



Napier City Council Governance Structure

Terms of Reference, Council and Committees of
Council Delegations

2022-2025

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INTRODUCTION

Purpose

This document sets out the Governance Structure by which Napier City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002, and is intended to sit alongside Council's Standing Orders.

The terms of reference and delegations in this document are intended to facilitate the most efficient and effective application of Council's functions and powers, and to ensure the business of Council is transacted transparently and inclusively, whenever possible.

Council Delegations

A delegation is the transfer of a responsibility, duty, function or power from Council to another Council decision-making body or to the Chief Executive, to a member, or to officers. It is the authority to make decisions under delegated authority on behalf of Council.

Council has many responsibilities, duties, functions and powers. These may be specifically prescribed by legislation or may come from Council's general power in section 12 of the Local Government Act 2002. In either case, the responsibilities, duties, functions and powers are usually conferred on the local authority itself (with a few exceptions, such as where a power is specifically given to a particular officer, such as an enforcement officer). However, much of Council's work cannot be done solely by full Council and many of Council's responsibilities, duties, functions and powers must be delegated to ensure Council services and decisions are delivered in an effective, efficient and timely manner.

This allows elected members sitting as Council to focus on strategic issues and the long term needs of the Napier area, while detailed consideration and decision making can be carried out by other Council decision-making bodies, and the implementation of those decisions and the operation or administration of services or functions can be carried out by officers.

Governance, Management and Operational Activities

The nature of local government activities rests on a division between governance activities and management activities. Governance activities are exercised by elected members sitting as Council, or as delegated to committees, sub-committees and subordinate decision-making bodies. The governance role includes (but is not limited to) setting the strategic and overall direction of Council, including supporting the Mayor in the development of the Long Term Plan, Annual Plan, and other planning documents as required by law, and the development of policy to achieve Council's goals.

The Chief Executive is responsible for management and operational activities. This includes (but is not limited to) providing advice to Council, its committees, sub-committees and subordinate decision-making bodies, to enable Council to carry out its governance role. The Chief Executive is also responsible for implementing the decisions of Council (as defined by the Long Term Plan or Annual Plan), its committees, sub-committees and subordinate decision-making bodies, as well as managing the administration, operations and service delivery of Council.

The Chief Executive is the sole employee of Council, and employs all other officers of the local

authority. For a local authority to work efficiently and effectively, it is vital that the Chief Executive can also delegate his or her responsibilities, duties, functions and powers to officers.

POWERS DELEGATED TO STANDING COMMITTEES

The mayor has the power to establish committees and appoint chairpersons of the committees.

- Council retains the right to also act in any matter where delegated authority applies; it does not part with the function, duty or power being delegated. Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.
- Any Committee may resolve to refer any matter to full Council with or without recommendation. A decision made by a committee under delegation from the Council has the same effect as if it were made by the Council itself.
- Each committee's powers are restricted to the areas of responsibility of that committee.
- Working groups or panels can be established as needed to address special or particular issues, and report directly to Council or the relevant committee. Working groups and panels have no decision-making powers.

Common Delegations

There are a number of common delegations from Council to the following standing committees of the whole: Napier People and Places Committee, Prosperous Napier Committee, Sustainable Napier Committee and Future Napier Committee. These common delegations are set out below and should be read in conjunction with the Terms of Reference for those committees.

General Principle

1. The work of the committees will be in accordance with the priorities and work programme agreed by the Council.
2. These committees have the powers necessary to perform the respective committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement (including a special consultative procedure) required on issues before the committee, in accordance with Council's Significance and Engagement Policy, the Local Government Act 2002 or other applicable legislation.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations; making determinations on such matters unless they are reserved for Council to decide.
4. Receive and consider valid petitions, and make any recommendations or decisions (within the committee's delegations) in relation to such petitions.

Submissions and legislation

1. Approve submissions to external bodies/organisations or Central Government on legislation or proposals that impact Napier City.

NOTE: The following process can be used in the event that a submission is not presented to the relevant committee prior to the due date for submission:

- a) The opportunity to give feedback on Council Officer's submissions will be given to

Elected Members as required.

- b) Officers will circulate the submission to the Elected Members for comment, providing at least 24 hours for the review of the submission.
- c) Where possible, a consensus of the Elected Members should be sought. If required, a majority view will prevail.
- d) Any submission approved via this process should be presented to the next relevant committee meeting for noting and public awareness.

Projects and programmes

1. Monitor and oversee strategic projects and programmes.
2. Monitor Council's Activity Management Plans.

Contracts

Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:

- a) Do not require the approval of Council; and
- b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

NOTE: The Chief Executive will present a quarterly report to the Council noting the contracts approved under their financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the committee for decision making.
2. Consider and make decisions on matters that fall within a committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers.
3. Commission new committee reports and work required to respond to significant or compliance issues, or to complete the agreed Council work programme.
4. Make recommendations to the Council or other committees (in relation to decisions that fall within their respective terms of reference).
5. Establish working groups or hearings panels and approve their terms of reference.

Ambiguity and Conflict

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

In the event of uncertainty or dispute as to which committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

COUNCIL

Terms of Reference - Council

<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

Purpose

The Council is responsible for:

1. Providing leadership to and advocacy on behalf of the people of Napier.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body¹:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body².
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.

¹ Schedule 7, clause 32. Local Government Act 2002.

² Schedule 7, clause 30A

11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.³

Delegated Power to Act

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) ⁷.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly⁸.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

3 Shop Trading Hours Act 1990, section 5D.

4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

STANDING COMMITTEES

Terms of Reference - Napier People and Places Committee

<i>Chairperson</i>	<i>Councillor McGrath</i>
<i>Deputy Chairperson</i>	<i>Councillor Boag</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi representatives (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Executive Director Community Services</i>

Purpose

To provide governance oversight for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation. The Committee adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. Community development, feedback and well-being in terms of Council's agreed City Vision principles
2. Community resilience and sustainability
3. Community Social and Cultural needs
4. Grants and community funding initiatives
5. Community projects and facilities
6. Community housing and associated wellbeing
7. Positive aging and youth accessibility
8. Events, tourism and visitor experiences
9. Sport and recreation
10. To consider reports from the Arts Advisory Panel, Community Services Grants Subcommittee, Creative Communities New Zealand, and any other arts, culture and heritage related organisations where Council is represented.
11. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.

12. To monitor performance (including budget and performance targets in the Long Term Plan) for the Committee's areas of responsibility and authority.
13. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities. This includes recommendations on fees and charges for activities within the Committee's responsibility and which are not otherwise delegated to officers.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

Terms of Reference – Prosperous Napier Committee

<i>Chairperson</i>	<i>Councillor Crown</i>
<i>Deputy Chairperson</i>	<i>Councillor Taylor</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi representatives (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Deputy Chief Executive / Executive Director Corporate Services</i>

Purpose

To provide governance oversight to the corporate business of the Council, monitor the Council's financial position and financial performance against the Long Term Plan and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To monitor the overall financial position of Council and its monthly performance against the Annual Plan and Long Term Plan.
2. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
3. To consider all matters relating to CCOs and COs, not reserved to Council, including to monitoring the overall performance of CCO's.
4. Provide governance to Council's property operations and consider related policy.
5. Consider applications for the sale of properties within the Leasehold Land Portfolio.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may recommend to Council and/or the Chief Executive any changes to the funding or rating system for the City, any variation to budgets that are outside the delegated powers of officers and the approval of Statements of Intent for CCOs and COs each year.

To bring to the attention of Council and/or the Chief Executive any matters that the Committee believes are of relevance to the consideration of the financial performance or the delivery of strategic outcomes of Council.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to any policy (including the Annual Plan or Long Term Plan) established by the Council.

Terms of Reference - Sustainable Napier Committee

<i>Chairperson</i>	<i>Councillor Price</i>
<i>Deputy Chairperson</i>	<i>Councillor Mawson</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Executive Director Infrastructure Services</i>

Purpose

To provide governance oversight of the asset management and operation of Council's infrastructure by making decisions on strategy, policy and levels of service in respect to:

- a) Transportation assets
- b) Three Waters
- c) Waste management and minimisation
- d) Building asset management
- e) Parks, reserves and sportsgrounds
- f) Cemeteries
- g) The inner harbour

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To review and adjust relevant work programme priorities within agreed budgets, activity management plans and levels of service as per Council's Long Term Plan.
2. To consider matters related to the management of Council's physical assets, and service related projects and facilities.
3. To oversee the management of all Council's physical assets.
4. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
5. To consider any reports from infrastructure related joint committees and business units.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

Terms of Reference - Future Napier Committee

<i>Chairperson</i>	<i>Deputy Mayor Brosnan</i>
<i>Deputy Chairperson</i>	<i>Councillor Chrystal</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Executive Director City Strategy</i>

Purpose

The purpose of this Committee is to provide governance to the town planning and regulatory functions of Council, including future planning and strategy.

