
Inaugural Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Wednesday 9 November 2016 at 1:00pm.

PRESENT

Chairperson	Mayor A King
Members	Cr M Bunting Cr J Casson Cr M Gallagher Cr S Henry Cr D Macpherson Cr G Mallett Cr A O’Leary Cr R Pascoe Cr P Southgate Cr G Taylor Cr L Tooman Cr P Yeung
In Attendance	Richard Briggs – Chief Executive Sean Murray – Executive Director H3 & Events Kelvyn Eglinton – General Manager City Growth David Bryant – General Manager Corporate Blair Boycott – Executive Director Special Projects Lance Vervoort – General Manager Community Sean Hickey – General Manager Strategy & Communication Chris Allen – General Manager City Infrastructure
Governance Advisors	Lee-Ann Jordan, Becca Brooke, Emily Acraman

Swearing in Ceremony

The Official Party and Elected Members entered the meeting.

A Whakatau (welcome and blessing) was given by Hamilton City Council Kaumatua Tame Pokaia.

- **Introduction – Chief Executive**

The Chief Executive welcomed everyone to the meeting, acknowledging in particular, family and friends of the Mayor and Councillors, and the former Mayors and Freedom of the City holders who were present.

- **Swearing in of Mayor Andrew King**

Mayor Andrew King read and signed the Statutory Declaration required by the Local Government Act 2002, which was witnessed by the Chief Executive.

Former Mayor Julie Hardaker performed the ceremonial passing over of the Mayoral Chains.

Following his declaration, Mayor Andrew King addressed the meeting.

- **Swearing in of Councillors**

Councillors Gallagher, Bunting, Casson, Henry, Macpherson, Mallett, O’Leary, Pascoe, Southgate, Taylor, Tooman, and Yeung read and signed their Statutory Declarations, required by the Local Government Act 2002, which were witnessed by Mayor Andrew King. Following their declarations, each Councillor had an opportunity to address the meeting.

The Official Party, Elected Members and all in attendance stood to sing the National Anthem.

A prayer to close the ceremonial part of the meeting was led by Bishop Helen-Ann Hartley.

The meeting adjourned at 1.52pm for afternoon tea.

The meeting reconvened at 3.00pm in the Council Chamber.

A Blessing was given by Hamilton City Council Kaumatua Tame Pokaia.

Mayor Andrew King welcomed everyone to the Meeting.

- 1. Apologies**

There were no apologies

- 2. Confirmation of Agenda**

Resolved: (Crs Mallett/Tooman)

That the agenda be confirmed, noting that a public forum is now required.

- 3. Declarations of Interest**

There were no declarations of Interest.

4. Public Forum

Ms Deborah Fisher

Ms Fisher spoke to Item 7 – (Governance Structure for the 2016-2019 Triennium), in particular her concerns with the Co-Governance Forum between Waikato-Tainui and Hamilton City Council. Ms Fisher expressed the view that the positioning of the Co-Governance Forum at the top of the governance structure diagram conferred a preferential status on Waikato-Tainui and Tainui Group Holdings (TGH) that was not fair or appropriate. She stated that Waikato-Tainui did not represent all Maaori in the community and TGH was a commercial entity. Ms Fisher thought the inclusion of the Co-Governance Forum in the proposed governance structure would mean the interests of Waikato-Tainui and TGH would be favoured over and above the interests of other Maaori and community groups.

In response to Ms Fisher's concerns, the Chief Executive explained the establishment and purpose of the Joint Management Agreement between Waikato Tainui and Hamilton City Council, and the Co-Governance Forum. He also clarified that there were a number of ways in which Hamilton City Council engaged with iwi and hapu, and other Maaori and community groups within the city and region.

5. Explanation of Statutory Matters Affecting Elected Members

The report was taken as read.

Resolved: (Crs Bunting/O'Leary)

That the report be received.

6. Mayor's Report - Committee Structure and Appointments for 2016-19

Mayor King spoke to the report, noting the 2016-2019 Governance Structure was intended to be a more inclusive and transparent structure. He also indicated his intention to review the Governance Structure mid-triennium.

Mayor King appointed Cr Martin Gallagher as the Deputy Mayor, acknowledging his vast experience as an Elected Member.

Staff and Mayor King responded to questions from Elected Members concerning:

- **Discontinuation of Advisory Groups**

Concern was raised about the removal of Advisory Groups in the new structure as these Groups were seen as a valuable resource for community involvement in the previous triennium. It was explained that the new whole of Council committees had broader responsibilities to consider and determine matters within their terms of reference. In addition Task Force Groups would be set up by the appropriate committee when necessary to address particular matters and that they could include expert and external members. Mayor King had spoken personally to the Chairs of the previous Advisory Groups and noted they understood the decision to discontinue the groups and indicated their willingness to be in Task Force Groups if needed.

