



Kaipara District Council

Committee Terms of Reference

2019-2022 Triennium



Kaipara te Oranganui • Two Oceans Two Harbours

Amendments

Date	Committee	Amendment
27/11/2019	Council	Adopted
11/03/2020	Harding Park Committee	Minister of Conservation appointed members
29/04/2020	Audit, Risk and Finance Committee	Additions made as recommended by the Committee in March 2020.
04/11/2020	Horizons Committee	Disestablished by Mayor 2 October 2020.
04/11/2020	Externally Funded Projects Committee	Established by Mayor 2 October 2020. Terms of Reference approved by Council 28 October 2020.
04/11/2020	Raupo Drainage Operations Working Group	Established as an advisory to the Raupo Drainage Committee 16 September 2020.
04/11/2020	Climate Change Joint Adaptation Committee	Established and Terms of Reference approved by Council 30 September 2020.
04/11/2020	District Licensing Committee	Amendments to Membership by Council August 2020.
26/11/2020	Audit, Risk and Finance Committee	Chair resigned November 2020

1 Governance Structure

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002. This document sets out the Terms of Reference for the committees of Kaipara District Council.

2 Role of Council

- Set the policy direction
- Monitor the Council's performance
- Represent the interests of Kaipara (all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the District)
- Employ the Chief Executive (under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

3 Role of the Mayor

- Provide leadership to councillors and the people of Kaipara
- Define and promote a vision for Kaipara, and 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 Council
- Ensure effective engagement between Council and the people of Kaipara
- Appoint the Deputy Mayor
- Establish the committee structure and appoint members and Chairs
- Be a member of all committees of Council.

4 Role of the Chief Executive

- Implement Council's decisions
- Provide advice to Council
- Ensure that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- Manage Council's activities effectively and efficiently
- Maintain systems to enable effective planning and accurate reporting of the Council's financial and service performance
- Provide leadership for Council's staff
- Employ Council's staff (including negotiation of the terms of employment for the staff).

5 Role of Committees

Council can delegate its powers to committees or any other subordinate decision-making body to act on its behalf. These responsibilities and delegations are set in each committee's terms of reference.

The following powers cannot be delegated (Clause 32(1)(a)-(h) of Schedule 7 of the Act):

- (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 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement
- (g) (Repealed)
- (h) the power to adopt a remuneration and employment policy.

6 Ambiguity and Conflict

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

7 Conduct

Committees shall conduct its affairs in accordance with legislation, including the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, the Local Authorities (Members Interest) Act 1968 and Kaipara District Council's Standing Orders and Code of Conduct.

8 Remuneration

Elected members will be reimbursed in accordance with the determination set by the Remuneration Authority under section 255(5) and clause 18 of Schedule 15 of the Local Government Act 2002 and Council's Elected Members Expenses Policy.

9 Communications

- The Committee Chair is the authorised spokesman for the Committee in all matters where the Committee has a particular interest
- Committee members, including the Chair, do not have delegated authority to speak to the media on behalf of Council on matters outside the Committee's interest
- Council's Governance Team will manage and support formal communications between the Committee and Council, and for the Committee in the exercise of its business.

10 Funding and budgets

Funding for the Committee will align with the Council's Annual and Long Term Plans.

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Audit, Risk and Finance Committee

Reports to:	Kaipara District Council
Chair:	Chair (external appointee)
Deputy Chair:	Councillor Peter Wethey
Membership:	Deputy Mayor Anna Curnow, Councillor Jonathan Larsen, Councillor David Wills and Councillor Eryn Wilson-Collins
Meeting frequency:	Quarterly
Quorum:	Three

Terms of Reference

Purpose

- To oversee risk management and internal controls, audit functions, financial and other external corporate reporting, and compliance with legislation
- To monitor Council's financial performance against the Long Term Plan and Annual Plan.