Delegated Powers to Act

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. District and town planning and development.
2. Regulatory policy and functions of Council.
3. Environmental planning, policy and functions of Council.
4. Sustainable economic development.
5. Consider road stopping and approve the temporary closure of any road.
6. To monitor performance (including budget and performance targets in the Long Term Plan) for its area of responsibility and authority.
7. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
8. Ensure Council meetings all compliance requirements relating to its regulatory responsibilities.
9. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

Power to Recommend

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may recommend to Council that new or amended bylaws be adopted.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

SPECIALIST COMMITTEES

Ngā Mānukanuka o te Iwi (Māori Committee)

<i>Reports to:</i>	<i>Council</i>
<i>Chairperson</i>	<i>Kaumātua or Mana Whenua Representative</i>
<i>Deputy Chairperson</i>	<i>Elected Member</i>
<i>Membership</i>	<i>Mayor of Napier</i> <i>Chair of Future Napier Committee</i> <i>Chair of Sustainable Napier Committee</i> <i>Chair of Napier People & Places Committee</i> <i>Chair of Prosperous Napier Committee</i> <i>Petane Marae Representative</i> <i>Waiohiki Marae Representative</i> <i>Moteo Marae Representative</i> <i>Timikara Marae Representative</i> <i>Tangoio Marae Representative</i> <i>Wharerangi Marae Representative</i> <i>Pukemokimoki Marae Representative</i> <i>Mana Ahuriri Trust Representative</i> <i>Maungaharuru-Tangitū Trust Representative</i>
<i>Quorum</i>	<i>8 (to be made up of no less than 5 mana whenua representatives and 3 Councillors)</i>
<i>Meeting frequency</i>	<i>Quarterly</i>
<i>Officer responsible</i>	<i>Te Pou Whakarae</i>

Ngā Mānukanuka o te Iwi (Definition)

The anxiousness of people. The Committee deals with people and projects that strive towards their aspirations, and deal with all types of anxieties of deadlines, spreadsheets, correct data, research, all these elements they bring to the table as well as the knowledge or matauranga gained through the process.

Membership

- Mana whenua / tangata whenua representatives will be appointed by the entity.
- Elected Committee Members:
 - Mayor of Napier,
 - Chair of the Future Napier Committee,
 - Chair of the Sustainable Napier Committee,
 - Chair of the Napier People & Places Committee,
 - Chair of the Prosperous Napier Committee.

- The Council Kaumātua will be offered the Chair post at the start of the triennium. If the Kaumātua declines, the Chair will be elected from the mana whenua representatives appointed to the Committee.
- The Deputy Chair will be elected from the Elected Members of the Committee at the beginning of the triennium.

Moemoeā (Vision)

Whakataukī / Whakatauākī

The Ngā Mānukanuka o te Iwi Committee has been established by Council to continue the development of strategic and sustainable relationships with Ahuriri Māori. Council shall meet the intent and spirit of the Council's obligations set out in the legislation more particularly the obligations of the Local Government Act 2002;

- Towards establishing and maintaining processes that provide opportunities for Māori to contribute to the decision processes of Council.
- Fostering the development of Māori capacity to contribute to these processes.
- The provision of information to assist Māori contribution to Council's activities.

The Council wishes the Committee to reflect a spirit of partnership between the Council and Hapori Māori, to contribute effectively to the Council's activities. The Council will require the Committee to assist with the development of an integrated policy framework (based on Te Tiriti o Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Māori Communities.

Whaingā (Purpose)

The purpose of the Ngā Mānukanuka o te Iwi Committee is to:

- Advocate on behalf of Mana/Tangata whenua to local, regional and national bodies as appropriate. This is in addition to Council's responsibility to engage directly with Mana/Tangata whenua;
- Consider governance issues relating to Council obligations to tangata whenua;
- Investigate and report to the Council on any issues that the Ngā Mānukanuka o te Iwi Committee considers necessary that may have an implication for tangata whenua.
- To nominate from among its members representatives whom it considers appropriate for the Council to appoint as voting members on the:
 - Napier People and Places Committee
 - Prosperous Napier Committee
 - Sustainable Napier Committee
 - Future Napier Committee.
 - Audit and Risk Committee

Pou (Objectives)

1. Ensure that every decision in relation to Council activities takes into consideration the relationship to Māori culture and traditions (refer Local Government Act 2002 and Resource Management Act 1991)
 - a. Works with Council and officers to ensure appropriate and timely opportunities to contribute are consistently provided to the Committee, including through review and recommendations on formal reports, informal discussions at wānanga or working with officers at a project level

- b. Works with officers to ensure that clear appropriate processes are developed and implemented that facilitate the Committee being able to meet its mandate.
2. Raise and make recommendations to Council on matters of importance to the Māori residents of Ahuriri
3. Provide feedback to Council on ways that relationship and capability to engage on Council-related matters can be built with and within the Māori communities of Napier.
 - a. Works with Council and officers in developing Māori capacity to contribute to Council activities

Notes

As well as specific hui and wānanga of this Committee, members will be invited to attend Council workshops, standing committee meetings and Council meetings.

The Ngā Mānukanuka o te Iwi Committee can nominate independent advisors to the Committee as required. Advisors have no voting rights.

Hearings Committee – Terms of Reference

<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Deputy Chairperson</i>	<i>Councillor Hayley Browne</i>
<i>Membership</i>	<i>Mayor and 5 Councillors</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer Responsible</i>	<i>Executive Director City Strategy</i>

Role

To conduct fair and effective Hearings and make determinations on a range of the Council's quasi-judicial functions under legislation (and other matters as referred to the Committee), and to make decisions on the appointment of Commissioners (both elected members and Independent Commissioners) to hear and determine Applications under the Resource Management Act 1991.

Delegations

The Hearings Committee is granted responsibility and full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements. The Committee may decide to refer a matter to Council accompanied by recommendations where it deems the significance of the decision or its implications warrant it.

The Hearings Committee will hear and make determination on statutory and or regulatory matters under relevant legislation unless otherwise delegated by statute or Council, including (but without limitation):

1. District Plan:

- Hear and make determination on submissions and objections to the Napier City District Plan Review and any changes or variations proposed to that Plan.
 - The Committee may decide to refer the matter to Council accompanied by recommendations, in a situation where:
 - the District Plan will be significantly altered as a result of submissions,
 - any decision on the District Plan will have a significant impact outside the District Plan on other Council policies, particularly rating levels or fees and charges, and
 - the Council will need to consider making a variation or change to the District Plan.
2. Hear and make decisions on challenges to decisions made under delegated authority where legislation allows.
3. Hear and decide Objections under the Dog Control Act.
4. Hear and decide matters regarding drainage and works on private land under the Local Government Act 2002.
5. Hear and decide matters under the Resource Management Act, specifically:
- Hear and determine notified resource consent applications where a hearing is required;
 - Hear and decide any objections against certain decisions under s357 of the Act;

- Make decisions on the appointment of Commissioners (both Elected Members and Independent Commissioners) to hear and determine applications for Resource Consent in accordance with the guidance criteria in these terms of reference;
- Make recommendations as to where commissioner costs may fall at the time of appointment, having considered s36 of the Act.

GUIDANCE CRITERIA FOR DELEGATIONS TO AND APPOINTMENT OF COMMISSIONERS

Each member of the Hearings Committee that is responsible for Resource Management Act 1991 matters shall, if that member is accredited under this Act, be deemed for the purposes of this delegation to be a Hearings Commissioner.

Guidance for appointment of Commissioners

1. The Hearing Committee may appoint one or more Hearings Commissioners, or elected members, to a hearings panel, and may delegate in accordance with section 34A of this Act the functions, powers and duties of the Council, in determining any matter, to that individual or panel.
2. The assignment shall be made having considered the relevant legislative guidance in section 34A of The Act.
3. The assignment shall be made having considered the General Criteria for Appointment of independent Hearings Commissioner(s) below.
4. The assignment shall be made having considered the recommendation by the Chairperson and the Director City Strategy or her/his nominee, in particular the skillset required to hear and decide the specific hearing issue(s).
5. The Hearings Committee shall meet to hear the appointment recommendations, decide and appoint commissioners. The committee will formalise the delegation of powers and functions under the Act in a formal decision of the committee at this time.
6. When appointing consideration should be given to any elected members experience and competency in relation to the hearing matter and may choose to pair an elected member with an independent commissioner to build skills and experience.