- **Recommendations to Council**

In response to questions about the ability of committees to determine matters and/or refer matters to other committees, it was noted that a principle of the new structure was to encourage a more inclusive approach to decision making through committees of the whole. Another principle was that, wherever possible, decisions would be made once not twice. This meant that the committees had broader delegations to consider and determine matters within their terms of reference that were not reserved for Council. The committees also had the ability to refer matters to other committees or Council if appropriate.

Resolved: (Mayor King/Cr Casson)

That Council:

- a) receive the report;
- b) approve the Mayor's committee structure and appointments as attached to this report; and
- c) agree that the first Council meeting take place at 9:30am, 30 November 2016 in the Council Chamber.

7. Governance Structure for the 2016-2019 Triennium

The report was taken as read. The following points were raised by Elected Members:

- **Policies and Plans Review**

Clarification was provided on the minor consequential changes required to governance policies and plans to ensure their alignment with the new Governance Structure. There were two policies which only required amended references to the names of committees. A number of other policies and plans would be reviewed by staff to ascertain the minor changes to names, reporting lines and references required to align to the new governance structure. Policies and plans that needed to be reviewed in more detail would come to the appropriate committee as a separate report.

- **Potential Overlap of Committee Responsibilities**

In response to a query regarding how matters that might align with more than one committee's terms of reference would be dealt with, it was noted that each committee would have an approved work programme. In addition the committee Chairs would meet regularly and would discuss any matters that overlapped committees. Occasionally some matters would need to be referred between committees or to Council for resolution.

- **Exclusion of Public Art Panel**

Some concerns were raised around the discontinuation of the Advisory Groups and in particular, the Public Art Panel. It was suggested that the involvement of all Elected Members in decisions about public art proposals, especially what constitutes good art, would create unnecessary barriers for philanthropic trusts such as MESH. The generous donations of art made to the community had been a direct result of the processes put in place over the last triennium and the good work of the Public Art Panel. Mayor King had advised that he had spoken to the Chairs of MESH Sculpture Hamilton and Theatre of the Impossible Charitable Trust (TOTI) about discontinuing the Public Art Panel and his view was that it would not be the Elected Member's role to comment on the quality of the art proposed, but it would be their role to ensure public art proposals were safe for the public, cost-effective for the ratepayer, and not obscene.

**** Item 7 (Governance Structure for the 2016-2019 Triennium – Attachment 1) would be available as Appendix 1 of Council minutes of 9 November 2016.*

Resolved: (Crs O'Leary/Tooman)

That Council:

- a) receive the report;
- b) approve the Governance Structure 2016-2019 attached to the staff report; and
- c) approve the updating of Council policies and plans with minor reference and name changes required to reflect the approved Governance Structure by February 2017.

8. Revised 2016/2017 Remuneration - Elected Members

The report was taken as read.

Resolved: (Crs O'Leary/Yeung)

That Council;

- a) receive the report;
- b) approve that the following amended remuneration for positions with additional responsibilities be submitted to the Remuneration Authority for their approval:
 - Deputy Mayor = base Councillor Salary of \$70,441 + 30% = \$91,573
 - Committee Chairs (x4) = base Councillor Salary of \$70,441 + 20% = \$84,529
 - Deputy Committee Chairs (x4) = base Councillor Salary of \$70,441 + 10% = \$77,485
- c) note that this would leave approximately \$35,222 unallocated that can be used during the 2016/17 financial year to remunerate additional responsibilities, subject to obtaining the Authority's prior approval.

The Meeting closed at 4.00pm.



Governance Structure

Terms of Reference and Delegations for Council, and Committees of Council

2016-19 Triennium

Adopted by Council on

9 November 2016

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Introduction

Governance Structure

This document sets out the Governance Structure by which Hamilton City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002 and is based on the following Governance principles:

1. To have as few governance levels as possible
2. The business of Council is transacted transparently and inclusively, whenever possible
3. Committees are Whole of Council (there are no sub-committees)
4. Decisions are made once, not twice
5. Committees are strategically aligned to Council's priorities
6. Delegations to Committees and the Chief Executive are optimised
7. All meetings of Council and its Committees observe family-friendly hours
8. The expectation of full attendance by Elected Members at Council, Finance, Growth and Infrastructure, and Community and Services Committee meetings
9. Task force groups or hearings panels are established as needed to address special or particular issues; these will report directly to Council or the relevant Committee

The Governance Structure for Hamilton City Council is adopted at the beginning of each triennium. It sets out in full the delegations to the Committees, including:

- **Common delegations**

There are a number of common delegations from Council to the following committees of the whole: Finance Committee, Growth and Infrastructure Committee, and Community and Services Committee. These common delegations are set out on page 9 and should be read in conjunction with the Terms of Reference for those committees.

