

HUTT CITY COUNCIL TERMS OF REFERENCE

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

The delegations in these Terms of Reference are expressed in general terms. They are to be read together with the following propositions.

These Terms of Reference:

- Do not delegate any function, duty or power which a statute (for example, clause 32 of Schedule 7 of the Local Government Act 2002) prohibits from being delegated; and
- Are subject to Council's authority to elect to exercise any of the powers delegated in these Terms of Reference; and
- Do not affect any delegation which the Council has already made or subsequently makes to a Council officer or other member of staff. Note: where a committee has a delegation that overlaps with a delegation made to an officer, it will be presumed that the delegation will be exercised by the officer unless the matter is brought before Council or a committee for its decision; and
- Are subject to any other statutory requirements that may apply to a particular delegation (for example, the provisions of the Building Act 2004 regarding swimming pools); and
- Do not delegate the power to sub-delegate or create subcommittees, except as outlined in these Terms of Reference.

COUNCIL

Membership: 13

Meeting Cycle: Council meets on an eight weekly basis (Extraordinary Meetings can be called following a resolution of Council; or on the requisition of the Chair or one third of the total membership of Council)

Quorum: Half of the members

POWER TO (BEING A POWER THAT IS NOT CAPABLE OF BEING DELEGATED)¹:

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Local Government Act 1974, the Public Works Act 1981, or the Resource Management Act 1991, that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy for Council employees.

DECIDE ON:

Policy & Bylaw issues:

- Adoption of all policy required by legislation.
- Adoption of strategies, and policies with a city-wide or strategic focus.
- Approval of draft bylaws prior to consultation.
- Adoption of new or amended bylaws.

District Plan:

- Approval to call for submissions on any Proposed District Plan, Plan Changes and Variations.

¹ Work required prior to the making of any of these decisions may be delegated.

- Prior to public notification, approval of recommendations of District Plan Hearings Subcommittees on any Proposed Plan, Plan Changes (including private Plan Changes) and Variations.
- The withdrawal of Plan Changes in accordance with clause 8D, Part 1, Schedule 1 of the Resource Management Act 1991.
- Approval, to make operative, District Plan and Plan Changes (in accordance with clause 17, Part 1, Schedule 1 of the Resource Management Act 1991).
- Acceptance, adoption or rejection of private Plan Changes.

Representation, electoral and governance matters:

- The method of voting for the Triennial elections.
- Representation reviews.
- Council's Code of Conduct for elected members.
- Local Governance Statement.
- Elected members' remuneration.
- The outcome of any extraordinary vacancies on Council.
- Any other matters for which a local authority decision is required under the Local Electoral Act 2001.
- Appointment and discharge of members of committees when not appointed by the Mayor.
- Adoption of Terms of Reference for Council Committees, Subcommittees and Working Groups, and oversight of those delegations.
- Council's delegations to officers, community boards and community funding panels.

Delegations and employment of the Chief Executive:

Appointment of the Chief Executive of Hutt City Council.

Review and negotiation of the contract, performance agreement and remuneration of the Chief Executive.

Meetings and committees:

- Standing Orders for Council and its committees.
- Council's annual meeting schedule.

Long Term and Annual Plans:

- The adoption of the budgetary parameters for the LTP and Annual Plans.
- Determination of rating levels and policies required as part of the LTP.
- Adoption of Consultation Documents, proposed and final LTPs and proposed and final Annual Plans.

Council Controlled Organisations:

- The establishment and disposal of any Council Controlled Organisation or Council Controlled Trading Organisation.
- Approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations.

Community Engagement and Advocacy:

- Receive reports from the Council's Advisory Groups.
- Monitor engagement with the city's communities.

Operational Matters:

- Civil Defence Emergency Management matters requiring Council's input.
- Road closing and road stopping matters.
- Approval of overseas travel for elected members.
- All other matters for which final authority is not delegated.

Appoint:

- The non-elected members of the Standing Committees, including extraordinary vacancies of non-elected representatives.
- The Directors of Council Controlled Organisations and Council Controlled Trading Organisations.
- Council's nominee on any Trust.
- Council representatives on any outside organisations (where applicable and time permits, recommendations for the appointment may be sought from the appropriate Standing Committee and/or outside organisations).
- Council's Electoral Officer, Principal Rural Fire Officer and any other appointments required by statute.
- The recipients of the annual Civic Honours awards.

COMMUNITIES COMMITTEE

Membership:	13
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Reports to:	Council

OVERVIEW:

This Committee assists Council to ensure healthy, vibrant and resilient communities through development and management of relevant plans, strategies and functions.

