

**Council and Committee
Terms of Reference 2017 - 2019**

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1.Introduction

This document sets out the Terms of Reference for Horowhenua District Council and its committees.

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. The Terms of Reference allow Council to ensure that its powers and functions are exercised with efficiency and effectiveness in order for good decision-making to take place.

2.Establishment of Committees

Under section 41A of the Local Government Act 2002 the Mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body before the other members of the committees are determined.

Committee includes, in relation to the Council:-

1. A committee comprising all the members of the Council;
2. A standing committee or special committee appointed by the Council;
3. A standing committee or special committee appointed by the Mayor;
4. A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
5. Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition;
and
6. A subordinate decision-making body, including Subcommittees and Forums.

The terms of reference and delegations to Committees and Subcommittees are set out in full in this document.

3.Quorum

The terms of reference for each committee or subcommittee contain the quorum required. Generally (unless otherwise specified) a quorum is the presence of half of the members if

the number of members is even, and a majority of members if the number of members is odd. Vacancies are not included in calculating the quorum.

Appointed members are included in calculating the quorum and are counted towards the quorum when present. This reflects the expectation that appointed members will attend those committees to which they are appointed.

Ex officio members are not included in calculating the quorum but are counted towards the quorum when present. This reflects the expectation that ex officio members will not always be able to attend all committees and forums but have full voting rights when present.

4. Community Engagement Forums

Community Engagement Forums operate under separate Terms of Reference as approved by Council. Their role is to give advice and feedback to Council and provide a conduit to wider community views. The forums are part of Council's governance structure and processes and report to Council.

5. Terms of Reference

COUNCIL	
Membership	11
Meeting Frequency	Meets on a six 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	6

Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, officers or any other subordinate decision making body.

The power to:

1. make a rate
2. make a bylaw
3. borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan
4. adopt a Long Term Plan or Annual Plan and Annual Report
5. appoint a Chief Executive
6. 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 Governance Statement
7. adopt a remuneration and employment policy
8. approve or amend Council's Standing Orders
9. approve or amend the Code of Conduct for elected members
10. appoint and discharge members of committees
11. establish a joint committee with another local authority or other public body

In addition, Council can:

1. approve a proposed plan under the Resource Management Act 1991
2. approve Council policy and strategy
3. remove chairpersons of committees, subcommittees and Community Engagement Forums

4. approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
5. approve the Triennial Agreement
6. approve the Local Governance Statement
7. make decisions on representation reviews
8. appoint or remove trustees, directors or office holders to Council CCOs or COs
9. approve the recommendation of a hearings commissioner on a proposed plan, plan change or variation (including private plan change) and
10. approve a proposed plan or a change to a district plan under clause 17 of the First Schedule

FINANCE, AUDIT & RISK SUBCOMMITTEE

Membership	12 (full Council, one independent)
Meeting Frequency	Meets on a six weekly basis
Quorum	6
Reports to	Council

Purpose

The Finance, Audit and Risk Subcommittee provides objective advice and recommendations regarding the results of Council's financial processes, risk management, control and governance frameworks and processes. It is responsible for exercising active oversight of all areas of the Council's control and accountability in an integrated and systematic way.

The Finance, Audit and Risk Subcommittee ensures Council takes responsibility for:

- the robustness of the internal control framework and financial management practices
- the integrity and appropriateness of internal and external reporting and accountability arrangements
- the robustness of risk management systems, processes and practices
- the independence and adequacy of internal and external audit functions
- compliance and applicable laws, regulations, standards and best practice guidelines
- the establishment, maintenance and effectiveness of controls to safeguard the Council's financial and non-financial assets

Terms of Reference

The Finance, Audit and Risk Subcommittee assists Council to fulfil its responsibilities by:

1. Undertaking the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or subcommittee, or retained by Council.
 - a. reviewing asset management plans
 - b. monitoring Council's investments and debt portfolio
 - c. monitoring debt recovery and recommending write offs as appropriate.

2. Internal Control Framework

- a. review whether management's approach to maintaining an effective internal control framework is sound and effective
- b. review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour
- c. review whether management has in place relevant policies and procedures and how these are reviewed and monitored
- d. review whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud.

3. Internal Reporting

- a. regularly review Council's performance against budget, Financial Strategy parameters and service level performance targets set out in the relevant Long Term Plan and/or Annual Plan
- b. regularly review Council's performance against the benchmarks set under the Local Government (Financial Reporting and Prudence) Regulations 2014 and any subsequent amendments
- c. consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council
- d. seek advice from internal and external auditors regarding the completeness and quality of financial operational information that is provided to Council.

