategies and policies.

Service levels

5. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term and Annual Plan processes.

Significant Projects

6. Review and approve business cases and approve next steps for significant projects within its area of focus and that are budgeted and funded within the Long-term plan or annual plan.
7. Monitor and provide oversight for significant projects within its area of focus.

Consultation and engagement

8. Conduct any consultation processes required on issues before the Committee that are within its Area of Focus.
9. Act as a community interface for consultation on policies that are within its Area of Focus and as a forum for engaging effectively.

Submissions and legislation

10. Approve submissions to external bodies/organisations and on legislation and regulatory proposals that are within its Area of Focus except :
 - (d) If there is insufficient time for the matter to be determined by the Committee before the submission 'close date', in which case the submission can be agreed by the relevant Committee Chair, Deputy Chair, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested).
 - (e) If the submission is of a technical and operational nature, in which case the submission can be approved by the Chief Executive (in consultation with the relevant Committee Chair prior to lodging the submission).
 - (f) During the formal pre-election period, in which case submissions are approved by the Chief Executive.

Bylaws

11. Develop and approve the statement of proposal for new or amended bylaws for consultation within its areas of focus.
12. Recommend to Council new or amended bylaws for adoption within its area of focus.

13. Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution, including:
 - (a) traffic resolutions relating to:
 - (i) bus prioritisation
 - (ii) major intersection improvements
 - (iii) major cycle ways
 - (iv) new residents parking scheme
 - (v) speed limits (clauses 3 and 4 of Part 6: Speed Limits)
 - (vi) major land use development.
 - (b) conditions for collection of waste, such as those described in the Wellington Consolidated Bylaw 2008 (clauses 4 and 5 of Part 9: Waste Management).
2. To exercise any non-financial statutory power necessary to progress Let's Get Wellington Moving business cases.

Wellington Waterfront

14. For development proposals under the Waterfront Framework:
 - (a) Conduct public engagement/consultation processes as required on design
 - (b) Develop and approve performance briefs for individual areas or sections of work
 - (c) Approve detailed designs for recommendation to Council
 - (d) Consider the commercial terms of any proposal for recommendation to Council
 - (e) Monitor implementation including approval of variations from approved designs
2. To approve the final design and commercial terms for development proposals under the Waterfront Project as required by the Waterfront Framework

District Plan and RMA Matters

15. Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991).
16. Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991.
17. Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:

- (a) To authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Chair of the Planning and Environment Committee.
- (b) To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal
- (c) To consider and approve council submissions on a proposed plan, plan changes, and variations
- (d) To manage the private plan change process
- (e) To accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act 1991
- (f) to approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change) and

Other

- 18. Consider and make decisions which are within the Chief Executive's delegations that the Chief Executive has referred to the committee for decision making.
- 19. Recommend to Council the establishment of a subcommittee or working group and approve its terms of reference.
- 20. The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

3.3 Infrastructure Committee – Pūroro Waihanga

Chair	Cr Sean Rush
Deputy Chair	Cr Jenny Condie
Membership	Mayor and all Councillors
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	9
Frequency of meeting	Monthly

Area of focus

1. The Infrastructure Committee has the following responsibilities:
 - a. Council Infrastructure and infrastructure strategy, including:
 - (i) Transport,
 - (ii) Waste,
 - (iii) Water (three waters)
 - (iv) Council property (buildings)
 - (v) Relationships with other non-council infrastructure
 - b. The Road Corridor
 - c. 30-year infrastructure strategy
 - d. Asset management plans
 - e. Capital Works Programme Delivery, including CCO's and Wellington Water Limited's capital works programmes
 - f. Three waters reform
2. The Committee has the responsibility to discuss and approve a forward agenda.

Delegations

General

3. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

Strategy, policy, and plans

4. Develop and approve strategy and policy within its area of focus and monitor and review these strategies and policies.
5. Review and approve asset management plans.

Service levels

6. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term and Annual Plan processes.

Significant Projects & Monitoring and reporting

7. Review and approve business cases and approve next steps for significant projects within the capital works programme.
8. Monitor and provide oversight for significant projects within its area of focus.

Consultation and engagement

9. Conduct any consultation processes required on issues before the Committee that are within its Area of Focus.
10. Act as a community interface for consultation on policies and as a forum for engaging effectively for issues that are within its area of focus.

Submissions and legislation

11. Approve submissions to external bodies/organisations and on legislation and regulatory proposals that are within its Area of Focus except :
 - (g) If there is insufficient time for the matter to be determined by the Committee before the submission 'close date', in which case the submission can be agreed by the relevant Committee Chair, Deputy Chair, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested).
 - (h) If the submission is of a technical and operational nature, in which case the submission can be approved by the Chief Executive (in consultation with the relevant Committee Chair prior to lodging the submission).
 - (i) During the formal pre-election period, in which case submissions are approved by the Chief Executive.

Bylaws

12. Develop and approve the statement of proposal for new or amended bylaws for consultation within its area of focus.

13. Recommend to Council new or amended bylaws for adoption within its area of focus.

Naming

14. In accordance with the Naming Policy, making significant naming decisions within its area of focus.

Other

15. Consider and make decisions which are within the Chief Executive's delegations that the Chief Executive has referred to the committee for decision making.
16. Recommend to Council the establishment of a subcommittee or working group and approve its terms of reference.
17. The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

3.4 Social, Cultural and Economic Committee – Pūroro Rangaranga

Chair	Cr Jill Day
Deputy Chair	Cr Nicola Young
Membership	Mayor and all Councillors
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	9
Frequency of meeting	Monthly

Area of focus

1. The Social, Cultural and Economic Committee has the following responsibilities:
 - a. Arts, Culture, and Community Services
 - b. Wellington City Social Housing
 - c. Council's City Events
 - d. Parking Services
 - e. Parks, Sport and Recreation
 - f. Community resilience
 - g. Economic development
 - h. Māori Strategic Development
2. The Committee has the responsibility to discuss and approve a forward agenda.

Delegations

General

3. The Committee has the powers necessary to perform its responsibilities, within the approved Long-term Plan and Annual Plan budgets.

Strategy and policy

4. Develop and approve strategy and policy within its area of focus and monitor and review these strategies and policies.

Service levels

5. Recommend service level changes and new initiatives to the Long-term and Annual Plans Committee as part of the Long-term and Annual Plan processes.

Significant Projects & Monitoring and reporting

6. Review and approve business cases and approve next steps for significant projects within its area of focus and that are within the Long-term plan or annual plan.
7. Monitor and provide oversight for significant projects within its area of focus.