The Committee is aligned with the Neighbourhoods & Communities Directorate.

Its areas of focus are:

- Urban design and spatial planning
- Major Neighbourhoods & Communities projects (e.g. Naenae Pool)
- Arts and culture
- Parks and reserves
- Sport and recreation
- Community funding
- Community development
- Community facilities and services
- Community safety
- Emergency management

PURPOSE:

To develop, implement, monitor and review strategies, policies, plans and functions associated with community, social and cultural activities. This includes making the city a desirable, safe and attractive place, providing facilities and recreational opportunities that support quality living and healthy lifestyles, and supporting the cultural wellbeing of residents.

DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.
- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Oversee the development and implementation of plans and functions associated with community, social and cultural activities.

- Maintain an overview of work programmes carried out by the Council's Neighbourhoods & Communities Directorate.
- Advocate in conjunction with relevant community organisations on matters related to the health and social/cultural wellbeing of communities.
- Recommend to Council the acquisition or disposal of assets, unless the acquisition or disposal is provided for specifically in the LTP.
- Approve and oversee monitoring around Community Funding Strategy grants.
- Matters arising from the activities of Community Houses, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- 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. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Communities Committee, but aspects require additional decisions by the Infrastructure & Regulatory Committee and/or Climate Change & Sustainability Committee, then the Communities Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

Additional Parks and Reserves Delegations:

- Adopt, and agree amendments to, open space or reserve management plans.
- Make any decisions under open space or reserve management plans that are not otherwise delegated.
- Grant leases, licences, rights of way and easements in terms of Council policy for Council owned properties that are either open space under the District Plan or reserve under the Reserves Act 1977. This delegation, except the granting of leases and licences to Council owned community houses/centres in the Harbour and Wainuiomata Wards, is sub-delegated to the community boards in those areas.
- Official naming of parks, reserves and sports grounds within the provisions of Council's Naming Policy, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas, except where the sites have a high profile, city-wide importance due to their size and location and/or cross ward or community boundaries.
- Removal and/or planting of street trees within the provisions of Council's Operational Guide for Urban Forest Plan, other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas.

CLIMATE CHANGE & SUSTAINABILITY COMMITTEE

Membership:	8
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Reports to:	Council

OVERVIEW:

This Committee has responsibility for oversight of Council's environment and climate change response.

The Committee is aligned with the Environment & Sustainability Directorate.

Its areas of focus are:

- Oversight of Council's plan to reach Carbon Zero, including raising awareness of climate-related issues
- Developing and implementing climate and environmental policies and plans including ecology, biodiversity and biosecurity matters
- Waste and recycling

PURPOSE:

To develop, implement, monitor and review strategies, policies, plans and functions associated with environmental and climate change activities.

DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.
- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Oversee the development and implementation of plans and functions that promote environmental wellbeing, including Council's plan to reach Carbon Zero.
- Maintain an overview of work programmes carried out by the Council's Environment & Sustainability Directorate.
- Address matters related to ecological protection, the protection of biodiversity, and biosecurity.
- Address matters related to climate change, including raising awareness of climate-related issues, advocating for climate change issues and actions, and championing initiatives that

reduce carbon emissions.

- Recommend to Council the acquisition or disposal of assets, unless the acquisition or disposal is provided for specifically in the LTP.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- 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. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Climate Change & Sustainability Committee, but aspects require additional decisions by the Communities Committee and/or Infrastructure & Regulatory Committee, then the Climate Change & Sustainability Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

POLICY, FINANCE & STRATEGY COMMITTEE

Membership:	13
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Membership RMA Hearings:	An independent Commissioner plus a minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.
Reports to:	Council

OVERVIEW:

This Committee assists Council in setting the broad direction of the city, discharging statutory functions, and overseeing organisational performance.

The Committee is aligned with the Transformation & Resources, and Strategy & Engagement, Directorates.

Its areas of focus are:

- Long term/high level strategic focus
- Long Term Plan/Annual Plan oversight
- District Plan oversight
- Housing/homelessness
- City growth/economic development
- Financial and non-financial performance reporting
- Oversight of Property Working Group
- Oversight of strategies and policies
- Bylaw development
- Oversight of CCOs/approval of SOIs

PURPOSE:

To assist the Council in setting the broad vision and direction of the city in order to promote the social, economic, environmental and cultural wellbeing of the city's communities in the present and for the future. This involves determining specific outcomes that need to be met to deliver on the vision for the city, and overseeing the development of strategies, policies, bylaws and work programmes to achieve those goals. This committee is also responsible for monitoring the overall financial management and performance of the Council Group.

DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.

- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Recommend to Council the approval of any financial decisions required outside of the annual budgeting process.
- Maintain an overview of work programmes carried out by the Council's Transformation & Resources, and Strategy & Engagement, Directorates.
- Conduct any consultation processes required on issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- 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. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Policy, Finance & Strategy Committee, but aspects require additional decisions by the Communities Committee, Infrastructure & Regulatory Committee and/or Climate Change & Sustainability Committee, then the Policy, Finance & Strategy Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

District Plan Delegations:

- Undertake a full review of the City of Lower Hutt District Plan, including oversight of the District Plan Review Subcommittee in establishing a District Plan work programme and monitoring its implementation.
- Consideration of matters related to the preparation and ongoing monitoring of the City of Lower Hutt District Plan.
- Preparation of required Changes and Variations to the City of Lower Hutt District Plan for Council approval to call for submissions.
- Make recommendations to Council on private District Plan Change requests for Council to accept, adopt or reject.
- The Chair of the Policy, Finance & Strategy Committee, in conjunction with the Chief Executive, is authorised to appoint a District Plan Hearings Subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee.

Bylaw Delegations:

- Develop and agree the Statement of Proposal for new or amended bylaws for consultation.
- Recommend to Council the approval of draft bylaws prior to consultation.
- The Chair of the Policy, Finance & Strategy Committee, in conjunction with the Chief Executive, is authorised to appoint a Subcommittee of suitably qualified persons to conduct hearings on draft bylaws on behalf of the Committee.
- Recommend to Council new or amended bylaws for adoption.

Financial, Project and Performance Reporting Delegations:

- Recommend to Council the budgetary parameters for preparation of the Council's Long Term Plans (LTP) and Annual Plans.

- Monitor progress towards achievement of budgets and objectives for the Council Group as set out in the LTP and Annual Plans, including associated matters around the scope, funding, prioritising and timing of projects.
- Monitoring and oversight of significant city-wide or strategic projects including operational contracts, agreements, grants and funding, except where these are the responsibility of another standing committee.
- Monitor progress towards achievement of the Council's outcomes as set out in its overarching strategies for the city and their associated plans.
- Oversee the activities of the Property Working Group in its implementation of the Purchase and Sale of Property for Advancing Strategic Projects Policy.
- Oversee the acquisition and disposal of property in accordance with the LTP.
- Monitor the integrity of reported performance information at the completion of Council's Annual Report process.
- Review and recommend to Council the adoption of the Annual Report.
- Recommend to Council the approval of annual Statements of Corporate Intent for Council Controlled Organisations and Council Controlled Trading Organisations and granting shareholder approval of major transactions.
- Monitor progress against the CCO and CCTO Statements of Intent and make recommendations to Council in the exercising of Council powers, as the shareholder, in relation to Council Controlled Organisations/Council Controlled Trading Organisations under sections 65 to 72 of the Local Government Act.
- Oversee compliance with Council's Treasury Risk Management Policy.
- Consider and determine requests for rates remissions.
- Consider and determine requests for loan guarantees from qualifying community organisations where the applications are within the approved guidelines and policy limits.

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

DISTRICT PLAN REVIEW SUBCOMMITTEE

Membership: Chair of Policy, Finance & Strategy Committee
4 other councillors
Up to 2 representatives appointed by Iwi

NOTE:

Elected members should hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.

The Chair should in addition hold Chair certification.

Standing Orders 30 and 31 outlining provisions for Tangata Whenua and Taura Here do not apply to this Subcommittee, and Iwi appointees will have full voting rights as members of the Subcommittee under Standing Orders.

Meeting Cycle: As required

Quorum: 4

Reports to: Policy, Finance & Strategy Committee

PURPOSE:

To make recommendations to the Policy, Finance & Strategy Committee, for recommendation to Council, on the matters to be addressed in the full review of the District Plan and development of a Proposed District Plan.

Provide:

Direction to Council officers on all matters relating to the drafting of content for the review of the District Plan. This includes but is not limited to:

- scoping and investigation of the issues
- engagement on possible content
- development of discussion documents and other draft documents for consultation
- development of a Draft District Plan for consultation
- development of a Proposed District Plan for statutory consultation.

General:

Any other matters delegated to the Subcommittee by Council in accordance with approved policies and bylaws.

Adopted by Council 8 December 2020

LONG TERM PLAN/ANNUAL PLAN SUBCOMMITTEE

Membership:	13
Quorum:	Half of the members
Meeting Cycle:	Meets on an eight weekly basis or as required during the LTP/AP process
Reports to:	Council

PURPOSE:

To carry out all necessary considerations and hearings, precedent to the Council's final adoption of Long Term Plans (LTP) and Annual Plans (AP) which give effect to the strategic direction and outcomes set by the Policy, Finance & Strategy Committee through setting levels of service, funding priorities, the performance framework and budgets.

