

- employing, on behalf of the local authority, the staff of the local authority; and
- negotiating the terms of employment of the staff of the local authority’.

(Wellington City Council Code of Conduct for the Mayor and Councillors; LGA 2002; LGNZ: Governance)

## **6) Governance Structures and Processes**

### ***Council***

Currently comprising the Mayor and 14 councillors, the Council is chosen, along with all other local authority politicians in New Zealand, in elections held every three years. Council meetings normally take place on the last Wednesday of the month. Council retains the sole power to perform a number of functions. These functions are either prescribed by the Local Government Act 2002 and other relevant legislation, or are allowed under these pieces of legislation and have been adopted by Council itself. These functions include the powers to:

- make a rate;
- make a bylaw;
- borrow money or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan (LTCCP);<sup>1</sup>
- adopt a LTCCP, annual plan, or annual report;
- appoint a Chief Executive;
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTCCP or the preparation of the Local Governance Statement;
- appoint and discharge the Deputy Mayor;
- approve or amend the Council’s Standing Orders;
- approve or amend the Code of Conduct for Elected Members;
- establish and determine the structure, terms of reference, and delegated authorities of committees and appoint and discharge members of committees;
- establish a joint committee with another local authority or other public body;
- make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;<sup>2</sup>
- make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation;
- any other matters which from time to time may not legally be delegated by the Council.

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<sup>1</sup> Not the Annual Plan

<sup>2</sup> Includes matters such as: 1) any new or amended traffic resolutions under the Traffic Bylaw; 2) setting fees if a bylaw provides for fees to be set by resolution of Council; 3) the extension of the liquor ban for a special event

### **Powers retained by Wellington City Council:**

In addition to the decisions that the Council is required by law to make, Council has retained the power to:

- approve or alter Council strategy and policy, except as otherwise specifically delegated to a committee, subcommittee or officer;
- establish and determine the structure, terms of reference and delegated authorities of subcommittees and appoint and discharge members of subcommittees;
- appoint and discharge chairpersons of committees and subcommittees and portfolio leaders;
- approve Council's recommendation to the Remuneration Authority for the remuneration of elected members;
- approve or amend the Triennial Agreement;
- approve the Local Governance Statement produced following the triennial election of members;
- determine whether or how to fill any extraordinary Council vacancies;
- review and make decisions on Council membership and the basis for elections;
- appoint and discharge trustees, directors or office holders to Council's Council Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies except where specifically delegated to a committee or officer;
- adopt a District Plan or a change to it;
- promote legislation, or significant amendments to legislation, unless specifically delegated to a committee or officer;
- approve any claim for compensation over \$1,000,000 unless specifically delegated;
- approve the provision of any financial guarantee or indemnity over \$1,000,000, unless the guarantee or indemnity (or the matter to which it relates) is in the LTCCP or Annual Plan, has been separately approved by Council, or it arises in the normal management of employment relations or assets;
- exercise any authority which it has delegated to a committee, subcommittee or officer.

### **Standing Committees and Subcommittees**

The Council reviews the structure of its committees and subcommittees after each triennial election and as appropriate during the triennium. Further details on these committees, including their terms of reference, meeting arrangements and the schedule of meeting dates, can be found on the council website:

<http://www.Wellington.govt.nz/haveyoursay/meetings/index.html>

The terms of reference and delegations of Council, committees and subcommittees are set out in Appendix One of this Local Governance Statement.

## ***Strategy and Policy Committee***

### **Voting Membership:**

The Mayor and all Councillors are members of the Committee.

Chair: Councillor Andy Foster

Deputy Chair: Councillor Ngaire Best

Portfolio Leader – Climate Change, Information & Communications Technology, Finance, Emergency Management: Mayor Wade-Brown

Portfolio Leader – Transport (Public and Roads): Councillor Foster

Portfolio Leader – Social: Councillor Cook

Portfolio Leader- Three Waters and Waste: Councillor Best

Portfolio Leader – Economy: Councillor Coughlan

Portfolio Leader – Community Engagement: Councillor Eagle

Portfolios Leader – Community Facilities: Councillor Lester

Portfolio Leader – Walking, Cycling, Motorcycling and Safety: Councillor Pepperell

Portfolio Leader – Sports and Events: Councillor Morrison

Portfolio Leader – Governance: Councillor McKinnon

Portfolio Leader – Arts and Culture: Councillor Ahipene-Mercer

Portfolio Leader – Natural Environment: Councillor Ritchie

Portfolio Leader – Built Environment: Councillor Pannett

The areas of responsibility of the Portfolio Leaders are set out in Appendix Two of this Local Governance Statement.

### **External Membership (non voting):**

One representative of Te Rūnanga o Toa Rangatira Incorporated.