Consultation and engagement

8. Conduct any consultation processes required on issues before the Committee within its area of focus.
9. Act as a community interface for consultation on policies and as a forum for engaging effectively within its area of focus.
10. Receive reports from the Council's Advisory Groups and monitor engagement with the city's communities.
11. Review as necessary and approve the model for Council Advisory Groups and Forums.

Submissions and legislation

12. Approve submissions to external bodies/organisations and on legislation and regulatory proposals that are within its Area of Focus except:
 - (j) If there is insufficient time for the matter to be determined by the Committee before the submission 'close date', in which case the submission can be agreed by the relevant Committee Chair, Deputy Chair, Mayor and Chief Executive (and all Councillors must be advised of the submission and provided copies if requested).
 - (k) If the submission is of a technical and operational nature, in which case the submission can be approved by the Chief Executive (in consultation with the relevant Committee Chair prior to lodging the submission).
 - (l) During the formal pre-election period, in which case submissions are approved by the Chief Executive.

Bylaws

13. Develop and approve the statement of proposal for new or amended bylaws for consultation within its area of focus.
14. Recommend to Council new or amended bylaws for adoption within its area of focus.

Open Space and Reserves, (excluding Town Belt and Leases under the Leases Policy for Community and Recreation Groups)

15. For reserves, the power to approve Council strategy, policy and reserve management plans.

16. For all Council-owned land that is either open space under the District Plan, or reserve under the Reserves Act 1977, the power to:
 - (a) Approve leases, subleases and easements (in relation to land or buildings)
 - (b) Approve a Permanent Forest Sink Initiative covenant to be added or removed
 - (c) Adopt management plans and amendments to management plans
 - (d) Make any decision under a management plan which provides that it may not be made by a Council officer (for example, approve a concession)
 - (e) Make decisions that would change the legal status of such land, including under the Reserves Act 1977 to classify a reserve, declare land to be a reserve and revoke the reservation of land
 - (f) Recommend to Council for approval anything that would change the ownership of such land

Wellington Town Belt Act 2016

17. For all land that is subject to the Wellington Town Belt Act 2016, the power to:
 - (a) Exercise the powers contained in section 15(2) of that Act
 - (b) Make recommendations to the Council on whether it should exercise its non-delegable powers under section 15(1) of that Act.
 - (c) Make a decision under a management plan which provides that it may not be made by a Council Officer (for example, approve a concession)

Naming

18. In accordance with the Naming Policy, making significant naming decisions within its area of focus,.

Grants including City Growth Fund

19. Approve the criteria and focus areas for grants funds referred for decision by the Grants committee.
20. Approve any grants referred for decision by the Grants Committee.
21. Approve the allocation of funding from the City Growth Fund, where the total commitment is more than \$100,000 (calculated by reference to the total funding sought in one or more financial years).

Other

22. Consider and make decisions which are within the Chief Executive's delegations that the Chief Executive has referred to the committee for decision making.
23. Recommend to Council the establishment of a subcommittee or working group and approve its terms of reference.

24. The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

3.2 Annual Plan / Long-Term Plan Committee – Pūroro Maherehere

Chair	Cr Rebecca Matthews
Deputy Chair	Mayor Andy Foster
Membership	Mayor and all Councillors
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	9
Frequency of meeting	As required for the purposes of developing the Council's Long-term Plan and/or Annual Plan.

Area of focus

1. The Long-term Plan and Annual Plan gives effect to the strategic direction and outcomes of Council by setting levels of service and budgets.
2. The Committee is responsible for overseeing the development of the draft Annual and Long-term Plan for consultation, determining the scope and approach of any consultation and engagement required, and recommending the final Long-term Plan and Annual Plans to the Council.

Delegations

3. The Committee has the power to:
 - (a) Develop the Council's draft and final Long-term Plan, Annual Plan and any amendment to the Long-term Plan, for recommendation to the Council
 - (b) Recommend the Consultation document for a Long-term Plan, Annual Plan and any amendment to the Long-term Plan, for adoption by the Council
 - (c) Develop the policies required to be part of, or included in, the Long-term Plan and the funding and financial policies in section 102 of the Local Government Act 2002
 - (d) Approve the approach to consulting with the public in respect of the draft Long-term Plan, Annual Plan, and any amendment to the Long-term Plan, and conduct any consultation processes
4. To avoid doubt, if a fee is proposed to be introduced, changed or removed as part of a Long-term Plan, Annual Plan or amendment to a Long-term Plan, the Committee has the responsibility and authority to:
 - (a) consider submissions on the proposed fee; and

- (b) make recommendations to Council on the proposed fee, including in relation to fees which would otherwise be progressed by other committees.
5. The Committee has specific responsibility to:
- (a) review the Revenue and Financing Policy and be guided by the requirements of the Local Government Act 2002 to set funding sources for each activity component from the most appropriate source after considering:
 - (i) the community outcomes to which the activity primarily contributes
 - (ii) the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals
 - (iii) the period over which those benefits are expected to occur
 - (iv) the extent to which the action or inaction of particular individuals or a group contribute to the need to undertake the activity
 - (v) the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities
 - (vi) the overall impact of any allocation of liability for revenue needs on the community.
 - (b) recommend the appropriate level for the commercial/residential rates differential and recommend any changes to rating resulting from rates reviews
 - (c) recommend how capital funding should be reflected in Council policy (including Development Contributions)
 - (d) undertake an annual review of performance against current revenue and financing policy targets and recommend changes as appropriate
 - (e) review and recommend any changes to the Council's financial policies as required under the Local Government Act 2002 (section 102)
 - (f) make recommendations on other factors that may impact on the Council's rate funding or Revenue and Financing Policy
 - (g) review the performance measurement framework as part of the long-term Plan process, and recommend any amendments to the performance measurement framework
6. Recommend to Council the establishment of any new subcommittee or working party and approve its terms of reference.

3.3 Regulatory Processes Committee – Pūroro Hātepe

Chair	Cr Malcolm Sparrow
Deputy Chair	Cr Simon Woolf
Membership	Deputy Mayor Sarah Free Cr Teri O'Neill Cr Jenny Condie Cr Rebecca Matthews
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Quorum	4
Frequency of meeting	Monthly

Area of focus

1. The Regulatory Processes Committee has responsibility for conducting regulatory functions of Council, including responsibility for:
 - (a) Approving the list of Resource Management Act Commissioners and the associated Appointment Guidelines
 - (b) Objections to classifications under the Dog Control Act
 - (c) Fencing of swimming pools
 - (d) Road stopping
 - (e) Naming places in accordance with the Naming Policy, except for significant naming decisions, which are considered by the relevant Committee.
 - (f) Traffic resolutions that are not considered by Planning and Environment Committee
 - (g) Suburb boundaries
 - (h) Development Contributions remissions.
 - (i) Approving leases pursuant to Council policies.