4. External Reporting and Accountability

- a. review and recommend to the Council for adoption, the Council's Annual Report, and the Financial and service performance reporting aspects of the Long Term Plan (including the Financial Strategy and Infrastructural Strategy) and Annual Plans
- b. agree the appropriateness's of the Council's existing accounting policies and principles and any proposed change
- c. satisfy itself that the financial statements and statements of service performance are supported by appropriate management signoff in relation to significant estimates and judgements and the adequacy of the systems of internal control.

5. Risk Management

- a. review whether management has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of Council's significant risks

- b. consider whether appropriate action is being taken by Management to mitigate Council's significant risks.

6. Internal Audit

- 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.

7. External Audit

- a. prior to the commencement of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor
- b. at the completion of each audit receive the external audit management report and review and monitor the resolution of the action(s) to be undertaken by management on significant issues and recommendations
- c. if so desired, host a members-only session with the external auditor to raise / discuss any matters that either side wishes to bring to the other's attention.

8. Compliance with Legislation, Standards and Best Practice Guidelines

- a. review the effectiveness of the system for monitoring the Council's compliance with laws including governance legislation, regulations and associated government policies, with Council's own standards, and best practice guidelines as applicable.

STRATEGY COMMITTEE

Membership	11 (full Council)
Meeting Frequency	Meets on a six weekly basis
Quorum	6
Reports to	Council

Purpose

The purpose of the Strategy Committee is to set the vision and direction for the Horowhenua District. In order to achieve this, the committee will determine specific outcomes that need to be met to deliver on the vision, and set in place the strategies, policies and work programmes to achieve set goals and targets.

Terms of Reference

The Strategy Committee is responsible for:

Strategy and Policy

- a. developing and recommending strategies, plans and policies to Council that advance the Council's vision and goals, and comply with the purpose of the Local Government Act
- b. monitoring the implementation and effectiveness of strategies, plans and policies
- c. general coordination of Council policy and decisions
- d. provide and set topics for the agenda for Community Engagement Forums and receive feedback and status reports from Community Engagement Forums
- e. responding to government legislation proposals and policy issues.

Significant Projects and Monitoring and Reporting

- a. monitoring and oversight of significant projects
- b. review business cases and agree next steps on significant projects
- c. receive and consider reports on the Council's performance against the Long Term Plan and Annual Plan.

Community Consultation and Engagement

- a. receive reports from the Council's Community Engagement Forums and monitor engagement with the community
- b. review annually and agree upon the model for Community Engagement Forums to ensure ongoing effectiveness from Council and community perspective.

COMMUNITY FUNDING AND RECOGNITION COMMITTEE

Membership	5
Meeting Frequency	Meets as required (anticipated to be up to six (6) times per annum)
Quorum	3
Reports to	Council

TERMS OF REFERENCE

The Community Funding and Recognition Committee are responsible for the following areas:

Community Grants and Funding

- a. to consider the allocation of community grants in line with the relevant grants criteria and priorities for:
 - o Community Development Grant
 - o Community Consultation Grant
 - o Rural Halls Grant
 - o Vibrant Communities Grant

To consider the Community Wellbeing Strategy and the associated Action Plan priorities (Positive Ageing, Youth, Arts, Culture, History and Heritage*, Pride and Vibrancy* and Disability*) when making funding recommendations. (*Action Plans currently under review)

- b. to make recommendations to Council for endorsement of funding allocations to specified applicants
- c. the criteria and focus areas for community grants funds will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Civic Honours and Special Awards

The Committee has the delegated responsibility to make decisions on behalf of Council with all decisions to be reported to Council.

- a. to assess and consider applications for the following awards:
 - o Certificate of Recognition
 - o Civic Honour

- Mayoral Award
- Service Award

The criteria and focus areas for Civic Honours and Special Awards will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Youth Scholarships

- a. to assess and consider applications for Youth Scholarships and award in line with criteria and budget allocation
- b. to make recommendations to Council (In Committee) for endorsement of funding to specified applicants

The criteria and focus areas for Youth Scholarships will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

Tertiary Scholarships

Tertiary Scholarship recipients are selected in conjunction with the sponsoring Council Manager for which the Scholarship recipient will be required to be supervised by.

One member of the Community Funding & Recognition Committee and a Council Manager from the Group in which the scholarship applicant has applied to work will:

- a. assess and consider applications for Tertiary Scholarships and award in line with criteria and budget allocation.

The committee will:

- a. review the scholarship criteria and make recommendations to Council each triennium.

All recommendations are reported to Council for endorsement.

International Representation Grant

International Representation Grants are awarded on an ad-hoc basis throughout the year as individuals are offered opportunities for international representation. Grants are awarded within the allocated budget and in line with the grant criteria.