Determine:

- Development of a framework and timetable for the LTP and AP processes.
- The nature and scope of engagement and public consultation required.
- Statements to the media.
- Such other matters as the Subcommittee considers appropriate and which fall within its Terms of Reference.
- Informal engagement with the community, and the hearing of any formal public submissions.
- Consideration of submissions on Hutt City Council's Assessment of Water and Sanitary Services.

Consider and make recommendations to Council:

- Levels of service, funding priorities, performance framework, budgets, rating levels and policies required as part of the LTP or AP, excluding any policies recommended to Council by the Policy, Finance & Strategy Committee.
- Consultation Documents.
- Council's proposed and final LTP.
- Council's proposed and final AP.
- Final content and wording, and adoption of the final Hutt City Council Assessment of Water and Sanitary Services.

NOTE:

Extract from the Controller and Auditor General's October 2010 Good Practice Guide: Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968

Appointment as the local authority's representative on another organisation

- 5.47 You may have been appointed as the authority's representative on the governing body of a council-controlled organisation or another body (for example, a community-based trust).
- 5.48 That role will not usually prevent you from participating in authority matters concerning the other organisation – especially if the role gives you specialised knowledge that it would be valuable to contribute.
- 5.49 However, you could create legal risks to the decision if your participation in that decision raises a conflict between your duty as a member of the local authority and any duty to act in the interests of the other organisation. These situations are not clear cut and will often require careful consideration and specific legal advice.
- 5.50 Similarly, if your involvement with the other organisation raises a risk of predetermination, the legal risks to the decision of the authority as a result of your participation may be higher, for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.

AUDIT & RISK SUBCOMMITTEE

Membership:	Independent Chair and 7 Members Audit and Risk Subcommittee members should be appointed so that the subcommittee has a diversity of governance skills, experiences and personal qualities. Between them, the members should bring a mix of the following attributes: <ol style="list-style-type: none">1. Broad governance experience;2. Familiarity with risk management disciplines;3. Understanding of internal control and assurance frameworks;4. An understanding of financial and non-financial performance reporting;5. A good understanding of the roles of internal and external audit; and6. A sound understanding of the local government sector. Use of the matrix below has assisted other councils to consider the best fit for membership of an Audit and Risk Committee.
Quorum:	Half of the members
Meeting Cycle:	Meets on an eight weekly basis or as required
Reports to:	Council

OVERVIEW:

This Subcommittee has a monitoring and advisory role in reviewing the effectiveness of the manner in which Council discharges its responsibilities in respect to governance, risk management and internal control.

The Committee is primarily aligned with the Transformation & Resources Directorate.

Its areas of focus are:

- Oversight of risk management and assurance across the Council Group with respect to risk that is significant
- Internal and external audit and assurance
- Health, safety and wellbeing
- Business continuity and resilience
- Integrity and investigations
- Monitoring of compliance with laws and regulations
- Significant projects, programmes of work and procurement, focussing on the appropriate management of risk
- The LTP, Annual Report and other external financial reports required by statute.

PURPOSE:

To carry out a monitoring and advisory role and provide objective advice and recommendations around the effectiveness of the manner in which Council discharges its responsibilities in respect to governance frameworks, risk management, internal control systems and the Council Group's financial management practices.

DELEGATIONS FOR THE SUBCOMMITTEE'S AREAS OF FOCUS:

- The Subcommittee has no decision-making powers other than those in these Terms of Reference.
- The Subcommittee may request expert advice through the Chief Executive where necessary.
- The Subcommittee may make recommendations to the Council and/or Chief Executive.

Risk Management:

- Review, approve and monitor the implementation of the risk management framework and strategy, including significant risks to the Council Group.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance (including health and safety), significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and/or emerging risks.

Assurance:

- Review and approve, and monitor the implementation of, the assurance strategy and detailed internal audit coverage and annual work plans.
- Review the coordination between the risk and assurance functions, including the integration of the Council's risk profile with the internal audit programme. This includes assurance over all material financial, operational, compliance and other material controls. This includes legislative compliance (including health and safety), significant projects and programmes of work, and significant procurement.
- Review the reports of the assurance functions dealing with findings, conclusions and recommendations (including assurance over risks pertaining to Council Controlled Organisations and Council Controlled Trading Organisations that are significant to the Council Group).
- Review and monitor management's responsiveness to the findings and recommendations, inquiring into the reasons that any recommendation is not acted upon.

