



Auckland Council Governing Body Terms of Reference

Adopted by the Governing Body on 2 November 2016

Minute number

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AMENDMENTS

Date	Amendment	Committee	Resolution #

1 INTRODUCTION

1.1 GENERAL PRINCIPLES OF DELEGATION

This document sets out the terms of reference for committees of the Governing Body. The mayor is responsible for establishing committees and appointing chairpersons. The Governing Body, through this document and subject to section 1.4, delegates to committees those powers necessary for them to carry out their responsibilities as set out in this document.

Section 2 sets out those matters which the Governing Body cannot legally delegate under the Local Government Act 2002 or has elected not to delegate.

The business to be transacted by the Governing Body and its committees is large and wide-ranging, dealing with the details of many Acts and Regulations, the council's plans, bylaws, and a range of Governing Body activities and services. The terms of reference and delegations in this document are intended to reflect the principles of subsidiarity to allow the Governing Body to delegate its powers and functions to the most efficient and effective levels.

The committee to which powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the committee with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

A decision made by a committee under delegation from the Governing Body has the same effect as if it were made by the Governing Body itself.

1.2 ESTABLISHMENT OF COMMITTEES

In accordance with section (9)(3) of the Local Government (Auckland Council) Act 2009, the mayor has the power to establish the committees of the governing body and appoint the chairperson of each committee of the governing body.

Committee includes, in relation to the Governing Body:

- (a) a committee comprising all the members of the Governing Body
- (b) a standing committee appointed by the Governing Body
- (c) a standing 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, or reporting committee, of a committee described in items (a) (b), (c) or (d) of this definition.

Independent Māori Statutory Board: Promotes issues of significance for mana whenua groups and mataawaka of Tāmaki Makaurau and ensures council compliance with statutory provisions relating to the Treaty of Waitangi. Appointees represent the Board on various committees and are included in the quorum at a committee meeting.

Ex officio member: 'By virtue of the office held'. An ex officio member of a committee is a member because of the office held. The Local Government (Auckland Council) Act 2009 states that the mayor is an

ex officio member of all committees and Standing Order 4.1.1 states that both the mayor and deputy mayor are members of all committees.

Panels: The role of a panel is to inform and advise the council. They have no decision-making role.

Quorum: Unless otherwise specified, a quorum is defined as a half, if the total number of members is even, or a majority, if the total number of members is odd.

- 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 (unless specified otherwise).
- 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.
- Vacancies are not included in calculating the quorum.
- Any member attending a meeting by way of audio link or audio-visual link and who is not physically present at the meeting is not to be counted as present for the purpose of the quorum.

1.3 AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between the provisions of the Terms of Reference, which results in uncertainty or dispute as to which committee has delegated authority to act in respect of a particular matter, the chief executive will prepare a written report and submit it to the mayor (or the deputy mayor in the absence of the mayor) for consideration and determination. The decision of the mayor (or deputy mayor) will be final and binding.

If neither the mayor nor the deputy mayor is available, the decision of the chief executive will be final and binding.

1.4 CALLING IN A MATTER FOR GOVERNING BODY CONSIDERATION

The mayor may require any matter that would otherwise be reported to a committee, to be reported to the Governing Body. If that matter is already on a published agenda for a committee meeting, that meeting will not consider that matter unless invited by the mayor to make a recommendation to the Governing Body.

2 GOVERNING BODY

Terms of Reference

Those powers which cannot legally be delegated:

- (a) the power to make a rate
- (b) the power to make a bylaw
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan
- (d) the power to adopt a long term plan, annual plan, or annual report
- (e) the power to appoint a chief executive
- (f) the power to 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 local governance statement
- (g) the power to adopt a remuneration and employment policy.

Additional responsibilities retained by the Governing Body:

- (a) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
- (b) approval of a draft bylaw prior to consultation
- (c) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
- (d) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
- (e) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
- (f) approval of the Unitary Plan
- (g) overview of the implementation and refresh of the Auckland Plan through setting direction on key strategic projects (e.g. the City Rail Link and the alternative funding mechanisms for transport) and receiving regular reporting on the overall achievement of Auckland Plan priorities and performance measures.

Quorum: 11

Frequency of meetings: Monthly

3 COMMITTEES OF THE WHOLE OF THE GOVERNING BODY

3.1 PLANNING COMMITTEE

Terms of Reference (Delegations)

Responsibilities

This committee guides the physical development and growth of Auckland through a focus on land use planning, housing and the appropriate provision of infrastructure and strategic projects associated with these activities. Key responsibilities include:

- Relevant regional strategy and policy
- Infrastructure strategy and policy
- Unitary Plan
- Spatial plans
- Plan changes to operative plans
- Housing policy and projects
- Special Housing Areas
- City centre development
- Tamaki regeneration
- Built heritage
- Urban design
- Environmental matters relating to the committee's responsibilities
- Acquisition of property relating to the committee's responsibilities and within approved annual budgets
- Activities of the following Council Controlled Organisations:
 - Panuku Development Auckland
 - Auckland Transport
 - Watercare Services Limited

Powers

- (i) All powers necessary to perform the committee's responsibilities, including:
 - (a) approval of a submission to an external body
 - (b) establishment of working parties or steering groups.
- (ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.
- (iii) The committee does not have:
 - (a) the power to establish subcommittees
 - (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).

