



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Committee Terms of Reference

8 December 2022

Together we thrive! E ora ngātahi ana!

Version Control: 2022 – 2025 Triennium

Version	Changes	Adopted
1.0	Document Creation based on committees executed under Mayoral Powers, noted and adopted by Council	10 November 2022
1.1	Addition of Mr Neil Bain as independent Chair of Risk and Assurance Committee	8 December 2022

COUNCIL

The purpose of the Central Hawke's Bay District Council is to enable democratic local decision making to promote the social, economic, environmental and cultural well being of the Central Hawke's Bay District in the present and for the future.

Council is made up of the Mayor and 8 Councillors (elected members). They are responsible for determining local policy and legislation, and defining the overall vision for the Central Hawke's Bay District. Council makes decisions on behalf of the ratepayers and residents.

In meeting its purpose, the Central Hawke's Bay District Council has a variety of roles:

- Facilitating solutions to local needs
- Advocacy on behalf of the local community with central government, other local authorities and other agencies
- Management of local infrastructure including network infrastructure (eg roading, water supply, waste disposal, libraries, parks and recreational facilities)
- Environmental management planning for the current and future needs of the local district.

STANDING COMMITTEES

Risk and Assurance	Tamatea Partnerships
<p>The purpose of the Risk & Assurance Committee is to contribute to improving the governance, performance and accountability of the Central Hawke's Bay District Council by:</p> <ul style="list-style-type: none"> • Ensuring that the Council has appropriate financial, health and safety, risk management and internal control systems in place. • Seeking reasonable assurance as to the integrity and reliability of the Council's financial and non-financial reporting. • Providing a communications link between management, the Council and the external and internal auditors and ensuring their independence and adequacy. • Promoting a culture of openness and continuous improvement. 	<ul style="list-style-type: none"> • The purpose of the Tamatea Partnerships Committee is to provide guidance to Central Hawke's Bay District Council and mana whenua partners – Heretaunga Tamatea Settlement Trust and Ngā Hapū o Tamatea – on effective partnership that reflects Te Tiriti o Waitangi and associated Acts and responsibilities of Local Government to that effect. • This committee will be formed as the basis for co-designing the process, principles and outcomes required to work towards mutually-agreed wellbeing outcomes.
Chief Executive Performance and Employment Committee	Regulatory Hearings Panel
<ul style="list-style-type: none"> • Oversees the performance of the Chief Executive in line with the performance agreement and his/her ongoing relationship with the Council, and report regularly to the Council on his or her performance. 	<ul style="list-style-type: none"> • To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of a Hearing under the Resource Management Act 1991. • To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996 and any other matters required for determination by Council under legislation as determined by Council.

OTHER COUNCIL SPECIAL COMMITTEES

District Licensing Committee	<ul style="list-style-type: none"> The District Licencing Committee (DLC) is responsible for considering and determining all applications and renewals, for Liquor Licences and Managers Certificates. The Committee is also responsible for the consideration and determination of Temporary Authorities and Special Licences made under the Sale and Supply of Alcohol Act 2012.
Civic Awards Panel Committee	<ul style="list-style-type: none"> The Civic Awards Committee consisting of the Mayor, two councillors and two citizens will be formed and confirmed by Council following the triennial election for a three-year term and have the power to act in allocating the awards. The nominated Councillors will be confirmed in the Council and Community Representation Schedule, adopted by Council. Citizen representatives will be the Group President of the Central Hawke's Bay Women's Institute (or a replacement nominated by the Central Hawke's Bay Women's Institute) and an additional citizen appointed by Council in accordance with the Civic and Community Awards Policy.
Community Voluntary Organisation Support Fund Committee	<ul style="list-style-type: none"> The Community Voluntary Organisation Support Fund seeks to support Community based not-for-profit organisations that support our community to THRIVE. The Assessment Committee consists of three Councillors and three members of the public, assisted by a council staff member, who co-ordinates the annual CVOS applications. The three public members of the Assessment Committee are appointed by resolution of Elected Council, following the triennial election. The appointment process will follow the Appointment of Council Representatives Policy and be confirmed in the Council and Community Representation Schedule adopted by Council. Public Members may be appointed or elected for a specified term of up to three years and can serve a maximum of two consecutive terms in accordance with the Community Funding Policy