Fraud and Integrity:

- Review, approve and monitor the implementation of the assurance strategy, including the fraud and integrity aspects.
- Review the arrangements in place by which staff may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters, and ensure that there is proportionate and independent investigation of such matters and appropriate follow-up action.
- Review the procedures in relation to the prevention, detection, reporting and investigation of bribery and fraud.
- Review and monitor policy and process to manage conflicts of interest amongst elected and appointed members, management, staff, consultants and contractors.

- Review internal and external reports related to possible improprieties, ethics, bribery and fraud related incidents.

Statutory Reporting:

- Review and monitor the integrity of the Long Term Plan and Annual Report including statutory financial statements and any other formal announcements relating to the Council's financial performance, focussing particularly on the areas listed below.
- Compliance with, and the appropriate application of, relevant accounting policies, practises and accounting standards.
- Compliance with applicable legal requirements relevant to statutory reporting.
- The consistency of application of accounting pollicies, across reporting periods, and the Council Group.
- Changes to accounting policies and practices that may affect the way that accounts are presented.
- Any decisions involving significant judgement, estimation or uncertainty.
- The extent to which financial statements are affected by any unusual transactions and the way they are disclosed.
- The disclosures of contingent liabilities and contingent assets.
- The clarity of disclosures generally.
- The basis for the adoption of the going concern assumption.
- Significant adjustments resulting from the audit.

External Audit:

- Discuss with the external auditor, before the audit commences, the nature, scope and fees of the external audit, areas of audit focus, and error and materiality levels.
- Review, with the external auditors, representations required by elected members and senior management, including representations as to the fraud and integrity control environment.
- Review the external auditor's management letter and management responses, and inquire into reasons for any recommendations not acted upon.
- Where required, the Chair may ask a senior representative of the Office of the Auditor General to attend meetings of the Subcommittee to discuss the office's plans, findings and other matters of mutual interest.

Interaction with Council Controlled Organisations and Council Controlled Trading Organisations:

- Other committees dealing with CCO and CCTO matters may refer matters to the Audit & Risk Subcommittee for review and advice.
- This Subcommittee will inquire to ensure adequate processes at a governance level exist to identify and manage risks within a CCO. Where an identified risk may impact on Council or the Council Group, the Subcommittee will also ensure that all affected entities are aware of and are appropriately managing the risk.

Matrix of Experience, Skills and Personal Qualities

Experience, Skills and Personal Qualities	Member A	Member B	Member C	Member D	Independent Chairperson
<i>The recommended combination of experience is:</i>					
• financial reporting					
• broad governance experience					
• familiarity with risk management disciplines					
• understanding of internal control and assurance frameworks					
• good understanding of the roles of internal and external audit					
• local government expertise					
<i>For an “advisory-oriented” audit committee, particular emphasis should be placed on:</i>					
• Strategy					
• Performance management					
• Risk management disciplines					
<i>In determining the composition of the audit committee, the combined experience, skills, and personal qualities of audit committee members is critical. Members should bring:</i>					
• the ability to act independently and objectively					
• the ability to ask relevant and pertinent questions, and evaluate the answers					
• the ability to work constructively with management to achieve improvements					
• an appreciation of the public entity’s culture and values, and a determination to uphold these					
• a proactive approach to advising the governing body and chief executive of matters that require further attention					
• business acumen					
• appropriate diligence, time, effort, and commitment					
• the ability to explain technical matters in their field to other members of the audit committee					

INFRASTRUCTURE & REGULATORY COMMITTEE

Membership:	8
Meeting Cycle:	Meets on an eight weekly basis, as required or at the requisition of the Chair
Quorum:	Half of the members
Membership RMA Hearings:	An independent Commissioner plus a minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.
Reports to:	Council

OVERVIEW:

This is an operationally focused committee, overseeing Council's above and below ground core infrastructure needs, and core regulatory functions.

The Committee is aligned with the Economy & Development, and Environment & Sustainability, Directorates.

Its areas of focus are:

- Three waters infrastructure
- Roading/transport
- Infrastructure strategy
- Integrated transport strategy
- Wharves
- Environmental consents
- Regulatory functions including enforcement

PURPOSE:

To deliver quality infrastructure to support healthy and sustainable living, providing efficient and safe transport options, and promoting the city's prosperity.

