

Horowhenua
DISTRICT COUNCIL



HOROWHENUA DISTRICT COUNCIL
Whānau Whānau

Council and Committee Terms of Reference

2022 - 2025



Version Control

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1.1	Amended p. 6 - Risk and Assurance Committee membership increased from 7 to 8 – Resolution CO/2023/39	15/03/2023
1.2	Amendments to: quorum definition to align with standing orders; committee membership to distinguish between the number of elected members from external appointed members on committees; clarifying delegation to Community Funding and Recognition Committee; removal of reference to Taskforces; and, included reference to Sale And Supply of Alcohol Act 2012 for the District Licensing Committee – adopted by Council CO/2024/11	07/02/2024

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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.

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
- e) 2002
- f) Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; and
- g) 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.

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.

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.

1. Council

COUNCIL	
Elected Members	Thirteen
External Membership	None
Quorum	Seven
Meeting Frequency	Six-weekly or as required

1.1. 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:

- a) make a rate
- b) make a bylaw
- c) borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan
- d) adopt a Long Term Plan or Annual Plan and Annual Report
- e) appoint a Chief Executive
- f) 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
- g) adopt a remuneration and employment policy
- h) approve or amend Council's Standing Orders
- i) approve or amend the Code of Conduct for elected members
- j) appoint and discharge members of committees
- k) establish a joint committee with another local authority or other public body
- l) make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation.

In addition, Council can:

- m) approve a proposed plan under the Resource Management Act 1991
- n) approve Council policy and strategy
- o) remove chairpersons of committees and subcommittees
- p) approve Council's recommendation to the Remuneration Authority for the remuneration of elected members
- q) approve the Triennial Agreement
- r) approve the Local Governance Statement
- s) determine whether or how to fill any extraordinary Council vacancies
- t) make decisions on representation reviews
- u) appoint or remove trustees, directors or office holders to Council CCOs, COs or external bodies
- v) approve the recommendation of a hearings commissioner on a proposed plan, plan change or variation (including private plan change) and
- w) approve a proposed plan or a change to a district plan under clause 17 of the First Schedule.

2. Committee Terms of Reference

2.1. Risk and Assurance Committee

RISK AND ASSURANCE COMMITTEE	
Elected Members	Six
External Membership	Two members to be appointed by Council
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	12 weekly
Reports to	Council

2.1.1. Area of Focus

The purpose of the Risk and Assurance Committee is to contribute to improving the governance, performance, and accountability of the Horowhenua District Council by:

- a) Ensuring that the Council has appropriate financial, health and safety, risk management and internal control systems in place.
- b) Seeking reasonable assurance as to the integrity and reliability of the Council's financial and non-financial reporting.
- c) Providing a communications link between management, the Council and the external and internal auditors and ensuring their independence and adequacy.
- d) Promoting a culture of openness and continuous improvement.

2.1.2. Terms of Reference

The Council delegates to the Risk and Assurance Committee the following responsibilities:

- a) To monitor the Council's treasury activities to ensure that it remains within policy limits. Where there are good reasons to exceed policy, this should be recommended to Council.
- b) To review the Council's insurance policies on an annual basis.
- c) To review, in-depth, the Council's annual report and if satisfied, recommend the adoption of the annual report to Council.
- d) To work in conjunction with Management in order to be satisfied with the existence and quality of cost-effective health and safety management systems and the proper application of health and safety management policy and processes.
- e) To work in conjunction with the Chief Executive in order to be satisfied with the existence and quality of cost-effective risk management systems and the proper application of risk management policy and processes, including that they align with commitments to the public and Council strategies and plans. This will incorporate a review of the strategic risks register annually and on a quarterly basis monitor the high risks and emerging risks through an in-depth review
- f) To provide a communications link between management, the Council and the external and internal auditors.
- g) To engage with Council's external auditors and approve the terms and arrangements for the external audit programme.

- h) To engage with Council's internal auditors and approve the terms and arrangements for the internal audit programme.
- i) To monitor the organisation's response to the external and internal audit reports and the extent to which recommendations are implemented.
- j) To engage with the external and internal auditors on any one-off assignments.
- k) To work in conjunction with management to ensure compliance with applicable laws, regulations standards and best practice guidelines, ensuring the evaluation and monitoring of the organisation's legislative compliance programme and systems.
- l) Evaluate and monitor business continuity policies and planning to provide assurance as to organisational readiness.
- m) Be aware of and monitor any legal proceedings involving potential or contingent liability.
- n) Monitor the continuous improvement recommendations that come out of key reviews (CouncilMARK, Section 17a Reviews or any other) to ensure key actions and recommendations are progressed.

2.1.3. Specific Delegations

Subject to any expenditure, having been approved in the Long Term Plan or Annual Plan the Risk and Assurance Committee shall have delegated authority to approve:

- a) Risk management and internal audit programmes.
- b) Terms of the appointment and engagement of the audit with the external auditor.
- c) Additional services provided by the external auditor.
- d) The proposal and scope of the internal audit.

In addition, the Council delegates to the Risk and Assurance Committee the following powers and duties:

- e) The Risk and Assurance Committee can conduct and monitor special investigations in accordance with Council policy, including engaging expert assistance, legal advisors or external auditors, and, where appropriate, recommend action(s) to Council.
- f) The Risk and Assurance Committee can recommend to Council:
 - i. Adoption or non-adoption of completed financial and non-financial performance statements.
 - ii. Governance policies associated with Council's financial, accounting, risk management, compliance and ethics programmes, and internal control functions, including the: Liability Management Policy, Treasury Policy, Sensitive Expenditure Policy, Fraud Policy, and Risk Management Policy.
 - iii. Accounting treatments, changes in generally accepted accounting practice (GAAP).
 - iv. New accounting and reporting requirements.