General Criteria for Appointment of independent Hearings Commissioner(s)

One or more independent Hearings Commissioners shall be recommended to consider any matter or to exercise the functions, powers and duties of the Council under the Resource Management Act 1991 in accordance with section 34A of this Act, when one or more of the following applies:

1. The Council is the applicant.
2. The organisation (applicant) is one in which the Council has a significant and/or pecuniary interest.
3. The project (application) is one in which the Council has a significant and/or pecuniary interest.
4. A valid request has been made under the Resource Management Act 1991 for a Commissioner to hear and determine the matter.
5. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee the subject of the hearing is highly political and elected members' objectivity in hearing or determining the matter would be compromised due to previous political and community debate.

6. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the highly complex and technical nature of the issues to be addressed in the hearing requires specific expertise. (Care is needed in this regard, as technical issues should always be discussed at the hearing in a manner that is understandable to the layperson.)
7. In the view of either the Council or the Chairperson or Deputy Chairperson of the Hearings Committee, the Hearings Committee has insufficient resources and/or time to hear the matter in a timely manner.

Audit and Risk Committee – Terms of Reference

<i>Reports to:</i>	<i>Council</i>
<i>Chairperson</i>	<i>Bruce Robertson (External independent)</i>
<i>Deputy Chairperson</i>	<i>Councillor Crown</i>
<i>Membership</i>	<i>Mayor</i> <i>Chair of Prosperous Napier Committee</i> <i>Deputy Chair of Sustainable Napier Committee</i> <i>Deputy Chair Hearings Committee</i> <i>External independent appointee</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (1)</i> <i>Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.</i>
<i>Quorum</i>	<i>4 - One of which is an external appointee</i>
<i>Meeting frequency</i>	<i>At least quarterly and further as required</i>
<i>Officer Responsible</i>	<i>Deputy Chief Executive / Executive Director Corporate Services</i>

Role

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter (see version at time of adoption below).

Delegations

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter.

The Committee can make recommendations to Council or the Chief Executive as appropriate.

Audit and Risk Committee Charter			
Adopted By	Council		
Department	Corporate Services		
Original Adoption Date	18 September 2018	Review Adoption Date	27 April 2023
Next Review Deadline	31 March 2025	Document ID	325090
Relevant Legislation	Local Government Act 2002		
Policy Referenced	Code of Ethics		

Purpose

The purpose of the Audit and Risk Committee (the Committee) is to provide independent, objective assurance and assistance to the Napier City Council (the Council) in relation to governance, risk management, internal control and compliance frameworks, as well as external accountability responsibilities for both the Council and Council Controlled Organisations.

Authority

The Napier City Council, at its meeting on 2 November 2016, re-established the Audit and Risk Committee for the 2016-19 triennial. The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including the Chief Executive, the Executive Director of Corporate Services and the Chief Financial Officer at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

Composition and Tenure

The Committee will consist of seven members appointed by the Council. These must include the Mayor, the Chair of the Prosperous Napier Committee, the Deputy Chair of the Sustainable Napier Committee, the Deputy Chair of the Hearings Committee, and a representative from Ngā Mānukanuka o te Iwi. The Council will also select two independent members.

The Napier City Council will appoint the chairperson and deputy chairperson of the Committee. Members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, after a formal review of their performance.

Council representatives on the Committee will carry out their duties as outlined in the Charter, recognising the difference in the role of the Committee compared to Councillor community advocate.

The Chief Executive, the Director of Corporate Services and the Chief Financial Officer will not be members of the Committee but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one independent member of the Committee should have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment together with a strong background in infrastructure, corporate governance and risk.

Role and Responsibilities

The Committee has no executive powers and will conduct itself in accordance with the values and ethics of the Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for the management of the Council rests with the Chief Executive.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Napier City Council from time to time.

Risk Management

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of financial and business risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the effect of the relevant risk management framework on its control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review internal policies and controls in relation to preventing fraud, and satisfy itself that both the Council and Council Controlled Organisations have appropriate processes and systems in place to capture and effectively investigate fraud-related information and ensure appropriate action is taken against known perpetrators of fraud.

Health and Safety

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- review key risks in the areas of safety, occupational health and environmental issues.
- review management's approach to the maintenance and continual improvement of providing a safe working environment to ensure it is sound and effective.
- review compliance of relevant laws, regulations and operational policies and standards.
- review the establishment and tracking of measurable workplace health, safety and environment key targets.

Control Framework

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisers, is sound and effective;
- review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;
- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls;
- review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour; and
- review the internal Protected Disclosures Policy and related procedures to ensure that arrangements are in place by which staff may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters, and that there is proportionate and independent investigation of such matters and appropriate follow-up action.

External Accountability

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- review the financial statements and provide advice to the Council, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- satisfy itself that the financial statements are supported by appropriate management sign-off on the statements and the adequacy of the systems of internal controls;
- review the processes in place designed to ensure that financial information included in the Council's annual report is consistent with the signed financial statements;
- review the processes and risk assessment are in place for the development and adoption of the Council's Long Term Plan;
- satisfy itself that there are appropriate mechanisms in place to review and implement, where appropriate, relevant external audit reports and recommendations; and
- satisfy itself that there is a performance management framework that is linked to organisational objectives and outcomes.

Legislative Compliance

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- determine whether management has appropriately considered legal and compliance risks as part of a risk assessment and management arrangements; and

review the effectiveness of the system for monitoring compliance with relevant laws, regulations, and associated government policies.

Internal Audit

For both the Council and Council Controlled Organisations, the Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;

- review the internal audit coverage and annual work plan, ensure that the plan is based on the Council's risk management plan, and recommend approval of the plan on behalf of the Council;
- advise the Mayor and Chief Executive on the adequacy of resources to carry out the internal audit, including completion of the approved internal audit plan;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions;
- review all audit reports and provide advice to the Council on significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of good practice;
- monitor management's implementation of the internal auditor's recommendations;
- review the internal audit charter to ensure that appropriate organisational structures, authority, access, and reporting arrangements are in place;
- provide advice to the Council on the appointment of the Head of Internal Audit (in the case of an in-house internal audit function);
- recommend the appointment of the internal auditor;
- periodically review the performance and effectiveness of the internal auditor; and
- be satisfied that any dismissal of the Head of Internal Audit is based on proper and appropriate reasons, to safeguard the independence of the audit function.

External Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- provide input and feedback on the financial statements and the audit coverage proposed by the external auditor, and provide feedback on the audit services provided;
- review all external plans and reports for planned or completed audits and monitor management's implementation of audit recommendations;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions: and
- provide advice to the Council and Chief executive on action taken on significant issues raised in relevant external audit reports and good practice guides.

Governance

Responsibilities of Committee Members

Members of the Committee are expected to:

- express opinions frankly, ask questions that go to the core of the issue, and pursue independent lines of enquiry;
- provide the governance test and challenge to ensure there is organisational improvement and strong risk management processes;
- contribute the time needed to study and understand the papers provided; and
- apply good analytical skills, objectivity, and good judgment;

Reporting

The Committee will regularly, but at least once a year, report to the Council on its operation and activities during the year. The report should include:

- a summary of the work the Committee performed to fully discharge its responsibilities during the preceding year;
- a summary of the Council's progress in addressing the findings and recommendations made in internal and external audit reports, and the Auditor-General's reports (if applicable);
- an overall assessment of the Council's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes; and
- details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.

The Committee may, at any time, report to the Chief Executive or the Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive or the Council.

Administrative Arrangements

Meetings

The Committee will meet at least four times each year. A special meeting may be held to review the annual report.

From time to time additional meetings may be required to consider matters outside of normal meeting cycles.

The Chairperson is required to call a meeting if requested to do so by the Council, Chief Executive or another Committee member.

A meeting plan, including dates and agenda items, will be agreed upon by the Committee each year. The meeting plan will cover all of the Committee's responsibilities as detailed in this charter.

Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members including at least one independent member.

Meetings can be held in person, by telephone, or by video conference.

The Head of Internal Audit and external audit representatives will be invited to attend each meeting unless requested not to do so by the Chairperson of the Committee.