To consider matters relating to the regulatory and quasi-judicial responsibilities of the Council under Council's bylaws and relevant legislation including the following:

- Building Act 2004
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Local Government Act 1974
- Local Government Act 2002
- Public Works Act 1981
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012

DELEGATIONS FOR THE COMMITTEE'S AREAS OF FOCUS:

- All powers necessary to perform the Committee's responsibilities including the activities outlined below.
- Develop required strategies and policies. Recommend draft and final versions to Council for adoption where they have a city-wide or strategic focus.
- Implement, monitor and review strategies and policies.
- Oversee the implementation of major projects provided for in the LTP or Annual Plan.
- Oversee budgetary decisions provided for in the LTP or Annual Plan.
- Oversee the development and implementation of plans and functions that promote economic wellbeing.
- Maintain an overview of work programmes carried out by the Council's Economy & Development Directorate.
- Undertake the administration of all statutory functions, powers and duties other than those specifically delegated to any other committee or subcommittee, or retained by Council.
- Conduct any consultation processes required on infrastructure issues before the Committee.
- Approval and forwarding of submissions.
- Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.
- 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. When exercised, the report/minutes of the meeting require a resolution noting that the committee has performed the responsibilities of another committee and the reason/s.
- If a policy or project relates primarily to the responsibilities of the Infrastructure & Regulatory Committee, but aspects require additional decisions by the Communities Committee and/or Climate Change & Sustainability Committee, then the Infrastructure & Regulatory Committee has the powers to make associated decisions on behalf of those other committees. For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

Additional Infrastructure Delegations:

- Determine roading issues considered by the Mayor and Chief Executive to be strategic due to their significance on a city-wide basis, including links to the State Highway, or where their effects cross ward or community boundaries.
- Hear objections to specified traffic matters where the community board wishes to take an advocacy role.
- Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965 in respect of temporary road closures, including making decisions on any ancillary matters including, without limitation, approval of temporary "No Stopping" restrictions under Hutt City Council Traffic Bylaw 2017.
- Undertake hearings on road stopping under the Local Government Act 1974.
- 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.
- Consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road.
- Make any resolution required under section 319A of the Local Government Act 1974 regarding the

naming of new roads and alterations to street names (other than those in the Harbour and Wainuiomata Wards, which are delegated to the community boards in those areas).

Additional Regulatory Delegations:

- Develop any regulations required to achieve Council's objectives.
- Approve Council's list of hearings commissioners under the Resource Management Act 1991, including councillors sitting as hearings commissioners and independent commissioners.
- Conduct statutory hearings on regulatory matters and make decisions on those hearings², excluding those conducted under the Resource Management Act 1991, which are delegated to the Hearings Subcommittee and District Plan Hearings Subcommittee.
- Authorise the submission of appeals to the Environment Court on behalf of Council.
- Make decisions on applications required under the Development Contributions Policy for remissions, postponements, reconsiderations and objections.
- Recommend to Council the list of members approved to be members of the District Licensing Committee under section 192 of the Sale and Supply of Alcohol Act 2012.

Delegations to make Appointments:

- The Chair of the Infrastructure & Regulatory Committee, in conjunction with the Chief Executive, is authorised to appoint a subcommittee of suitably qualified persons to conduct hearings on behalf of the Committee.
- The Chair of the Infrastructure & Regulatory Committee, in conjunction with the Chief Executive, is authorised to appoint a Hearings Subcommittee of suitably qualified persons to conduct resource consent and related hearings on behalf of the Committee.
- The Chair of the Infrastructure & Regulatory Committee is authorised to appoint three people from the list prepared under the Sale and Supply of Alcohol Act 2012 to specific meetings (Chair and two members).

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

Adopted by Council 8 December 2020

² When acting in this capacity the committee has a quasi-judicial role.

DISTRICT PLAN HEARINGS SUBCOMMITTEE

Membership: Members are appointed for specific projects by the Chair in conjunction with the Chief Executive.

All members must hold current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.

The Chair must in addition hold Chair certification.

Note:

34A Delegation of powers and functions to employees and other persons

(1A) If a local authority is considering appointing 1 or more hearings commissioners to exercise a delegated power to conduct a hearing under Part 1 or 5 of Schedule 1,—

- (a) the local authority must consult tangata whenua through relevant iwi authorities on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū; and
- (b) if the local authority considers it appropriate, it must appoint at least 1 commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū, in consultation with relevant iwi authorities.

Quorum: 1

Meeting: As required

Reports to: Council

PURPOSE:

To make recommendations with reasons to Council on Proposed District Plan provisions and matters raised in submissions.

The District Plan Hearings Subcommittee has all the powers necessary to conduct a hearing for this purpose. When a District Plan Hearings Subcommittee has an even number of members, the Chair has a casting vote.