Delegations

2. The Regulatory Processes Committee has responsibility for and authority to:

- (a) Approve Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners)
- (b) Review and approve the Council's guidelines for composition of hearings panels
- (c) Conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991 and District Licensing Committee Hearings)
- (d) Hear and determine objections to the classifications under the Dog Control Act 1996
- (e) Undertake hearings on road stopping under the Local Government Act 1974
- (f) Make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road, including (where the proposal includes or involves a related acquisition, disposal or land exchange) a recommendation to Council on the acquisition, disposal or exchange
- (g) Consider and recommend to Council any notification by the Minister of Lands that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road
- (h) Make any resolution required under section 319A of the Local Government Act 1974 (naming of roads) in accordance with the Naming Policy and within its area of focus
- (i) Make any resolution required under section 10 Reserves Act 1977 (naming of reserves) in accordance with the Naming Policy
- (j) Make decisions regarding the temporary prohibition of traffic for events, film-making or other public functions under clause 11(e), Schedule 10 of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965
- (k) Make decisions on applications required under the Development Contribution Policy for remissions, postponements, reconsiderations and objections
- (l) Recommend to the chief executive the appointment of Commissioners to the District Licensing Committee under section 193 of the Sale and Supply of Alcohol Act 2012
- (m) Make all decisions requiring Council or Committee approval under the 'Leases Policy for Community and Recreation Groups'
- (n) Amend suburb boundaries and hear any objections to contentious suburb boundary change proposals
- (o) Dog areas, such as those described in the Wellington Consolidated Bylaw 2008 (clause 5 of Part 2: Animals)
- (p) Make any resolution under the following provisions of the Wellington Consolidated Bylaw 2008 not within the delegation of the other Committees

- (i) traffic resolutions (clause 11 of Part 7: Traffic) which are not considered by the Planning and Environment Committee

Delegation to the Chairperson

3. The Chair of the Committee is authorised to appoint Councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels for Resource Management Act 1991 hearings provided that:
 - (i) the Chair consults the Deputy Mayor (and when the panel is for a plan change, also the relevant Committee Chair);
 - (ii) any independent commissioner is on the list approved by the Regulatory Processes Committee; and
 - (iii) the composition of the hearings panel meets the guidelines approved by the Regulatory Processes Committee (once approved).
4. The Chair of the Committee is authorised to jointly approve, with a senior Council officer who has been approved to do so by the Chief Executive, minor and uncontentious suburb boundary change proposals. "Minor and uncontentious" proposals in this instance are those that affect fewer than 20 properties and have not received any objections that are unable to be resolved. Decisions made under this delegation will be reported to the Committee annually. If the Chair has a conflict of interest on a suburb boundary change proposal, the matter must be referred to the Committee for decision.

3.4 CEO Performance Review Committee – Ngutu Taki

Chair	Mayor Andy Foster
Deputy Chair	Deputy Mayor Sarah Free
Membership	Cr Diane Calvert (Chair of Finance and Performance Committee) Cr Iona Pannett (Chair of Planning and Environment Committee) Cr Sean Rush (Chair of Infrastructure Committee) Cr Jill Day (Chair of Social, Cultural and Economic Committee)
Quorum	3
Frequency of meeting	As and when required

Area of focus

1. The CEO Performance Review Committee has responsibility for the effective monitoring of the Chief Executive Officer's performance and has the authority to undertake the annual remuneration review. The Committee also has the role of undertaking any review for the purposes of clause 35 schedule 7 Local Government Act 2002, making a recommendation to Council under clause 34 schedule 7 Local Government Act 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

Delegations

2. The Performance Review Committee will have responsibility and authority to:
 - (a) Agree with the Chief Executive the annual performance objectives
 - (b) Undertake a 6 monthly review to review progress against the annual performance objectives, provide feedback, ongoing monitoring and agree to any modifications to the annual performance objectives with the Chief Executive
 - (c) Conduct the performance review required in the employment agreement between the Council and the Chief Executive
 - (d) Undertake the annual remuneration review and make decisions regarding remuneration
 - (e) Represent the Council in regard to any issues which may arise in respect to the Chief Executive's job description, agreement, performance objectives or other similar matters
 - (f) Conduct and complete a review of employment under clause 35 schedule 7 Local Government Act 2002, and make a recommendation to Council as to continued appointment or vacancy under clause 34 schedule 7 Local Government Act 2002
 - (g) Undertake any recruitment and selection process for a Chief Executive (noting that a decision on appointment must by law be made by the Council)

Delegations of the Chair

3. The Chair and Mayor have the authority to twice annually request a report of the Chief Executive's "sensitive expenditure".

4 SUBCOMMITTEES

4.1 Audit and Risk Subcommittee – Kāwai Māhirahira

Chair	Independent Appointment
Deputy Chair	Cr Jenny Condie
Membership	Cr Diane Calvert Cr Sean Rush Cr Tamatha Paul Cr Iona Pannett
External Membership	Roy Tiffin Linda Rieper One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Parent Committee	Finance and Performance Committee
Quorum	5 (including at least one external member)
Frequency of meeting	Quarterly or as and when required

Area of focus

1. The Audit and Risk subcommittee oversees the work of the Council in discharging its responsibilities in the areas of risk management, statutory reporting, internal and external audit and assurance, monitoring of compliance with laws and regulations, including health and safety.

Members

2. Members of the Audit and Risk subcommittee shall be impartial and independent at all times.
3. External members will be appointed for an initial period not exceeding three years, after which they will be eligible for extension or re-appointment, and have not already served two terms on the committee. Councillors appointed to the subcommittee will automatically cease to hold office at the time of the local authority triennial elections.
4. The Chief Executive and the senior management team members will not be members of the committee.

5. The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the council. At least one member of the committee should have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector / local government environment.