- **Specific delegations**

There are specific delegations over and above the common delegations. These are set out for each Committee from page 12.

The Governance Structure may also be reviewed and amended as necessary throughout the triennium.

The Role of the Mayor

Section 41A of the Local Government Act 2009 confers a number of powers and responsibilities to the Mayor. The Mayor may:

- Define and promote a vision for the advancement of Hamilton and the people of Hamilton, and to provide leadership to achieve that vision
- Lead the development of council plans, policies and budgets (including the Annual Plan and Long Term Plan) for consideration by the Council
- Ensure effective engagement between the Council and the people of Hamilton
- Appoint the Deputy Mayor
- Establish committees of the governing body (Council) and appoint the chairperson for each of those committees

Ambiguity and Conflict

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

In the event of uncertainty or dispute as to which Committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

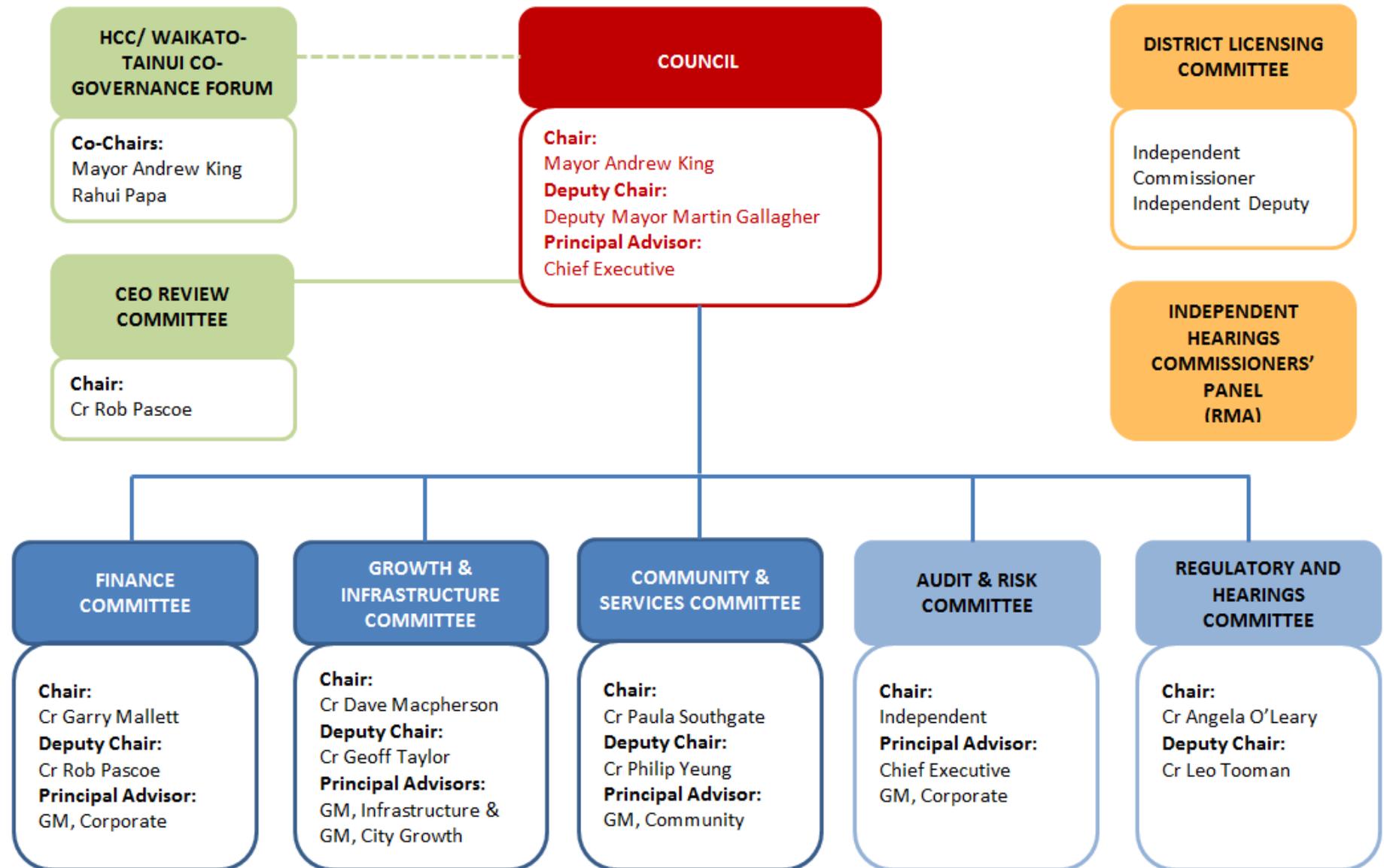
Interpretation

References to legislation in this Governance Structure include its amendments, re-enactments and substitutions, as well as any regulations made under that legislation.