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Making Good Decisions RMA training that MfE runs (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

- 1 Hearings commissioners are kept abreast of developments in the legislation.
- 2 Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
- 3 The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

Adopted by Council 8 December 2020

HEARINGS SUBCOMMITTEE

Membership:	An independent Commissioner plus a minimum of either 3 or 4 elected members (including the Chair) and alternates who have current certification under the Making Good Decisions Training, Assessment and Certification Programme for RMA Decision-Makers.
Meeting Cycle:	Meets as required
Quorum:	Half of the members
Reports to:	Council

PURPOSE:

To conduct the hearing of resource consent applications and related matters under the Resource Management Act 1991.

Determine:

- Hearing and deciding notified resource consent applications.
- Hearing and deciding objections to conditions imposed on resource consents.

Conduct of Hearings:

- To conduct hearings where these are required as part of a statutory process.
- Hearing of submissions required on any matters falling under the Terms of Reference for this Subcommittee.

General:

Any other matters delegated to the Subcommittee by Council in accordance with approved policies and bylaws.

NOTE:

The Ministry for the Environment advocates that Councils offer specialist RMA training in areas of law which are difficult to grasp or where mistakes are commonly made. This is to complement the Good Decision Making RMA training that they run (which is an overview and basic summary of decision making, rather than an in-depth training in specific areas of the RMA). Therefore in order to facilitate this, the RMA training run for councillors that wish to be hearings commissioners is mandatory.

Reasons for the importance of the training:

1. Hearings commissioners are kept abreast of developments in the legislation.
2. Legal and technical errors that have been made previously are avoided (many of which have resulted in Environment Court action which is costly, time consuming and often creates unrealistic expectations for the community).
3. The reputation of Council as good and fair decision makers or judges (rather than legislators) is upheld.

DISTRICT LICENSING COMMITTEE

Membership:	7 Members comprising the Chair, Deputy Chair and list members.
Quorum:	3 (<u>opposed</u> licence or manager's certificate applications) 1 Chair (<u>unopposed</u> licence or manager's certificate applications)
Meeting Cycle:	As required
Reports to:	Council

PURPOSE:

The functions of the District Licensing Committee are specified under the Sale and Supply of Alcohol Act 2012 and are:

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

Determine:

The District Licensing Committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

Develop, review and make recommendations to Council on:

- Trends / issues identified by the Committee from the administration of the Sale and Supply of Alcohol Act 2012.
- The annual report required to be produced by Council under Section 199 of the Sale and Supply of Alcohol Act 2012.

Conduct:

- An application that is not opposed by any of the reporting agencies (Police, medical officer of health or licensing inspector) may be dealt with by the chair "on the papers". A meeting is not required in this case.
- Where a meeting of the Committee is required, a quorum of three is required. Those persons must be from the list required to be adopted by Council under section 192 of the Sale and Supply of

Alcohol Act 2012. The Mayor and Deputy Mayor are not ex-officio members in the case of the District Licensing Committee. The Mayor and Deputy Mayor can be members of the Committee if they qualify under Section 192 of the Act.

- The Council can appoint as many commissioners and members to its list as it requires. The Chair of the Regulatory Committee will appoint three people from the list to specific meetings (Chair and two members).
- The provisions of the Local Government Official Information and Meetings Act 1987, other than Part 7, apply to every licensing committee.
- Subject to the provisions of this Act and of any regulations made under this Act, the authority or committee may regulate its procedure in such manner as it thinks fit (refer Section 203(9) of the Sale and Supply of Alcohol Act 2012).

General:

Any other matters delegated to the Committee by Council in accordance with approved policies and bylaws.

TRAFFIC SUBCOMMITTEE

Membership:	6
Alternates:	3
Quorum:	Half of the members
Meeting Cycle:	The Traffic Subcommittee will meet on an eight weekly basis or as required. Chair and Deputy Chair positions to rotate 18 months into each triennium, i.e. as at 30 April in the year prior to the next local authority election.
Reports to:	Council

PURPOSE:

The Traffic Subcommittee has primary responsibility for considering and making recommendations to Council on traffic matters and considering any traffic matters referred to it by Council.

For the avoidance of doubt, "traffic" includes parking, and excludes temporary road closures under clause 11(e) of the Tenth Schedule of the LGA 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965.

TERMS OF REFERENCE:

The Traffic Subcommittee has authority to:

- Do all things necessary to hear, consider and make recommendations to Council on any traffic related matter.
- Regulate its own processes and proceedings to achieve its purpose and objective.
- Provide options for the consideration of Council.

The Chair will have authority to refer any traffic matter to:

- A Community Board; or
- The Infrastructure & Regulatory Committee; or
- Council.

DELEGATED AUTHORITY:

The Traffic Subcommittee will have delegated authority to carry out activities within its terms of reference.

