



**Kaipara District Council**

# **Committee Terms of Reference**

**2022 - 2025 Triennium**



*Kaipara te Oranganui • Two Oceans Two Harbours*

## Amendments

Date	Committee	Amendment
28 June 2023	Economic Development Committee	Note Councillor Mark Vincent 's resignation from this committee and change meeting quorum from four to three.
28 June 2023	Remuneration and Development Committee	Note Councillor Mark Vincent's resignation from this committee.

## **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 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.

## **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 their 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**

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Philip Jones (external appointee)
<b>Deputy Chair:</b>	Councillor Howard
<b>Membership:</b>	Councillor Larsen, Councillor Manderson, Councillor Nayyar, Councillor Wilson-Collins, Councillor Paniora
<b>Meeting frequency:</b>	Quarterly
<b>Quorum:</b>	Four

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### **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**

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Councillor Wilson-Collins
<b>Membership:</b>	Councillor Larsen, Councillor Williams, Councillor Howard, Councillor Vincent, Councillor Paniora
<b>Meeting frequency:</b>	As required by Council policy
<b>Quorum:</b>	Three

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### **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.

## **District Licensing Committee**

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

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### **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 membership is reviewed at the beginning of each new triennium. Other members can be appointed to the list at any time in accordance with the Act.

#### **Remuneration**

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



## Harding Park Committee

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Councillor Gordon Lambeth
<b>Membership:</b>	Councillor Ron Manderson, Councillor Ash Nayyar, Mr Rob Harding and Mr Henry Holyoake
<b>Meeting frequency:</b>	Three times a year
<b>Quorum:</b>	Three

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### Terms of Reference

#### Purpose

To provide advice on priorities for planning and policy development of the Harding Park and Old Mount Wesley Cemetery Reserve areas.

#### Responsibilities

- Continuously monitor and review the Reserve Management Plan. 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
- Liaise with the Pou Tu o Te Rangi Joint Management Committee on matters impacting on the Pou Tu o Te Rangi pā site
- Approve the annual works programmes within the allocated budgets in the Annual Plan or Long Term Plan
- Make recommendations to Council

## Joint Climate Change Adaptation Committee

<b>Administrative Authority:</b>	Northland Regional Council
<b>KDC Representatives:</b>	Mayor Jepson (alternate Councillor Manderson), Fiona Kemp, (alternate Snow Tane)
<b>Meeting frequency:</b>	Two times per year minimum
<b>Quorum:</b>	at least 50%

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### Terms of Reference

Committee established August 2020.

#### Background

Climate change poses significant risks to the environment and people of Northland- 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 Northland and the development of a Climate Change Adaptation Strategy for Northland. 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 Northland.

#### Role and Responsibilities

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

## **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  
    Northland Regional 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 Northland 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.

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.

## Mangawhai Community Park Governance Committee

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Councillor Howard
<b>Membership:</b>	Councillor Williams, Councillor Manderson, Daniel Hawes (community representative), Mary-Anne Boyd (Chair of Friends of Mangawhai Community Park), Philip Johnson (Māori representative)
<b>Meeting frequency:</b>	Three times a year
<b>Quorum:</b>	Four, with at least one member to be an elected member

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### Terms of Reference

#### Purpose

To provide advice on priorities for planning and policy development of the Mangawhai Community Park.

#### 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

Three councillors appointed by the Mayor, one community representative appointed by the Mayor, Chair of Friends of Mangawhai Community Park, one Māori representative appointed by the Mayor.

## Raupo Drainage Committee

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Ian Beattie
<b>Membership:</b>	David Hart, Greg Gent, Grace Le Gros, Brian Madsen, Ross McKinley, Councillor Vincent
<b>Meeting frequency:</b>	Three times a year
<b>Quorum:</b>	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 regard 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 programme 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-ordinating 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

<b>Reports to:</b>	Kaipara District Council
<b>Chair:</b>	Mayor Jepson
<b>Membership:</b>	Councillor Larsen, Councillor Williams, Councillor Howard, Councillor Manderson, Councillor Lambeth
<b>Meeting frequency:</b>	Quarterly
<b>Quorum:</b>	Three

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### Terms of Reference

#### Purpose

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

#### Responsibilities

- Agree the annual performance objectives with the Chief Executive
- 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 Vincent
Membership:	Councillor Nayyar, Councillor Williams, Councillor Paniora, Ric Parore, Sonny Nesbit
Meeting frequency:	Three times a year
Quorum:	Half of the membership, including at least one elected member

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### Terms of Reference

#### Purpose

To provide advice on priorities for planning and policy development of Taharoa Domain.

#### Responsibilities

- Monitor and review the Reserve Management Plan. 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

Three councillors appointed by the Mayor with one being the Chair, one Te Roroa representative appointed by the Mayor, one Te Kūihi representative appointed by the Mayor.

## **Economic Development Committee**

Reports to:	Kaipara District Council
Chair:	Councillor Larsen
Membership:	Councillor Howard, Councillor Lambeth, Councillor Manderson and Councillor Nayyar
Meeting frequency:	Two monthly
Quorum:	Three

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### **Terms of Reference**

#### **Purpose**

To provide strategic direction on enabling and promoting economic growth and prosperity in the Kaipara District.

#### **Responsibilities**

- Identify improvements to resource consent and building consent processes to remove regulatory hurdles
- Identify methods to enable growth through spatial planning and district planning process and content refinement
- Develop strategies to promote Kaipara as a destination to establish businesses and for new residents to move to.
- Discussion and investigation of improved roading maintenance and upgrading, and energy generation.
- Deliberate on sustainable long-term economic growth and increased employment
- Work alongside Northland Inc in regard to the economic strategy for the Kaipara
- Optimise external funding options to level economic growth
- Promote and support initiatives aimed at the district's economic drivers.

#### **Delegations**

To make recommendations to Council on matters considered by the Committee.

#### **Membership**

Northland Chamber of Commerce representative, Joint Regional Economic Development Committee members x 2, Regional Transport Committee member, and any other elected members appointed by the Mayor.