As individual applications are received, a Council officer will prepare a summary report and make a recommendation. This will be circulated to Committee members by email along with a copy of the application. Committee Members will:

- a. assess and consider applications and award in line with criteria and budget allocation
- b. make decisions on behalf of Council. Due to tight timeframes, it is not always practical to report to Council prior to awarding a grant
- c. All decisions will be reported to Council

The criteria and focus areas for International Representation Grants will be reviewed by Council officers with the Community Funding and Recognition Committee each triennium and recommendations regarding any significant changes will be made to Council during each three (3) year term.

In fulfilling their role, all members shall be impartial and independent at all times.

TENDERS COMMITTEE

Membership	6
Meeting Frequency	Meets as required
Quorum	3
Reports to	Council

Terms of Reference

The Tenders Committee is responsible for assisting Council in its general overview of procurement and tender activity. The committee will accept and consider tenders which exceed the Chief's Executive's delegated authority to approve, for projects approved by Council through an Annual Plan or Long Term Plan.

The committee is able to provide oversight and direction to officers on tendering processes in general and/or relating to a particular project.

The Tenders Committee will make a recommendation to Council on the outcome of a tender process for resolution when above delegations.

The Tenders Committee has delegation to approve or award contracts beyond the Chief Executive's delegated authority within the parameters of approved AP/LTP Budgets up to \$2 million.

HEARINGS COMMITTEE

Membership	4 or 5
Meeting Frequency	Meets as required
Quorum	3
Reports to	Council

Purpose

The Hearings Committee will consider and determine matters under these acts:

- Resource Management Act 1991
- Dog Control Act 1996

Delegations

Specific Delegations to the Hearings Committee are as stated in Part D of the Horowhenua District Council Delegations Register (RM8 D16/66721).

Terms of Reference

The Hearings Committee has responsibility for and authority to:

1. approve Council's list of Hearings Commissioners under the Resource Management Act 1991 (comprising qualified Councillors sitting as Hearings Commissioners and independent Commissioners)
2. review and agree the Council's guidelines for composition of hearings panels
3. conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding Resource Management Act 1991)
4. hear and determine submissions and objections in relation to proposed changes to the operative District Plan
5. hear and determine submissions and objections in relation to any proposed District Plan or variation thereof

6. hear and determine any objections made under S 357 of the Resource Management Act (under which applicants may object to certain resource consent decisions made by officers under delegated authority)
7. hear and consider matters requiring a decision as a result of the special consultative process having been undertaken and make any decisions needed as a consequence, except the actual adoption, pertaining to the formulation and review of Policy and Bylaws.
8. determine matters under any other legislation where a hearing process is necessary.

CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE

Membership 11

Meeting Frequency Twice yearly or as required

Quorum 6

Reports to Council

Purpose

The Chief Executive Performance Review Committee has responsibility for all matters pertaining to the employment of the Chief Executive.

Terms of Reference

The Chief Executive Performance Review Committee will have responsibility and authority to:

1. Manage the Chief Executive recruitment process in accordance with best practice and the Local Government Act 2002, with the exception of the power to appoint a Chief Executive.
2. Undertake contract renewal/extension in accordance with the Local Government Act 2002
3. Negotiate and amend the terms and conditions of employment of the Chief Executive
4. Provide a 'conduit' for the Chief Executive to report to Council (i.e. provision of day to day governance oversight, guidance and co-ordination as required). Note: Governance oversight, guidance and direction in this context is in relation to such matters that do not require consideration and/or resolution by full Council or any of its committees/subcommittees.
5. Manage any employment dispute(s) that may arise
6. Agree with the Chief Executive the performance objectives for the financial year
7. Undertake a six monthly review to assess progress against the performance objectives, provide constructive feedback and agree to any amendments to the objectives with the Chief Executive

8. Conduct a review at the end of the financial year to assess progress against the performance objectives and provide constructive feedback

9. Undertake the annual remuneration review and make decisions regarding remuneration.

The Chief Executive Performance Review Committee may establish subcommittees as it considers appropriate to effectively and efficiently discharge its responsibilities.

CHIEF EXECUTIVE RELATIONSHIP COMMITTEE

Membership	3
Meeting Frequency	As required
Quorum	3
Reports to	Chief Executive Relationship Committee

Note:

- 1 If a member of the Chief Executive Relationship Committee for whatever reason cannot attend a meeting of the subcommittee (e.g. leave of absence, illness, conflict of interest) that vacancy is to be filled by automatic secondment of another member of the Chief Executive Performance Review Committee at the discretion of the remaining members of the Committee.*
- 2 For the avoidance of doubt membership of the Chief Executive Relationship Committee will comprise the Mayor and two other Elected Members as determined by Council subject to 1. above.*

Purpose

The Chief Executive Relationship Committee has responsibility for managing the relationship between the Chief Executive and full Council (as the employer) on a day to day basis.

