

9. APPOINTMENT OF COUNCIL COMMITTEES, COUNCIL HEARINGS PANEL, COUNCIL AND OFFICER SUB COMMITTEES

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PURPOSE OF REPORT

1. The purpose of this report is to recommend to the Council a governance structure of committees and subcommittees following the triennial election, and to delegate to those committees and subcommittees the necessary powers.

EXECUTIVE SUMMARY

2. At an informal gathering held on Thursday 1 November 2007 the Mayor and Councillors discussed an appropriate governance structure for the 2007-2010 term of the new Council. The part of this report recommending the establishment of a Regulatory and Planning Committee, and a Long Term Council Community Plan Working Party are based on views expressed at that gathering and are set out here for consideration and debate by the Council at its meeting on 7 November 2007.
3. This report also recommends the reappointment of the Council Hearings Panel, the District Plan Appeals Subcommittee (until the Council's December 2007 meeting), and the Resource Management Officer Subcommittee and the Sale of Liquor Officer Subcommittee to enable day to day business in these areas to continue.
4. A number of the subcommittees previously established by Council were comprised of officers only. Despite being comprised of officers they were subcommittees of the Council. Consequently they too were discharged upon the coming into office of this Council.
5. This report also addresses Council delegations to the Council Hearings Panel, the District Plan Appeals Subcommittee and the two officer subcommittees which are immediately necessary for ongoing business. These recommended delegations attached are the same as those made by the Council for the 2004-07 term and are necessary to enable day to day Council decision-making to carry on.
6. It is also recommended that the Council now use a new provision in the Local Government Act 2002, to pass the appropriate resolution so that the two officer subcommittees are not automatically discharged on the coming into office of the next Council following the 2010 triennial general election.
7. This report recommends Community Board delegations carry on until the Council's December meeting when the Council considers governance delegation issues.

FINANCIAL IMPLICATIONS

8. If the Council adopts a salary only model of remuneration then meeting fees will not apply to the committees and subcommittees referred to in this report.
9. Elected members who serve on the Council Hearings Panel will be reimbursed for resource consent hearings because this activity sits outside the "pool" for elected members' salaries. This is the only situation where an elected member can obtain remuneration from the Council outside the salaries paid from the pool.
10. Other types of hearings carried out by the Panels do not qualify for remuneration. Examples of these other types of hearings include dog control, use of reserves, and fencing of swimming pools.
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. Clause 30(1) of the 7th Schedule of the Local Government Act 2002 (“the Act”) authorises the Council to appoint committees, subcommittees, and joint committees with other local authorities or public bodies.

STAFF RECOMMENDATION

It is recommended that the Council resolve:

- (a) That pursuant to Clause 30(1) of the 7th Schedule of the Local Government Act 2002 the Council appoint the Council Committee and the Subcommittees listed in Attachments A, B and C to this report, with the terms of reference and delegations as described in each case.
- (b) That the members of these committees and subcommittees be:
 - (i) Council Hearings Panel: Mayor, all Councillors and all Community Board members
 - (ii) Regulatory and Planning Committee: to be decided by the Council
 - (iii) Long Term Council Community Plan Working Party: Mayor and all Councillors
 - (iv) District Plan Appeals Subcommittee: to be decided by the Council
 - (v) Resource Management Officer Subcommittee and Sale of Liquor Officer Subcommittee: officers listed in Appendix C.
- (c) That pursuant to Clause 30(7) of the 7th 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.
- (d) That the Council appoint the Chairperson of the Regulatory and Planning Committee.
- (e) That the Chairperson of the Regulatory and Planning Committee not receive any additional remuneration for that Chairperson role.
- (f) That the delegations to the Community Boards in the 2004-2007 term continue until the Council's December 2007 meeting when the Council will be able to assess delegations to its committees, subcommittees and the Community Boards.

BACKGROUND

14. At the informal gathering held by the Mayor and Councillors on Thursday 1 November 2007 there was discussion as to the appropriate governance structure for the Council for the 2007-2010 term.