Membership:

Chairperson: Cr Chris Darby
Deputy chairperson: Cr Denise Lee

Members:

Mayor Phil Goff	Cr Mike Lee
Deputy Mayor Bill Cashmore	Cr Daniel Newman
Cr Cathy Casey	Cr Dick Quax
Cr Ross Clow	Cr Greg Sayers
Cr Fa'anana Efeso Collins	Cr Desley Simpson
Cr Linda Cooper	Cr Sharon Stewart
Cr Alf Filpaina	Cr Sir John Walker
Cr Christine Fletcher	Cr Wayne Walker
Cr Richard Hills	Cr John Watson
Cr Penny Hulse	

IMSB appointees (s 85 (1)):

Quorum: 11

Frequency of meetings: Monthly

3.2 FINANCE AND PERFORMANCE COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The purpose of the Committee is to :

- a) control and review expenditure across the Auckland Council Group to improve value for money
- b) monitor the overall financial management and performance of the council parent organisation and Auckland Council Group
- c) make financial decisions required outside of the annual budgeting processes

Key responsibilities include:

- Advising and supporting the mayor on the development of the Long Term Plan (LTP) and Annual Plan (AP) for consideration by the Governing Body including:
 - Local Board agreements
 - Financial policy related to the LTP and AP
 - Setting of rates
 - Preparation of the consultation documentation and supporting information, and the consultation process, for the LTP and AP
- Monitoring the operational and capital expenditure of the council parent organisation and Auckland Council Group, and inquiring into any material discrepancies from planned expenditure
- Monitoring the financial and non-financial performance targets, key performance indicators, and other measures of the council parent organisation and each Council Controlled Organisation (CCO) to inform the Committee's judgement about the performance of each organisation
- Advising the mayor on the content of the annual Letters of Expectations (LoE) to CCOs
- Exercising relevant powers under Schedule 8 of the Local Government Act 2002, which relate to the Statements of Intent of CCOs
- Approving the financial policy of the Council parent organisation
- Overseeing and making decisions relating to an ongoing programme of service delivery reviews, as required under section 17A of the Local Government Act 2002
- Establishing and managing a structured approach to the approval of non-budgeted expenditure (including grants, loans or guarantees) that reinforces value for money and an expectation of tight expenditure control
- Write-offs
- Acquisition and disposal of property, in accordance with the long term plan
- Recommending the Annual Report to the Governing Body
- Te Toa Takatini

Powers

- (i) All powers necessary to perform the committee's responsibilities, including:
 - (a) approval of a submission to an external body
 - (b) establishment of working parties or steering groups.

- (ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.
- (iii) The committee does not have:
 - (a) the power to establish subcommittees
 - (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).

Reporting committees (refer Section 4 for details)

- Strategic Procurement Committee
- Audit and Risk Committee

Membership:

Chairperson: Cr Ross Clow
Deputy chairperson: Cr Desley Simpson

Members:

Mayor Phil Goff	Cr Denise Lee
Deputy Mayor Bill Cashmore	Cr Mike Lee
Cr Cathy Casey	Cr Daniel Newman
Cr Fa'anana Efeso Collins	Cr Dick Quax
Cr Linda Cooper	Cr Greg Sayers
Cr Chris Darby	Cr Sharon Stewart
Cr Alf Filipaina	Cr Sir John Walker
Cr Christine Fletcher	Cr Wayne Walker
Cr Richard Hills	Cr John Watson
Cr Penny Hulse	

IMSB appointees (s 85 (1)):

Quorum: 11

Frequency of meetings: Monthly, with additional meetings for the purposes of key decisions and performance reporting.

3.3 ENVIRONMENT AND COMMUNITY COMMITTEE

Terms of reference (Delegations)

Responsibilities

This committee deals with all strategy and policy decision-making that is not the responsibility of another committee or the Governing Body. Key responsibilities include:

- Development and monitoring of strategy, policy and action plans associated with environmental, social, economic and cultural activities
- Natural heritage
- Parks and reserves
- Economic development
- Protection and restoration of Auckland's ecological health
- Climate change
- Economic development
- Southern Initiative
- Acquisition of property relating to the committee's responsibilities and within approved annual budgets
- Performing the delegations made by the Governing Body to the former Parks, Recreation and Heritage Forum and Regional Development and Operations Committee, under resolution GB/2012/157 in relation to dogs
- Activities of the following CCOs:
 - ATEED
 - RFA

Powers

- (i) All powers necessary to perform the committee's responsibilities, including:
 - (a) approval of a submission to an external body
 - (b) establishment of working parties or steering groups.
- (ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.
- (iii) The committee does not have:
 - (a) the power to establish subcommittees
 - (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).

