

21. APPOINTMENT OF COMMITTEES/SUBCOMMITTEES AND MEETING ALLOWANCE FEES

Officer responsible Community Advocate, Burwood/Pegasus	Author Dennis Morgan
Corporate Plan Output: Public Accountability	

The purpose of this report is to provide the Board with guidelines for establishing committees, subcommittees and working parties. It also addresses the issue of payment of meeting fees.

At its meeting on 1 May the Board asked for a report on the payment of meeting fees for attendance at Board subcommittees and working parties. In the past, it has been the Board's practice that attendance at committees and subcommittees of the Board shall be paid and that members attending working party meetings will not be paid.

In addressing this issue, the Board will need to consider the relevant legislation, present Council policy and the Board's undertaking to the community as provided for in the Annual Plan and Community Plan.

LOCAL GOVERNMENT LEGISLATION

The Local Government Act 1974 sets out the procedures for appointing committees and subcommittees, delegation of responsibilities to committees and deciding on membership of committees. These procedures are the same for Community Boards as they are for local authorities (S101ZU).

Although working parties are not referred to in the legislation, this term is often used by the Board or the Council when forming groups which are intended to operate on a less formal basis than committees or subcommittees.

Working parties are usually convened to carry out more in-depth investigations of a project or issue and may include representatives from organisations outside the Council and/or staff.

However, because of the absence of any reference to working parties in the legislation, members cannot be paid meeting fees for attendance at working party meetings. If it is intended that members should be paid meeting fees, then it will instead be necessary to form either a committee or a subcommittee.

COUNCIL POLICY

The Council's policy on the appointment of subcommittees was adopted on 6 November 1995 and subsequently confirmed on 23 October 1996. This policy is to be considered by the Board when appointing Committees/Subcommittees:

1. *That all Standing Subcommittees be appointed by the Council.*
2. *That Subcommittees only be appointed in the following circumstances:*
 - (a) *The issue requires in-depth consideration or is too complex to be dealt with in a reasonable length of time at a Standing Committee meeting.*
 - (b) *Elected member consultation with other parties is necessary.*
 - (c) *To report direct to the Council, following a Standing Committee meeting on an urgent issue where additional information/consultation is required.*
 - (d) *To deal with urgent issues arising at short notice.*
3. *That Subcommittees, whenever practicable, meet on Standing Committee days or other days when meetings are scheduled.*
4. *That Subcommittees be limited, wherever practicable, to a maximum of three members, comprising the Chairperson or nominee and two other members.*
5. *That, where practicable, and where permitted by the relevant legislation, the Subcommittee be delegated power to determine the issue/s concerned.*
6. *That, with the exception of Standing Subcommittees:*
 - (a) *Other Subcommittees automatically go out of existence after three months, provided that Subcommittees will be permitted to continue in existence for a longer period should they need more time to complete their examination of the issue/s involved.*
 - (b) *Subcommittees appointed by Standing Committees in terms of 2(c) above to go out of existence immediately following the Council meeting.*

The Council also requested that in setting up a new Subcommittee the following questions be asked:

1. *Is the matter genuinely urgent? Could it be referred to the next regular meeting of the Standing Committee?*
2. *Would it be better to have an officer report to the Standing Committee instead of having a meeting of the Subcommittee?*
3. *Can the matter be delegated to, for example, the Chairman and an officer?*
4. *Can the matter be dealt with by circulating a recommended decision to Subcommittee members and asking for comment?*

PAYMENT OF DAILY MEETING ALLOWANCES

The question of what constitutes a “meeting” for the payment of daily meeting allowances was set out in a memorandum from the Council Secretary in December 1998 following the Council election.