There was a clear consensus by all present of the need to have a standing committee of the Council, called for the purposes of this report the "Regulatory and Planning Committee" to recognise the high degree of importance that the community and the Council places on achieving the right outcomes in the Council's town planning processes. The establishment of this committee is also to recognise the importance to the community of achieving the outcomes from the Urban Development Strategy.

The Council will need to give consideration to the membership of this Committee and the appointment of its Chairperson. There was a view at the informal gathering that there should not be any additional remuneration paid to the Chair of this Committee. Terms of reference/delegations for this Committee will be the subject of a separate report to the Council's December 2007 meeting.

There was also consensus on the need for a Long Term Council Community Plan Working Party to focus on the preparatory work necessary to prepare the 2009/19 Long Term Council Community Plan with particular emphasis on reviewing the existing level of service, the method of funding and also a focus on ensuring that the level of rates is maintained at being the lowest for a major city in New Zealand while being realistic for the citizens of Christchurch.

In addition to this Regulatory and Planning Committee and the LTCCP Working Party there was also discussion on whether or not to appoint more standing committees. On this question there was a range of views at the informal gathering and the majority view at the informal gathering clearly favoured the Council not establishing more standing committees, other than the standing committee and the working party referred to above.

Factors which lead to the majority view to support no more standing committees were:

- (a) the smaller size of Council now;
- (b) establishing up to five more standing committees will in fact not provide the flexibility to the Council referred to in the separate report regarding the Council's meeting timetable of enabling the Councillors to have time set aside for involvement in the community;
- (c) that having a smaller number of committees to which all Councillors were members meant that all had the same degree of knowledge on the wide range of issues that the Council must make decisions about;
- (d) the ability of the council to set up committees/subcommittees on an ad hoc basis to focus on specific topics or issues as they arise during the course of the Council's term.

It is noted that there is a divergence of views on this matter and that there are those Councillors who would seek to establish 2-5 standing committees. The majority view was that the meeting system proposed by the Council would achieve the same outcomes as with a publicly notified Council meeting at least every two to three weeks (depending on the number of weeks in a month). If there was a public concern on a particular matter which came to the Council's attention a matter could be deferred to enable further public input into the particular issue.

The staff recommendations attached to this report to establish a Regulatory and Planning Committee and a LTCCP Working Party reflect the majority view. The recommendations also include reference to the establishment of the Council's Hearings Panel to enable day to day resource management decision making to continue, and also includes the re-establishment of the District Plan Appeals Subcommittee.

One option for consideration by the Council is that the work of the District Plan Appeals Subcommittee could now be given to the Regulatory and Planning Committee formally. This report with Attachment B recommends that the Subcommittee be reappointed until the December meeting with Council to appoint membership on Wednesday 7 November. In the last term Councillors Wells, Sheriff and Broughton together with a Banks Peninsula Community Board Member were members of this subcommittee.

15. Attachment A details the Council's Hearings Panel (which legally is a standing committee of the Council) set up by the previous Council together with the delegations which that Council made to it. All elected members (both Councillors and Community Boards) are appointed to the Panels. The Panels pursuant, to their specific delegation, exercise decision making powers on behalf of the Council in regards to statutory issues. It is appropriate that the delegations for the Council Hearings Panels be re-established so that normal Council business of conducting hearings can continue. Only elected members who have been qualified can sit on the Panel for RMA purposes.
16. Attachment C is a description of the Resource Management Officer Subcommittee and the Sale of Liquor Officer Subcommittee that have been set up by the previous Council and the powers that were delegated to them by the Council.
17. It is recommended that in future to avoid the officer subcommittees in Attachment C being automatically discharged, upon the coming into office of the next Council following the triennial elections in 2010, that the Council now resolve they not be so discharged. This will enable those officer subcommittees to continue exercising their functions and delegations pending any review that the next Council may wish to undertake in relation to them.