Terms of Reference

The Chief Executive Relationship Committee will have responsibility and authority to:

1. Provide a 'conduit' for the Chief Executive to report to Council (i.e. provision of day to day governance oversight, guidance and co-ordination as required). Note: Governance oversight, guidance and direction in this context are in relation to such matters that do not require consideration and/or resolution by full Council or any of its committees/subcommittees.
2. Manage any employment dispute(s) that may arise and make recommendation to the Chief Executive Performance Review Committee around the resolution of such.
3. Negotiate and make amendment to the terms and conditions contained in the Chief Executive Individual Employment Agreement as may be required from time to time.

Creative NZ Funding Allocation Committee

Membership	9
Meeting Frequency	Twice yearly
Quorum	5
Reports to	Council

Purpose

Horowhenua District Council administers the Creative Communities NZ Scheme on behalf of Creative New Zealand. Creative New Zealand allocates the Horowhenua District an annual amount of funding to administer.

Members include Councillors and community representatives from performing arts, fine arts, music and cultural arts backgrounds. Committee members serve for a fixed period of up to three years and may serve for only two consecutive periods.

Terms of Reference

To allocate funding provided from Creative New Zealand on a twice yearly basis under the criteria set by Creative New Zealand.

The Special Committee meet twice a year to consider applications received under the respective grant rounds and to allocate funding to qualifying applicants.

District Licensing Committee

Membership	2x Council appointees (Chairperson and Deputy Chairperson) 5x external appointees
Meeting Frequency	Meets as required
Quorum	A Chairperson plus two members

Purpose

The Sale and Supply of Alcohol Act 2012 (the Act) requires Council to appoint a District Licensing Committee to deal with licensing matters.

The District Licensing Committee is appointed to administer the Council's alcohol licensing framework, as determined by the Act.

Terms of Reference

The functions of the District Licensing Committee are specified by the Act and include:

1. to consider and determine applications for licenses and manager's certificates
2. to consider and determine applications for renewal of licenses and manager's certificates
3. 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
4. to consider and determine applications for the variation, suspension, or cancellation of special licenses
5. to consider and determine applications for the variation of licenses (other than special licenses) unless the application is brought under section 280 of the Act (Note: section 280 relates to applications by constables or inspectors to the Alcohol Regulatory Licensing Authority (ARLA) for the variation, suspension or cancellation of a licence, other than a special licence)
6. with the leave of the Chairperson for the licensing authority (ARLA), to refer applications to the licensing authority

7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175 of the Act
8. any other functions conferred on licensing committees by or under the Act or any other enactment.

Reporting to Council

An annual report on the proceedings and operations of the District Licensing Committee will be prepared and submitted to Council.

Foxton Community Board

Membership	5 plus 1x Council appointee
Meeting Frequency	To be determined by the Board
Quorum	3
Reports to	Council

Purpose

The role of the Foxton Community Board is to:

- represent and act as an advocate for the interests of its community
- consider and report on matters referred to it by Council
- maintain an overview of services provided by Council within the community
- prepare an annual submission to Horizons Regional Council and Horowhenua District Council for expenditure within the community
- communicate and liaise with community organisations and special interest groups within the community on matters of interest and concern

Terms of Reference

The Community Board shall:

- facilitate the Council's consultation with local residents and community groups on local issues including input into the Long Term Plan, Annual Plan and policies that impact on the Community Board area
- engage with Council Officers on local issues and levels of service, including infrastructure, parks and recreation, and community services matters.

Council will consult with the Board on all issues that impact on the Board's area and allow enough time for the Board's feedback to be considered before a decision is made.

The Community Board has responsibility for and authority to:

1. as a board, make submissions to any organisation, including submissions on resource consents notified by Horowhenua District Council or Horizons Regional Council, relating to matters of interest within the Board's area. A copy of any submissions made should be copied to the Chief Executive

2. 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 to be of particular interest to residents within its area

3. Consider matters referred to it by Officers, Council or committees, 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 includes:
 - a. monitoring and keeping the Council informed of community aspirations
 - b. keeping Council informed about the level of satisfaction with services provided
 - c. providing input to proposed District Plan changes that may impact on the Board's area
 - d. providing input into strategies, policies and plans
 - e. providing input to bylaw changes that impact on the Board's area

4. Provide input and feedback to Council Officers on the following matters:
 - a. local road work priorities
 - b. traffic management issues such as traffic safety, pedestrian crossings and street lighting
 - c. application of the Resource Management Act (including notification of decisions) within the Board's area
 - d. the Emergency Management needs of the area

This input and feedback can be provided from the full Board or from a subcommittee of the Board.

Note: the final decision on matters in No. 4, will be made by Council Officers acting under their delegated authority.