Reporting committees (refer Section 4 for details)

- Community Development and Safety Committee

Membership:

Chairperson: Cr Penny Hulse
Deputy chairperson: Cr Alf Filipaina

Members:

Mayor Phil Goff	Cr Mike Lee
Deputy Mayor Bill Cashmore	Cr Daniel Newman
Cr Cathy Casey	Cr Dick Quax
Cr Ross Clow	Cr Greg Sayers
Cr Fa'anana Efeso Collins	Cr Desley Simpson
Cr Linda Cooper	Cr Sharon Stewart
Cr Chris Darby	Cr Sir John Walker
Cr Christine Fletcher	Cr Wayne Walker
Cr Richard Hills	Cr John Watson
Cr Denise Lee	

IMSB appointees (s 85 (1)):

Quorum: 11

Frequency of meetings: Monthly

4 REPORTING COMMITTEES

4.1 AUDIT AND RISK COMMITTEE

Terms of Reference (Delegations)

Parent committee: Finance and Performance Committee

Purpose

The purpose of the Audit and Risk Committee is to assist and advise the Governing Body in discharging its responsibility and ownership of governance, risk management, and internal control.

The committee will review the effectiveness of the following aspects of governance, risk management and internal control:

- enterprise risk management (ERM) across the Auckland Council group
- internal and external audit and assurance
- integrity and investigations
- monitoring of compliance with laws and regulations
- significant projects and programmes of work focussing on the appropriate management of risk
- oversight of preparation of the LTP, Annual Report, and other external financial reports required by statute.

The scope of the committee includes the oversight of risk management and assurance across council's CCOs with respect to risk that is significant to the Auckland Council group.

To perform his or her role effectively, each committee member must develop and maintain his or her skills and knowledge, including an understanding of the committee's responsibilities, and of the council's business, operations and risks.

Decision-Making Powers

The committee has no decision making powers.

The committee may request expert advice through the chief executive where necessary.

The committee may make recommendations to the Governing Body and / or chief executive.

Tenure

External members will be appointed for an initial period not exceeding three years, after which they will be eligible for extension or re-appointment, after a formal review of their performance, and have not already served two terms on the committee. Councillors appointed to the committee will automatically cease to hold office at the time of the local authority triennial elections. They may be eligible for re-appointment post those elections if they are returned to office and have not already served two terms on the committee.

The chief executive, and the senior management team members will not be members of the committee.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the council. At least one member of the committee should have accounting or related financial management experience, with an understanding of accounting and auditing standards in a public sector environment.

Committee's responsibilities

The committee's responsibilities are detailed below.

Forward Work Programme

The committee will agree and approve annually a forward work programme – which will consist of in depth briefings and reviews of specific significant risks and assurance strategies, as contained in the ERM “Top Risks” or Auckland Council’s work plan.

Risk management

- Review, approve and monitor the implementation of the ERM policy, framework and strategy (including risks pertaining to CCOs that are significant to the Auckland Council group).
- Review and approve the council’s “risk appetite” statement.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance (including Health and Safety), significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and / or emerging risks, and any subsequent changes to the ERM “Top Risk” register.

Internal Audit

- Review annually the Internal Audit Charter – which confirms the authority, independence and scope of the function.
- Review and approve annually and monitor the implementation of the 3 year Internal Audit Strategy and 12 month detailed Internal Audit Plan.
- Review the co-ordination between the risk and internal audit functions – including the integration of the council’s ERM risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls. This includes legislative compliance (including Health and Safety), significant projects and programmes of work, and significant procurement.
- Review the reports of the Internal Audit functions dealing with findings, conclusions and recommendations (including assurance over risks pertaining to CCOs that are significant to the Auckland Council group)
- Review and monitor management’s responsiveness to the findings and recommendations – enquiring into the reasons that any recommendation is not acted upon.

Fraud and Integrity

- Review and approve annually, and monitor the implementation of, the Fraud and Integrity Strategy, including detailed work programme.
- Review annually the whistleblowing procedures and ensure that arrangements are in place by which staff, may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters, and that there is proportionate and independent investigation of such matters and appropriate follow-up action.
- Review the procedures in relation to the prevention, detection, reporting and investigation of bribery and fraud.
- Review and monitor policy and process to manage conflicts of interest amongst elected members, local board members, management, staff, consultants and contractors.
- Review reports from the Risk, Internal Audit, Integrity and Investigations, external audit and management related to whistle blower, ethics, bribery and fraud related incidents.