The Chief Executive may be invited to attend Committee meetings to participate in specific discussions or provide strategic briefings to the Committee. The Committee may also ask other employees to attend Committee meetings or participate for certain agenda items.

The Committee will meet separately with both the internal and external auditors at least once a year.

Secretariat

The Chief Executive will appoint a person to provide secretariat support to the Committee. The Secretariat will ensure that the agenda for each meeting and supporting papers are circulated, after approval from the Chairperson, at least two clear working days before the day of the meeting, and ensure that the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated within two weeks of the meeting to each member and Committee observers, as appropriate.

Conflicts of Interest

Once a year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee. Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately recorded in the minutes.

Where any member is deemed to have a real, or perceived, conflict of interest at a Committee meeting, it may be appropriate that they are excused from Committee deliberations on the issue where the conflict of interest exists.

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

Assessment Arrangements

The Chairperson of the Committee, in consultation with the Mayor, will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Mayor) with appropriate input sought from the Chief Executive, the internal and external auditors, management, and any other relevant stakeholders, as determined by the Mayor in discussion with the chairperson of the Committee.

Review of Charter

At least once every 2 years, the Committee will review this charter. This review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.

Procedure Review

The review timeframe of this charter will be no longer than every two years.

Document History

Version	Reviewer	Change Detail	Date
1	Chief Financial Officer	Initial publication	December 2016
2	Chief Financial Officer	Review process	August 2018
3	Chief Financial Officer	Republication (nb: version control issues)	September 2018
4	Accounting Manager	Review process and add in Health and Safety	March 2020
5	Chief Financial Officer	Review process, change to composition of committee, minor additions	June 2021
6	Accounting Manager	Review, include CCOs, include Protected Disclosure Policy	March 2023

Chief Executive Contract Committee – Terms Of Reference

<i>Reports to:</i>	<i>Council</i>
<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>Mayor and 4 Standing Committee Chairs</i> <i>This Committee has the power to co-opt members from the Council as the Chair determines necessary.</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer responsible</i>	<i>Manager Governance</i>

Role

To review the performance of the Chief Executive and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

Delegations

The Chief Executive Contract Committee has the responsibility and the authority to:

1. Establish a Success Agreement with the Chief Executive covering success factors for the year.
2. Agree annual performance objectives aligned to the Success Agreement with the Chief Executive.
3. Undertake a 6 monthly review of progress against the Success Agreement and associated annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
4. Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
5. Conduct and complete a review of employment under clause 35, Schedule 7, of the Local Government Act 2002, and make a recommendation to Council under clause 34, Schedule 7.
6. Under the annual remuneration review and make decisions regarding remuneration.
7. Act as Council's agent in all matters pertaining to the employment contract of the Chief Executive including any issues which may arise in respect of the job description, agreement, performance objectives or other similar matters.
8. Oversee any recruitment and selection process for a Chief Executive (a decision on appointment must by law be made by the Council), initiate any improvements to the employment contract, and undertake negotiations on Council's behalf.
9. To consider and propose to Council, training of the Chief Executive as necessary.

District Licensing Committee - Terms of Reference

<i>Chairperson</i>	<i>External Commissioner appointed by recruitment</i> <i>Stuart Hylton – as of 27 Feb 2020</i>
<i>Membership</i>	<i>List members 2019-2022: - as of 27 October 2021</i> <i>David Fellows</i> <i>Ross Pinkham</i> <i>Councillor Keith Price</i> <i>Councillor Graeme Taylor</i> <i>1 Vacancy</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer Responsible</i>	<i>Executive Director City Strategy</i>

Role

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012. The Act requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

Although the District Licensing Committee in Napier City is a committee of Council and receives Council administrative support, it primarily operates as a decision making body without the influence of Council.

An independent Commissioner chairs Napier City District Licensing Committee and the members are a mix of appointed councillors and suitably qualified lay-persons.

Delegations

The functions of the District Licensing Committee is specified by the Act⁹ and include:

1. Consider and determine applications for licences and manager's certificates,
2. Consider and determine applications for renewal of licences and manager's certificates,
3. Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
4. Consider and determine applications for the variation, suspension, or cancellation of special licences,
5. Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
6. with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,
7. Conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and
8. Any other functions conferred on licensing committees by or under this Act or any other enactment.

⁹ Section 187, Sale and Supply of Alcohol Act 2012.

The committee may make recommendations to Council.

Chair's delegation

When no objection to an application has been received (for a license, manager's certificate, or renewal of a license or manager's certificate), and no matters of opposition have been raised under section 103, 129 or 141, the Chair has the delegation to decide on the papers and issue decisions on such applications.

SUBCOMMITTEES and ADVISORY PANELS

Community Services Grants Subcommittee – Terms of Reference

<i>Reports to</i>	<i>Napier People and Places Committee</i>
<i>Chairperson</i>	<i>Councillor Maxine Boag</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>2 Councillors</i>
	<i>4 Community Representatives (external)</i>
<i>Quorum</i>	<i>3 Half the members (including vacancies)</i>
<i>Meeting frequency</i>	<i>Meeting frequency set annually</i>
<i>Officer Responsible</i>	<i>Executive Director Community Services</i>

Role

This sub-committee reports to the Napier People & Places Committee.

Delegations

1. To allocate grants in accordance with Council procedures.
2. To make recommendations to the Napier People and Places Committee to approve Grants.
3. To make recommendations to the Napier People and Places Committee on adding performance criteria and conditions on grants.

Remuneration:

Community representatives are paid \$400 per meeting.

Arts Advisory Panel - Terms of Reference

(Adopted by Council 12 October 2023)

<i>Reports to</i>	<i>Napier People and Places Committee</i>
<i>Chairperson</i>	<i>Councillor Ronda Chrystal</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>2 Councillors</i> <i>External Membership</i> <i>1 member representing Art Deco Trust</i> <i>1 member that is an artist, representing the Napier Arts Community</i> <i>1 member representing Creative Arts Napier Inc.</i> <i>1 member representing Museum Theatre Gallery (MTG)</i> <i>1 member that represents Māori/Iwi</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer Responsible</i>	<i>Executive Director Community Services</i>

Role

The role of the Arts Advisory Panel is to:

1. make recommendations to the Napier People and Places Committee on the suitability of one-off art installations for a particular location giving consideration to the uniqueness of the community into which it is to be installed, and the heritage and cultural values of the site; and
2. assess and ensure that the potential art installation is aligned with the objectives and policies as set out in Napier City Council's Arts Policy.

Notes:

This panel will not replace or supersede the existing design groups across the city such as the West Quay/Ahuriri Design Group for the Ahuriri area and any group established under the CBD Design Guide or any other Council design groups.

All potential art in public places being considered by an existing design group either as a one-off art installation or part of the urban development in their location of interest must be referred to the Arts Advisory Panel for advice.

When the Panel considers a one-off art installation to be installed in a public place or in part of an urban development, the Panel may seek advice from a design group with expertise that corresponds to the art installation under consideration.

The Arts Advisory Panel meet as required to coincide with the appropriate Napier People and Places Committee Council meeting to assess proposals and submit recommendations to that Committee.

The Napier People and Places Committee will appoint the external members:

- 1) For the external member representing the Napier Arts Community, after receiving a nomination from Ngā Toi;
- 2) For the external member representing Māori/Iwi, after receiving a nomination from MTG;
- 3) For all other external members, after receiving nominations from the applicable organisations that the external members will represent.

External members are volunteers.

Active Transport Group – Terms of Reference

<i>Reports to</i>	<i>Sustainable Napier Committee</i>
<i>Chairperson</i>	<i>Councillor Graeme Taylor</i>
<i>Deputy Chairperson</i>	<i>Councillor Juliet Greig</i>
<i>Membership</i>	<i>2 NCC Councillors (Chair and Deputy) (Appointed by the Mayor)</i> <i>One external representative invited from each of the following:</i> <i>Hawke’s Bay Regional Council</i> <i>Hastings District Council</i> <i>Waka Kotahi</i> <i>Mana whenua representative</i> <i>Disability Advisory Group</i> <i>Transport Advocacy Group (for example Bike Hawke’s Bay, USO Bike Ride, or Road Transport New Zealand)</i> <i>Napier Youth Council</i> <i>New Zealand Police</i> <i>Any other relevant organisation or additional members at the discretion of the chair of the Active Transport Group.</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>Quarterly</i>
<i>Officer Responsible</i>	<i>Team Leader Transportation</i>

Role

The role of the Active Transport Group is to:

- provide strategic direction and reporting to Council on Active Transport outcomes for Napier City; and
- maintain awareness of other Active Transport projects and initiatives within the Region to ensure that Council’s projects are complementary as appropriate to Napier City.