CHIEF EXECUTIVE'S EMPLOYMENT SUBCOMMITTEE

Membership:	5
Quorum:	Half of the members
Meeting Cycle:	Three times per annum or as required
Reports to:	Council

PURPOSE:

The Chief Executive's Employment Subcommittee has primary responsibility for executing the Chief Executive's performance agreement and monitoring the Chief Executive's performance. The Subcommittee also has the responsibility, if required, of conducting a Chief Executive recruitment process.

Review and make recommendations to Council on:

- Setting the employment terms and conditions of the Chief Executive.
- Determining the remuneration of the Chief Executive.
- Managing the Council's working relationship with the Chief Executive which includes:
 - the setting of the performance targets and expectations, and
 - measuring the Chief Executive's performance against those targets and expectations.
- A recruitment and selection process for a Chief Executive.
- Oversee any recruitment and selection process agreed to by the Council for a Chief Executive.

Delegated Authority:

The Subcommittee has delegated authority to make recommendations to the Council.

CODE OF CONDUCT SUBCOMMITTEE

Membership:	4 - The Mayor (or delegate) and 3 Community Members
Quorum:	Half of the members
Meeting Cycle:	Meets as required
Reports to:	Council

PURPOSE:

To carry out all necessary consideration and hearings and make decisions on material breaches of the Code of Conduct (the Code).

Receive and consider:

Reports from the Chief Executive, including the investigator's report and any submissions from affected parties.

Determine:

On receipt of the Chief Executive's report:

- In considering a report from the Chief Executive, the Committee may, if necessary, ask the investigator to provide a briefing on his or her findings and invite the complainant and/or respondent to speak to any submissions that might have been made.
- On consideration of the evidence, the Committee will decide whether a material breach of the Code has occurred and what, if any, penalty or action should occur in response to the breach.
- The Committee will inform the respondent and complainant of its decision in writing.

Other matters:

No member of the Council with an interest in the complaint may take part in the hearing or decision-making process, unless invited by the Council or Committee to speak to their submission. This includes the Mayor. Where the Mayor determines he or she has an interest, the Committee will be comprised solely of non-Council members.

Decision making:

Decisions of the Committee are final and binding on members.

HUTT VALLEY SERVICES COMMITTEE

(Special Committee of Council)

A joint committee of the Hutt City Council and the Upper Hutt City Council

Membership: 4 elected members appointed by the Hutt City Council and 4 elected members appointed by the Upper Hutt City Council plus one alternate appointed by each Council

Chair to alternate between the two Councils with Hutt City Council appointing the Chair in odd numbered years and the change taking place at the final meeting of each year

Quorum: Half of the members

Meeting Cycle: Meets quarterly or as required

Reports to: Council

PURPOSE:

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

Consider and make recommendations to the two Councils on:

- The co-ordination of activities of the Hutt City Council and the Upper Hutt City Council in respect of matters affecting the Hutt Valley as a whole.
- In particular, the co-ordination of the sewage disposal scheme, the Silverstream refuse landfill, Akatarawa Cemetery, dog control, environmental health and combined cemetery services for the Hutt Valley.
- Any other activities common to both Councils that could be co-ordinated.

EMERGENCY COMMITTEE

Membership:	4
Meeting Cycle:	Meets as required or at the requisition of the Chair
Quorum:	2
Reports to:	Council

PURPOSE:

- To determine matters within the authority of Council during the pandemic response.

ROLE AND POWER TO ACT:

- To exercise all Council functions that cannot be exercised by Council using its standard processes and procedures due to the pandemic except for those that:
 - Have been delegated to staff; or
 - Cannot be delegated pursuant to clause 32 of Schedule 7 of the Local Government Act 2002, or pursuant to any other legislation.

POWER TO RECOMMEND TO COUNCIL: (BEING A COUNCIL POWER THAT IS NOT CAPABLE OF BEING DELEGATED):

- Make a rate.
- Make bylaws.
- Borrow money other than in accordance with the Long Term Plan (LTP).
- Purchase or dispose of assets other than in accordance with the LTP.
- Purchase or dispose of Council land and property other than in accordance with the LTP.
- Adopt the LTP, Annual Plan and Annual Report.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTP or developed for the purpose of the Local Governance Statement.
- Appoint the Chief Executive.
- Exercise any powers and duties conferred or imposed on the local authority by the Local Government Act 1974, the Public Works Act 1981, or the Resource Management Act 1991, that are unable to be delegated.
- Undertake all other actions which are by law not capable of being delegated.
- The power to adopt a Remuneration and Employment Policy for Council employees.