“This was the subject of a ruling by the Controller and Auditor General in 1996, and an associated opinion by this Council’s Legal Services Manager. While the rules prescribed in these two documents for distinguishing between payable and non-payable meetings are too complicated to go into here, these basically divide meetings into the following categories:

1.1 Paid Meetings

- *Council meetings.*
- *Standing Committee meetings.*
- *Seminar meetings of Standing Committees or Community Boards.*
- *Meetings of formally appointed Subcommittees.*
- *Meetings of outside bodies, where the member is attending as the Council’s or Community Board’s formally appointed representative.*
- *Attendance at conferences such as the Local Government Conference where the member is attending as the Council’s or Community Board’s formally appointed representative.*

1.2 Unpaid Meetings and Similar Events

- *Tours of inspection.*
- *Training courses, presentations, briefing sessions and similar events.*
- *Agenda meetings.*
- *Meetings of residents’ groups.*
- *Civic functions.”*

In accordance with this ruling and the provisions of the legislation, meetings of formally appointed committees and subcommittees have been paid meetings, whereas payments have not been made for attendance at working parties, training courses, presentations, briefing sessions and similar events.

It will be up to the Board to decide if there is a need to convene a formal committee or subcommittee to address a particular issue, or if it is considered preferable that the issue be addressed instead by a working party. However, if the group is described as a working party then no meeting payments can be made.

If it is necessary to grant power to act, then such power will need to be delegated to a committee or subcommittee, rather than a working party.

COMMUNITY BOARD MEETINGS AND PROVISION IN THE ANNUAL PLAN

In adopting the Annual Plan the Council is giving an undertaking to the community that it will be carrying out specific projects or work as set out in the Annual Plan and budget.

Provision is made in the budget for payment of elected member meeting allowance fees. The provision is based on an assessment of the number of paid meetings expected to be convened in that year.

However there are many variables including: the number of significant issues which a Community Board will have to address during the year; number of committees and subcommittees convened; the number of members on these committees/subcommittees; when the meetings are held.

The Council Secretary, in response to a recent media request, advised that Community Boards had held the following number of paid and non-paid meetings during the year ended 31 March 2000:

Burwood/Pegasus	51
Fendalton/Waimairi	42
Hagley/Ferrymead	40
Shirley/Papanui	43
Riccarton/Wigram	61
Spreydon/Heathcote	34

During the period 1 July 1999 to 31 March 2000 the following payments were made:

	Year to Date	Budget for Full Year
Burwood/Pegasus	78,737	120,339
Fendalton/Waimairi	76,298	110,798
Hagley/Ferrymead	87,269	127,805
Shirley/Papanui	77,913	103,500
Riccarton/Wigram	100,084	125,505
Spreydon/Heathcote	73,490	124,075

The above figures are provided for information as for the reasons outlined above the payments made and the number of meetings may not relate to the time commitment of Board members.

If a Board considers that the provision for meeting allowance fees is not adequate or proves not to be adequate additional provision may be required in the following year's draft Annual Plan.

SUMMARY

The Board has sought advice on the Council's policy on the establishment of committees/subcommittees and working parties. It has also raised the issue of what constitutes a meeting for payment of the daily meeting allowance.

This report outlines the Council policy and issues to be considered when appointing a committee/subcommittee or working party.

Working parties convened by the Board have tended to be less formal than committees or subcommittees, and do not qualify for the payment of meeting allowances.

The Board must decide when addressing an issue if a committee/subcommittee or working party is required or if the matter may be resolved by other means.

- Recommendations:**
1. That the Board take note of Council policy when considering the appointment of a committee or subcommittee.
 2. That where more formal discussion or investigation is required a committee/subcommittee be convened with clear terms of reference.
 3. That the Board continue to convene working parties as necessary to investigate through presentations and briefing sessions issues which may arise.
 4. That the Board note that committee and subcommittee meetings will be paid meetings and that working parties will be non-paid.

- Chairperson's Recommendations:**
1. That the Board support recommendations 1 to 4 above.
 2. That any Subcommittees formed are for a defined period, and that particular attention is paid to the Council Policy points 2(d), 3 and 4.