The Active Transport Group will not have decision-making powers and will make recommendations only to the Sustainable Napier Committee

Scope

The Active Transport Group will focus on:

- providing strategic input and direction to the active transport programme to ensure consistency with Council strategic objectives.
- recommending programmes that seek to achieve the Active Transport outcomes for approval by Council.
- monitoring on progress with the implementation of approved Active Transport programmes, and reporting that progress to the Sustainable Napier Committee
- reviewing Council policies and practices to ensure that they incorporate the needs of Active Transport users.
- maintaining awareness of the delivery of Active Transport infrastructure and education programmes.
- arranging working group meetings separate to the principal Active Transport Group meetings to

provide feedback on the design and delivery of Active Transport infrastructure projects, and education programmes, promotions and events.

Meetings

The Active Transport Group will meet quarterly or at the call of the Chair, provided that at least four meetings are held each year. The costs of attending meetings will fall with attendees.

Appointments to the Group

The Sustainable Napier Committee will appoint the external members after receiving nominations from the applicable organisations that the external members will represent.

JOINT COMMITTEE (Administered by Napier City Council)

Ngā whakataunga mō ngā whakapuakitanga

Ahuriri Regional Park Joint Committee - Terms of Reference

(Administration through the Napier City Council)

<i>Reports to</i>	<i>Council</i>
<i>Chairperson</i>	<i>Deputy Mayor Brosnan</i>
<i>Deputy Chairperson</i>	<i>Tania Eden</i>
<i>Membership</i>	<i>2 NCC Councillors (1 alternate)</i> <i>2 HBRC Councillors (1 alternate)</i> <i>4 Mana Ahuriri Trust Representatives (1 alternate)</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer Responsible</i>	<i>Executive Director City Strategy</i>

Tā mātau manawanui

Our Commitment

The Napier City Council (NCC), Hawke’s Bay Regional Council (HBRC), and Mana Ahuriri Trust (MAT) wish to partner on the Ahuriri Regional Park (ARP) project in a manner that works towards restoring the health and wellbeing of the Ahuriri Estuary through co-governance.

Both Partner Councils recognise kaitiakitanga of Ngā Hapū o Ahuriri, duly mandated through Te Komiti and at all times, will fully engage with Te Komiti both through its representative and as a group to seek guidance and to coordinate with the ARP Joint Committee on matters relating to Te Komiti’s wider catchment plan (SO486367) as we work through the development of the ARP.

1.0 Kōrero Tuku Iho Historical Account

- 1.1 In the decade after the 1851 Ahuriri purchase, Ahuriri Hapū continued to occupy and use Te Whanganui-ā-Orotū in accordance with their tikanga. At this time Pākehā settlement had little impact on Te Whanganui-ā-Orotū.
- 1.2 In 1860 the Crown vested in the Hawke’s Bay provincial government for the purposes of harbour development. The vesting empowered the Provincial Superintendent to develop harbour facilities to facilitate trade and commerce.
- 1.3 In 1874 Parliament passed legislation that set aside all of Te Whanganui-ā-Orotū as an endowment for a harbour board. Parliament established the Napier Harbour Board the

following year. The Board's 12 members were prominent Hawke's Bay sheep farmers and businessmen, and none was a member of Ahuriri Hapū. Further legislation made Te Whanganui-ā-Orotū increasingly available for developments led by the Board.

- 1.4 Harbour development works had a negative effect on the ecology of Te Whanganui-ā-Orotū. In 1920 Māori witnesses told the Native Land Claims Commission that dredging had made Te Whanganui-ā-Orotū salty, and that freshwater fish species had been replaced by saltwater species. According to one witness Māori had been unable to catch eels and other freshwater fish from the early twentieth century, and pipi beds had been smothered by reclamation. In addition, Te Whanganui-ā-Orotū and the Ahuriri estuary were polluted by sewage and factory effluent.
- 1.5 On 3 February 1931 a major earthquake hit Napier. The earthquake raised parts of the bed of Te Whanganui-ā-Orotū. Much of its waters emptied into the sea, leaving about two-thirds of the bed exposed.
- 1.6 According to legal advice obtained by the Crown after the earthquake, title to the newly- raised portions of Te Whanganui-ā-Orotū belonged to the Napier Harbour Board under the endowment provided for in the Napier Harbour Board Act 1874.
- 1.7 On 3 May 1934 the Napier Harbour Board agreed to lease 7,595 acres of Te Whanganui-ā-Orotū to the Crown for a 21-year period and the Crown commenced drainage and reclamation work in June 1934. The Crown also commenced farming operations on reclaimed areas of Te Whanganui-ā-Orotū.
- 1.8 By June 1937 the Public Works Department reported that 2,000 acres of Te Whanganui-ā-Orotū had been completely drained and drainage of a further 2,000 acres was well advanced.
- 1.9 In 1945 Parliament passed legislation that provided for certain areas of Napier Harbour Board land to be sold and leased to the Napier Borough Council for the expansion of urban Napier.
- 1.10 Throughout the third quarter of the twentieth century reclamation and subsequent alienations by the Harbour Board provided land for residential, industrial and recreational developments in Napier. The Napier Borough Council developed the Hawke's Bay Airport on reclaimed land that included islands taken under public works legislation in 1939. The Crown also developed the Ahuriri Farm Settlement on reclaimed land.
- 1.11 Nine islands were explicitly excluded from the endowment of Te Whanganui-ā-Orotū set aside for harbour development in 1874. After the earthquake the islands became surrounded by dry land. The Napier Harbour Board Empowering Act 1932-33 empowered the Native Land Court to vest in trustees six islands that were still Māori customary land.
- 1.12 In 1936, on the application of the Napier Harbour Board, the Native Land Court ordered the appointment of six trustees for the islands (approximately 20 acres in total). On 23 May 1939 the Board published a notice of intention to take the islands under the Public Works Act 1928.
- 1.13 Hori Tupaea lodged an objection but, for reasons that are unclear, it appears that no hearing occurred. On 6 October 1939 the Governor-General proclaimed the islands as taken and

vested in the Napier Harbour Board. When the deadline for compensation claims expired on 16 November 1944 the Māori trustees had not filed a claim and so no compensation was paid.

- 1.14 In 1916 Hiha Ngarangione (of Ngāti Hinepare) and Oriwia Porou applied to the Native Land Court for an investigation of title to Te Whanganui-ā-Orotū, and based their claim on descent from the tipuna Tāwhao. The Court dismissed the case on the basis that Te Whanganui-ā-Orotū was not Māori customary land and therefore not within its jurisdiction.
- 1.15 In 1916 the Department of Lands and Survey asked the Solicitor-General for his advice on whether the Crown held title to Te Whanganui-ā-Orotū. The Solicitor-General concluded that the wording of the 1851 Ahuriri deed did not include Te Whanganui-ā-Orotū within the boundaries of the purchase and that the boundary shown on the plan attached to the deed had been drawn in error. However, the Solicitor-General found that this was of no material importance because Te Whanganui-ā-Orotū was tidal and the Court of Appeal had determined that Māori customary title did not apply below the high water mark.
- 1.16 In 1920 the Crown established a Native Land Claims Commission to inquire into a number of petitions relating to Māori land, including a 1919 petition regarding Te Whanganui-ā-Orotū. The Commission found that the boundaries described in the 1851 Ahuriri deed “skirt along the interior line of the harbour, but do not include it.” However the Commission found that the Crown had made it clear to Māori that it was purchasing Te Whanganui-ā-Orotū in 1851 through references to “moana” in the deed, though it expressed doubt that Māori appreciated the full effect of the dealing when they signed.
- 1.17 In 1924 Te Wahapango of Ngāi Te Ruruku and eighteen others petitioned Parliament again. The petitioners reiterated their argument that Te Whanganui-ā-Orotū was not included within the boundaries of the Ahuriri purchase, and appealed to the Treaty of Waitangi as a guarantee of their fishing rights in Te Whanganui-ā-Orotū. The Native Affairs Committee reported that the petition should be referred to the Government for consideration but no Crown action resulted.
- 1.18 In 1932 Hori Tupaea of Ngāti Paarau and Ngāti Hinepare and four others petitioned Parliament seeking a share in the benefits accruing from the land upraised from the bed of Te Whanganui-ā-Orotū by the 1931 earthquake. The petition stated that Ahuriri Māori never intended to include Te Whanganui-ā-Orotū in the 1851 transaction. The petition went on to say that as a result of the earthquake Ahuriri Māori had “lost all that remained to them, and have nothing to represent the rights which they formerly had and which they were always so anxious to preserve.”
- 1.19 The Native Land Court inquired into the petition in 1934. Counsel for the petitioners argued that Te Whanganui-ā-Orotū belonged to Māori when the Treaty of Waitangi was signed. Accordingly, article 2 of the Treaty applied to it. Counsel for the petitioners also reiterated the argument that Ahuriri Hapū had not sold Te Whanganui-ā-Orotū to the Crown in 1851.
- 1.20 The Crown argued that Te Whanganui-ā-Orotū had been included in the Ahuriri purchase, as it was included within the boundary apparently illustrated on the plan exhibited when the Ahuriri deed was signed. The Crown also argued that even if Te Whanganui-ā-Orotū had not been included in the purchase, ownership had transferred to the Crown automatically by virtue of

the common law because Te Whanganui-ā-Orotū was an arm of the sea. Hapū argued that this was a fresh water lagoon and was never an arm of the sea.