Delegations

Statutory Reporting

6. Review and monitor the integrity of the interim and annual report including statutory financial statements and any other formal announcements relating to the council's financial performance, focussing in particular on:
 - (a) compliance with, and the appropriate application of, relevant accounting policies, best practices and accounting standards
 - (b) compliance with applicable legal requirements relevant to statutory reporting
 - (c) the consistency of application of accounting policies, across reporting periods, and the Wellington City Council group
 - (d) agreeing accounting policies and practices including any changes that may affect the way that accounts are presented
 - (e) any decisions involving significant judgement, estimation or uncertainty
 - (f) the extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed
 - (g) the disclosure of contingent liabilities and contingent assets
 - (h) the clarity of disclosures generally
 - (i) the basis for the adoption of the going concern assumption
 - (j) significant adjustments resulting from the audit

Risk management

7. Review, approve and monitor the implementation of the risk management programme of work, the risk management policy, framework and strategy (including risks pertaining to CCOs that are significant to the Wellington city Council group), focussing in particular on:
 - (a) Providing guidance and approval of Council's appetite for Risk
 - (b) Oversight of the systems in place to manage legislative compliance (including health and safety), significant projects and programmes of work, and significant procurement activity

Internal Audit

8. Review and monitor whether management's approach to maintaining an effective internal control framework is sound and effective, and in particular:
 - (a) Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile

- (b) Review the adequacy of management's implementation of internal audit recommendations
- (c) Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place

External Audit

9. At the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor.
10. Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
11. Conduct a members only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring.
12. Review and monitor whether management's approach to maintaining an effective internal control framework is sound and effective, and in particular:
 - (a) Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour
 - (b) Review whether management has in place relevant policies and procedures and how these are reviewed and monitored
 - (c) Review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud

External Reporting and Accountability

13. Agree to the appropriateness of the Council's existing accounting policies and principles and any proposed change.
14. Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above.
15. Satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive/Mayor and adoption of the Annual Report.
16. Confirm that processes are in place to ensure that financial information included in the entity's Annual Report is consistent with the signed financial statements.

Council Controlled Organisations

17. The Finance and Performance Committee when dealing with CCO matters may refer matters to the Audit and Risk subcommittee for review and advice.

18. This committee will enquire to ensure adequate processes at a governance level exist to identify and manage risks within a CCO. Where an identified risk may impact on Wellington City Council or the wider group, the committee will ensure that all affected entities are aware of and appropriately managing the relevant risk.

4.2 Grants Subcommittee – Kāwai Whakatipu

Chair	Cr Fleur Fitzsimons
Deputy Chair	Cr Teri O'Neill
Membership	Cr Laurie Foon Cr Nicola Young Cr Jill Day Cr Rebecca Matthews
External Membership	One representative of Ngāti Toa Rangatira nominated by Te Rūnanga o Toa Rangatira Incorporated and appointed by Council. One representative of Taranaki Whānui ki Te Upoko o Te Ika nominated by the Port Nicholson Block Settlement Trust and appointed by Council
Parent Committee	Social, Cultural and Economic Committee
Quorum	4
Frequency of meeting	As and when required

Area of focus

1. The Grants Subcommittee is responsible for the effective allocation and monitoring of the Council's grants.

Delegations

2. The Grants Subcommittee has responsibility for and authority to:
 - (a) Consider the allocation of grants (including three-year funding contracts) in line with the relevant grants criteria and priorities (focus areas) for:
 - (i) Cultural wellbeing: Arts and Culture Fund
 - (ii) Social & recreation: Social and Recreation Fund, The CH Iazard Bequest, Sportsville Partnership and Sportsville Feasibility Funds
 - (iii) Environment Natural: Environment Fund, Waste Minimisation Seed Fund (projects over \$2,000)
 - (iv) Urban development: Built Heritage Incentive Fund and Building Resilience Fund

Provided that the Subcommittee can approve a grant up to \$100,000 per financial year and shall make recommendations to the Social Cultural and Economic Committee for any grant over \$100,000 per annum.

- (b) Approve the priorities for allocating grants within each grant fund annually.
- (c) Review the criteria and focus areas for grants funds and make recommendations to the Relevant Committee.

6 APPOINTMENTS GROUP

Chair	Mayor Andy Foster
Membership	Chair and Deputy Chair of Finance and Performance Committee Deputy Mayor Sarah Free Chief Executive
Parent Body	Council
Quorum	2
Frequency of meeting	As and when required

Area of Focus

1. The Appointments Group's role is to select the preferred external candidates to fill vacancies on the boards of Council's CCOs and on those of its subcommittees to which external appointments are required, and to monitor the performance of external members on the boards of Council's CCOs and subcommittees.

Terms of Reference

2. The Appointments Group has responsibility for and authority to:
 - (a) select a balanced range of preferred external candidates with an appropriate range and mix of skills to fill vacancies on the boards of Council's CCOs and on those of its subcommittees to which external appointments are required
 - (b) interview the preferred external candidates to confirm their suitability for the vacant position. Where the preferred candidate is being re-appointed or has previously served on one of the Boards of Council's CCOs or its subcommittees then there is no requirement to interview the candidates
 - (c) make recommendations to Council regarding the appointment of external appointments to the boards of Council's CCOs and to Council's subcommittees, noting that any recommendation of the Group must be unanimous
 - (d) provide advice as and when required to the Council on the performance of external members on its CCOs and Council's subcommittees.

7 DISTRICT LICENSING COMMITTEE

Commissioners	<p>Bill Acton</p> <p>Rachel Palu</p> <p>Kate Thomson</p> <p>Rex Woodhouse</p>
List Members	<p>Bill Acton</p> <p>Andrew Beck</p> <p>Saar Cohen-Ronen</p> <p>Zoe Doole</p> <p>Sandra Kirby</p> <p>Brad Olsen</p> <p>Rachel Palu</p> <p>Kiri Rikihana</p> <p>Simon Tendeter</p> <p>Kate Thomson</p> <p>Luke Tuffs</p> <p>Rex Woodhouse</p>
Executive	<p>The chief executive is the secretary of District Licensing Committee/s. The chief executive may delegate this responsibility.</p>
Frequency of meeting	<p>As and when required</p>

Area of focus

1. The Sale and Supply of Alcohol Act 2012 (the Act) requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.
2. District Licensing Committees are appointed to exercise the Council's alcohol licensing functions and powers as determined by the Act.

Delegations

3. The functions of District Licensing Committees are specified by the Act and include:
 - (a) to consider and determine applications for licenses and manager's certificates

- (b) to consider and determine applications for renewal of licences and manager's certificates
- (c) to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act
- (d) to consider and determine applications for the variation, suspension, or cancellation of licences other than special licences under section 280 of the Act
- (e) to consider and determine applications for the suspension or cancellation of licences under sections 281 and 282 of the Act
- (f) to consider and determine applications for the variation, suspension or cancellation of special licences under section 283 of the Act
- (g) with the leave of the chairperson for the licensing committee, to refer applications to the licensing authority
- (h) to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act
- (i) any other functions conferred on licensing committees by or under the Act or any other enactment.

Reporting to Council

4. The secretary will prepare, for Council approval, an annual report on the proceedings and operations of the District Licensing Committee.