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Membership	<p>Her Worship the Mayor Alex Walker (Chair)</p> <p>Deputy Mayor Kelly Annand (Deputy Chair)</p> <p>Councillor Tim Aitken, Councillor Pip Burne, Councillor Jerry Greer, Councillor Gerard Minehan, Councillor Brent Muggeridge, Councillor Kate Taylor, Councillor Exham Wichman.</p>
Meeting frequency	The council shall meet every four (4) weeks or as required
Quorum	As set by Standing Orders
Purpose	<p>The purpose of the Central Hawke's Bay District Council is to enable democratic local decision making to promote the social, economic, environmental and cultural well being of the Central Hawke's Bay District in the present and for the future.</p> <p>Council is made up of the Mayor and 8 Councillors (elected members). They are responsible for determining local policy and legislation, and defining the overall vision for the Central Hawke's Bay District. Council makes decisions on behalf of the ratepayers and residents.</p> <p>In meeting its purpose, the Central Hawke's Bay District Council has a variety of roles:</p> <ul style="list-style-type: none"> • Facilitating solutions to local needs • Advocacy on behalf of the local community with central government, other local authorities and other agencies • Management of local infrastructure including network infrastructure (eg roading, water supply, waste disposal, libraries, parks and recreational facilities) • Environmental management planning for the current and future needs of the local district.
Responsibilities	<p>The Council's terms of reference include the following powers which cannot be delegated to committees, officers or any other subordinate decision making body.</p> <p>The power to:</p> <ol style="list-style-type: none"> 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

	<p>In addition, Council can:</p> <ol style="list-style-type: none"> 1. approve a proposed plan under the Resource Management Act 1991 2. approve Council policy and strategy 3. remove chairpersons of committees, subcommittees 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 <p>Council will specifically retain oversight of the District Plan, Long Term Plan and Annual Plan process and decisions.</p>
Delegations	Council cannot delegate any of the responsibilities outlined above.
Professional Development and Learning	<p>Councillors will all participate in the Governance Training run by either LGNZ or the NZ Institute of Directors as a collective and as individuals</p> <p>Council will engage in further professional development as required.</p>

TAMATEA PARTNERSHIP COMMITTEE

Membership	<p>Three representatives of Central Hawke’s Bay District Council: Her Worship the Mayor Alex Walker, Deputy Mayor Kelly Annand, Councillor Jerry Greer</p> <p>Three representatives of mana whenua: As endorsed by Heretaunga Tamatea Settlement Trust and Mārae via Te Taiwhenua o Tamatea</p>
Meeting frequency	<p>The committee shall meet every eight (8) weeks or as required.</p>
Quorum	<p>As set by Standing Orders</p>
Purpose	<p>The purpose of the Tamatea Partnerships Committee is to provide guidance to Central Hawke’s Bay District Council and mana whenua partners – Heretaunga Tamatea Settlement Trust and Ngā Hapū o Tamatea (via mārae and Te Taiwhenua o Tamatea) – on effective partnership in Tamatea Central Hawke’s Bay that reflects Te Tiriti o Waitangi and associated Acts and responsibilities of Local Government to that effect.</p> <p>This committee will be formed as the basis for co-designing the process, principles and outcomes required to work towards mutually-agreed wellbeing outcomes.</p>
Responsibilities	<p>The Tamatea Partnership Committee is responsible for:</p> <ul style="list-style-type: none"> • Co-design of a process to ensure Māori <i>contribution to decision making</i> (Local Government Act 2002). This may include, but is not limited to, consideration of the role of Kaiārahi Matua, committee appointments, engagement models, and review of Tuhono Mai Tuhono Atu • Co-design of a process to ensure Māori <i>representation in governance</i> at CHBDC. This may include, but is not limited to, consideration of Māori Wards • Co-design of a process to formally reflect <i>Te Tiriti o Waitangi</i> responsibilities between Mana whenua and Central Hawke’s Bay District Council. This includes, but is not limited to Heretaunga Tamatea Settlement Act, Resource Management Act, Reserves Management Act, and Local Government Act. • Co-design of a process to enable Project Governance of “Better Off Funding” projects • Co-design of a process to identify and advance mutually agreed vision and goals in relation to the wellbeing of the people and place of Tamatea Central Hawke’s Bay • Making a formal recommendation on what enduring partnership structure should replace this one before the end of the 2022-25 Local Government Triennium
Delegations	<p>The Tamatea Partnership Committee has delegations to:</p> <ul style="list-style-type: none"> • Review and develop plans, projects and policies that advance the joint vision of Council and Mana whenua, that supports the District’s vision and while complying with purpose of the Local Government Act (2002) • Develop relationship agreements/memorandum of understandings between Council and Manawhenua and to recommend formal agreements (specific statutory processes and decision making) to Council for adoption. • Establish a special committee, working group or community forum if needed.