Responsibilities

Audit

- Agree on audit scope with management
- Input into audit scope to the external auditor
- Consider the audit management letter and take appropriate actions

Risk

- Ensure a comprehensive risk management framework is in place and operates effectively
- Identify and monitor risks associated with legislative and policy compliance
- Review effectiveness of risk management and internal control systems

Finance

- Review and recommend financial strategies and policies to Council
- Monitor Council's financial performance and recommend actions
- Monitor operating and capital expenditure programme
- Recommending the Annual Report financials to Council.

Delegations

- Make recommendations to Council
- All necessary powers to meet its responsibilities.

Awards and Grants Committee

Reports to:	Kaipara District Council
Chair:	Councillor Peter Wethey
Membership:	Councillor Victoria del la Varis-Woodcock, Councillor Karen Joyce-Paki and Councillor Mark Vincent <i>To be rotated in 2021 to: Deputy Mayor Anna Curnow, Councillor Jonathan Larsen, Councillor David Wills and Councillor Eryn Wilson-Collins</i>
Meeting frequency:	As required by Council policy
Quorum:	Three

Terms of Reference

Purpose

To allocate awards and grants in accordance with Council policy and legislation.

Responsibilities

- Assess nominations and applications according to Council policy
- Allocate awards and grants according to Council policy
- Monitor grants expenditure, Contracts for Service and Licenses to Occupy for compliance with Council policy, and report any concerns to Council
- Review and recommend awards and grants policies to Council.

Delegations

- Allocate awards and grants according to Council policy
- Make recommendations to Council on awards and grants policies.

Membership rotation

At the mid-point of the funding schedule for 2021 (middle year of the triennium), membership will rotate to the other ward councillor. The intention is for both sets of members to sit on roughly even numbers of grant and allocation meetings. The rotation date will depend on the adoption of the meeting calendar for the triennium, and the date will be decided as part of that process.

District Licensing Committee

Reports to:	Kaipara District Council
Chair:	Mark Farnsworth
Membership:	Gordon Lambeth, Grace Le Gros, Amy Munn, Murray Clearwater
Meeting frequency:	As required
Quorum:	Uncontested applications can be considered by the Chair alone. Where applications require a full hearing, three members are required for quorum

Terms of Reference

Purpose

To administer Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012.

Responsibilities

- Consider and determine applications for:
 - Licences and Manager's certificates
 - Temporary authority to carry out the sale and supply of alcohol
 - Variation, suspension or cancellation of licences
- Provide annual reports to Kaipara District Council and the Alcohol Regulatory and Licensing Authority on its functions as prescribed by legislation.

Delegations

Make decisions on applications and renewals according to the Sale and Supply of Alcohol Act 2012.

Membership review

List members are appointed by the Chief Executive on the recommendation of Kaipara District Council. The current appointees' terms expire in 2020. Other members can be appointed to the list at any time in accordance with the Act.

Remuneration

External members will be remuneration in accordance with s195 of the Sale and Supply of Alcohol Act 2012.

Externally Funded Projects Committee

Reports to:	Kaipara District Council
Chair:	Mayor Jason Smith
Membership:	All elected members (Committee of the Whole)
Meeting frequency:	Monthly (or as necessary)
Quorum:	Five

Terms of Reference

Purpose

This committee oversees, monitors and makes decisions regarding Council special projects (projects not included in the Long-Term Plan) that are externally funded (projects funded by external funding, not by ratepayers' funds) on behalf of the community.

Responsibilities

- To provide governance, financial oversight and decision-making over the overall management and performance of projects that are funded externally¹
- To assess any recommendations from projects and the operational steering group and make decisions as appropriate.

Delegations

- All powers necessary to perform the committee's responsibilities
- To make decisions on behalf of Kaipara District Council regarding externally funded projects
- For clarity, the Committee does not have:
 - The power to establish subcommittees
 - Powers the Council cannot delegate
 - Powers that are contrary to the funding agencies' agreements with Council

Harding Park Committee

Reports to:	Kaipara District Council
Chair:	Rex Nathan (Te Uri o Hau representative)
Membership:	Te Uri o Hau representatives Georgina Connelly and Willie Wright Council representatives Robert Harding, Councillor Karen Joyce-Paki and Councillor Peter Wethey
Meeting frequency:	Three times a year
Quorum:	Three, with at least one member to be an elected member

Terms of Reference

Purpose

To work alongside the Pou Tu o Te Rangi Joint Management Committee (as established by Te Uri o Hau Claims Settlement Act 2002 to govern the Pou Tu o Te Rangi pā site) to govern the Harding Park and Old Mount Wesley Cemetery Reserve areas.