Statutory Reporting

Review and monitor the integrity of the interim and annual report including statutory financial statements and any other formal announcements relating to the council's financial performance, focussing particularly on:

- compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards
- compliance with applicable legal requirements relevant to statutory reporting
- the consistency of application of accounting policies, across reporting periods, and the Auckland Council group
- changes to accounting policies and practices that may affect the way that accounts are presented
- any decisions involving significant judgement, estimation or uncertainty
- the extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed
- the disclosure of contingent liabilities and contingent assets
- the clarity of disclosures generally
- the basis for the adoption of the going concern assumption
- significant adjustments resulting from the audit.

External Audit

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

Interaction with Council Controlled Organisations

Other committees dealing with CCO matters may refer matters to the Audit and Risk Committee for review and advice.

This committee will enquire to ensure adequate processes at a governance level exist to identify and manage risks within a CCO. Where an identified risk may impact on Auckland Council or the wider group, the committee will also ensure that all affected entities are aware of and appropriately managing the risk.

The Head of Risk and Head of Internal Audit are responsible for the provision of quality risk, assurance, insurance and ethics and integrity services for all CCOs except Auckland Transport and Watercare (with the exception of insurance services which are provided to Auckland Transport). Auckland Transport and Watercare have their own risk and assurance functions. The Head of Risk and Head of Internal Audit are responsible for monitoring CCO risk and internal audit strategies with respect to risks that are significant to the Auckland Council group.

Annual Report on the work of the committee

The chair of the committee will submit a written review of the performance of the committee to the chief executive on an annual basis. The review will summarise the activities of the committee and how it has contributed to the council's governance and strategic objectives. The chief executive will place the report on the next available agenda of the governing body.

Membership:

Chairperson (independent):

Deputy chairperson: Cr Greg Sayers

Governing Body members (2): Deputy Mayor Bill Cashmore Cr Richard Hills

Independent members (2):

Ex officio: Mayor
IMSB Chair (or nominee)*

* expected to attend for matters that are relevant to the IMSB

Quorum: 3 (which must include 2 Governing Body members)

Frequency of Meetings: Quarterly

4.2 COMMUNITY DEVELOPMENT AND SAFETY COMMITTEE

Terms of Reference (Delegations)

Parent committee: Environment and Community Committee

Responsibilities and key projects

The committee is responsible for regional community development and safety, including:

- grants for regional events, arts and cultural organisations
- arts, culture and heritage
- alcohol harm reduction strategy (recommendation to Environment and Community Committee)
- homelessness plan (recommendation to Environment and Community Committee).

Powers

All powers necessary to perform the committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where the committee's responsibility is limited to making a recommendation only
- (c) where a matter is the responsibility of another committee
- (d) the approval of expenditure that is not contained within approved budgets
- (e) the approval of expenditure of more than \$2 million
- (f) the approval of final policy
- (g) deciding significant matters for which there is high public interest and which are controversial
- (h) the commissioning of reports on new policy where that policy programme of work has not been approved by the Environment and Community Committee
- (i) the power to establish sub-committees.

Membership:

Chairperson: Cr Cathy Casey
Deputy chairperson: Cr Fa'anana Efeso Collins

Members (10): Cr Ross Clow Cr Desley Simpson
Cr Richard Hills Cr Sir John Walker
Cr Mike Lee Cr Wayne Walker
Cr Daniel Newman Cr John Watson
Cr Dick Quax

Ex officio: Mayor Deputy mayor

IMSB appointees (2):

Quorum: 7

Frequency of meetings: Monthly

4.3 STRATEGIC PROCUREMENT COMMITTEE

Terms of Reference (Delegations)

Parent committee: Finance and Performance Committee

Responsibilities

The committee is established to assist the chief executive to undertake the management procedure of ensuring sound procurement processes are followed in relation to procurement of goods and services necessary to deliver on the work programme and operations outlined in the council's adopted Annual plan.

It will ensure that reasonable purchasing procedures have been followed in awarding contracts and will provide an efficient mechanism for documenting the approvals for those contracts.

Within a framework where contracts are an operational matter delegated to the chief executive, this committee will consider all contracts beyond the chief executive's financial delegations. The chief executive may refer contracts within his financial delegations which are sensitive or may impact on the reputation of the council.

The chief executive has power to award contracts up to \$20 million alone and the power to award contracts up to \$22.5 million jointly with the mayor and Finance and Performance Committee chair.

The committee will have responsibility for:

- awarding of contracts of \$22.5 million or greater
- awarding of contracts less than \$22.5 million which are sensitive or may impact on the reputation of the council if the chief executive refers the matter to the committee
- oversight over the procurement processes and procedures.

