

Mayor and Councillors
COUNCIL

11 NOVEMBER 2010

Meeting Status : Public

Purpose of Report: For Decision

GOVERNANCE STRUCTURE AND DELEGATIONS 2010-2013 TRIENNium

PURPOSE OF REPORT

- 1 This report seeks Council's adoption of a Governance Structure and associated delegations for the 2010-2013 Triennium, including:
 - Approval of a Committee and Subcommittee Structure;
 - Approval of terms of reference and delegations for Committees, Subcommittees, and Community Boards;
 - Appointment of Chairs and Deputy Chairs to each of the Standing Committees and Subcommittees.

SIGNIFICANCE OF DECISION

- 2 The Council's significance policy is not triggered by this report.

BACKGROUND

- 3 The Council of the previous triennium adopted a Committee structure and delegations presented in the form of a partnership framework with four key standing Committees and a number of subcommittees. This structure is put forward for Council's approval largely unchanged on the understanding that its effectiveness will be reviewed in six months.
- 4 Schedule 7, clause 30 enables Council to appoint committees, and subcommittees. The Council is authorised under Clause 32, Schedule 7 of the Act to delegate any of its powers except for a specific range:

"32. Delegations—(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

- (a) *the power to make a rate; or*
- (b) *the power to make a bylaw; or*
- (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan; or*
- (d) *the power to adopt a long-term council community plan, annual plan, or annual report; or*
- (e) *the power to appoint a chief executive; or*
- (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term council community plan or developed for the purpose of the local governance statement.*

CONSIDERATIONS

Issues

- 5 The recommended structure as at Appendix A aligns with the LTCCP framework.
- 6 It is understood Council wishes to review its governance structure before June 2011. Any changes at that time would be brought back to Council as amendments to the Governance Structure.
- 7 The draft document does not contain delegations for the grants subcommittees that featured in the last triennium. It is intended that the grants administration framework will be reviewed and brought back to Council for formal consideration early in 2011.
- 8 The proposed structure comprises Committees of the whole (ie where all Councillors sit on each Committee) with the exception of the new Appeals Committee. This has the advantage of all of Council being fully informed across the range of issues and decisions; the disadvantage is that it makes for a sometimes onerous workload.
- 9 Each Committee requires a Chair and Deputy Chair to be appointed. Under the Local Government Act 2002 (Schedule 7, clause 25) Council must determine by resolution that persons be elected or appointed as Chair and Deputy Chair of a Committee using one of the following systems of voting:

(a) **System A** – where the person to be elected or appointed receives the votes of a majority of members present and voting; and where:

There is a first round of voting for all candidates

If no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded;

If no candidate is successful in the second round there is a third, and if necessary subsequent round of voting from which each time the candidate with the fewest votes in the previous round is excluded

In any round of voting, if two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

(b) System B – which requires that a person is elected or appointed if he or she receives more votes than any other candidate; and

There is only 1 round of voting

If two or more candidates tie for the most votes, the tie is resolved by lot.

When an equality of votes needs to be resolved by lot the names of the candidates receiving an equal number of votes shall be placed in a container and the name of the person drawn out by an independent person shall be deemed to be elected.

Financial Considerations

10 There are no financial considerations.

Legal Considerations

11 There are no other legal considerations.

Delegation

12 Council has the authority under the Local Government Act 2002 to make these decisions.

Consultation

13 There are no consultation implications.

Policy Implications

14 The proposed structure has a clear relationship with the Community Outcomes and the LTCCP. They will also form part of the new Governance Statement which the Council is required to adopt by 10 April 2011 (a report on the Governance Statement will be provided at a future Council meeting).

Publicity Considerations

15 There is likely to be community interest in the Council's decision on this matter and a media release will be prepared.

RECOMMENDATIONS

- 16 That the Council of the 2010-2013 Triennium adopts the Governance Structure and Associated Delegations for Committees, Subcommittees and Community Boards as attached at Appendix A of report CCI-10-1032.
- 17 That the Council adopt System A or B as outlined in Schedule 7, clause 25 of the Local Government Act for the election of the Chairs and Deputy Chairs of its Committees for the 2010-2013 Triennium.
- 18 That the Council of the 2010-2013 Triennium confirms the Chairs and Deputy Chairs of the Standing Committees and Subcommittees as at Appendix B of report CCI-10-1032.

Report prepared by:

Approved for submission by:

Vyvien Maffey

Pat Dougherty

Democratic Services Team Leader

Chief Executive

Attachments

Appendix A Governance Structure and Associated Delegations for the 2010-2013 Triennium

Appendix B Appointment of Chairs to Standing Committees and Community Boards

APPENDIX B

Chairs and Deputy Chairs of Committees and Subcommittees 2010-2013

| Standing Committee Name | Committee Chair | Committee Deputy Chair |
|---------------------------------------|------------------------|-------------------------------|
| Environment and Community Development | Cr..... | Cr..... |
| Regulatory Management | Cr..... | Cr..... |
| Corporate Business | Cr..... | Cr..... |
| Chief Executive Performance Review | Mayor | Deputy Mayor |
| Appeals | Cr..... | Cr..... |

| Parent Committee | Subcommittee Name | Subcommittee Chair | Subcommittee Deputy Chair |
|------------------------------------|------------------------------------|---|----------------------------------|
| Corporate Business | Property Purchase | Mayor | Cr..... |
| Corporate Business | Campe Estate | Mayor | Cr Wooding |
| Corporate Business | Audit and Risk | Chair of the Corporate Business Committee | Cr..... |
| Chief Executive Performance Review | Chief Executive Performance Review | Mayor | Deputy Mayor |