Council and Committees of Council

Committee Structure and Appointments – 2016-2019



Council

Chairperson:	Mayor Andrew King
Deputy Chairperson:	Deputy Mayor Martin Gallagher
Membership:	The Mayor and all Councillors
Meeting frequency:	Monthly – or as required
Quorum:	A majority of members (including vacancies)

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - 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 or 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 Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.

- m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
 - e) Approval of the Triennial Agreement.
 - f) Approval of the local governance statement required under the Local Government Act 2002.
 - g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
 - h) Approval of any changes to the nature and delegations of the Committees.

Oversight of Policies:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

Common Delegations

The following delegations from Council are common to the Finance Committee, Growth and Infrastructure Committee, and Community and Services Committee, within their respective areas of responsibility.

General Principle

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

These Committees will:

Strategy, plans and policy

3. Develop and agree strategy, plans and policy for the purposes of consultation/engagement
4. Recommend to Council strategy, plans and policy for adoption
5. Monitor and review strategy, plans and policy

Bylaws

6. Develop and agree the statement of proposal for new or amended bylaws for consultation
7. Recommend to Council new or amended bylaws for adoption

Consultation and engagement

8. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders
9. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy
10. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide

Submissions and legislation

11. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters

Projects and programmes

12. Monitor and oversee strategic projects and programmes
13. Monitor Council's Asset Management Plans
14. Approve an increase in the budget level for a strategic project or programme provided that the overall budget for the relevant activity area is met, i.e. savings are found within the same activity area resulting in a financially neutral impact (where this is not the case the Committee must recommend to the Finance Committee that additional funding is approved (outside the Annual Plan or Long Term Plan process))

Contracts

15. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
 - a. Do not require the approval of Council
 - b. Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation

Other

16. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the Committee for decision making
17. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers
18. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council
19. Establish Task Force groups or hearings panels and approve their terms of reference¹

¹ A template for establishing a Task Force Group or Hearings Panel is attached as Appendix A.

Finance Committee

Reports to:	The Council
Chairperson:	Cr Garry Mallett
Deputy Chairperson:	Cr Rob Pascoe
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly
Quorum:	A majority of members (including vacancies)

Purpose:

The Finance Committee is responsible for:

1. Monitoring Council's financial strategy, and financial performance against the Long Term Plan and Annual Plan.
2. Determining financial matters within its delegations and Terms of Reference and making recommendations to Council on financial matters outside its authority.
3. Guiding and monitoring Council's interests in its Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

In addition to the common delegations on page 9, the Finance Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To monitor Council's financial strategy, and performance against that strategy.
2. To approve deferred capital expenditure.
3. To develop and monitor policy related to the following matters:
 - a) financial management;
 - b) revenue generation;
 - c) procurement and tendering; and
 - d) the appointment and remuneration of directors of CCOs and COs.
4. To monitor the probity of processes relating to policies developed by the Finance Committee.
5. To provide clear direction to Council's CCOs and COs on Council's expectations, including feedback on draft statements of intent.
6. To receive six-monthly reports of Council's CCOs and COs, including on board performance.

7. To undertake any reviews of CCOs and agree CCO-proposed changes to their governance arrangements, except where reserved for Council's approval by Council.
8. To monitor Council's investments in the Municipal Endowment Fund and the Domain Endowment Fund.

The Committee is delegated the following powers to act:

- Approval of:
 - Appointments to, and removals from, CCO and CO boards; and
 - A mandate on Council's position in respect of remuneration proposals for CCO and CO board members to be presented at Annual General Meetings.
- Approval of letters of expectation for each CCO and CO.
- Approval of statements of intent for each CCO and CO.
- Approval of proposed major transactions of CCOs and COs.
- Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO or CO.
- Approval of Private Development Agreements recommended by the Growth and Infrastructure Committee.
- Approval of acquisition or sale or lease of properties owned by the Council, or owned by the Municipal Endowment Fund or the Domain Endowment Fund consistent with the Municipal Endowment Fund Investment Policy, for any endowment properties.
- Approval to write-off outstanding accounts greater than \$10,000 (in accordance with the Debtor Management Policy).