Professional Development and Learning	All members will participate and be committed to ongoing professional development.
Remuneration	Mana whenua members will be paid for each meeting they attend and reimbursed for mileage incurred in respect of the meeting, in accordance with a policy to be developed.

RISK AND ASSURANCE COMMITTEE

Membership	<p>Chair Mr Neil Bain (Independent)</p> <p>Councillor Tim Aitken (Deputy Chair)</p> <p>Her Worship the Mayor, Councillor Gerard Minehan, Councillor Pip Burne.</p> <p>A second independent member may be appointed by the committee to ensure appropriate mix of legal and financial skills.</p>
Meeting frequency	The committee shall meet FOUR (4) times per year.
Quorum	As set by Standing Orders
Purpose	<p>The purpose of the Risk & Assurance Committee is to contribute to improving the governance, performance and accountability of the Central Hawke's Bay District Council by:</p> <ul style="list-style-type: none"> Ensuring that the Council has appropriate financial, health and safety, risk management and internal control systems in place. Seeking reasonable assurance as to the integrity and reliability of the Council's financial and non-financial reporting. Providing a communications link between management, the Council and the external and internal auditors and ensuring their independence and adequacy. Promoting a culture of openness and continuous improvement.
Responsibilities	<p>The Council delegates to the Audit and Risk Committee the following responsibilities:</p> <ul style="list-style-type: none"> To monitor the Council's treasury activities to ensure that it remains within policy limits. Where there are good reasons to exceed policy, that this be recommended to Council. To review the Council's insurance policies on an annual basis. To review, in depth, the Council's annual report and if satisfied, recommend the adoption of the annual report to Council. 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. 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. To provide a communications link between management, the Council and the external and internal auditors. To engage with Council's external auditors and approve the terms and arrangements for the external audit programme. To engage with Council's internal auditors and approve the terms and arrangements for the internal audit programme. To monitor the organisation's response to the external and internal audit reports and the extent to which recommendations are implemented. To engage with the external and internal auditors on any one-off assignments. To work in conjunction with management to ensure compliance with applicable laws, regulations standards and best practice guidelines.

<p>Delegations</p>	<p>Subject to any expenditure having been approved in the Long Term Plan or Annual Plan the Audit Committee shall have delegated authority to approve:</p> <ul style="list-style-type: none"> • risk management and internal audit programmes • terms of the appointment and engagement of the audit with the external auditor • additional services provided by the external auditor. • the proposal and scope of the internal audit <p>In addition, the Council delegates to the Audit and Risk Committee the following powers and duties:</p> <ul style="list-style-type: none"> • The Audit and Risk 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. • The Audit and Risk Committee can recommend to Council: • Adoption or non-adoption of completed financial and non-financial performance statements. • 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. • Accounting treatments, changes in generally accepted accounting practice (GAAP). • New accounting and reporting requirements. <p>The Audit and Risk Committee may not delegate any of its responsibilities, duties or powers.</p>
<p>Professional and Development Learning</p>	<p>All members will participate in a Risk and Assurance Governance Training in the first year of membership.</p>

CHIEF EXECUTIVE EMPLOYMENT AND PERFORMANCE COMMITTEE

Membership	<p>Her Worship the Mayor Alex Walker (Chair)</p> <p>Deputy Mayor Kelly Annand, Councillor Brent Muggeridge, Councillor Kate Taylor</p> <p>An independent member will be appointed by the committee, with agreement by the Chief Executive, to provide independent professional oversight of the performance review process.</p>
Meeting frequency	As required and agreed with the Chair, but at least three times a year
Purpose	Oversees the performance of the Chief Executive in line with the performance agreement and his/ her ongoing relationship with the Council, and report regularly to the Council on his or her performance.
Responsibilities	<p>To monitor performance of the Chief Executive</p> <p>To ensure that the Council is fulfilling its duties as a good employer under schedule 7 of the Local Government Act, 2002</p>
Delegations	<p>The Council delegates to the Chief Executive Performance Assessment Subcommittee the following powers, duties and responsibilities:</p> <ul style="list-style-type: none"> • To oversee the employment of the Chief Executive in accordance with the Local Government Act, 2002. • To recommend to Council the methodology and specific performance measures to carry out the review of the performance of the Chief Executive. • The delegated authority to employ independent expertise to assist with any review or advice up to a maximum of \$10,000 before seeking approval from Council. • To recommend to Council on matters relating to the Chief Executives employment and remuneration. • The committee have delegations to make variations to the Chief Executive Employment agreement so long as it is pursuant to the Local Government Act. • The committee will delegate the approval of leave, professional development and expenses, within approved budgets, to the Mayor.
Professional Development and Learning	All members will participate in Chief Executive Employment and Performance Training in the first year of membership.