One representative of Port Nicholson Block Settlement Trust

The Strategy and Policy Committee has primary responsibility for:

- developing policy and strategy in relation to economic development, the environment, social and recreation matters, cultural wellbeing, urban development and transport, governance, and cross-strategy matters.
- considering recommendations from Council’s subcommittees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required
- developing the Council’s Long Term Council Community Plan (LTCCP) and Annual Plan (AP).

### ***Regulatory Processes Committee***

Mayor Wade-Brown  
Councillor Gill (Chair)  
Councillor Best  
Councillor Foster  
Councillor Pepperell  
Councillor Morrison  
Councillor Lester

The Regulatory Processes Committee has primary responsibility for overseeing Council's regulatory matters.

### ***Performance Review Committee***

Mayor Wade Brown  
Councillor McKinnon (Chair)  
Councillor Ahipene-Mercer  
Councillor Eagle  
Councillor Morrison

The Performance Review Committee has primary responsibility for matters relating to monitoring the performance of the Chief Executive Officer.

### ***Council Controlled Organisation Performance Subcommittee***

Mayor Wade-Brown  
Alan Isaac (external member, Chair)  
Councillor Coughlan  
Councillor Marsh  
Councillor Ritchie  
Denise Church (external member)

The Subcommittee's principal function is to monitor the financial performance and delivery on strategic outcomes of council's CCTOs, CCOs and COs.

### ***Grants Subcommittee***

Mayor Wade-Brown  
Councillor Cook (Chair)  
Councillor Ahipene-Mercer  
Councillor Eagle  
Councillor Gill  
Councillor Marsh

The Grants Subcommittee has primary responsibility for the effective allocation and monitoring of Council's grants.

### ***Audit and Risk Management Subcommittee***

Mayor Wade-Brown  
Councillor Best  
Councillor McKinnon (Chair)  
Councillor Lester  
David Pilkington (external member)  
Kevin Simpkins (external member)

The Audit and Risk Management Subcommittee monitors the Council's financial management and reporting, and reviews the audit and risk function, ensuring the existence of sound external and internal programmes.

### ***Development Contributions Subcommittee***

Mayor Wade-Brown  
Councillor Foster  
Councillor Lester  
Councillor Marsh  
Councillor Pannett (Chair)

The Subcommittee makes decisions on applications for remission and/or postponement of development contributions.

## **Community Boards**

### ***Tawa Community Board***

The Tawa Community Board has responsibility for the overview of matters within the Board's boundary and normally meets on the second Thursday of each month at 7.00pm.

Members:  
Malcolm Sparrow (Chair)  
Alistair Sutton  
Graeme Hansen  
Margaret Lucas  
Chris Reading  
Robert Tredger

Appointed Members:  
Councillor Best  
Councillor Lester

### ***Makara/Ohariu Community Board***

The Makara/Ohariu Community Board has responsibility for the overview of matters within the Board's boundaries. The Board normally meets on the third Thursday of each month at 7.30pm and meetings are held in the Makara Hall and Ohariu Hall on alternate months.

Members:

Christine Grace (Chair)  
Gavin Bruce (Deputy Chair)  
Judy Liddell  
Wayne Rudd  
Margie Scotts  
Hamish Todd

The terms of reference for both community boards are set out in Appendix One of this Local Governance Statement.

### **Council-Controlled Organisations**

In order to achieve its objectives for Wellington, the Council has established several council-controlled organisations (CCOs) and council-controlled trading organisations (CCTOs) – Positively Wellington Tourism, the Wellington Venues Ltd, the Wellington Museums Trust, Wellington Cable Car Ltd, Wellington Waterfront Ltd, Capacity Infrastructure Services Ltd, Basin Reserve Trust, Wellington Zoo Trust and the Wellington Regional Stadium Trust.<sup>3</sup>

These organisations were set up to independently manage Council facilities, or to deliver significant services and undertake significant developments on behalf of the Wellington community. Where necessary, the Council funds the organisations.

<b>Organisation</b>	<b>What it does/Why it exists</b>
<b>Positively Wellington Tourism (Partnership Wellington Trust)</b>	To: <ul style="list-style-type: none"><li>• Market and promote Wellington as a tourist destination that in turn contributes to Wellington achieving sustainable economic growth</li><li>• Enhance the recognition of Wellington as a key and desirable visitor destination</li><li>• Maximise the city's share of regional consumer spending</li><li>• Enhance the profile of city businesses, promote strategic alliances and private sector partnerships</li><li>• Ensure marketing initiatives are focused on the sustainability of Wellington's commercial sector</li></ul>

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<sup>3</sup> This trust is not formally defined as a council controlled organisation; however due to Council's significant ownership and funding interests in the Organisation, it is monitored as if it were a CCO.