- 1.21 The Māori Land Court did not issue its report until 1948, after further petitions from Ahuriri Māori. The report focused on two questions: whether Te Whanganui-ā-Orotū was included in the 1851 Ahuriri purchase, and whether Te Whanganui-ā-Orotū was an arm of the sea as at 1840. The Judge who wrote the report found that the Crown had only purchased the small, tidal harbour adjacent to the Ahuriri opening. He concluded that the Court had insufficient evidence to decide the arm of the sea question, though there was “some fairly strong evidence” that Te Whanganui-ā-Orotū was originally a fresh or brackish water lagoon.
- 1.22 In 1949 the Prime Minister visited Napier. Ahuriri Hapū later testified that they declined his offer to return 4,500 acres in the northern half of Te Whanganui-ā-Orotū because they wanted the entire area returned to them. According to Ahuriri Hapū, one kaumātua said to the Government at the time, “If you’re ready to give us the northern end, then surely we must also own the southern end.” In 1951 Ahuriri Māori made further inquiries about the Crown’s response to the Māori Land Court’s report. The Crown responded that it would not take action until the claimants proved that Te Whanganui-ā-Orotū had not been an arm of the sea.
- 1.23 In 1955 counsel for Ahuriri Māori asked the Māori Land Court whether it was still willing to receive evidence in support of the 1932 petitioners’ argument that Te Whanganui-ā-Orotū was not an arm of the sea as at 1840. The Chief Judge declined, stating that the case must be regarded as closed due to the amount of time that had elapsed since the hearings in 1934 and the release of the Court’s report in 1948. A further petition in 1965 and a letter to the Crown in 1972 produced no action by the Crown. The Crown considered the 1948 Māori Land Court report an insufficient basis for Crown action.
- 1.24 In 1988 the Crown disestablished the Hawke’s Bay Harbour Board (previously Napier Harbour Board) and the remaining endowment lands began to be redistributed to other local authorities. That year the seven Ahuriri Hapū lodged the Te Whanganui-ā-Orotū (Wai 55) claim with the Waitangi Tribunal. Following this claim the Ahuriri Hapū Settlement claim commenced. The Mana Ahuriri deed of settlement first began in 2013 and recognises all historical claims of the seven hapū prior to 1992. It settled on March 3rd 2022 and includes the legislation for Te Komiti Muriwai o Te Whanga.

2.0 Whakatakinga

Introduction

- 2.1 Te Whanganui-a-Orotū is a place of great significance to Ngā Hapū o Ahuriri and is central to the existence and identity of Ahuriri Hapū. It is named after the ancestor Te Orotū who was a descendent of the great explorer ancestor Mahutapoanui who is the very beginning of the Ahuriri Hapū people.
- 2.2 Since the arrival of European settlers, Ngā Hapū o Ahuriri have been alienated from Te Whanganui-ā-Orotū. This was the result of successive governments’ actions including the vesting of land and waters, legislation, and the governance and management of these lands without representation from mana whenua. Throughout this time, Māori leaders have shown great conviction in their efforts to see their kaitiaki status recognised in relation to Te

Whanganui-ā-Orotū, though with limited success. It is only comparatively recently that this status has been acknowledged, and we now transition towards co-governance supported through legislative reform.

- 2.3 The Ahuriri Hapū Claims Settlement Act 2021 establishes Te Komiti Muriwai O Te Whanga (Te Komiti) for the purpose of promoting the protection and enhancement of the environmental, economic, social, spiritual, historical and cultural values of Te Whanganui-ā-Orotū. Its role is to provide guidance and coordination in the management of Te Whanganui-ā-Orotū (Ahuriri Estuary), to local authorities and Crown agencies. Its functions include preparing and approving the Te Muriwai o Te Whanga Plan and identifying the values, vision, objectives, and desired outcomes relevant to Te Muriwai o Te Whanga.
- 2.4 Te Komiti wants to collaborate with all groups that are focused on the health and wellbeing of Te Whanganui-ā-Orotū to achieve its objectives and its management plan for the Ahuriri Estuary including the surrounding catchment area.
- 2.5 NCC, HBRC and MAT seek to collaborate with Te Komiti to work towards restoring the mauri of the Ahuriri Estuary that has been critically affected by activities over many decades, within the constraints of the project. The respective Partner Councils and MAT wish to establish a Joint Committee to coordinate the respective projects, initiatives and plans of all Partners to restore the life force of the estuary.
- 2.6 This ARP Joint Committee is not intended to look at all issues within the broader Estuary catchment. Its focus is on projects and initiatives that NCC and HBRC can directly influence through their own land holdings on and adjacent to 'Lagoon Farm' and service delivery operations. That is, primarily through HBRC and NCC's Infrastructure Directorate and Asset Management Group, and Integrated Catchment Management. The HBRC and NCC regulatory functions provide context for this Joint Committee. Additionally, MAT have influence through the Ahuriri Hapū Claims Settlement Act 2021, the Deed of Settlement, and Te Komiti Muriwai o te Whanga.
- 2.7 NCC and HBRC are committed to strengthening collaboration of each council's planning and delivery processes, alongside the priorities and projects of MAT and Te Komiti, in order to bring about a step change in the protection, mauri, and enhancement of the estuary. In that context the purpose of the ARP Joint Committee is to make recommendations in relation to the establishment of an ARP serving both that objective and providing significant water quality and biodiversity enhancement and cultural benefits for the community, as well as recreational benefits, while providing for climate resilience and stormwater management.
- 2.8 NCC and HBRC are both well placed to do this as both provide drainage and stormwater services to Napier through an extensive joint network of open waterways, along with regulatory, reserve and recreation assets and functions. Through MAT the Crown recognises the role of Ahuriri hapū as Kaitiaki of the Ahuriri Estuary and catchment areas. The settlement legislation establishes a permanent statutory committee to promote the protection and enhancement of the estuary and catchment areas for future generations.
- 2.9 The location of the ARP is currently known as Lagoon Farm, and has a legal description of Lot 1 DP 388211.

3.0 Ngā whakamāramatanga Definitions

For the purpose of these Terms of Reference:

- **“Act”** means the Local Government Act 2002.
- **“Administering Authority”** means Napier City Council
- **“Council member”** means an elected representative appointed by a Partner Council
- **“Member”** in relation to the ARP Joint Committee means each Council Member and each Mana Whenua Member
- **“Partner Council”** means one of the following local authorities: Napier City Council and Hawke’s Bay Regional Council.
- **“Technical Advisory Group or (TAG)”** means the non-elected technical advisors to the project, who may move in or out of TAG as required.
- **“Te Komiti Muriwai o te Whanga”** means the entity established by section 83 of the Ahuriri Hapū Claims Settlement Act 2021
- **“Te Muriwai o te Whanga”** means the Ahuriri Estuary and catchment areas shown on SO 486367

4.0 Te ingoa me te mana o te Komiti Hono Name and status of Joint Committee

- 4.1 The Joint Committee shall be known as the Ahuriri Regional Park (ARP) Joint Committee.
- 4.2 The ARP Joint Committee is a Joint Committee under clause 30(1)(b) of Schedule 7 of the Act.