REGULATORY HEARINGS PANEL

<p>Membership</p>	<p>Councillor Tim Aitken – Regulatory Hearings Panel Chair (Panel)</p> <p>Councillor Pip Burne (Panel)</p> <p>Councillor Kate Taylor (Panel)</p> <p>Councillor Jerry Greer (Panel)</p> <p>Commissioner Eileen von Dadelszen (Chair and Panel)</p> <p>Commissioner George Lyons (Chair and Panel)</p> <p>Commissioner Janeen Kydd-Smith (Chair and Panel)</p> <p>Commissioner Robert Schofield (Chair and Panel)</p> <p>Commissioner Mick Lester (Chair and Panel)</p> <p>Commissioner Dr Roger Maaka (Panel)</p> <p>Commissioner Loretta Lovell (Panel)</p> <p>Commissioner Liz Lambert (Panel)</p> <p>Commissioner Grey Wilson (Panel)</p> <p>Commissioner Lucy Cooper (Panel)</p> <p>Under the delegated authority of Council to the Chief Executive, the Chief Executive has the ability to introduce additional Commissioners onto the panel, to provide essential specialist skills and/or to manage conflicts of interest (perceived or potential) that may arise from to time.</p>
<p>Meeting Frequency</p>	<p>As and when required.</p>
<p>Purpose</p>	<ul style="list-style-type: none"> • To conduct hearings and/or determine under delegated authority applications for consent and all other matters required to be heard and determined by way of a Hearing under the Resource Management Act 1991. • To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996 and any other matters required for determination by Council under legislation as determined by Council.
<p>Hearing Appointments</p>	<p>When determining the make-up of resource consent and other Hearing Panels, the following factors must be taken into account by the Chief Executive in consultation with the Regulatory Hearings Panel Chair:</p> <ol style="list-style-type: none"> a) Any conflict of interest (perceived or potential) between Committees and/or Committee Member where the Panel member is an elected member or Independent Commissioner. b) Any conflict of interest identified by the Chair or raised by applicants and/or submitters. c) The need for specific expertise in particular cases. d) The need to manage the workload of Councillors and Commissioners by allocating the resource consent and other statutory policy process hearing workload among Commissioners and Councillors, depending on commitments, availability, and with a particular focus that no perceived or potential bias to particular Councillor or Independent Commissioner occurs. e) The need for any particular local knowledge.

<p>Delegations:</p>	<p>All delegations to this Panel are to be exercised within the framework of the Council's adopted regulatory policies, plans, strategies, policy guidelines and by-laws.</p> <p>The Council delegates to the Regulatory Hearings Panel the following powers, duties and responsibilities:</p> <ul style="list-style-type: none"> • Implementation of the Resource Management Act, the Operative District Plan and other regulatory Acts and Regulations in terms of judicial and regulatory responsibilities. • All powers, duties and discretions under the Resource Management Act 1991¹ to allow the above matters to be undertaken other than: <ul style="list-style-type: none"> • The consideration or hearing of any application where the Council is the applicant • The making of a recommendation on a requirement for a Designation or a Heritage Order where the Council is the Requiring Authority • Exercising the power of delegation. • All Council's powers, duties and discretions in respect to the Dog Control Act 1996 in terms of judicial and regulatory responsibilities and the monitoring of the implementation of Council's regulatory service delivery functions under that Act. • In terms of judicial and regulatory service delivery responsibilities, and monitoring and implementation of these listed regulatory functions all: <ul style="list-style-type: none"> • Powers, duties and discretions vested in the Council by the Crown Minerals Act 1991. • Powers, functions and discretions under Building (Pools) Amendment Act 2016. • Powers, duties and discretions pursuant to Section 78 232 of the Building Act 2004 with the exception of the power to set fees and charges. • Determining any Appeals to a Determination made by the Chief Executive under the Council's Consolidated Part 3 (Public Safety) Clause 4 – Liquor. • Pursuant to Section 34A of the Resource Management Act 1991 and clause 32 of Schedule 7 of the Local Government Act 2002 the Council directs that: <ul style="list-style-type: none"> • Commissioners appointed to Joint Hearings shall be a member of the Regulatory Hearings Panel together with not less than one or more than two others. One of who shall, if possible, be a member representing the Ward in which the site subject to the application is located. <p>Commissioners appointed to deal with all other matters shall be a member of the Regulatory Hearings Panel together with not less than one other, who shall, if possible, be a member representing the Ward in which the site subject to the application is located.</p>
<p>Professional Development, Learning and Qualifications</p>	<p>In accordance with Section 39B of the Resource Management Act 1991, all persons appointed to a Hearing Panel shall hold a current Making Good Decisions Certification, except where there are exceptional circumstances in accordance with Ministry for the Environment best practice guidelines.</p>