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

Oversight of Policies:

- *Appointment and Remuneration of Board Members of COs, CCOs and CCTOs Policy*
- *Freeholding of Council Endowment Land Policy*
- *Funding Needs Analysis Policy*
- *Investment and Liability Management Policy*
- *Municipal Endowment Fund Investment Policy*
- *Rates Remissions and Postponements Policy*
- *Rating Policy*
- *Revenue and Financing Policy*

Growth and Infrastructure Committee

Reports to:	The Council
Chairperson:	Cr Dave Macpherson
Deputy Chairperson:	Cr Geoff Taylor
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly
Quorum:	A majority of members (including vacancies)

Purpose

The Growth and Infrastructure Committee is responsible for:

1. Guiding sustainable physical development and growth of Hamilton to meet current and future needs, through oversight of land-use planning, and aligned provision of fit-for-purpose network infrastructure.
2. Governance of efficient, safe and sustainable roading and transport, three waters, and waste management that enables Hamilton's economy and adds to the liveability of the city.
3. Governance of Hamilton's economic agenda and investment development opportunities consistent with Council's vision for the city.

In addition to the common delegations on page 9, the Growth and Infrastructure Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To monitor and provide advice on the development and implementation of urban growth and development strategies, land use, and spatial plans in line with national policy requirements.
2. To provide direction on strategic priorities for core city infrastructure aligned to city development, and oversight of strategic projects associated with those activities.
3. To provide direction and monitor Council's approach to development contributions.
4. To assess proposals for Private Developer Agreements and, if appropriate, to recommend such agreements to the Finance Committee for approval.
5. To provide advice on the development and implementation of the 30 Year Infrastructure Plan.
6. To provide direction regarding Council's involvement in regional alliances, plans, initiatives and forums for spatial planning, joint infrastructure and shared services (for example, Future Proof, Regional Transport Committee).
7. To consider the impacts of land use and urban development on the environment.

8. To enhance Hamilton's economic position by promoting Hamilton as a business-friendly and business-enabled city and providing advice on strategic initiatives, plans, projects and potential major developments relating to economic and business development.
9. To provide clear direction on Council's strategic priorities to organisations and groups for which Council facilitates funding, aligned with these Terms of Reference, and to oversee those funding arrangements and receive their strategic and business plans and annual performance reports.

The Committee is delegated the following powers to act:

- Approval of purchase or disposal of land for network infrastructure, or parks and reserves for works and other purposes within this Committee's area of responsibility that exceeds the Chief Executive's delegation.
- Approval of Private Developer Agreements within the budget approved under the Long Term Plan.
- Approval of any proposal to stop any road, including hearing and considering any written objections on such matters.
- Approval of funding for Business Improvement District(s) and Hamilton and Waikato Tourism.

The Committee is delegated the following recommendatory powers:

- Adoption of the 30 Year Infrastructure Plan to Council.
- Approval of additional borrowing to Finance Committee.
- Approval of Private Developer Agreements for unfunded growth projects to Finance Committee.
- Approval of city boundary changes to Council.
- The Committee may make recommendations to Council and other Committees

Oversight of Policies

- *Business Improvement District (BID) Policy*
- *Connections and Charging Policy for Three Waters Policy*
- *Development Contributions Policy*
- *Earthquake-Prone, Dangerous & Insanitary Buildings Policy*
- *Growth Funding Policy*
- *Hamilton Gateways Policy*
- *Sale and Disposal of Council Land Policy*
- *Speed Management Policy*
- *Streetscape Beautification and Verge Maintenance Policy*

Community and Services Committee

Reports to:	The Council
Chairperson:	Cr Paula Southgate
Deputy Chairperson:	Cr Philip Yeung
Membership:	The Mayor and all Councillors
Meeting frequency:	Six weekly
Quorum:	A majority of members (including vacancies)

Purpose

The Community and Services Committee is responsible for:

1. Guiding and monitoring the provision of strategic community infrastructure and services to meet the current and future needs of the city and its communities.
2. Governance of recreational, event, and community facilities and amenities.
3. Facilitating community and stakeholder involvement and discussion on community infrastructure, community safety and community wellbeing matters.
4. Ensuring Hamilton is performing to the highest standard in the area of civil defence and emergency management.
5. Funding to benefit the social, cultural, arts and environmental wellbeing of communities in Hamilton.

In addition to the common delegations on page 9, the Community and Services Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To provide direction on strategic priorities and resourcing for community infrastructure aligned to city development and oversight of strategic projects associated with those activities.
2. To develop policy, approve community-related strategies and plans, and monitor their implementation.
3. To receive and consider presentations and reports from stakeholders, government departments, organisations and interest groups on community development and wellbeing issues and opportunities.
4. To monitor Hamilton's social demographics and social climate to assess current and future impacts on the Council and Hamilton communities.