From time to time the committee may advise the chief executive and council on changes to the procurement and contracts probity procedures.

Powers

All powers necessary to perform the committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where the committee's responsibility is limited to making a recommendation only
- (c) the power to establish sub-committees.

Membership:

Chairperson:	Cr Mike Lee	
Deputy chairperson:	Cr Ross Clow	
Members (8):	Deputy Mayor Bill Cashmore	Cr Penny Hulse
	Cr Cathy Casey	Cr Daniel Newman
	Cr Linda Cooper	Cr Greg Sayers
Ex officio:	Mayor	Deputy mayor

Quorum: 4

Frequency of meetings: Monthly.

5 OTHER COMMITTEES

5.1 APPOINTMENTS AND PERFORMANCE REVIEW COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The Appointments and Performance Review Committee is established to:

1. Review the chief executive's performance and to recommend to the Governing Body the terms and conditions of the CE's employment including any performance agreement measures and annual remuneration
2. Make appointments to Council-Controlled Organisations (CCOs), Council Organisations (COs) and exempt CCOs and COs
3. Approve policies relating to the appointment of directors and trustees to CCOs and COs.

Powers

All powers necessary to perform the committee's responsibilities.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where the committee's responsibility is limited to making a recommendation only
- (c) the power to establish sub-committees.

Membership:

Chairperson:	Mayor Phil Goff	
Deputy chairperson:	Cr Christine Fletcher	
Members (4):	Cr Chris Darby	Cr Penny Hulse
	Cr Richard Hills	Cr Desley Simpson
Ex officio:	Deputy mayor	

Quorum: 3

Frequency of meetings: Monthly

5.2 CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP COMMITTEE

Terms of reference (Delegations)

Responsibilities and powers

The Civil Defence Emergency Management Group Committee is a statutory committee required under S12(1) of the Civil Defence and Emergency Management Act 2002 (CDEM Act) and is responsible for:

- being Auckland's strategic forum for civil defence and emergency management planning and policy
- establishing an emergency management structure for the Auckland region
- developing, approving, implementing and monitoring the Auckland Civil Defence Emergency Management Group Plan
- developing, approving, implementing and monitoring other relevant strategies and policies relevant to the powers and functions of the Civil Defence and Emergency Management Group as identified in the CDEM Act
- performing the statutory functions of a civil defence emergency management group
- representing Auckland in the development of national emergency management policy including approving relevant policy and legislative submissions to external bodies
- engaging with Local Boards and local board portfolio holders on civil defence and emergency management issues.

The Civil Defence Emergency Management Group Committee will exercise the statutory powers outlined in the Civil Defence Emergency Management Act 2002 and the Auckland Civil Defence Emergency Management Group Plan. The Civil Defence Emergency Management Group Committee is authorised to approve use of the established emergency funding facility provided for emergency management.

Relevant legislation includes but is not limited to:

Civil Defence Emergency Management Act 2002; and
Hazardous Substances and New Organisms Act 1996.

Membership:

Chairperson:	Cr Sharon Stewart	
Deputy chairperson:	Cr John Watson	
Members (7):	Cr Ross Clow	Cr Dick Quax
	Cr Fa'anana Efeso Collins	Cr Sir John Walker
	Cr Richard Hills	
Ex officio:	Mayor	Deputy mayor
	All other councillors without voting rights	
IMSB appointees (s 85 (1)):		

Quorum: 3

Frequency of meetings: Quarterly

5.3 REGULATORY COMMITTEE

Terms of Reference (Delegations)

Responsibilities

The committee is responsible for regulatory hearings (required by relevant legislation) on behalf of the council. The committee is responsible for appointing independent commissioners to carry out the council's functions or delegating the appointment power (as set out in the committee's policy). The committee is responsible for regulatory policy and bylaws. Where the committee's powers are recommendatory, the committee or the appointee will provide recommendations to the relevant decision-maker.

The committee's key responsibilities include:

- Decision-making (including through a hearings process) under the Resource Management Act 1991 and related legislation
- hearing and determining objections under the Dog Control Act 1996
- decision-making under the Sale and Supply of Alcohol Act 2012
- hearing and determining matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002 (this cannot be sub-delegated)
- hearing and determining matters arising under bylaws
- receiving recommendations from officers and appointing independent hearings commissioners to a pool of commissioners who will be available to make decisions on matters as directed by the Regulatory Committee
- receiving recommendations from officers and deciding who should make a decision on any particular matter including who should sit as hearings commissioners in any particular hearing
- monitoring the performance of regulatory decision-making
- where decisions are appealed or where the committee decides that the council itself should appeal a decision, directing the conduct of any such appeals
- considering and making recommendations to the Governing Body regarding the regulatory and bylaw delegations (including to Local Boards)
- regulatory fees and charges
- recommend bylaws to Governing Body for consultation and adoption
- appointing hearings panels for bylaw matters
- review local board and Auckland water organisation proposed bylaws and recommend to Governing Body
- set regulatory policy and controls, including performing the delegations made by the Governing Body to the former Regulatory and Bylaws Committee, under resolution GB/2012/157 in relation to dogs and GB/2014/121 in relation to alcohol.
- engage with local boards on bylaw development and review
- adopting or amending a policy or policies and making any necessary sub-delegations relating to any of the above areas of responsibility to provide guidance and transparency to those involved.