5.0 Ngā Mema Kaunihera Hoa Haere Kōtui Partner Council Members

- 5.1 The two Councils represented within this Joint Committee are NCC and HBRC.
- 5.2 Each Partner Council shall appoint two Council members and one alternate each to sit on the ARP Joint Committee.
- 5.3 Each Partner Council shall notify the other Partner Council and the Mana Whenua members in writing of the appointments made.
- 5.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any Council Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.
- 5.5 The ARP Joint Committee shall invite lead officers to the meeting of the ARP Joint Committee from each Council in advisory roles as required.

**6.0 Ngā Mema Mana Whenua
Partner Mana Whenua Members**

- 6.1 The representative partner from mana whenua in this ARP Joint Committee is MAT.
- 6.2 MAT may appoint four members and one alternate to sit on the ARP Joint Committee.
- 6.3 MAT must notify all Partner Councils in writing of the appointments made.
- 6.4 Under clause 30A(6) Schedule 7 of the Act, the power to discharge any mana whenua Member on the ARP Joint Committee and appoint his or her replacement shall be exercisable only by MAT.

**7.0 Te Kaupapa o ngā whakataunga mō ngā whakapuakitanga
Purpose of Terms of Reference**

- 7.1 The purpose of the Terms of Reference is to:
 - 7.1.2 Define the responsibilities of the ARP Joint Committee as delegated by the Partner Councils under the Act.
 - 7.1.3 Provide for the administrative arrangements of the ARP Joint Committee as detailed in clause 14.0.

**8.0 Te Mana kua tukuna me te Kaupapa
Delegated Authority and Purpose/Fields of Activity**

- 8.1 The ARP Joint Committee has responsibilities delegated by the Partner Councils to fulfil its purpose being:
 - 8.1.1 To make recommendations to the respective council's on decisions pertaining to the development of the ARP that are within the jurisdiction of each Partner Council, as it relates to the site legally described as Lot 1 DP 388211. The ARP Joint Committee shall have discretion to determine the matters presented to the MAT Board for decision.
 - 8.1.2 To commission reports and advice; and oversee the design and delivery of projects associated with the ARP:
 - a. Provide advice on and approve project briefs
 - b. Commission a project manager and consultant team for the preparation of a masterplan
 - c. Provide recommendations on Annual Plan budgeting and inclusion of funding in the Long Term Plan (LTP) by each Council to achieve agreed water storage and quality, ecology, cultural and recreation outcomes for the estuary, its streams drains and tributaries, and on adjacent land.
 - d. Provide recommendations on the completion of a proposal to be submitted by each Council in the LTP reflecting the current situation for the ARP
 - e. Make recommendations on regulatory changes and other planning documents that support the delivery of the ARP

- f. Seek advice on the best models for future governance and/or management of the site
- g. Collaborate in the preparation of applications for necessary consents to ensure timing is coordinated and activities applied for are consistent with the ARP Masterplan
- h. Establish and agree outcomes, deliverables and ensure milestone alignment and updates on a proposal towards the LTP for each Council.

8.1.3 The delivery of an ARP that promotes climate resilience, ecological and water quality improvements, biodiversity improvements, promotes a more natural estuary margin, and provides storm water management, low impact compatible recreational opportunities, cultural storytelling and educational opportunities.

8.1.4 To strengthen collaborative relationships at all levels between NCC, HBRC and MAT, and in particular the co-governance, planning, operations, and monitoring functions, as they work through a co-governance relationship to develop the ARP. Council Partners that are consenting authorities reserve the right to be independent for any element that requires consent.

8.1.5 To promote alignment of all Partners projects with the ARP projects, initiatives and planning documents, so that resources committed to protecting and enhancing the estuary through the development of the ARP are adequate; that they prudent and efficient; and are likely to produce the outcomes expected by the whole community. Partners will seek to identify and tap into external sources of funding as required.

8.1.6 To facilitate collaboration in planning and design for all waterways, drainage and stormwater networks where they discharge into the ARP.

8.1.7 To work with Te Komiti to establish processes and collaborate together on actions to restore the mauri of the Ahuriri Estuary through the development of the ARP on Lagoon Farm.

8.1.8 To keep each Partner Council, MAT and Te Komiti regularly updated on the ARP Joint Committees progress.

9.0 Ngā mana kāore e tukuna Powers not delegated

The following powers are not delegated to the ARP Joint Committee:

- 9.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 9.2 Decisions relating to the allocation of funding, the use and development of land and watercourses, and matters relating to consenting lies with each Partner Council that has jurisdiction over these decisions. Recommendations only are made by the ARP Joint Committee.

9.3 Unless expressly specified in 8.1 of this ToR, the ARP Joint Committee only has the power to make recommendations to Partner Councils and to MAT.

10.0 Te utunga Remuneration

10.1 Each Partner Council shall be responsible for remunerating its representatives on the ARP Joint Committee and for the cost of those persons' participation in the ARP Joint Committee. Participation in the ARP Joint Committee from Partner Councils is considered inclusive of the many activities Councillors are expected to fulfil within their role.

10.2 The costs associated with remunerating the Mana Whenua members shall be shared equally (50/50) between each Partner Council, and in accordance with the Hawke's Bay Regional Council Policy for Reimbursement for Project Meetings and Travel (Attachment 1), at the rate specified for Working Groups.

11.0 Ngā hui Meetings

11.1 The NCC standing orders will be used to conduct ARP Joint Committee meetings as if the ARP Joint Committee were a local authority.

11.2 The ARP Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.

11.3 The quorum shall be one member per organisation and a minimum of 4 members in total.

12.0 Te pōti Voting

12.1 The ARP Joint Committee has no decision making authority outside of operational spending. It is tasked with bringing recommendations to each Council Partner and Mana Whenua Partner for consideration.

12.2 Where voting is required, all Members of the ARP Joint Committee have full speaking rights.

12.3 Each Member has one vote.

12.4 When making recommendations, Members of the ARP Joint Committee must strive to achieve consensus, but if, in the opinion of the Chair/co-Chair, consensus is not practicable after a reasonable discussion, a recommendation of the ARP Joint Committee may be made by a minimum of 75% of those members present and voting at the meeting or voting.

12.5 The Chair/co-Chairperson may vote on any matter but does not have a casting vote.

13.0 Te hautūtanga o te Komiti Hono Leadership of the Joint Committee

13.1 The Chair/Co-Chairs are appointed by the ARP Joint Committee.

13.2 The Deputy Chair, if required, is appointed by the ARP Joint Committee.

14.0 Te Tautoko ā-Whakahaere Administrative Support

14.1 Administrative support for the ARP Joint Committee (convening meetings, keeping minutes etc) will be provided by the staff of the Napier City Council's Governance team, unless otherwise agreed.

15.0 Te Whakahaere Motuhake Independent Facilitation

15.1 Any matter or matters being considered by the ARP Joint Committee may be referred by the Co-Chairs for independent facilitation.

15.2 Where a matter is referred for independent facilitation:

- a. A sub-committee of the ARP Joint Committee may be established as required, with at least one Mana Whenua Member and at least one member from each Partner Council
- b. The subcommittee shall identify and assess candidates to undertake the facilitation, and develop recommendations to the Joint Committee to appoint a preferred candidate.
- c. The ARP Joint Committee shall receive and consider the subcommittee's recommendation and confirm an appointment.
- d. The appointment may be made for a set duration (e.g. for 12 months) or on a task specific basis.

15.3 The role of independent facilitator is to assist the ARP Joint Committee to consider, debate and reach resolution on specified matters.

15.4 The independent facilitator shall act in every respect as an independent and neutral third party and shall have no voting or decision-making functions.

16.0 Te whakatakoto pūrongo Reporting

16.1 All reports to the ARP Joint Committee shall be presented via the nominated Technical Advisory Group representative or from the ARP Joint Committee Co-Chairs.

16.2 Following each meeting of the ARP Joint Committee, the project manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to ARP Joint Committee representatives. It is the role of the Joint Committee Members to champion these reports within their respective Partner organisations.

16.3 The Technical Advisory Group shall ensure that the summary report required by 16.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting, and to Mana Whenua representatives for inclusion for the next available MAT Board meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions, and will also be available to attend the MAT Board meeting at their request.

16.4 The Technical Advisory Group must include a cultural advisor appointed by Mana Ahuriri Trust, and must be an integral member of the Technical Advisory Group.

17.0 Ngākau Pono Good Faith

17.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, MAT, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and MAT and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and MAT collectively.

18.0 Ngā panonitanga o ngā whakataunga mō ngā whakapuakitanga Variations to these Terms of Reference

18.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the ARP Joint Committee.