5. To monitor the performance of Hamilton's civil defence and emergency management response against Council's requirements under the Civil Defence Emergency Management Act including:
 - a. implementation of Government requirements;
 - b. contractual service delivery arrangements with the Waikato Regional Group Emergency Management Office
9. To determine the funding priorities for the Community Grants Allocation Committees, in line with the Community Assistance Policy, Long Term Plan and Annual Plan.
10. To determine the priority of Council projects suitable for contestable and philanthropic funding, excluding NZTA funding.
11. To make decisions on event sponsorship applications in accordance with the Event Sponsorship Policy and within the approved budget, and monitor any grants made to external organisations under that policy.
12. To coordinate and make decisions on proposals, applications for external funding, and the distribution of Council funding and funding provided to Council for public art, recreational and community facilities and amenity.
13. To monitor and oversee the delivery of Council's non-financial performance and non-financial key projects, against the Long Term Plan.

The Committee is delegated the following powers to act:

- Approval of Reserve Management Plans.
- Performing the Council's functions, powers and duties (excluding those matters reserved to the Council by law, by resolution of the Council or as otherwise delegated by Council) under the Burial and Cremation Act and the Reserves Act.
- Approval of purchase or disposal of land for parks and reserves required for designated works or other purposes within the Committee's area of responsibility which exceeds the Chief Executive's delegations and is in accordance with the Annual Plan or Long Term Plan.
- Approval of applications for Council projects suitable for contestable and philanthropic funding.
- Approval or otherwise of event sponsorship applications in compliance with the Event Sponsorship Policy and approved budget.
- Approval of funding for recreational and community facilities and amenities in accordance with the Long Term Plan.
- Approval of public art proposals put forward by the community and/or Council in accordance with the Public Art Development Process and approved budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to other Committees.

Oversight of Policies:

- *Citizens Initiated Referenda Policy*
- *City Honours Policy*
- *Class 4 Gambling Venue Policy*
- *Community Assistance Policy*
- *Community Occupancy Policy*
- *Disability Policy*
- *Dog Control Policy*
- *Event Sponsorship Policy*
- *External Funding Applications Policy*
- *Hamilton City Smoke-Free Environment Policy*
- *International Relations Policy*
- *Naming of Roads, Open Spaces and Council Facilities Policy*
- *Provisional Local Alcohol Policy*
- *Psychoactive Substances (Local Approved Products) Policy*
- *Public Places Policy (cross-over with Finance Committee)*
- *TAB Board Venue Policy*

Audit and Risk Committee

Reports to:	The Council
Chairperson:	External appointee – Paul Connell
Membership:	External appointee – Tony Steel Mayor Andrew King Chairperson of the Finance Committee – Cr Garry Mallett Chairperson of the Growth and Infrastructure Committee – Cr Dave Macpherson Chairperson of the Community and Services Committee – Cr Paula Southgate Deputy Chairperson of the Finance Committee – Cr Rob Pascoe
Meeting frequency:	As required – no less than four times a year
Quorum:	Four members (including one external appointee)

Purpose:

The Audit and Risk Committee is responsible for:

1. Providing objective advice and recommendations to the governing body on the adequacy and functioning of the Council's risk management, control and governance frameworks and processes.
2. Ensuring Council fulfils its legal responsibilities.
3. Monitoring the Council's external and internal audit process.
4. Ensuring the independence and effectiveness of Council's Internal Audit processes.
5. Monitoring existing corporate policies and recommending new or amended policies to prevent and prohibit unethical, questionable or illegal activities.
6. Providing a communication link between management, internal auditors/external auditors and Council.
7. Supporting measures to improve management performance and internal controls.

The Committee is delegated the following Terms of Reference and powers:
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Terms of Reference:

External Audit

1. Engage with Council's external auditors regarding the external audit work programme and agree the proposed terms and arrangements of the external audit.
2. Recommend to Council the terms and arrangements for the external audit programme.

3. Review the effectiveness of the Annual Plan audit and 10 Year Plan audit.
4. Assess management response to audit reports and the extent to which external audit recommendations concerning internal accounting controls and other matters are implemented.

Internal Audit

5. In conjunction with the Chief Executive, agree the scope of the annual internal audit work programme.
6. Monitor the delivery of the internal audit work programme.
7. Assess whether Internal Audit's recommendations have been properly implemented by management.
8. Review the annual Internal Audit Plans to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

Other Matters

9. Review the effectiveness of the risk control environment established by management to safeguard Council's financial and non-financial assets, including the adequacy and appropriateness of insurance policies in place and management's actions to mitigate risks.
10. Review the effectiveness of the systems for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), Council's own standards, and best practice guidelines, including on health and safety.
11. Engage with internal and external auditors on any specific one-off audit assignments.
12. Conduct and monitor special investigations in accordance with Council policy and approved budget, including engaging expert assistance, on matters within its Terms of Reference.

The Committee is delegated the following recommendatory powers:

- The Committee has no decision-making powers.
- The Committee may make recommendations to the Council and/or the Chief Executive, as appropriate.