Not all decisions under the Resource Management Act 1991 and other enactments require a hearing to be held and the term "decision-making" is used to encompass a range of decision-making processes including through a hearing. "Decision-making" includes, but is not limited to, decisions in relation to applications for resource consent, plan changes, notices of requirement, objections, existing use right certificates and certificates of compliance and also includes all necessary related decision-making.

In adopting a policy or policies and making any sub-delegations, the committee must ensure that it retains oversight of decision-making under the Resource Management Act 1991 and that it provides for councillors to be involved in decision-making in appropriate circumstances.

For the avoidance of doubt, these delegations confirm the existing delegations (contained in the chief executive's Delegations Register) to hearings commissioners and staff relating to decision-making under the RMA and other enactments mentioned below but limits those delegations by requiring them to be exercised as directed by the Regulatory Committee.

Relevant legislation includes but is not limited to:

All Bylaws
Biosecurity Act 1993
Building Act 2004
Dog Control Act 1996
Fencing of Swimming Pools Act 1987
Gambling Act 2003; Land Transport Act 1998
Health Act 1956
Local Government Act 1974
Local Government Act 2002
Local Government (Auckland Council Act) 2009
Resource Management Act 1991
Sale and Supply of Alcohol Act 2012
Waste Minimisation Act 2008
Maritime Transport Act 1994
Related Regulations

Powers

- (i) All powers necessary to perform the committee's responsibilities.
Except:
 - (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
 - (b) where the committee's responsibility is limited to making a recommendation only.
- (ii) Power to establish subcommittees.

Membership:

Chairperson:	Cr Linda Cooper	
Deputy chairperson:	Cr Wayne Walker	
Members (6):	Cr Fa'anana Efeso Collins	Cr Dick Quax
	Cr Richard Hills	Cr Sharon Stewart
	Cr Daniel Newman	Cr John Watson
Ex officio:	Mayor	Deputy mayor
IMSB appointees (s 85 (1)):		

Quorum: 5

Frequency of meetings: Monthly

6 JOINT COMMITTEES

6.1 AUCKLAND DOMAIN COMMITTEE

Terms of Reference

Background

The Auckland Domain is an important regional park and also has areas within it managed by the Waitemata Local Board. This committee is set up jointly by the Governing Body and Waitemata Local Board to co-ordinate decisions relating to the Domain.

Responsibilities

Decision-making responsibility for parks, recreation and community services and activities in Auckland Domain including those anticipated in the Auckland Domain Act 1987, which are the responsibility of the Governing Body or the Waitemata Local Board.

Powers

All powers of the Governing Body and Waitemata Local Board necessary to perform the committee's responsibilities including those powers conferred on Auckland Council pursuant to the Auckland Domain Act 1987.

Except:

- (a) powers that the Governing Body cannot delegate or has retained to itself (section 2)
- (b) where a matter is the responsibility of another committee or local board
- (c) the approval of expenditure that is not contained within approved budgets
- (d) the approval of expenditure of more than \$2 million
- (e) the approval of final policy
- (f) deciding significant matters for which there is high public interest and which are controversial.

Membership:

Chairperson:

(Appointed by Governing Body)

Deputy chairperson:

(Appointed by Waitemata Local Board)

Members:

Governing Body (2)

Waitemata Local Board (2)

Ex officio:

Mayor

Deputy mayor

IMSB appointees (s 85 (1)):

Quorum:

Half or majority (see 1.2 Quorum)

Frequency of meetings:

Quarterly or as determined by the committee

6.2 HAURAKI GULF FORUM

Terms of Reference

The Hauraki Gulf Forum is established under the Hauraki Gulf Marine Park Act 2000 with the following purpose, functions, powers and membership.

Purpose (*Hauraki Gulf Marine Park Act 2000, s 15*)

- Integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand.
- Facilitate communication, cooperation, and coordination on matters relating to the statutory functions of the constituent parties in relation of the Hauraki Gulf, its islands and catchments and the forum.
- Recognise the historic, traditional, cultural and spiritual relationship of tangata whenua with the Hauraki Gulf, its islands, and where appropriate, its catchments.