8 COMMUNITY BOARDS

Tawa Community Board

Chair	Robyn Parkinson
Deputy Chair	Jackson Lacy
Members	Graeme Hansen Richard Herbert Anna Scott Councillor Jill Day Councillor Malcolm Sparrow
Quorum	4
Frequency of meeting	Monthly or as required

Mākara/Ohariu Community Board

Chair	John Apanowicz
Deputy Chair	Christine Grace
Members	Hamish Todd Chris Renner Wayne Rudd Darren Hoskins
Quorum	3
Frequency of meeting	TBD

Area of focus

1. The role of a community board is to:
 - (a) represent and act as an advocate for the interests of its community
 - (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board
 - (c) maintain an overview of services provided by the territorial authority within the community

- (d) prepare an annual submission to the territorial authority for expenditure within the community
- (e) communicate with community organisations and special interest groups within the community and undertake any other responsibilities that are delegated to it by the territorial authority.

Delegations

2. The community boards shall:
 - (a) facilitate the Council's consultation with local residents and community groups on local issues and local aspects of citywide issues including input into the Long-term Plan, Annual Plan, and policies that impact on the board's area
 - (b) engage with council officers on local issues and levels of service, including infrastructural, recreational, community services and parks and gardens matters.
3. Council will consult with the board on issues that impact on the board's area and allow sufficient time for the board's comments to be considered before a decision is made.
4. The community board has responsibility for and authority to:
 - (a) make submissions (as a community board) to any organisation (including submissions on resource consents notified by the Greater Wellington Regional Council and Wellington City Council) relating to matters of interest to the board in respect of the board's area (a copy of any such submission is to be given to the Council's chief executive)
 - (b) represent the interests of the community at Council, committee or subcommittee meetings when a motion under debate relates to a matter that the board considers of particular interest to the residents within its community
 - (c) determine expenditure of funds allocated by Council to the board for specific purposes
 - (d) consider matters referred to it by officers, the Council, its committees or subcommittees, including reports relating to the provision of council services within the board's area, and make submissions or recommendations in response to those matters as appropriate. This will include:
 - (i) monitoring and keeping the Council informed of community aspirations and the level of satisfaction with services provided
 - (ii) providing input to the Council's Long-term and Annual Plans
 - (iii) providing input to proposed District Plan changes that impact on the board's area
 - (iv) providing input to strategies, policies and plans
 - (v) providing input to bylaw changes that impact on the board's area.
 - (e) provide input (whether from the full board, a subcommittee of the board, or a nominated board member/s) to officers on the following matters:
 - (i) local road work priorities

- (ii) traffic management issues (such as traffic calming measures, pedestrian crossing, street lighting, etc.)
 - (iii) Street facilities management (such as taxi stands, bus stops, bicycle stands, etc.)
 - (iv) applications for licences under the Sale and Supply of Alcohol Act 2012
 - (v) application of the Resource Management Act 1991 (including notification decisions) within the board's area
 - (vi) the emergency management needs of the area, including the appointment of emergency centre coordinators
5. The final decision on matters set out above will be made by council officers acting under their delegated authority.

Resource management hearings

6. The community board may have up to two suitably trained members available for selection to sit on hearings panels on resource management issues. Such selection will be in accordance with the Guidelines for Appointment of Hearings Panels approved by Council on 30 March 2005 (and as may be amended from time to time). No board member shall be eligible for selection if the board has made a submission on the matter to be decided.

9 SPECIFIC ROLE DESCRIPTIONS AND DELEGATIONS

Mayor

1. The mayor is the leader of the Council and has the statutory role to provide leadership to the other members of the Council and the people in the district. The mayor will lead the development of the Council's plans, policies and budgets for consideration by the Council. The mayor is the primary Council spokesperson.
2. The mayor will lead central government liaison, supported as necessary by relevant councillors.
3. In addition, the mayor has the delegated authority to:
 - (a) consider and approve the allocation of the Discretionary Grant Fund, in consultation with the chair of the Grants Subcommittee and other relevant committee chairperson
 - (b) agree and enter into memoranda of understanding to enhance external relationships and partnerships, provided they are consistent with Council policy and direction. Note that these agreements should generally be endorsed by the Council before signing, particularly if an agreement has financial implications. If this is not possible, the Council should be alerted immediately after a memorandum of understanding has been signed
 - (c) approve the chief executive's annual leave, overseas travel and expenditure on professional development
 - (d) approve the deputy mayor's attendance at conferences and associated travel within New Zealand, provided it can be funded from the budget approved as part of the Annual Plan.

Deputy mayor

4. The deputy mayor will:
 - (a) assist the mayor in carrying out the statutory and leadership role of the mayor;
 - (b) if the mayor is absent or incapacitated, perform all the responsibilities and duties, and exercise any powers of the mayor (other than the powers under section 41A LGA 2002 and the role of Justice of the Peace); and
 - (c) lead and take responsibility for liaison with Councillors on matters of support for carrying out their governance role.
 - (d) Assist the mayor in day-to-day administration
 - (e) ensure that the mayor's view is conveyed to committee and other meetings when he is absent on Council business
 - (f) be a key facilitator in negotiating and achieving consensus decision-making and, where that is not possible, landing a Council majority decision
 - (g) participate in all agenda preview meetings with committee chairs, deputy chairs and lead officers

- (h) organise and coordinate councillor only time
-
- 5. In the absence of the mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the deputy mayor is empowered to perform the duties and responsibilities of the mayor under subclauses 17(3), (4) and (5) of Schedule 7 of the Local Government Act 2002.
 - 6. The deputy mayor is authorised to approve elected member attendance at conferences or training and associated travel and accommodation within New Zealand provided that:
 - (a) it can be funded from the budget approved as part of Annual Plan
 - (b) the deputy mayor consults with one of either the mayor or chair of the Finance and Performance Committee prior to approval
 - (c) attendance is relevant to the member's role and responsibilities.

Other

- 7. The Mayor and Deputy Mayor and Chair of the Finance and Performance Committee² are authorised to approve an elected member to travel overseas (whether for the purpose of training, representing the Council, international relations, attending conferences) – and the associated costs (if any) in urgent circumstances, when it is impracticable for the Strategy and Policy Committee to consider the item on an agenda prior to the travel.

Role descriptions: Chair and Deputy Chair of a committee or subcommittee

- 8. A Chair and Deputy Chair of a committee or subcommittee will:
 - (a) provide leadership to the committee
 - (b) ensure decision-making is evidence-based and made in a timely manner
 - (c) conduct the meeting in accordance with standing orders and legislation
 - (d) enhance relationships with key stakeholders
 - (e) act as the Council's spokes people and point of contact for the committee's activities
 - (f) collaborate with other committee chairs and deputy chairs where objectives are shared
 - (g) work effectively with Council officers to progress strategic priorities and projects
 - (h) facilitate policy discussions between elected members, public and officers regarding the committee's area of focus

² In the event one is conflicted, only two signatures are required. In the event two of the three are conflicted an additional committee or subcommittee chair will be a decision maker (as nominated by the mayor).