¹ **Note:** For the avoidance of doubt, the Regulatory Hearings Panel is not delegated the functions, powers and duties to hear and make decisions on submissions made in relation to a proposed plan, policy statement, plan change or variation under the RMA. Such functions, powers and duties are delegated to a Panel of accredited RMA hearings commissioners appointed by the Council on an as needed basis

DISTRICT LICENSING COMMITTEE

Membership	<p>The DLC must consist of three members appointed by the Central Hawke's Bay District Council (Council). The Council must appoint one member as the Chairperson, and that person must either be a member of the Council or a Commissioner appointed to the DLC by the Chief Executive Officer of the Council on the recommendation of the Council.</p> <p>The other two members of the DLC must be appointed from the Council's list² of persons approved to be members of the District Licensing Committee.</p> <p>The Council may also appoint a member of the Council to act as a Deputy Chairperson, to act in place of the Chairperson. This is to allow for times when the Chairperson is unable to act due to illness, absence, or other sufficient reason.</p> <p>Appointment of the Chairperson and the Deputy Chairperson shall be by Resolution of the Council.</p> <p>Current Members:</p> <ul style="list-style-type: none"> • Councillor Gerard Minehan (Chair) • Councillor Exham Wichman (Deputy Chair) • Commissioner Tania Kerr • List Member Sally Butler • List Member Mark Williams <p>If the Chairperson, or the Deputy Chairperson, cease to be an elected member of Council then they will cease to be the Chairperson of this Committee.</p>
Meeting Frequency	As and when required
Quorum	A Quorum of the Committee may consist of the Chairperson sitting alone to determine uncontested applications. Where objections are received to an application, then the quorum must consist of the full three-member committee.
Purpose	The DLC is responsible for considering and determining all applications, and renewals, for Liquor Licences and Managers Certificates. The Committee is also responsible for the consideration and determination of Temporary Authorities and Special Licences made under the Sale and Supply of Alcohol Act 2012 (SSLA).
Responsibilities	<p>Administer the Council's alcohol licensing framework as determined by the SSLA.</p> <ol style="list-style-type: none"> 1. to consider and determine applications for licences and manager's certificates, 2. to consider and determine applications for renewal of licences 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, 4. to consider and determine applications for the variation, suspension, or cancellation of special licences, 5. to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280, 6. with the leave of the chairperson for the licensing authority, 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, and 8. any other functions conferred on licensing committees by or under this Act or any other enactment. <p>The Committee may make recommendations to Council. While the DLC is a committee of Council and receives Council administrative support, it</p>

	operates as an independent quasi-judicial body. DLC decisions can be appealed to the Alcohol and Regulatory Licensing Authority (ARLA).
Delegations	<p>The power to make decisions on Liquor licenses, Managers Certificates, Temporary Authorities and Special Licences are set out in the SSLA.</p> <p>Appointments to the Committee of the other members shall be made through an Appointments Committee process that:</p> <ul style="list-style-type: none"> • Is made up of the Chairperson, Deputy Chairperson, and Secretary (Chief Executive or Chief Executive's delegated officer) of the DLC. • Is responsible for determining the manner in which the appointments process will be undertaken and the terms and conditions of the selected candidate. • will identify a shortlist of candidates whom it considers meets the above criteria, conduct interviews, and recommend names of approved persons for appointment to the DLC and / or inclusion on the DLC Members List. • Recommend to Council the preferred appointment(s) for confirmation. <p>The Council considers that, in addition to the statutory requirements, any person that it appoints to the Committee should also possess:</p> <ul style="list-style-type: none"> • An understanding of Regulatory issues • Either regulatory experience, or other experience that is relevant to the activities of the committee • A high standard of personal integrity • The ability to work as part of a team. <p>The Council may at any time remove a member of the DLC for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the Council's satisfaction.</p>
Professional Development and Learning	Members of the District Licensing Committee are required to complete both on-line training provided by LGNZ and attend any other relevant training offered through the District Licensing Committee (DLC) Network.
Remuneration	Remuneration of members of the Committee is a matter that is determined by the Ministry of Justice.