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Report 02.177

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Ted/CtteeReports

Report to Policy and Finance Committee
from Ted Maguire, Council Secretary

Review of Council and Committees' Terms of Reference and Membership

1. Purpose

For the Policy and Finance Committee to:

- (a) Consider Standing Committees' recommendations about their Terms of Reference.
- (b) Review the Terms of Reference for Council, the Policy and Finance Committee, the Policy and Finance Subcommittee, and Regional Land Transport Committee.
- (c) Recommend any proposed changes to the Terms of Reference to Council for its consideration.
- (d) Recommend that Council confirm nominations from territorial authorities and other organisations for appointment to the Transport Committees.
- (e) Consider WRC representation at WCC's Built and Natural Environmental and City Infrastructure Committees.

2. Background

- (1) The current Terms of Reference for Council and Standing Committees were adopted by Council on 4 July 2000. (Copy appended as **Attachment 1**).
- (2) On the basis of recommendations (Report 01.741) from the previous Council, the incoming Council, on 8 November, agreed to a number of changes to committee arrangements, and further, resolved:

"That the Committees' terms of reference be referred to the new standing committees for consideration and recommendation to the Policy and Finance Committee, including the mode of operation, function and name of the Policy and

Finance Committee, and that the Committee recommend consolidated terms of reference to the Council”.

- (3) There is provision for external representation on the Regional Land Transport Committee (mandatory) and the Passenger Transport Committee.

3. **Comment**

3.1 **Terms of Reference**

- (1) All Standing Committees have now reviewed their Terms of Reference and their recommendations are appended in **Attachment 2**.

In summary those recommendations are as follows:

Environment
(Report 01.834)

Concerning Membership –

- (a) Council has separately agreed that no further appointment of additional persons with Harbours’ expertise be made to the Committee.
- (b) The Committee also noted that new arrangements for civil defence would need to be reviewed when the new emergency management legislation is enacted.

Rural Services and Wairarapa
(Report 01.851)

No changes recommended

Landcare
(Report 01.847)

- (a) That Part (2) of the membership provisions be amended to read:
- “The Regional Conservator, Wellington Conservancy, Department of Conservation or his/her nominee, with speaking (but not voting) rights.”
- (b) That the Objectives of the Landcare Committee be amended as follows:
- “Objective 6A –
To promote sustainable environmental management by recommending policies on the provision, development, operation and management relating to flood protection in the Western part of the Region and the Regional Council’s parks and indigenous forests”.

“Objective 6B –

To promote sustainable environmental management by monitoring and advising the Council on the effectiveness and efficiency of the services and facilities relating to achievement of Objective 6A.”

- (c) That the reference to the Wellington Regional Council Rural Fire District in 6.1 be deleted.

Utility Services

(Report 01.845)

- (a) Para 7.1 (final bullet point) be amended to read:
- Plantation forest estates in the Western Part of the Region that are owned by the Wellington Regional Council or operated jointly with other authorities, organisations or individuals.
- (b) That consideration of Wellington City Council representation at meetings of the Utility Services Committee be held over pending further consideration, by the Policy and Finance Committee, of the question of relationships with other Councils.

Passenger Transport

(Report 02.148)

Revised terms of reference proposed
(**Attachment 3**)

(2) Other Terms of Reference Requiring Review

In addition to considering Standing Committees’ recommendations, the Policy and Finance Committee needs to consider the General Responsibilities of Standing Committees, its own Terms of Reference and also those of the Policy and Finance Subcommittee, the Regional Land Transport Committee and of Council.

(a) General Responsibilities of Standing Committees

The Landcare Committee suggested there should be wording to reflect the Landcare Committee’s responsibilities for advising and making recommendations on matters of joint interest with other Standing Committees as agreed from time to time or that are of joint interest to the Landcare Committee.