Functions (*Hauraki Gulf Marine Park Act 2000, s 17*)

- Prepare a list of strategic issues, determine a priority for action on each issue, and regularly review that list.
- Facilitate and encourage co-ordinated financial planning, where possible, by the constituent parties.
- Obtain, share, and monitor information on the state of the natural and physical resources.
- Receive reports on the completion and implementation of deeds of recognition.
- Require and receive reports from constituent parties on the development and implementation of policies and strategies to address the issues identified under paragraph (a).
- Receive reports from the tangata whenua of the Hauraki Gulf on the development and implementation of iwi management or development plans.
- Prepare and publish, once every 3 years, a report on the state of the environment in the Hauraki Gulf, including information on progress towards integrated management and responses to the issues identified in accordance with paragraph (a).
- Promote and advocate the integrated management and, where appropriate, the sustainable management of the Hauraki Gulf, its islands, and catchments.
- Encourage, share, co-ordinate where appropriate, and disseminate educational and promotional material.
- Liaise with, and receive reports from, persons and groups having an interest in the Hauraki Gulf and business and community interests to promote an interest in the purposes of the forum.
- Commission research into matters relating to the functions of the forum.

When carrying out its functions, the forum must have particular regard to the historic, traditional, cultural, and spiritual relationship of tangata whenua with the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.

Powers (*Hauraki Gulf Marine Park Act 2000, s 18*):

- consider issues related to its purpose
- receive reports from constituent parties
- make recommendations to constituent parties

- advise any person who requests the forum's advice
- commission or undertake those activities that are necessary to achieve its purpose.

The forum must not:

- appear before a court or tribunal other than as a witness if called by a party to proceedings
- take part in a decision-making process under any enactment other than to advise when requested to do so.

Joint committee (Hauraki Gulf Marine Park Act 2000, s 16)

“(2) The forum consists of the following representatives:

- 1 representative appointed by the Minister of Conservation:*
- 1 representative appointed by the Minister of Fisheries:*
- 1 representative appointed by the Minister of Maori Affairs:*
- 7 representatives appointed by the Auckland Council:*
- 1 representative appointed by each of the following local authorities:*
 - Hauraki District Council:*
 - Matamata-Piako District Council:*
 - Thames-Coromandel District Council:*
 - Waikato District Council:*
 - Waikato Regional Council:*
- 6 representatives of the tangata whenua of the Hauraki Gulf and its islands appointed by the Minister, after consultation with the tangata whenua and the Minister of Maori Affairs.*

(2A) The representatives appointed in accordance with subsection (2)(ca) must—

- be members of —*
 - the Auckland Council; or*
 - a local board of the Auckland Council elected in accordance with the Local Electoral Act 2001 and*
- include 1 member of each of the Great Barrier Island and Waiheke Island local board”*

Auckland Council representatives (5 + 1 alternate):

Members: Cr Chris Darby Cr Wayne Walker
Cr Richard Hills
Cr Mike Lee

Alternate:

Quorum: Half or majority (see 1.2 Quorum)

Frequency of meetings Quarterly or as determined by the forum

7 WORKING PARTIES

7.1 Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party

Reporting

The Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party is accountable to the Governing Body and reports its findings to the Governing Body.

Purpose

The Crown negotiates settlements with iwi on a confidential basis and from time to time invites Council to express its views.

The Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party will:

- Consider and make recommendations on the Council's position in relation to Te Tiriti o Waitangi / Treaty of Waitangi settlements and related matters
- Consider and make recommendations on matters relating to the establishment and on-going implementation of co-managements and other governance arrangements
- Liaise with local boards in whose areas Te Tiriti o Waitangi / Treaty of Waitangi settlement arrangements are being implemented, or being considered
- Liaise with Mana Whenua representatives
- Liaise with the Independent Maori Statutory Board
- Liaise with CCOs on Te Tiriti o Waitangi / Treaty of Waitangi settlement matters
- Liaise with relevant Mana Whenua and Iwi Authorities affected by each Treaty settlement

The Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working Party will have the discretion to invite Ward Councillors, CCO representatives and Local Board representatives of affected areas to participate in its deliberations.

Membership:

Chairperson:

Deputy

chairperson:

Members: Cr John Watson

Ex officio: Mayor Deputy mayor

Quorum: 3

Frequency of meetings: Bi-monthly (on the understanding a meeting will be cancelled if not needed and additional meetings will be called if required)

8 ADVISORY PANELS

Chief liaison councillor: Cr Cathy Casey

8.1 DEMOGRAPHIC PANELS – DISABILITY, ETHNIC PEOPLES, PACIFIC PEOPLES, SENIORS & YOUTH

[The demographic advisory panels are being considered by the mayor]