18.2 Amendments to the Terms of Reference may only be made with the approval of all Council and Mana Whenua Partners at the recommendation of the ARP Joint Committee. Changes recommended by the ARP Joint Committee would be determined through the voting procedure outlined in clause 12 of this ToR.

19.0 Whakapānga ā-Pāpāho Media Contact

19.1 To be agreed by ARP Joint Committee, generally to be the Chair/Co-Chairs and Deputy Chair.

19.2 The first point of contact from media in relation to this project is Napier City Council. Napier City Council will consult with its Partner members as appropriate.

Terms of Reference adopted by resolution:

- Mana Ahuriri Trust - 30 June 2022
- Napier City Council – 14 July 2022
- Hawke's Bay Regional Council – 27 July 2022

Policy for Reimbursement for Project Meetings and Travel

HBRC will reimburse eligible people for their participation in working groups (including similar project-based meetings) and/or associated travel costs, as specified following.

Eligibility

To be eligible for reimbursement at half-day or full-day workshops/meetings, the following circumstances must apply, as relevant:

1. The person is providing necessary input to, and feedback on, proposals to address the issue at hand (which may include development or implementation of solutions), including knowledge about the local opportunities and impacts of any proposal
2. The person (or their representative organisation) must have been pre-approved for reimbursement for their participation in the project by the HBRC Chief Executive or relevant Group Manager
3. The person is presenting information at a public meeting or workshop, at the invitation of HBRC
4. The person is not otherwise receiving remuneration from HBRC with respect to the project (for example, as an HBRC regional councillor (whose remuneration is set through the Remuneration Authority) or as a contracted consultant to HBRC for the project)
5. Attendance time (including virtual attendance) at the workshop/meeting is reimbursed at either a half day or full day rate
6. The person must attend for the full duration of the workshop/meeting, unless an agreement is reached in advance with the relevant HBRC project manager
7. An IRD-compliant travel logbook must be maintained to validate any travel [use of vehicle] expense claim
8. Travel time for an eligible person to attend the workshop/meeting is reimbursed for any return trip that takes longer than one hour duration.

Not eligible

The following circumstances are not eligible for reimbursement:

1. The person is receiving remuneration from a participating organisation
2. It is a public meeting or workshop and the person is participating as any other member of the public
3. For travel time, where the return trip for the person to attend the workshop/meeting takes less than one hour
4. For the travel/use of vehicle allowance, the person is a passenger using shared transport to attend

the workshop/meeting and the person providing that transport is already being reimbursed for travel costs.

Reimbursement

1. *RPC PSGE Representative or Māori Committee Representative*

For attendance, preparation time and travel, reimbursement is in accordance with the respective rate as resolved by the HB Regional Council on 26 February 2020 (RPC) or 29 July 2020 (Māori Committee).

2. *Working Group Fee*

For attendance and preparation time, a gross fee (i.e pre-tax fee), is available for each eligible person as:

- \$175 per half day (no more than 4 hours working group time)
- \$300 per day (between 4 and 7 hours working group time)

For travel time, an eligible person making a return trip (for the purpose of participating in the working group) that takes more than one hour:

- A payment of \$37.50 per hour (after the first hour of eligible travel) to be paid upon submission of an approved Travel Claim Form.

Claims for the Working Group Fee for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received by the second Monday of the month for payment on the Friday of that week.

HBRC staff will assess withholding tax on a case by case basis, taking advice from the Chief Financial Officer as necessary.

Situations where withholding tax could apply are:

- If the advisor was part of the committee i.e attended regular meetings, similar to board members or elected representatives
- If the advisor gives a 'speech, lecture or talk of any purpose'. Generally, we would expect a 'speech, lecture or talk' to be accompanied with a presentation.

Where either of the above situations apply, withholding tax would:

- **Not be deducted** if the payment is made to a company as companies are generally exempt from withholding tax
- **Be deducted** for an individual acting in their personal capacity.

3. *Travel Allowance*

Eligible persons will be reimbursed for their travel expenses based on the current kilometre rate for business use set by the Inland Revenue Department.

Claims for the Travel Allowance for meetings attended may be made monthly using the Meeting and Travel Claim Form. Claims will be processed once a month and must be received on by the second Monday of the month for payment on the Friday of the same week.

Implementation

1. Eligibility is authorised by the relevant group manager or Chief Executive
2. Eligibility for reimbursement must be pre-agreed between HBRC and the person concerned

3. The Māori Partnerships Team will facilitate the establishment of agreements with iwi/tangata whenua on behalf of the relevant project manager
4. The eligible person will provide HBRC with the required information to process any working group claim
[add link to required information to set up payment](#)
5. The eligible person will sign an attendance sheet at the relevant working group meeting which will be countersigned by the relevant project manager
[add link to template for record of meeting attendance](#)
6. Claims using the Meeting and Travel Claim Form may be made monthly using the Meeting and Travel Claim Form, and must be received by HBRC by the second Monday of the month for payment on the Friday of that week
[add link to Meeting and Travel Claim Form template](#)
7. The staff person assigned to administer project claims will
 - 7.1 Verify attendance at the meeting
 - 7.2 Verify any Travel Allowance claim
 - 7.3 Recommend approval to the project manager/budget manager, as appropriate
8. The project manager/budget manager will review and approve claims, as appropriate
9. The Finance Team will process for payment as follows:
 - 9.1 When withholding tax is deducted, in the middle of the month alongside payments to contractors
 - 9.2 On the Friday of the second full week of the month otherwise.
10. Reimbursement will be funded from within the relevant project budget.

Review of Reimbursement for Project Meetings & Travel Policy

Annual review – Allowance rate, setting reimbursement for forthcoming financial year.

Three-yearly – Review of policy implementation and effectiveness.

Table 1: Assessment for Eligibility re Reimbursement Policy and Funding Source

Type of person	Type of Meeting			
	HBRC Committee	HB representative at a regional or national level meeting	HB Working Group	Reimbursement Rate
HBRC Councillor	Governance covers costs	Governance covers costs	? Governance covers costs	As set by the Remuneration Authority
RPC PSGE Representative	Māori Partnerships covers costs	Seek reimbursement from meeting owner, otherwise Māori Partnerships	Reimbursement Policy applies from project budget	As set for RPC PSGE representative
Māori Committee Representative	Māori Partnerships covers costs	Seek reimbursement from meeting owner, otherwise Māori Partnerships	Reimbursement Policy applies from project budget	As set for Māori Committee representative
Representative nominated by MC or RPC PSGE	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Representative nominated by another entity	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Representative nominated by Chief Executive or Group Manager	NA	No Seek reimbursement from meeting owner	Reimbursement Policy applies from project budget	As set for Working Group member
Contract/consultant/Expert	By CE/Group Manager invitation, through contract	By CE/Group Manager invitation, through contract	As set in contract	As set in contract
Self-nominated	NA	No	No - The person must be endorsed by a relevant group, the CE or relevant Group Manager	No
Public	NA	No	No	No

Table 2: Application of Reimbursement Policy on the scale of public participation

Inform	Consult	Involve	Collaborate	Empower
HBRC informs people of the solution Opportunity to answer questions Eg letter, website, public meeting	HBRC informs people of the proposed solution and there is opportunity to provide feedback Eg submission	HBRC works with people to ensure their concerns and aspirations are directly reflected in the alternative solutions that are developed, feedback is sought Eg public workshop	HBRC and others work together on each aspect of the proposed solution, incorporating advice & recommendations of collaborators as far as possible Eg Working group	HBRC resources others to provide the solution
Not applicable	Not applicable	Not applicable	Reimbursement Policy may apply	Contract formalises the nature of empowerment

Meeting and Travel Claim Form

Project: <Name>

Name: _____ **Month:** _____

Meeting	Date	Round Trip Distance (in Kms)	Travel Time
<Project> meeting			
<i>Others – please list:</i>			
Total			

Residential Address: _____

Signature: _____ Date: _____

Project Cost Code: _____

Approved by:
 <PROJECT> Leader Name _____

Signature: _____ Date: _____

Meeting and Travel Budget Calculation Form

Project: <Name>

Estimate	HBRC	RPC PSGE	Maori Committee	Working Group
Number of people				
Number of Half Day Meetings				
Number of Full Day Meetings				
Travel time				
Travel distance				
Allocation to Governance \$				
Allocation to Maori Partnerships \$				
Allocation to Project \$				
Total Allocation \$				