

8. **APPOINTMENT OF COUNCIL COMMITTEES, COUNCIL HEARINGS PANEL, COUNCIL AND OFFICER SUB COMMITTEES AND BOARDS**

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PURPOSE OF REPORT

1. The purpose of this report is to appoint Council Committees, Councillor subcommittees and Officer subcommittees following the triennial election.

EXECUTIVE SUMMARY

2. Following a triennial election all Council committees, subcommittees, and other subordinate decision-making bodies of the preceding Council are deemed to be discharged on the coming into office of the new Council, unless the Council has previously resolved otherwise.
3. At the Council meeting on 7 November 2007, three Subcommittees (the District Plans Appeals Subcommittee, the Resources Management Officer Subcommittee and the Sale of Liquor Officer Subcommittee) and the Council Hearings Panel were appointed (the District Plan Appeals Subcommittee only until this meeting of Council), and delegations to those bodies were approved. The Council also appointed the LTCCP Working Party.
4. The Council also resolved at its November 2007 meeting that the Regulatory and Planning Committee be requested to review at its first meeting the delegations granted to the District Plan Appeals Subcommittee and the Resource Management Officer Subcommittee, particularly the delegation enabling the officers subcommittee to consider and make decisions on any resource consent which is not duly notified as does not require a hearing, under the Resource Management Act 1991. A report initiating this review will be placed before the first meeting of the Regulatory and Planning Committee in 2008.
5. At the 7 November 2007 meeting the Council left the decision on the chairperson and members of the Regulatory and Planning Committee to this meeting in December. The Council also resolved that the Chairperson of the Regulatory and Planning Committee should not receive any additional remuneration for that role.
6. This report also submits for consideration the terms of reference and delegations to the committees and subcommittees. These are the delegations as in the previous term of Council.
7. Delegations made by previous Councils to officers remain in force and do not have to be reconfirmed after the election of a new Council. The exception to this is an officer subcommittee. Those subcommittees, and the members, must also be reappointed as they have also been discharged following the election.
8. At a workshop held on Tuesday 4 December 2007 consideration was given to the subcommittees and working parties to be appointed by the Council for the 2007-2010 term.
9. The attached schedule of subcommittees and existing working parties together with the delegations for the District Plan Appeals Subcommittee, is based upon that discussion on 4 December 2007. Staff have included the Terms of Reference for those subcommittees/ working parties from the previous term.

FINANCIAL IMPLICATIONS

10. As the Council has adopted a salary only model of remuneration meeting fees will not apply
11. Approval of the delegations sought will not result in any additional expenditure. The Council is legally empowered to grant the subject delegations, pursuant to the relevant provisions of the legislation quoted in each case.

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

12. Yes

LEGAL CONSIDERATIONS

13. A Council may appoint committees, subcommittees other subordinate decision making bodies and joint committees (clause 30, 7th Schedule LGA 2002). The Council also has the power to appoint or discharge any member of a committee or a subcommittee (clause 31(1)).
14. A "committee", as defined in the LGA 2002, includes:
- (a) a committee comprising all the members of that local authority; and
 - (b) a standing committee or special committee appointed by that local authority; and
 - (c) a joint committee appointed under clause 30 of Schedule 7; and
 - (d) any subcommittee of a committee described in paragraph (a) or paragraph (b) or paragraph (c).
15. It appears from this definition that a subcommittee appointed directly by Council may not come within the definition of "committee".
16. 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."
17. This provision may not apply to subcommittees appointed directly by Council (because of the definition of "committee") but in any case the Council may wish to have a quorum greater than 2 members for some subcommittees. Council should therefore ensure that quorums for the various subcommittees are clear (under the previous Council, the quorums for some of the Councillor subcommittees were not specified in the terms of reference).
18. Clause 30(7) provides that on the coming into office of this Council all committees and subcommittees of the previous Council were deemed to be discharged. The intention of this provision is that at the commencement of each term, the Council should reconsider its governance structure, and review the need for the subordinate arrangements established by the previous Council and then resolve to appoint such subordinate decision making entities as it considers necessary and to delegate to them various powers.

DESCRIPTION OF ATTACHMENTS AND RESPECTIVE DELEGATIONS

19. Attachment A is a description of the Councillor Committees and Subcommittees and bodies which at the workshop on 4 December 2007 it was informally agreed should be approved by the Council and their respective terms of reference and delegations.
20. Attachment B is a description of the joint committees of the previous Council. A joint committee is a committee of this Council and another Council or other public body. This list does not include the Canterbury Regional Landfill Joint Committee and Canterbury Waste Joint Committee, because these joint committees do not need to be reappointed, or their delegations reconfirmed. Each local authority member of these committees has already resolved that they not be discharged under clause 30(7) and this has been recorded in the Constituting Agreement for each committee. However, it is necessary for the member Council's to reappoint members, as per clause 3 of the Constituting Agreement, following the triennial elections.

21. Attachment C is a description of the officer subcommittees, their delegations, members and quorums, that exercised powers of the previous Council. This list does not include the Resource Management Officer Subcommittee and the Sale of Liquor Officer Subcommittee, as they were appointed by Council at the meeting on 7 November 2007.

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

22. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. N/A.

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

24. Yes.

ALIGNMENT WITH STRATEGIES

25. Yes.

Do the recommendations align with the Council's strategies?

26. Yes.

CONSULTATION FULFILMENT

27. NA

STAFF RECOMMENDATION

It is recommended:

- (a) That Council, pursuant to Clause 30 of the Seventh Schedule of the Local Government Act 2002 appoint the Joint Committees, Committees, Sub-committees and Working Parties of the Council listed in Attachments A, B and C attached to this report, with the terms of reference and delegations as described in each case.
- (b) That the terms of reference and delegations for the Regulatory and Planning Committee and the LTCCP Working Party be tabled at the Council meeting on 13 December 2007.
- (c) That the members of the Council to be appointed to each of those Committee, subcommittees and working parties be tabled at the Council meeting on 13 December 2007.
- (d) That each subcommittee be delegated power to appoint its own chairperson (if not already appointed by the Council).
- (e) That pursuant to Clause 30(7) of the Seventh Schedule of the Local Government Act 2002 the Officer Subcommittees in Attachment C not be discharged upon the coming into office of the members of the Council following the triennial general election of those members in 2010.
- (f) That the Chairperson of the Regulatory and Planning Committee be appointed by the Council.