

### 3. GOVERNANCE ISSUES

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| <b>General Manager responsible:</b> | General Manager City Environment, DDI 941-8656 |
| <b>Officer responsible:</b>         | City Water & Waste Manager                     |
| <b>Author:</b>                      | Ian Thomson                                    |

#### PURPOSE OF REPORT

1. The purpose of this report is to bring to the attention of Committee members the need to ensure that all participating councils have properly adopted the Committee's Constituting Agreement, appointed their representatives and granted the appropriate delegations.
2. Resolutions that it is suggested should be made by the participating councils are also included.

#### BACKGROUND

3. In 2005, councils that were members of the Canterbury Joint Standing Committee and the Canterbury Waste Subcommittee resolved to replace them with a Canterbury Waste Joint Committee that included Canterbury Regional Council. A Constituting Agreement for the new committee was prepared and endorsed by all participating councils. The Committee came into effect on 1 July 2006.
4. Christchurch City Council has been advised that there are a number of issues that have arisen with regard to the establishment of the committee.
5. Firstly, clause 19 of the Constituting Agreement states that all delegations made by the participating councils to the Canterbury Waste Joint Committee are to record the functions, duties and powers that have been delegated in writing. The clause states that such delegations may set out:
  - (a) the extent to which each council may be bound in respect of those delegated functions, duties and powers that are delegated;
  - (b) the limit (if any) to which the Council can be committed to expenditure of funds in pursuance of those delegated functions, duties and powers; and
  - (c) the circumstances in which (if any) the council can withdraw those delegated functions, duties and powers in whole or in part.
6. Participating councils have resolved to endorse the Constituting Agreement and the document has been signed. However, it would appear that no resolutions have been made delegating functions, duties and powers specifically to the Canterbury Waste Joint Committee as required by clause 19. Christchurch City Council has been advised that delegations granted some years ago to the Canterbury Joint Standing Committee and its Canterbury Waste Subcommittee may not apply to the new committee formed with effect from 1 July 2006.
7. It is recommended that councils that are members of the Canterbury Waste Joint Committee resolve that the following delegations be made to the Canterbury Waste Joint Committee:
  - (a) All matters relating to the reduction of the volumes of solid waste sent for disposal, through regional waste minimisation initiatives identified by the Canterbury Waste Joint Committee, including but not limited to the allocation of the annual funding of the Joint Committee as set out in the Constituting Agreement.
  - (b) The delegations made to the Canterbury Joint Standing Committee and the Canterbury Waste Subcommittee be revoked with effect from 1 July 2006.
8. A further issue that has arisen is the appointment of representatives of the participating councils to the committee. It appears that some, but not all councils formally appointed representatives to the new committee and it is recommended that if this has not been done, then the appropriate resolution should be made. Again, resolutions appointing representatives to the previous standing committee and subcommittee are not sufficient to effect appointment to the Canterbury Waste Joint Committee.

9. Finally, councils have declared in the Constituting Agreement that they have each resolved that the Committee shall continue to function after a triennial election. Resolutions made in respect of the previous committees are no longer effective and therefore it is recommended that each council resolve as follows:

The Canterbury Waste Joint Committee is not discharged, nor are its delegations revoked following each triennial local election.

10. There is no certainty that by not taking the recommended steps decisions made by the Canterbury Waste Joint Committee can be successfully challenged. However, the advice given to Christchurch City Council is that there is a risk that an application for review may be successful and that it is prudent to ensure that any such risk is removed, if possible.

#### **STAFF RECOMMENDATION**

It is recommended that the councils that are members of the Canterbury Waste Joint Committee make the resolutions referred to in this report.