- (i) play a leadership role in the development of policy and strategy falling under the committee's area of focus
- (j) ensure progress is made towards the council's strategic priorities in the committee's area of responsibility
- (k) ensure governance oversight and direction is provided to the projects that report to their committee
- (l) attend relevant events, launches of new activities and projects
- (m) ensure council's advisory groups have effective input
- (n) meet regularly with the mayor, deputy mayor, chief executive and senior staff
- (o) keep the mayor informed of emerging issues
- (p) maintain a "no surprises" approach for elected members and staff
- (q) raise issues of Council performance with the assigned executive leadership staff member in the first instance, following up with the mayor and chief executive if necessary

10 CHIEF EXECUTIVE DELEGATIONS: Clause 32 Schedule 7 Local Government Act 2002

The Council has delegated the following matters to the chief executive under clause 32 of Schedule 7 of the Local Government Act 2002:

1. The chief executive is delegated all powers and authorities (other than those retained by Council, or contained within the delegations to committees or other subordinate decision-making bodies or community boards), subject to any legal limits on the Council's ability to do so, provided that the chief executive acts within the law, Council policy (as approved from time to time) and the Long-term Plan and Annual Plan.
2. The chief executive delegations authorise the following tolerance levels, in order to ensure effective and efficient delivery of the Long-term Plan and Annual Plan:
 - (a) if the operating budget for an activity area will be exceeded by an amount no greater than 5% for that year, but the overall Annual Plan budget level can be maintained, the chief executive has the authority to approve budget transfers between activity areas, but subject to the following criteria:
 - (i) The overspends will not result in other projects or sub projects being cancelled; or
 - (ii) Any projects or sub projects included in the annual plan that will not be completed as planned in the current or following year will be reported to the appropriate committee for approval.
 - (iii) (Note, the net operating budget or surplus for this purpose excludes revaluations and gain/loss on sale of assets and any other extraordinary items).
 - (b) if an individual capital expenditure project in the Annual Plan will be exceeded by an amount no greater than 10% for that year, the chief executive has the authority to approve that expenditure, as long as the overall capital expenditure budget for the year is not exceeded and subject to the following criteria:
 - (i) The overall Annual Plan capital expenditure dollar amount is not exceeded; and
 - (ii) Any overspends must be offset by savings in the current year or a reduction in the dollar amount carried forward to the following years; and
 - (iii) The overspends will not result in other projects or sub projects being cancelled; or
 - (iv) Any projects or sub projects included in the Annual Plan that will not be completed as planned in the current or following year will be reported to the appropriate Committee for approval.
 - (v) For any projects that straddle more than one financial year then the 10% applies to the total project cost and not the cost in the current financial year.
 - (c) Any actual or forecast variations to budget will be reported to the Council or a committee of the whole of Council for noting and approval.
3. The chief executive has the authority to approve unbudgeted expenditure (either capital or operating) where the incurring of the expenditure relates to:
 - (a) urgent health and safety or legislative requirements
 - (b) an emergency (whether one has been declared or not) provided that if the amount is in excess of \$1,000,000 then the chief executive must consult with and get agreement from the mayor or deputy mayor if the mayor is incapacitated. However,

in the highly exceptional event that the chief executive is unable to consult, then the chief executive is still authorised to commit to the expenditure, but must report the exercise of the delegation to the mayor and council as soon as possible.

4. The chief executive has the authority to allocate funding from the City Growth Fund up to a total commitment of \$100,000 provided that:
 - (a) the criteria of the Fund are met; and
 - (b) the decision is made in consultation with, the mayor, the deputy mayor and the economic development portfolio leader.
5. The chief executive has the authority to sign any contract or memorandum of understanding in order to give effect to the Annual Plan and Long-term Plan and / or existing policy. Where the content relates to Council's relationship with external stakeholders/organisations, the mayor must be advised. The mayor will determine whether the mayor or chief executive is the appropriate signatory and/or whether the matter is referred to Council or committee.
6. The chief executive officer in consultation with the deputy mayor has the authority to approve international travel for the mayor and/or elected members where an invitation is received and there is no travel cost to the Council.

Explanatory notes to delegations

7. This delegation affirms that the Long-term Plan and the Annual Plan provide the basis for the implementation of Council decisions by the chief executive. Through and under the Long-term Plan and Annual Plan, operational and capital expenditure budgets, fees and charges, service levels, specific projects, and other significant requirements are approved by the Council.
8. The chief executive and management are then authorised to proceed to make all arrangements in line with those decisions.
9. The delegations are supported by effective communication and constructive working arrangements between elected members and the chief executive, such as the quarterly report, regular briefings, Council and CEO only time, and the chief executive's key performance indicators.

Mon	Tue	Wed	Thu	Fri
June 2021				
	1	2 Social, Cultural and Community Services	3	4
7 Public holiday Queen's Birthday	8 Regulatory Processes	9 Audit and Risk	10 Social, Cultural and Community Services	11
14 Waste Management JC	15	16	17 Finance and Performance	18
21	22 Social, Cultural and Community Services	23 Infrastructure and Policy, Planning and Environment	24 Policy, Planning and Environment	25
28	29 Annual Plan / Long Term Plan	30 Council		

Mon	Tue	Wed	Thu	Fri
July 2021				
			1 No meetings	2 No meetings
5 No meetings	6 No meetings	7 No meetings	8 No meetings	9 No meetings
12 No meetings	13 No meetings	14 No meetings	15 No meetings	16 No meetings
19 No meetings	20 No meetings	21 No meetings	22 No meetings	23 No meetings
26 No meetings	27 No meetings	28 No meetings	29 No meetings	30 No meetings

Mon	Tue	Wed	Thu	Fri
August 2021				
2	3	4 Policy, Planning and Environment	5 Social, Cultural and Community Services	6
9	10	11 Regulatory Processes	12 Infrastructure	13
16	17	18 CEO Performance Review	19 Finance and Performance	20
23	24	25 Policy, Planning and Environment	26 Council	27
30	31			

Mon	Tue	Wed	Thu	Fri
September 2021				
		1	2 Social, Cultural and Community Services	3
6 Waste Management JC	7	8 Regulatory Processes	9 Infrastructure	10
13	14	15 Audit and Risk	16 Finance and Performance	17
20	21	22 CEO Performance Review	23 Policy, Planning and Environment	24
27	28	29 Annual Plan / Long Term Plan	30 Council	

Mon	Tue	Wed	Thu	Fri
October 2021				
				1
4	5	6 Grants	7 Social, Cultural and Community Services	8
11	12	13 Regulatory Processes	14 Infrastructure	15
18	19	20 Annual Plan / Long Term Plan	21 Finance and Performance	22
25 Public holiday Labour Day	26	27 Policy, Planning and Environment	28 Council	29