**Wellington Venues Ltd<sup>4</sup>**

To:

- Manage and operate the Venues and any related Events business
- Advocate for the Venue and Event sector for the benefit of the residents of Wellington
- Achieve greater community access to the Venues' facilities
- Develop and maintain beneficial relationships with other national and international institutions, support Positively Wellington Tourism, and develop new initiatives in its role as a key provider of event and performance venues.

**Wellington Museums Trust**

To:

- Manage the trust facilities, acquire and manage the collections for the benefit of Wellington residents and visitors
- Establish exhibition programmes and education policies for the Trust facilities
- Ensure the facilities provided by the Trust are complementary to those provided by the Museum of New Zealand Te Papa Tongarewa
- Encourage and foster liaison and co-operative activities and related facilities in the Wellington region.

**Wellington Cable Car Limited**

To:

- Maintain the cable cars, track, plant, tunnels, bridges and buildings in accordance with best engineering practice and to meet the certification requirements of NZTA
- Maintain and operate the cable car passenger service to ensure its ongoing safety and financial viability with appropriate levels of customer service
- Manage the maintenance of the trolley bus overhead network under agreement with Greater Wellington Regional Council

**Wellington Waterfront Limited (Lambton Harbour Management Ltd)**

To:

- Commission work on detailed designs based on approved performance briefs
- Select and appoint designers in consultation with the appropriate units within Council
- Market waterfront sites and properties as appropriate to get the best return for Council (within any constraints imposed by the development plan)
- Act as the contact point for anybody interested in a private development project on the waterfront
- Negotiate and manage contracts for the design and construction of public space
- Negotiate and manage contracts and leases for all building development sites and the refurbishment and re-

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<sup>4</sup> St James Theatre Charitable Trust will be wound up on June 30, 2011

use of existing buildings

- Prepare an annual business plan for the waterfront project covering implementation tasks and project operations
- Advise the appropriate Council committees on all aspects of waterfront development, including budgets, development phasing, technical information, costs, feasibility and commercial issues, and seek the necessary approvals from Council
- Manage day-to-day operations on the waterfront including cleaning, security and maintenance
- Ensure that the waterfront is a vibrant, lively place, featuring a variety of activities and events

**Capacity  
Infrastructure  
Services Ltd**

To:

- Manage the delivery of high quality water supply, wastewater and stormwater infrastructure services for customer Councils
- Focus on asset management planning for the ongoing development and maintenance of drinking water, stormwater and wastewater assets for customer Councils
- Manage work to the highest standards of health and safety for those involved in the work and for the general public
- Seek to integrate water, stormwater and wastewater activities within the Wellington region where such integration can deliver least cost, best practice outcomes to the benefit of shareholder Councils and other entities

**Wellington Zoo  
Trust**

To:

- Manage the Wellington Zoo as a zoological park for the benefit of the inhabitants of Wellington
- Provide a high quality visitor experience and to educate visitors and the community
- Promote and support species conservation

**Basin Reserve  
Trust**

To:

- Contribute to the Wellington City Council's vision of creative Wellington – Innovation Capital by continuing to attract national and international sporting events to Wellington
- Manage, administer, plan, develop, maintain, promote and operate the Basin Reserve for recreational activities and for the playing of cricket
- Play a co-ordinated role in the events programme for Wellington City
- Establish a long term policy for the further development of the Basin Reserve as a recreational facility and as a facility for the playing of cricket, other sports and as a venue for other community based activities
- Operate as a successful undertaking, managed on a not-for-profit basis

**Wellington  
Regional Stadium  
Trust**

- Preserve and enhance the significant and recognised heritage value of the Basin Reserve
- To:
- Own, operate and maintain the Stadium as a high quality multi-purpose sporting and cultural venue
  - Provide quality facilities to be used by rugby, cricket and other sports codes, musical, cultural and other users including sponsors, event and fixture organisers and promoters, so as to attract to the Stadium high quality and popular events for the benefit of the public of the region
  - Administer the Trust assets and the Stadium on a prudent commercial basis so that it is a successful, financially autonomous community asset.

Further information on any of the above can be obtained from the council website:  
[www.Wellington.govt.nz](http://www.Wellington.govt.nz)

## **7) Meeting Processes**

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some item in a 'public excluded' session of the committee or Council. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with council. This can be arranged by speaking with Democratic Services before 12:00pm the day prior to the meeting.

LGOIMA contains a list of the circumstances where councils may consider items with members of the public excluded from the meeting (these circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order). The council agenda is a public document, although parts may be withheld if the public excluded circumstances apply to those parts.

The Mayor or committee chair is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of LGOIMA.

For an ordinary meeting of Council, at least 14 days notice of the time and place of the meeting must be given. Extraordinary meetings generally can be called on 3 working days notice or 24 hours notice in some circumstances.