

Council and Committees Terms of Reference 2019-2022



Horowhenua
2040 Vision



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1.Introduction

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

The Council's business is wide-ranging, and it has obligations and powers under many statutes and regulations. It is not necessary for the full Council to deal with all matters itself, therefore committees are formed. In addition, delegation to officers via the Chief Executive, 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.

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:

- 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.

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.Ambiguity and Conflict

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, with the result that there is uncertainty or dispute as to which Committee has the delegated authority to act in respect of a particular matter, 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.

5. Council Terms of Reference

COUNCIL	
Membership	11
External Membership	None
Quorum	6
Meeting Frequency	Monthly or as required

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
12. make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

In addition, Council can:

13. approve a proposed plan under the Resource Management Act 1991
14. approve Council policy and strategy
15. remove chairpersons of committees and subcommittees
16. approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
17. approve the Triennial Agreement
18. approve the Local Governance Statement
19. determine whether or how to fill any extraordinary Council vacancies
20. make decisions on representation reviews

21. appoint or remove trustees, directors or office holders to Council CCOs, COs or external bodies
22. approve the recommendation of a hearings commissioner on a proposed plan, plan change or variation (including private plan change) and
23. approve a proposed plan or a change to a district plan under clause 17 of the First Schedule.

6. Committee Terms of Reference

FINANCE, AUDIT & RISK COMMITTEE	
Membership	Mayor and all Councillors
External Membership	Chairperson to be appointed by Council
Quorum	6
Meeting Frequency	Monthly or as required
Reports To	Council

Area of Focus

The Finance, Audit and Risk Committee 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 Committee 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.

In fulfilling their role on the Finance, Audit and Risk Management Committee, members shall be impartial and independent at all times.

Terms of Reference (delegations)

The Finance, Audit and Risk Committee 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.
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 Infrastructure Strategy) and Annual Plans
 - b. agree the appropriateness 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.

COMMUNITY FUNDING AND RECOGNITION COMMITTEE

Membership	5
External Membership	None
Quorum	3
Meeting Frequency	Meets as required (anticipated to be up to six (6) times per annum)
Reports To	Council

Area of Focus

The Community Funding and Recognition Committee is responsible for the effective allocation and monitoring of the Council's grants. In addition, the committee is responsible for considering applications and making recommendations for Civic Honours and Youth Excellence Scholarships.

Terms of Reference (delegations)

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

1. Approve the priorities for allocating grants within each grant fund annually
2. Review the criteria and focus areas for grants funds and make recommendations to Council prior to the finalisation of the Long Term Plan.

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

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 Heritage Fund
 - o Horowhenua Events Grant
 - o Rural Halls Grant
 - o Vibrant Communities Grant.

To consider the Community Wellbeing Strategy and the associated Action Plan priorities: Education, Positive Ageing, Youth, Arts, Culture & Heritage, Pride & Vibrancy, and Access & Inclusion when making funding recommendations:

- 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 the Community Funding & 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 (In-committee).

- a. to assess and consider applications for the following awards:
 - o Certificate of Recognition
 - o Civic Honours
 - o 50 Years' Service Award.

Youth Excellence Scholarships

The Committee has the delegated responsibility to:

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

Tertiary Scholarships

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

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 via 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 the at times, tight timeframes, it is not always practical to report to Council prior to awarding a grant
- c. All decisions will be reported to Council.

HEARINGS COMMITTEE

Membership	5
External Membership	None
Quorum	3
Meeting Frequency	Meets as required
Reports to	Council

Area of Focus

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

- Resource Management Act 1991
- Dog Control Act 1996

Terms of Reference (delegations)

The Hearings Committee has responsibility for and authority to:

1. undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other committee or retained by Council
2. approve Council's list of Hearings Commissioners under the Resource Management Act 1991 (comprising qualified Councillors sitting as Hearings Commissioners and independent Commissioners)
3. review and agree the Council's guidelines for composition of hearings panels
4. conduct statutory hearings on regulatory matters such as Council Bylaws, matters under the Dog Control Act 1996, etc, and undertake and make decisions on those hearings (excluding Resource Management Act 1991)
5. hear and determine submissions and objections in relation to proposed changes to the operative District Plan
6. hear and determine submissions and objections in relation to any proposed District Plan or variation thereof
7. 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)
8. 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
9. determine matters under any other legislation where a hearing process is necessary.

Note: 4. above does not preclude Committee Members dealing with matters under the Resource Management Act 1991.

CHIEF EXECUTIVE PERFORMANCE REVIEW COMMITTEE

Membership	4
External Membership	None
Quorum	3
Meeting Frequency	Twice yearly or as required
Reports to	Council

Area of Focus

The Chief Executive Performance Review Committee will have 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 LGA 2002, making a recommendation under clause 34 schedule 7 LGA 2002, and (if applicable) undertaking any recruitment and selection process, for recommendation to the Council.

Terms of Reference (delegations)

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. Manage any employment dispute(s) that may arise
5. Agree with the Chief Executive the annual performance objectives
6. 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
7. Conduct a review at the end of the financial year to assess progress against the performance objectives and provide constructive feedback
8. Undertake the annual remuneration review and make decisions regarding remuneration.

COMMUNITY WELLBEING COMMITTEE

Membership	2 – Chairperson and Deputy Chairperson
External Membership	Representatives from Iwi, Government (MSD, NZ Police, Oranga Tamariki, Ministry of Education, Housing NZ and MidCentral DHB), community sector (PHO, HLC, NGO Forums), Community Wellbeing Networks.
Quorum	Over 50% of membership
Meeting Frequency	Bi-monthly
Reports to	Council

Area of Focus

The Community Wellbeing Committee brings together representatives from Council, government and non-government organisations, and community forums. The Committee will focus on population level results and indicators (rather than specific programme deliverables or client level results) and key action plans.

Terms of Reference

The Community Wellbeing Committee will have responsibility to:

1. Determine the key population level results and indicators for the next 3 years
2. Monitor the population level results
3. Receive reports from the Community Engagement Team that summarise target population group activity by Council and Council working groups
4. Receive six monthly reports from all member agencies regarding activity directed at target population groups and provision of data that relates to specified strategy indicators
5. Actively encourage coordination of members and their activities
6. Foster strategic collaborations and partnerships
7. Provide advice to Council officers on matters of community wellbeing in relation to specific target populations
8. Seek to collectively influence relevant public policy
9. Communicate Committee activity and information, to the public
10. Educate the public and community on wellbeing matters
11. Actively seek individual agency performance improvement, as well as “community wide” improvement
12. Encourage community based local solutions to local issues
13. Keep the wider community updated on progress towards the results sought across the Horowhenua District.

District Licensing Committee

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

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 Kere Kere Ward Councillors (2)
External Membership	None
Meeting Frequency	Bi-monthly
Quorum	4
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 (delegations)

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. 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.

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