There is nothing to discourage or prevent joint action and from time to time specific reports are directed to more than one committee. These may be signed by staff from all affected divisions. It should be noted

however, that the Policy and Finance Committee has a defined role considering matters which affect functions or operations on more than one area of the Council's responsibilities (Objective 2D). In these cases, it can be helpful to have recommendations from the Standing Committees involved, though sometimes recommendations may conflict.

(b) Policy and Finance Subcommittee

The Subcommittee serves a particularly useful purpose when considering submissions on our Long Term Financial Strategy, Annual Plan and associated policies. The quorum is four Councillors including the Subcommittee Chairperson. (In the case of the Policy and Finance Committee, the quorum is seven Councillors.)

The Subcommittee also provides a forum for scrutiny of budgets/plans for corporate support responsibilities for recommendation to the full Policy and Finance Committee in the same way as all Standing Committees do for their areas of responsibility.

No changes in the approach or Terms of Reference of this Subcommittee are proposed.

(c) Policy and Finance Committee

The Council has asked that the mode of operation and name of this special Committee be reviewed.

(i) Name

The Committee, a Committee of the whole Council, has a key role in recommending Council-wide strategy (e.g. in development of Council's Long Term Financial Strategy - to become the Long Term Council Community Plan under the new legislation). This strategic role is not fully reflected in its present name. The question has been asked as to whether or not it should be renamed as the Strategy Committee. Such a name change would not adequately reflect its other roles, e.g. in policy and financial matters. The simplest approach would be for it to be known as the Policy, Finance and Strategy Committee (PFS) as this would more clearly encapsulate its roles.

(ii) Mode of Operation

While some matters can only be dealt with in a meeting of Council, (e.g. special orders), others are more effectively considered in a less formal environment than Standing Orders allow at a Council meeting where Councillors may only speak once to a motion. These considerations can be approached in two ways:

- Suspension of Standing Orders during a Council meeting and going into a "Committee of the whole Council". In this connection, it should be noted that matters passed in "Committee of the whole Council" would require

confirmation by Council when Standing Orders are resumed and would be passed in virtually the same way as recommendations of our Policy and Finance Committee; or

- By having such meetings discussed within an “over view” committee in the first instance in a forum that is less formal than a meeting of the Council.

The Wellington Regional Council has traditionally followed the latter course through our Policy and Finance Committee. Unlike the policy or resource committees of many, (possibly most) Councils, our Policy and Finance Committee includes all Councillors and this has proved to be a convenient, inclusive, and practical method of dealing with such issues.

Policy and Finance Committee meetings are followed either by an Ordinary meeting of Council at which the usual range of business dealt with at an ordinary meeting is considered, including confirmation of matters dealt with by the Policy and Finance Committee or by a Special Meeting to confirm the business discussed at the Policy and Finance Committee.

The meetings of the Policy and Finance Committee have traditionally excluded a range of “procedural” items that are included in Order Papers for Standing Committees and for ordinary meetings of Council. The practice has worked well and I see no need for change.

An advantage of our process is that the proposals do not need to be debated in depth a second time at a Council Meeting. That does not preclude Councillors seeking to exercise their normal right to bring up specific questions (though this should not be necessary) to speak again or to vote against the Policy and Finance Committee’s recommendations or move amendments.

Views have also been expressed that having LTFS and Annual Plan matters discussed by a standing committee only serves to lengthen the budget cycle and give rise to unnecessary meetings and “patch protection”. The contrary view is that, involving standing committees in the budget process increases their ownership of the Plans. Certainly with the forthcoming major (three-yearly) review that will begin shortly much of the preliminary development including determination of overall priorities and desired outcomes, should move conveniently through the Policy and Finance Committee. But standing committees will have a key role in proposing specific measures to achieve those outcomes and the implementation of these measures.

In summary, our practice works well and, should continue. It is however, for Council to decide if any changes are warranted.

(d) **Regional Land Transport Committee**

The new Council agreed to significant changes concerning arrangements for this special Committee. Amended Terms of Reference reflecting those changes are attached for consideration **Attachment 4**.