Responsibilities

- Implement the Reserve Management Plan, and initiate a review of the Plan when appropriate (at least every 10 years)
- Provide input into the Annual Plan and Long Term Plan processes
- Provide input into policies, bylaws or other regulatory tools for the Reserve
- Advise on the financial governance of the Reserve
- Advise on agreements with external organisations for the use of the Reserve, including all leases and Licences to Occupy
- Advise on external funding sources and applications for the enhancement of the Reserve
- Monitor statutory compliance and report any issues to Council
- Monitor the Reserve's natural environment and report any issues to Council
- Meet as a combined committee with the Pou Tu o Te Rangi Joint Management Committee.

Delegations

- Approve the annual works programmes within the allocated budgets in the Annual Plan or Long Term Plan
- Make recommendations to Council.

Membership

- The membership of the Harding Park Committee will be the same as the members of the Pou Tu o Te Rangi Joint Management Committee. That is, three members nominated by Te Uri o Hau Settlement Trust and three nominated by Kaipara District Council, of which two must be Councillors, and appointed by the Minister of Conservation.
- The Chair of the Harding Park Committee will be the same as the Chair of the Pou Tu o Te Rangi Joint Management Committee and must be one of the Te Uri o Hau representatives.
- Membership will be reviewed after each triennial local body elections.

Joint Climate Change Adaptation Committee

Administrative Authority:	Northland Regional Council
KDC Representatives:	Mayor Jason Smith (primary), Councillor Eryn Wilson-Collins (alternate)
Meeting frequency:	Two times per year minimum
Quorum:	at least 50%

Terms of Reference

Committee established August 2020.

Background

Climate change poses significant risks to the environment and people of Te Taitokerau - local government has responsibilities in reducing the impact of climate change (adaptation). It is essential that councils, communities and iwi / hapū work collaboratively to ensure an effective, efficient and equitable response to the impacts of climate change. Work on adaptation has already started between council staff with the formation of the joint staff working group Climate Adaptation Te Taitokerau and the development of a Climate Change Adaptation Strategy for Taitokerau. The formation of a joint standing committee of the Far North, Kaipara and Whangarei district councils and Northland Regional Council elected council members and iwi / hapū is fundamental to ensuring these outcomes are achieved in a coordinated and collaborative way across Te Taitokerau.

Role and Responsibilities

- 1) Provide direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Taitokerau
- 2) Receive advice and provide direction and support to Climate Adaptation Te Taitokerau
- 3) Make recommendations to member councils to ensure a consistent regional approach is adopted to climate change adaptation activities
- 4) Act collectively as an advocate for climate change adaptation generally and within the individual bodies represented on the Committee
- 5) Ensure the bodies represented on the Committee are adequately informed of adaptation activity in Te Taitokerau and the rationale for these activities
- 6) Ensure the importance of and the rationale for climate change adaptation is communicated consistently within Te Taitokerau
- 7) Receive progress reports from Climate Adaptation Te Taitokerau

Membership

The Joint Climate Change Adaptation Committee (the committee) is a standing committee made up of elected members from the Far North, Kaipara and Whangarei district councils, the Northland Regional Council and representatives from Northland hapū and iwi.

The committee shall have eight members as follows:

One elected member from: Kaipara District Council
Far North District Council
Whangarei District Council

Iwi / hapū members: One representative from iwi / hapū nominated by each council from within their jurisdiction. Where possible, this nomination should follow recommendations from council Māori advisory groups or committees.

