

## 6. ESTABLISHING A LEGISLATION SUBCOMMITTEE



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### PURPOSE OF REPORT

1. The purpose of the report is to seek approval to appoint a Legislation and Submissions Committee to approve and make submissions on behalf of Council, on proposed legislation strategies, policies and plans where they require political input.

### EXECUTIVE SUMMARY

2. From 1998 to 2004 the Council established a subcommittee of the former Strategy and Finance Committee. The subcommittee had delegated authority to:
  - approve submissions on proposed legislation;
  - review and make recommendations to the Council on changes to Standing Orders as necessary; and
  - provide instructions to staff on the contents of Local Bills promoted by the Council.
3. The number of meetings held each year varied as to the amount of legislation that required a Council submission but ranged from three to six meetings a year.
4. The Council has an active programme which involves making submissions on a variety of bills, Government reviews, policy statements and plans. Organisationally these are dealt with variously, as staff, organisational, and Council level submissions. The latter are identified as those where the Council has specific interest, the matter is of broad community significance, or the Council's "political" mandate is required.
5. A large number of bills, plans and reviews are processed by the organisation, often with very limited timeframes. This is generally caused by very short consultation periods often being adopted, and by the size of the legislative review programme of the government of the day. Having to meet Council policy regarding timeframes for agenda papers also complicates matters. Accordingly material is often presented to Council post submission date. In such circumstances Council is often frustrated by the lack of credible input it can have.
6. The establishment of a legislative committee (of Council) or as a subcommittee of Regulatory and Planning would provide a tool to overcome the most significant hurdle: time. It is envisaged that this committee could be given delegated powers to make submissions on behalf of Council. It would meet on an "as required" basis, and its effectiveness would be in its ability to meet at short notice, and to work with staff to develop a response for submission to the relevant authority.
7. The Committee would focus on those items which were considered to require a Council political mandate. There are a large number of reviews, discussion papers, and standards which the Chief Executive deals with on a regular basis. The decision to elevate matters for Council consideration is made by the Chief Executive in consultation with the Mayor.
8. The Committee would report its submissions to Council for information only, though it should have the opportunity to elect to send an item to the full Council for consideration if it felt there would be significant political issues associated with the matter, or if the Committee could not agree a position. However, it should be expected to do this only sparingly as this is likely to compromise the timeframes involved and would undermine the value of the committee if it was frequently referring matters to full Council.

### FINANCIAL IMPLICATIONS

9. As the Council has adopted a salary only model of remuneration meeting fees will not apply. Approval of the delegations sought will not result in any additional expenditure.

### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

10. Yes.

## **LEGAL CONSIDERATIONS**

11. A Council may appoint a Committee that it considers appropriate unless it is prohibited from doing so by the local authority. (clause 30 (2), 7<sup>th</sup> Schedule LGA 2002).
12. The quorum for any meeting of a committee is prescribed by clause 23 of the 7th Schedule.

This states that a committee quorum:

“(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and  
(ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority.”

### **Have you considered the legal implications of the issue under consideration?**

13. Yes, as above.

## **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Yes.

### **Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

15. Yes.

## **ALIGNMENT WITH STRATEGIES**

16. Yes.

### **Do the recommendations align with the Council's strategies?**

17. Yes.

## **CONSULTATION FULFILMENT**

18. N/A.

## **STAFF RECOMMENDATION**

It is recommended that the Planning and Regulatory Committee recommend to Council that it:

- (a) Establish a Legislation and Submissions Committee.
- (b) Delegate to the Committee the authority to make submissions on behalf of Council on proposed legislation, Government Reviews, Policy Statements, and the plans of adjoining territorial authorities. (Note this shall not apply to any Resource Management Act Plans; submissions on these are dealt with by the Planning and Regulatory Committee.)
- (c) That the Committee have the authority to refer any proposed submission to Council for its consideration and approval, where it considers the matter to be of particular significance, or where the Committee is unable to record a decision on the Council's position on any issue before it.
- (d) The Committee be established of six Councillors (to be named), plus a Chairperson (to be named).