Mon	Tue	Wed	Thu	Fri
November 2021				
1	2	3	4 Social, Cultural and Community Services	5
8 Waste Management JC	9	10 Regulatory Processes	11 Infrastructure	12
15	16	17 Annual Plan / Long Term Plan	18 Finance and Performance	19
22	23	24 Policy, Planning and Environment	25 Council	26
29	30			

Mon	Tue	Wed	Thu	Fri
December 2021				
		1	2 Social, Cultural and Community Services	3
6 Waste Management JC	7	8 Regulatory Processes and Grants	9 Infrastructure	10
13	14	15 Council	16	17
20 No meetings	21 No meetings	22 No meetings	23 No meetings	24 No meetings
27 No meetings	28 No meetings	29 No meetings	30 No meetings	31 No meetings

Mon	Tue	Wed	Thu	Fri
January 2022				
3 No meetings	4 No meetings	5 No meetings	6 No meetings	7 No meetings
10 No meetings	11 No meetings	12 No meetings	13 No meetings	14 No meetings
17 No meetings	18 No meetings	19 No meetings	20 No meetings	21 No meetings
24 No meetings	25 No meetings	26 No meetings	27 No meetings	28 No meetings
31 No meetings				

Mon	Tue	Wed	Thu	Fri
February 2022				
	1	2 Audit and Risk	3 Social, Cultural and Community Services	4
7 Public holiday Waitangi Day	8	9 Regulatory Processes	10 Infrastructure	11
14	15 CEO Performance Review	16 Annual Plan / Long Term Plan	17 Finance and Performance	18
21	22	23 Policy, Planning and Environment	24 Council	25
28				

Mon	Tue	Wed	Thu	Fri
March 2022				
	1	2	3	4
7 Waste Management JC	8	9 Regulatory Processes	10 Social, Cultural and Community Services	11
14	15	16 Grants	17 Infrastructure	18
21	22	23 Annual Plan / Long Term Plan	24 Finance and Performance	25
28	29	30 Policy, Planning and Environment	31 Council	

Mon	Tue	Wed	Thu	Fri
April 2022				
				1
4	5	6	7 Social, Cultural and Community Services	8
11	12	13 Regulatory Processes	14 Infrastructure	15 Public holiday Good Friday
18 Public holiday Easter Monday	19 CEO Performance Review	20 Annual Plan / Long Term Plan	21 Finance and Performance	22
25 Public holiday Anzac Day	26	27 Policy, Planning and Environment	28 Council	29

Mon	Tue	Wed	Thu	Fri
May 2022				
2	3	4	5 Social, Cultural and Community Services	6
9	10	11 Regulatory Processes	12 Infrastructure	13
16	17 Grants	18 Annual Plan / Long Term Plan	19 Finance and Performance	20
23	24	25 Policy, Planning and Environment	26 Council	27
30	31			

Mon	Tue	Wed	Thu	Fri
June 2022				
		1 Audit and Risk	2 Social, Cultural and Community Services	3
6 Public holiday Queen's Birthday	7	8 Regulatory Processes	9 Infrastructure	10
13	14	15 CEO Performance Review	16 Finance and Performance	17
20	21	22 Annual Plan / Long Term Plan	23	24 Public holiday Matariki
27	28	29 Policy, Planning and Environment	30 Council	31

Mon	Tue	Wed	Thu	Fri
July 2022				
				1 No meetings
4 No meetings	5 No meetings	6 No meetings	7 No meetings	8 No meetings
11 No meetings	12 No meetings	13 No meetings	14 No meetings	15 No meetings
18 No meetings	19 No meetings	20 No meetings	21 No meetings	22 No meetings
25 No meetings	26 No meetings	27 No meetings	28 No meetings	29 No meetings

Mon	Tue	Wed	Thu	Fri
August 2022				
1	2	3	4 Social, Cultural and Community Services	5
8	9 Grants	10 Regulatory Processes	11 Infrastructure	12
15	16 CEO Performance Review	17 Annual Plan / Long Term Plan	18 Finance and Performance	19
22	23	24 Policy, Planning and Environment	25 Council	26
29	30	31		

Mon	Tue	Wed	Thu	Fri
September 2022				
			1 Grants	2
5	6	7 Audit and Risk	8 Social, Cultural and Community Services	9
12	13	14 Regulatory Processes	15 Infrastructure	16
19	20 CEO Performance Review	21 Annual Plan / Long Term Plan	22 Finance and Performance	23
26	27	28 Policy, Planning and Environment	29 Council	30

Cr Condie public statement

Bringing a code of conduct complaint against the Mayor is a serious step, and I took that step because I believed the Mayor's conduct in the lead up to our vote on the sale and lease of land at Shelly Bay, one of the most controversial votes we will face this term, was a serious matter.

The investigator's report you have received agrees. The result of the investigation state in paragraph 109.7 that

[109.7] "...effective council decision-making is one of the core responsibilities of Councillors as part of their representation of the interests of residents and ratepayers. Members of the public are entitled to assume that Councillors will make decisions on the basis of relevant and accurate information, and not in a way that exposes Council to potential legal risk."

And in paragraph 109.3 that

[109.3] "In particular, relying on a File note that contained irrelevant, inaccurate and discredited information to lobby other Councillors on an important Council decision, is likely to undermine public confidence."

This is a serious and material breach of our code of conduct by Mayor Foster. The investigator has therefore recommended Council censure the mayor and that he apologise to the former council officer. The investigator has been lenient in the consequences she has recommended because she states in paragraph:

[114] "I assess that the breach is at the lower end of the spectrum as there was no intention to act improperly, rather the Mayor failed to give the issue and potential implications sufficient consideration."

In my view Ms Hornsby-Geluk's acceptance of the Mayor's assertion that he did not intend to act improperly is fairly generous. Stopping the development at Shelly Bay was one of his key election promises. He personally sat through much of the trial at the High Court in 2018. One of the findings of that trial was that: "there is no basis for a suggestion that [the council officer] was prevailed upon to alter his original opinion by other WCC officers as alleged by the appellant." He then went on to share inaccurate and discredited information that was contrary to the Court's ruling. He also received the same advice we were all given in the lead up to the vote that any matters related to the road were irrelevant to the decision before us. (PX – expand on legal advice)

If he did not intend to act improperly, it is a reasonable expectation that he should have known better than to share the File note based on this wider context.

In deciding the appropriate consequences for the Mayor I would ask that you form your own view about whether the Mayor had any intention to act improperly.

I have always believed that raising this complaint was the right thing to do, and I would do so again, but that doesn't make the experience of being a whistle blower any easier. I estimate I have spent in excess of 80 hours taking part in this investigation, including preparing this statement today. I would like to thank the many councillors who supported my decision to bring this complaint and who have been there for me when the investigation became particularly stressful, even though I couldn't you any details of what was going on.