Each council shall also nominate one alternative elected member and one alternative iwi / hapū member who will have full speaking and voting rights when formally acting as the alternate.

Status

The Committee is a joint standing committee of council as provided for under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 and shall operate in accordance with the provisions of Clause 30A of that Act. The committee is an advisory body only and has no powers under the Local Government Act 2002 (or any other Act) other than those delegated by decision of all member councils. The joint standing committee shall operate under Northland Regional Council Standing Orders.

Committee Chair and deputy Chair

The Chair and Deputy Chair is to be elected from members at the first meeting of the committee

Quorum

At least 50% of members shall be present to form a quorum.

Meetings

The Committee shall meet a minimum of two times per annum.

Service of meetings

The Northland Regional Council will provide secretarial and administrative support to the joint committee.

Draft agendas are to be prepared by Climate Adaptation Te Taitokerau and approved by the Chair of the Committee prior to the Committee meeting.

Remuneration

Remuneration and / or reimbursement for costs incurred by council members is the responsibility of each council.

Respective iwi / hapū representatives will be remunerated and reimbursed by the nominating council in accordance with the non-elected members remuneration policy of that council.

Amendments

Any amendment to the Terms of Reference or other arrangements of the Committee shall be subject to approval by all member councils.

Kaipara Horizons Committee – disestablished

Reports to:	Kaipara District Council
Chair:	Mayor Jason Smith
Membership:	Deputy Mayor Anna Curnow, Councillor Karen Joyce-Paki and Councillor Mark Vincent
Meeting frequency:	Quarterly
Quorum:	Two

Terms of Reference

Disestablished

This committee was disestablished by the Mayor 2 October 2020.

Purpose

To bring forward a focus on long-term 'on the horizon' matters of scale for Kaipara District.

Responsibilities

- Advise on issues that may become significant in the future.

Delegations

- Make recommendations to Council.

Mangawhai Community Park Governance Committee

Reports to:	Kaipara District Council
Chair:	Deputy Mayor Anna Curnow
Membership:	Councillor del la Varis-Woodcock, Councillor Jonathan Larsen, Councillor Eryn Wilson-Collins, Maurice Langdon (community representative), Chair of the Friends of Mangawhai Community Park, and one Te Uri o Hau representative
Meeting frequency:	Three times a year
Quorum:	Four, with at least one member to be an elected member

Terms of Reference

Purpose

To govern Mangawhai Community Park in accordance with the Mangawhai Community Park Master Plan.

Responsibilities

- Implement the Mangawhai Community Park Master Plan, and initiate a review of the Plan when appropriate (at least every 10 years)
- Provide input into the Annual Plan and Long Term Plan processes
- Provide input into policies, bylaws or other regulatory tools for the Park
- Advise on the financial governance of the Park
- Advise on agreements with external organisations for the use of the Park, including all leases and Licences to Occupy
- Advise on external funding sources and applications for the enhancement of the Park
- Monitor statutory compliance and report any issues to Council
- Monitor the Park's natural environment and report any issues to Council.

Delegations

- Approve the annual works programmes within the allocated budgets in the Annual Plan or Long Term Plan
- Make recommendations to Council.

Membership

Four elected members, one community representative, Chair of Friends of Mangawhai Community Park and one Te Uri o Hau representative.

Raupo Drainage Committee

Reports to:	Kaipara District Council
Chair:	Ian Beattie
Membership:	Deputy Mayor Anna Curnow, David Hart, Greg Gent, Grace Le Gros, Brian Madsen, Ross McKinley and Councillor David Wills
Meeting frequency:	Three times a year
Quorum:	Four, with at least one member to be an elected member

Terms of Reference

Raupo Drainage Committee was established under the 1989 Reorganisation Order to govern the Raupo Drainage District. It is a co-governance committee between Council and ratepayers within that District.

Purpose

To govern the drainage, stopbanks and flood protection in the Raupo Drainage District.