As Council has agreed that this Committee should be a “special committee”, the suggested Terms of Reference have not been referred to the Regional Land Transport Committee for preliminary consideration as has been done with Standing Committees.

(f) **Council**

At this stage, no changes to the Terms of Reference for Council are proposed.

(g) **New Local Government Act**

Once this is enacted, it would be appropriate and probably necessary to again review Terms of Reference.

3.2 **Transport Committees Membership**

(1) **Passenger Transport Committee**

The recommended Terms of Reference provide for continued WCC representation with speaking, but not voting rights, at meetings of the Passenger Transport Committee. The WCC has now nominated Cr Andy Foster of that Council for this appointment.

(2) **Regional Land Transport Committee**

The recommended Terms of Reference for this Committee include, in addition to Regional Councillors, persons nominated by constituent territorial authorities and other organisations.

Nominations received are:

Territorial Authorities

Wellington City Council	Cr Ian Hutchings
Hutt City Council	Cr Joy Baird
Upper Hutt City Council	Cr Keith Barnard
Porirua City Council	Cr Robert Shaw
Kapiti Coast District Council	Cr Diane Brown
South Wairarapa District Council	Mayor John Read
Carterton District Council	Cr David Lowes
Masterton District Council	Cr Rod McKenzie

Other Organisations

Transfund New Zealand	Mr Ian Hunter
Transit New Zealand	Mr Brian Hasell
Land Transport Safety Authority	Mrs Demetra Kennedy
Police Commissioner	Inspector D Allo
Commercial road users	Mr Morrie Bognuda
Private road users	Mr Howard Royds
Public transport users/cyclists/ Pedestrians	See separate paper for recommendation
Wellington Regional Chamber of Commerce	Mr Philip Lewin

3.3 **Utility Services Committee Membership**

The question of City Council representation on the Utility Services Committee has yet to be resolved. As indicated in Report 01.845 to the Committee meeting on 7 December, circumstances have changed from the previous triennium when there was reciprocal representation at meetings of our Utility Services Committee and the WCC's (then) Transport and Infrastructure Committee.

Council had agreed:

“That consideration of City Council representation at meetings of the Utility Services Committee be held over pending further consideration, by the Policy and Finance Committee, of the question of relationships with other Councils.”

3.4 **WRC Representation on WCC Committees**

The Wellington City Council has invited an elected representative of the WRC to attend meetings, with speaking, but not voting rights, of its:

- Built and Natural Environment Committee
- City Infrastructure Committee

The Built and Natural Environment Committee considers issues associated with urban development; heritage; natural environment; transport policy; strategic property; and the District Plan. The City Infrastructure Committee oversees issues associated with roading; parking; water conservation; waste; solid and liquid; waste minimisation; asset management; and hazards/emergency management.

4. **Recommendations**

That the Policy and Finance Committee Recommend to Council that it:

- (1) *Adopt the recommended changes to Terms of Reference arising from Standing Committees' Recommendations.*
- (2) *Approve the updated Terms of Reference for the Regional Land Transport Committee.*

- (3) *Confirm the Terms of Reference for General Responsibilities of Standing Committees, the Policy and Finance Committee, the Policy and Finance Subcommittee Council.*
- (4) *Change the name of the Policy and Finance Committee to Policy, Finance and Strategy Committee.*
- (5) *Confirm the appointment of Wellington City Councillor, Andy Foster, as a member of the Passenger Transport Committee with speaking, but not voting, rights.*
- (6) *Confirm the appointment of persons nominated by other organisations for appointment to the Regional Land Transport Committee as set out in para 3.2(2) of this report.*
- (7) *Accept WCC's invitation to be represented at meetings of their Council's Built and Natural Environment City Infrastructure Committees and consider which Councillors should be the WRC representatives.*

TED MAGUIRE
Council Secretary

Attachment 1: Terms of Reference for Council and Standing Committees
Attachment 2: Standing Committees' Recommendations
Attachment 3: Passenger Transport Committee Terms of Reference
Attachment 4: Regional Land Transport Committee Terms of Reference