After I made the complaint several councillors told me they believed that I had overreacted. I accepted their view but asked them to remain open minded for when the final investigation report

was completed. I hoped that if the report upheld my complaint those councillors would change their view. Disappointingly, since the report was shared with councillors I have come under further pressure from some of my colleagues. One asked me to withdraw my complaint before this debate could take place and another wanted me to oppose censuring the Mayor. I now understand that Deputy Mayor Free and Councillor Pannett intend to move recommendations today that ignore the recommendation in the investigator's report for the Mayor to be censured by Council. I would remind you that the investigator's recommendations in the report are for a censure and an apology – not a censure or an apology. These recommendations already take into account her more lenient view that the breach is at the lower end of the spectrum as there was no intention to act improperly.

While I understand the desire for Council unity in response to the Winder report, I believe that trying to minimise the seriousness of this investigation and its findings will only further erode public confidence. In fact, I believe that implementing the full recommendations of the investigators report is an essential step toward Council unity rather than a barrier to it.

I acknowledge that Mayor Foster has made a statement this week apologising for the actions which resulted in the code of conduct investigation, acknowledging that he shouldn't have shared the information as he did, and apologising for the distraction this matter has caused.

Personally I do not consider this matter a distraction, but rather a serious and important issue related to public confidence in our decision making.

I find it difficult to take this eleventh hour apology at face value given that later in that news article Mayor Foster stated he has not read all the recommendations of the report. In which case does Mayor Foster even know what he is apologising for?

My reaction to this apology is also strongly influenced by my experience of Mayor Foster's conduct during the investigation, where in my view, he demonstrated a disdain for the process, increased the cost of the investigation to ratepayers, and caused unnecessary stress to me and my family. He repeatedly missed deadlines for feedback. He took 3 months to meet with the investigator. He was unprepared for his interview when it finally occurred. He claims that he does not remember which councillors he showed the file note to. He and his legal representatives made disparaging comments about me during the investigation, including that I "did not understand my own complaint."

I emailed Ms Hornsby-Geluk at least four times during January, February and March to find out whether Mayor Foster had completed his interview with her. The lack of progress on even scheduling an appointment gave me concerns that Mayor Foster was not participating in the investigation in good faith and caused significant stress during this time.

Email 1 Feb to SHG

Kia ora Susan

I'm just following up again to see if Mayor Foster has made a time to speak with you. Given that it is now 4 working weeks since you first asked to meet with him I am becoming concerned at his lack of response. As you will be aware he also did not respond during the setting of the Terms of Reference for this investigation.

What are the next steps if he continues to avoid meeting you?

Email 10 Feb to SHG

Thanks for your response Susan

If the mayor had questions about the scope and basis for the investigation he should have raised those when the terms of reference were being developed. I'm very concerned that the mayor's behaviour could now be interpreted as deliberately refusing to participate in this investigation.

If you are unable to secure the mayor's participation I believe the only next step I will have available to me will be to raise this matter with DIA.

Following this email Mayor Foster provided Ms Hornsby-Geluk with a copy of the file note and began taking steps to schedule an appointment for his interview.

Once the interview finally took place Mayor Foster was unprepared for it as noted in paragraph 47 of the report:

[47] "given that the Mayor had significant notice of our interview and had access to Councillor Condie's written statement and interview notes which reference the High Court decision in a number of places, it is surprising that he was not aware of the relevance of the High Court decision to the matters being complained of. If he did not have a clear recall of this, he certainly had the opportunity to inform himself before our interview... it seems unlikely that he would not also have considered the context of the High Court decision insofar as it related to the same matter."

Three weeks ago Mayor Foster's legal representatives sent a letter to the investigator where in paragraph 16 they continued to defend holding "a different view than one communicated by a Court." The same paragraph notes that "the High Court reached its view on affidavit evidence only." In my view, this statement casts doubt on the honesty and accuracy of affidavit evidence provided to the High Court during the trial in 2018, which is incredibly unfair to those who provided that evidence. Based on other statements in this letter, it appears that Mayor Foster overall displays an ongoing view that he himself is the victim in all this, that he continues to blame me for any harm done to the former council officer, and has given no thought to how his actions could affect our working relationships with current staff.

It is essential that WCC can attract and retain the best staff given our challenging work programme. The mayor says he did not consider the harm that could be done to a former staff member's reputation by sharing the File note. His public statements have continually called into question the integrity and competence of staff involved with the Shelly Bay resource consent. This behaviour will no doubt influence whether current staff believe they will be treated with professional integrity by elected members. I would remind you of the comments in the Winder report regarding the existence of an "us and them" culture between staff and elected members. The mayor should be providing a good example for all councillors on this.

When you are deciding on the appropriate consequences for the Mayor the main issue I would ask you to consider is whether Mayor Foster genuinely accepts the findings of the report and has taken full responsibility for his actions.

In particular I ask you to consider:

Has Mayor Foster acknowledged that the File note contained allegations that were inaccurate and which had been discredited by the High Court, and as such that he should not have been relying on, sharing, or referring to them?

Has Mayor Foster acknowledged that the allegations in the File note were not relevant to the decision we were making that day and as such he should not have been using the File note to lobby Councillors in relation to that vote?

Has Mayor Foster acknowledged that it was unfair to the former council officer to share the File note with others?

Has Mayor Foster acknowledged that his obstructive behaviour during the investigation caused the process to take several months longer than necessary, created extra costs to the ratepayer, and caused unnecessary stress for me and my family?

If you believe that Mayor Foster had no intention to act improperly, that he accepts the findings of the investigation and takes full responsibility for his actions, then a censure from Council in addition to an apology is an appropriate response. This is the recommended course of action from the investigator, based on her more lenient view that the Mayor had no intent to act improperly.

If Mayor Foster continues to dispute any of the findings of the investigation, that raises serious concerns for me. This goes to the heart of his competence as mayor – whether he is able to distinguish between reliable and unreliable information and between relevant and irrelevant information, whether he has sufficient concern for the effect that his actions can have on our relationships with staff, and whether he is able to reflect objectively on the propriety of his own judgment and conduct.

Personally, I favoured an investigation into Shelly Bay during my election campaign, on the basis that Mayor Foster's concerns were credible and well founded. It is now clear to me that this was not the case. The mayor's position on Shelly Bay appears to have been influenced purely by his passionate opposition to the project, rather than by any reliable evidence. Therefore I also invite you to request that officer's bring back the paper which has been laying on the table since before I was elected proposing an investigation into Council's conduct related to Shelly Bay so that this can be reconsidered as soon as possible with the view that no further investigation into this matter is justified.

END