The Risk and Assurance Committee may not delegate any of its responsibilities, duties or powers.

2.2. Community Funding and Recognition Committee

COMMUNITY FUNDING AND RECOGNITION COMMITTEE	
Elected Members	Six
External Membership	None
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	As required
Reports to	Council

2.2.1. 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 receiving, considering and determining nominations for Civic Honours and Youth Excellence Scholarships.

2.2.2. Terms of Reference (delegations)

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

- a) Approve the priorities for allocating grants within each grant fund annually
- b) To determine under delegation the allocation of funding to specified applicants and report these allocations back to Council.

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

2.2.2.1. Community Grants and Funding

- a) To consider the allocation of community grants in line with the relevant grants criteria and priorities for:
 - Community Development Grant
 - Community and Social Services Grant
 - Special Projects Grant
 - Rural Halls Grant
 - 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 report to Council the allocation of funding to 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.

2.2.2.2. 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 nominations for the following awards:

- Certificate of Recognition
- Civic Honours
- 50 Years' Service Award.

- b) to receive and approve the Mayor's recommendations for Special Honours acknowledging significant and meritorious service not otherwise recognised

2.2.2.3. Youth Excellence Scholarships

The Committee has the delegated responsibility to:

- a) assess and consider nominations for Youth Excellence Scholarships and award in line with criteria and budget allocation
- b) report to Council (In-committee) funding to specified applicants.

2.2.2.4. 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 nominations for Tertiary Scholarships and award in line with criteria and budget allocation.

The Committee will:

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

All recommendations are reported to Council for endorsement.

2.2.2.5. 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.

2.3. Hearings and Regulatory Committee

HEARINGS AND REGULATORY COMMITTEE	
Elected Membership	Five
External Membership	None
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	Meets as required
Reports to	Council

2.3.1. Area of Focus

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

- Resource Management Act 1991
- Dog Control Act 1996

2.3.2. 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.

2.4. Chief Executive Employment and Performance Committee

CHIEF EXECUTIVE EMPLOYMENT AND PERFORMANCE COMMITTEE	
Elected Membership	Five
External Membership	None
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	12 Weekly
Reports to	Council

2.4.1. Area of Focus

The Chief Executive Employment and Performance 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.

2.4.2. Terms of Reference (delegations)

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

1. Lead 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. Manage any employment dispute(s) that may arise
3. Agree with the Chief Executive the annual performance objectives
4. 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
5. Conduct a review at the end of the financial year to assess progress against the performance objectives and provide constructive feedback
6. Undertake the annual remuneration review and make recommendations regarding remuneration to Council.

The committee do not have delegations to conduct the following – These responsibilities sit with the role of the wider Council.

7. Undertake contract renewal/extension in accordance with the Local Government Act 2002
8. Negotiate and amend the terms and conditions of employment of the Chief Executive
9. Determine annual remuneration review decisions

2.5. Community Well-being Committee

COMIUNITY WELL-BEING COMMITTEE	
Elected Members	Up to Three
External Membership	Various
Quorum	An elected member as Chair of the meeting. There is no set quorum for this meeting, other than n elected member as Chair, as it is a non-decision making body.
Meeting Frequency	12 weekly
Reports to	Council

2.5.1. 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.

2.5.2. Terms of Reference

The Community Wellbeing Committee will have responsibility to:

1. Oversee the implementation of the Community Wellbeing Strategy and associated wellbeing action plans.
2. Determine the key population level results and indicators for the next 3 years, and monitor those
3. Receive reports from the Community Development 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.

3. Te Awahou Foxton Community Board

TE AWAHOU FOXTON COMMUNITY BOARD	
Elected Members	Five plus Kere Kere Ward Councillor (one)
External Membership	None
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	12 weekly
Reports to	Council

3.1. Purpose

The role of the Te Awahou 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.

3.2. 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.

5. The Board shall formally report back to Council on its activities at each Council meeting via a written report of the Chairperson. The Chairperson will have speaking rights at each Council meeting.

4. Steering Groups

The bodies outlined in this section do not meet the definition of meeting under Part 7, clause 45 of the Local Government (Official Information and Meetings) Act 1987, as they are advisory or supervisory on nature and do not have any decision making power. They have been included in these terms of reference in the interests of openness and transparency. Each body set out in the following will be required to report to Council on their activities on a regular basis.

District Growth and Planning Steering Group	
Elected Members	Five
External Membership	None
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	6 weekly
Reports to	Council

Capital Projects Delivery Steering Group	
Elected Members	Five
External Membership	One
Quorum	Half the membership, or a majority of members if there is an odd number
Meeting Frequency	6 weekly
Reports to	Council

5. District Licensing Committee

District Licensing Committee	
Elected Members	Two (Chairperson and Deputy Chairperson , as appointed under s. 189(2) and (3), respectively, of the Sale and Supply of Alcohol Act 2012
External Membership	Up to two, drawn from a panel
Quorum	Up to Three (as set out in s.191 of the Sale and Supply of Alcohol Act 2012)
Meeting Frequency	As required
Reports to	Statutorily independent

5.1. 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.

5.2. Terms of Reference (delegations)

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

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.

5.3. Reporting to Council

The Committee is required to report its proceedings annually to the Licensing Authority within three months of the end of the financial year. This annual report on the proceedings and operations of the District Licensing Committee will be prepared and submitted to Council annually