Responsibilities

- Provide input into the Annual Plan and Long Term Plan processes
- Provide input into the Asset Management Plan
- Provide input into policies, bylaws or other regulatory tools for the Reserve
- Advise on the financial governance of the Drainage District
- Advise on agreements with external organisations for the use of the Drainage District's lands, including all leases and Licences to Occupy
- Monitor statutory compliance and report any issues to Council
- Monitor the Drainage District's environment (in regards to waters and drainage) and report any issues to Council
- Act as a contact point for land drainage issues to Drainage District ratepayers and residents and report any issues to Council.

Delegations

- Set the annual works programmes within the allocated budgets in the Annual Plan or Long Term Plan
- Make recommendations to Council.

Membership review

- Ratepayer representatives are elected prior to each triennial local body election
- If a vacancy occurs in the ratepayer representatives then the Committee can appoint an eligible ratepayer for the rest of the term.

Raupo Drainage Operations Working Group

Established by Raupo Drainage Committee 16 September 2020, with the following purposes, roles and limits:

- 1) Membership is made of the Members of the Raupo Drainage Committee (the "Committee").
- 2) It shall be a forum where feedback and advice can be provided to the Council staff member responsible for administering and co-ordination of the Raupo drainage area on maintenance matters under existing budgets.
- 3) It shall be a forum where feedback and advice can be provided to other Council officers on matters raised by them from time to time.
- 4) The Working Group can escalate matters to the Committee for discussion and consideration.
- 5) No quorum for meetings of the Working Group is required as it is an advisory body to the Committee only.
- 6) For clarity, the forum does not have delegated authority to make decisions.

Remuneration and Development Committee

Reports to:	Kaipara District Council
Chair:	Mayor Jason Smith
Membership:	Deputy Mayor Anna Curnow, Councillor Peter Wethey, Councillor David Wills and Councillor Eryn Wilson-Collins
Meeting frequency:	Quarterly
Quorum:	Three

Terms of Reference

Purpose

To oversee the Chief Executive's performance and to make recommendations on elected member training and development.

Responsibilities

- Agree with the Chief Executive the annual performance objectives
- Conduct the performance review required in the Chief Executive's employment agreement
- Represent Council in regard to any issues which may arise in respect to the Chief Executive's job description, performance objectives or other matters
- Oversee any recruitment and selection process for a Chief Executive and make recommendations to Council
- Oversee any development needs for Councillors and agree annual training plans to achieve these.

Delegations

- Make recommendations to Council
- Request expert advice to assist in any matters under consideration within allocated budget in the Annual Plan and Long Term Plan
- Determine training and development needs for elected members within allocated budget in the Annual Plan and Long Term Plan.

Taharoa Domain Governance Committee

Reports to:	Kaipara District Council
Chair:	Councillor Jonathan Larsen (to be rotated at the first meeting following 01 July 2020)
Membership:	Councillor Karen Joyce-Paki, one Te Roroa representative and one Te Kuihi representative
Meeting frequency:	Three times a year
Quorum:	Two, with at least one member to be an elected member

Terms of Reference

Purpose

To govern Taharoa Domain in accordance with the Kai Iwi Lakes (Taharoa Domain) Reserve Management Plan (RMP) and any legislative framework.

Responsibilities

- Implement the Reserve Management Plan, and initiate a review of the Plan when appropriate (at least every 10 years)
- Provide input into the Annual Plan and Long Term Plan processes
- Provide input into policies and bylaws or other regulatory tools for the Reserve
- Advise on the financial governance of the Reserve
- Advise on agreements with external organisations for the use of the Reserve, including all leases and Licences to Occupy
- Advise on external funding sources and applications for the enhancement of the Park
- Monitor statutory compliance and report any issues to Council
- Monitor the Reserve's natural environment and report any issues to Council.

Delegations

- Approve the annual works programmes within the allocated budgets in the Annual Plan or Long Term Plan
- Make recommendations to Council.

Membership

Two elected members, one Te Roroa representative and one Te Kuihi representative.

Chair

The Chair will rotate between the elected member appointed by the Mayor and iwi representative to be elected at the first meeting following 01 July each year.