Special Notes:

- In fulfilling their role on the committee, members shall be impartial and independent at all times.
- Members are appointed for an initial term of no more than three years that aligns with the triennial elections, after which they may be eligible for extension or reappointment.
- Council appoints the external members of the committee; the terms of the appointment to be recorded in a contract. External member contracts are to be reviewed and assessed six (6) months after each triennial election.

- The Chief Executive and Internal Auditor are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.

Oversight of Policies:

- *Risk Management Policy*

CEO Review Committee

Reports to:	The Council
Chairperson:	Cr Rob Pascoe
Membership:	Mayor Andrew King Deputy Mayor Martin Gallagher Chairperson of the Finance Committee – Cr Garry Mallett Chairperson of the Growth and Infrastructure Committee – Cr Dave Macpherson Chairperson of the Community and Services Committee – Cr Paula Southgate
Meeting frequency:	As required
Quorum:	Four members

Purpose and Terms of Reference:

To review the Chief Executive’s performance and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive’s employment agreement.

The Committee is delegated the following recommendatory powers:

- The Committee has no decision-making powers.
- The Committee must make recommendations to Council on all matters relating to the employment of the Chief Executive, including performance measures and remuneration.

Special Notes:

- The Committee may request expert advice through the Governance Manager when necessary.

Regulatory and Hearings Committee

Reports to:	Council
Chairperson:	Cr Angela O’Leary
Deputy Chairperson:	Cr Leo Tooman
Membership:	The Mayor and all Councillors (The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson)
Meeting frequency:	As required
Quorum:	Three members

Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council’s quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate Task Force groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:
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Terms of Reference:

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
4. Consider and determine changes to the registers and parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
5. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.
7. To convene Task Force groups and carry out the terms of reference approved and referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to the Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

District Licensing Committee

- Reports to:** The Council
- Chairperson:** External appointee – Sara Brown
- Membership (external appointees):**
Patsi Davies
John Gower
Brett McEwan
Jennie McFarlane (Alternate Commissioner)
Tegan McIntyre (Alternate Commissioner)
- Meeting frequency:** As required
- Quorum:** Three members (with the exception of uncontested applications which can be considered by the Chairperson acting alone).
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Purpose

To administer the Council’s alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012 (‘the Act’)

Terms of Reference:

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 certain requirements
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)
6. With the leave of the chairperson of the Alcohol Regulatory and Licensing Authority (‘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
8. Other functions conferred on the District Licensing Committee by the Act or other legislation

The Committee is delegated the following powers to act:

- To make decisions on applications and renewals for licences and manager’s certificates in accordance with its terms of reference, the Act and other relevant legislation

The Committee is delegated the following delegatory powers:

- This Committee may make recommendations to Council

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary
- The licensing authority is the overarching national body set up to ensure that the Act is fairly applied

Independent Hearings Commissioners' Panel

Reports to: Council

Chairperson: As appropriate

Membership - with three sitting at any one time (including the Chairperson):

William Wasley
Simon Berry
Murray Kivell
Rebecca Macky
Russell De Luca
Richard Knott
Alan Withy
Alan Bickers
Mark Farnsworth
Loretta Lovell
Ann Hamilton
Any Hamilton City Councillor who is a Ministry for the Environment
accredited RMA Commissioner

Meeting frequency: As required

Purpose:

To undertake certain hearings under the Resource Management Act 1991 ('RMA'), unless otherwise reserved by full Council.

The Panel is delegated the following Terms of Reference and powers:
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Terms of Reference:

1. The power to hear and decide any of the following RMA matters:
 - a. application for a resource consent or change to conditions of resource consent;
 - b. notice of objection; or
 - c. notice of requirement to designate land and alter a designation; for a heritage order and alteration to a heritage order.
2. The power to exercise all procedural powers under the RMA relevant to the matter to be heard from the date selection being confirmed by the General Manager City Growth until the date the final decision is delivered by the hearings commissioner(s).
3. The power to select a hearings chairperson; and give the chairperson, if one is selected, a casting vote.

Special Notes:

- The General Manager City Growth is delegated authority to select the Hearings Commissioner/s from the appointed list to hear and decide RMA matters within the Terms of Reference.
- The Commissioners' decisions are reported to Council for information and District Plan effectiveness monitoring.