8.2 DISABILITY ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison: Cr Sharon Stewart

8.3 ETHNIC PEOPLES ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison: Cr Denise Lee

8.4 PACIFIC PEOPLES ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison: Cr Alf Filipaina

8.5 RAINBOW COMMUNITIES ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison: Cr Richard Hills

8.6 SENIORS ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison: Cr Linda Cooper

8.7 YOUTH ADVISORY PANEL

Membership:

Chairperson:

Deputy chairperson:

Members:

Councillor liaison:

Cr Fa'anana Efeso Collins

8.8 RURAL ADVISORY PANEL

Purpose:

To identify and communicate to the council the interest and preferences of the rural based industries and rural communities of Auckland in relation to:

- the content of the strategies, policies, plans, and bylaws of the council
- any matter that the panel considers to be of particular interest or concern to the rural based industries and rural communities of Auckland.

To advise the mayor and the council's Governing Body and local boards of the council processes and mechanisms for engagement with the rural-based industries and communities in Auckland.

To deliver recommendations for accelerating the social, economic, environmental and cultural performance of the rural part of the Auckland Council region.

Scope:

To provide a forum for consideration of issues affecting the rural part of the Auckland Council area and recommendations to the council including (but not limited to):

- driving economic growth
- food and fibre production and associated food and beverage processing (value adding) and equine based activities
- research and development support
- environmental resource issues including quarrying and aggregate production
- ecological, landscape and coastal values
- service delivery
- rural infrastructure, including transport
- biosecurity
- amenities and open space
- transport
- rating.

Membership:

Membership includes one councillor as chair of the panel.

The mayor may appoint the members of the panel in consultation with the chair and lead officer of the panel.

The total number of panel members must be no more than 21. The panel may have a maximum of five elected members to act as conduits to the governing body and local boards.

The membership criteria include expertise in a wide range of the rural sector. Rural Advisory Panel members must be the representatives of rural industries and organisations in Auckland. The members must be Auckland-based with required regional knowledge.

The new panel's term should end one month prior to the next local government elections in 2019. The membership of the panel may be rolled over for more than one electoral term of three years.

Membership:

Chairperson: Deputy Mayor Bill Cashmore
Deputy chairperson: Cr Greg Sayers

Members:

Frequency of meetings Two-monthly

8.9 AUCKLAND CITY CENTRE ADVISORY BOARD

Terms of reference

(Excerpt –full terms of reference available as a separate document)

1. These terms of reference set out the roles, responsibilities and working arrangements for the Auckland City Centre Advisory Board.
2. The board is a key advisory body, with no decision-making or autonomous budgetary authority.
3. The board will assist the Auckland Council, specifically the Governing Body and the Waitemata Local Board and Auckland Council Controlled Organisations to oversee and be a key advisor to the Auckland Council on achieving the vision and strategic outcomes of the Auckland Plan, the City Centre Masterplan, the expenditure of the city centre targeted rate and city centre issues.

Membership:

Includes one councillor and one local board member.

The board should include members who can provide expert advice on many areas including transport, landscape, environment and youth sectors. The membership includes a position for Mana Whenua. Representatives from CCOs may be board members without voting rights. The number of the board members should be between 16 and 21 at any time.

The new panel's term should end one month prior to the next local government elections in 2019. The membership of the panel may be rolled over for more than one electoral term of three years.

Governing Body members: Mayor Phil Goff Cr Mike Lee

Frequency of meetings Monthly

8.10 HERITAGE ADVISORY PANEL

Purpose

- Provide advice to the council in relation to:
 - the direction and content of strategies, policies and initiatives
 - any matter that the panel considers to be of particular interest or concern to the historic heritage of Auckland.
- To deliver advice for improving the promotion and management of historic heritage of the Auckland region.
- Advise Auckland Council on council processes and mechanisms for engagement with the historic heritage community, including owners of heritage buildings in Auckland.
- To recommend historic heritage expert membership and provide advice to the Auckland Urban Design Panel.

Scope

To provide a forum for the consideration of issues affecting historic heritage of the Auckland region and provide advice to the council.

Priorities

The priorities for the panel include:

- Historic Heritage Plan
- Issues relating to the Unitary Plan
- Council processes
- Input into the Auckland Urban Design Panel.

Membership:

Membership includes one councillor as chair of the panel.

The mayor will appoint the members in consultation with the chair and the lead officer of the panel. The total number of panel members must be no more than 16. The membership criteria include expertise in a wide range of the heritage sector. The members must be Auckland-based or reside in Auckland.

The new panel's term should end one month prior to the next local government elections in 2019. The membership of the panel may be rolled over for more than one electoral term of three years.

Chairperson: Cr Mike Lee

Deputy chairperson:

Members:

Frequency of meetings

Quarterly

9 AUCKLAND GOODWILL AMBASSADOR FOR WORLD MASTERS GAMES 2017

Ambassador: Cr Sir John Walker