Appointments

Council Organisations and Council Controlled Organisations

Hamilton Properties Ltd

Reports to: Finance Committee
Membership: Chief Executive Officer

Local Authority Shared Services (LASS)

Reports to: Finance Committee
Membership: Chief Executive Officer

New Zealand Local Government Funding Agency (LGFA) Ltd

Reports to: Finance Committee
Membership: General Manager Corporate

New Zealand Local Government Insurance Corporation Ltd

Reports to: Finance Committee
Membership: No council Representation

Rototuna Indoor Recreation Centre Trust

Reports to: Community and Services Committee
Membership: Council may elect two representatives
Margaret Forsyth
Lance Vervoort, General Manager Community

Vibrant Hamilton Trust Inc

Reports to: Finance Committee
Membership: Thomas Gibbons (Chair)
Mayor Andrew King
Lynette Flowers
Malcolm Brooker
(Vacancy – to be appointed at a future meeting of Council)

Waikato Innovation Park Ltd & Innovation Waikato Ltd

Reports to: Finance Committee

Membership: No Council representation

Waikato Regional Airport Ltd

Reports to: Finance Committee

Membership: No Council Representation

Joint Organisations and Advisory Groups

Waikato-Tainui and Hamilton City Council Joint Management Agreement Governance Group

Reports to: Council

Membership: Mayor Andrew King
Deputy Mayor Martin Gallagher
Chair of Finance Committee – Cr Garry Mallett
Chair of Community and Services Committee – Cr Paula Southgate
Cr James Casson

Hamilton Public Transport Joint Committee

Reports to: Growth and Infrastructure Committee

Membership: Chair of Growth and Infrastructure Committee – Cr Dave Macpherson
Cr Leo Tooman

Waikato Regional Transport Committee

Reports to: Growth and Infrastructure Committee

Membership: Chair of Growth and Infrastructure Committee – Cr Dave Macpherson
Mayor Andrew King (first alternate)
Cr Leo Tooman (second alternate)

Waikato Region Civil Defence Emergency Management Group (Joint Committee)

Reports to: Community and Services Committee

Membership: Cr Leo Tooman
Cr James Casson (alternate)

Waikato Regional Council - Middle Waikato Sub-Committee (Project Watershed)

Reports to: Growth and Infrastructure Committee
Membership: Cr Paula Southgate
General Manager City Infrastructure (or nominee)

Waikato Plan Joint Committee

Reports to: Council
Membership: Mayor Andrew King
Deputy Mayor Martin Gallagher

Joint Hamilton Sub-Regional Growth Strategy Implementation Committee (Future Proof)

Reports to: Council
Membership: Mayor Andrew King
Chair of Growth and Infrastructure Committee – Cr Dave Macpherson

Waikato Water Study Governance Group

Reports to: Finance Committee
Membership: Mayor Andrew King
Chair of Finance Committee – Cr Garry Mallett
Chair of Growth and Infrastructure Committee – Cr Dave Macpherson

Lake Rotokauri Advisory Committee

Reports to: Community and Services Committee
Membership: Chair of Community and Services Committee – Cr Paula Southgate

People's Project

Reports to: Community and Services Committee
Membership: Cr Angela O'Leary

Single-year Community Grants Allocation Committee

Reports to: Community and Services Committee

Membership: Chair of Community and Services Committee – Cr Paula Southgate
Deputy Chair of Community and Services Committee – Cr Philip Yeung

Multi-year Community Grants Allocation Committee

Reports to: Community and Services Committee

Membership: Chair of Community and Services Committee – Cr Paula Southgate
Deputy Chair of Community and Services Committee – Cr Philip Yeung

University of Waikato Animal Ethics Committee

The Terms of Reference and Membership of this Committee can be found here:

http://www.waikato.ac.nz/_data/assets/pdf_file/0006/128454/CommitteeDirectory.pdf

Reports to: Community and Services Committee

Membership: Cr Mark Bunting

Sports Ambassador

Reports to: Community and Services

Membership: Cr Rob Pascoe

Traffic Institute of New Zealand (Trafinz)

Reports to: Growth and Infrastructure Committee

Membership: Cr Leo Tooman

Creative Communities Scheme Assessment Committee

Reports to: Community and Services Committee

Membership: Cr Siggie Henry
Cr Angela O’Leary

Schedule of Amendments to HCC Governance Structure 2016/19

Date	Section	Amendment/Addition/Deletion	Authorisation

Appendix A – Template for Establishing a Task Force group or Hearings Panel

Task Force Group/Hearings Panel – *Insert Name*

Chairperson:	
Elected Members:	
External Members:	
Support Staff¹:	
Date Established²:	
Reporting Back Date:	
Appointing Committee³:	
Purpose⁴:	
Terms of Reference⁵:	

Notes:

1. Support staff to include the General Manager (or Chief Executive) supporting the Task Force group/Hearings Panel.
2. Refer to the Council or Committee meeting date that established the Task Force group/Hearings Panel.
3. Identify the Committee (or Council) that established the Task Force group/Hearings Panel.
4. The Council/Committee resolution that established the Task Force group/Hearings Panel.
5. Detail the powers, duties and functions of the Task Force group/Hearings Panel. This is not to include any decision-making powers.