



Heritage Advisory Panel

Terms of Reference

2019-2022

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1. Introduction

The terms of reference set out the purpose, role and protocols of the Auckland Council Heritage Advisory Panel during the 2019-2022 term of the council. Panel members abide by the Code of Conduct for members of Auckland Council advisory panels (Appendix A).

2. Background

Auckland Council recognises that historic heritage contributes significantly to Auckland's quality of life. The protection and management of the region's historic heritage is a matter that Auckland's communities are passionate about.

The re-establishment of the Heritage Advisory Panel in the 2019-2022 term with a membership of community representatives and leading professionals is expected to raise the profile of historic heritage both within the council and among the public. This panel will advise the council to build a shared understanding of how the historic heritage of Auckland should be identified, managed, protected, conserved, appreciated and celebrated.

The focus of the Heritage Advisory Panel is on historic heritage which includes cultural heritage, historic sites, structures, places, objects and areas and their surrounds, and archaeological sites.

3. Purpose

As one of council's engagement mechanisms with the heritage sector in Auckland, the Heritage Advisory Panel provides advice to the governing body and council staff within the remit of historic heritage issues on the following areas:

- council policies, plans, processes and strategies
- regional and strategic matters
- any matter of particular interest or concern to heritage communities.

Note: specific resource consents applications are not within the scope of the panel's advice

4. Outcomes

The panel's advice will contribute to the promotion and management of historic heritage of Auckland. The panel will advise through their agreed work programme on heritage matters that may be brought before the panel.

5. Work programme

The panel must develop a work programme for the term. The agendas should be focused and aligned with the council's work programme.

6. Councillor involvement

The mayor will appoint a liaison councillor for the Heritage Advisory Panel. The role of a liaison councillor is to:

- ensure that the governing body is aware of the panel's feedback on council issues and its advice on historic heritage.
- help align the panel's strategic agenda with governing body priorities
- actively engage in panel meetings and workshops
- engage with the panel chair and the lead officer for meeting agendas

The panel will mainly engage with the governing body through an appropriate committee. The panel may also engage with other committees considering regional plans and strategies on which it has provided advice.

7. Selection process

Panel members are appointed through an open selection process. The members of the panel are selected on the basis of their:

- association with a heritage sector group or organisation or
- ability to provide expert advice on built and cultural heritage issues, and
- understanding of the heritage sector of Auckland.

Qualification of members is set out in Appendix B.

The mayor appoints panel members with the endorsement of the governing body to give effect to the membership of the panels. If members need to be replaced during the term, the mayor can make the appointment in consultation with the liaison councillor.

8. Membership

The panel will have between 10 and 16 members. The members must reside in Auckland.

The panel must have at least two members with lived experience in Te Ao Māori and knowledge of the contemporary issues facing Māori communities in Auckland.

When the panel has less than 10 members, the council must appoint additional members to meet the minimum number of members.

The panel's term ends one month prior to the next local government elections in 2022.

The membership of a panel member will cease if one or more of the disqualifying matters set out in Appendix B applies to the panel member.

If a member attends less than half of the panel meetings, breaches the Code of Conduct or otherwise under-performs in his/her duty as a member, officers or the chair must first raise the issues directly with the member and try and resolve them by mutual agreement. If under-performance continues the chair can recommend to the Mayor that the member be removed from the panel.

9. Meetings

The panel will meet every two months.

Scheduled meetings are open to the public and any elected members of Auckland Council.

10. Quorum

The quorum required for a panel meeting will be half the members if the number of members is even, and a majority if the number of members is odd.

11. Meeting protocols

The role of the panel is to advise the governing body and council staff on historic heritage matters.

The Mayor appoints an interim chair. The panel must then confirm or elect a chair and a deputy chair within three months of the establishment of the panels. The chair is responsible for chairing all panel meetings and workshops. The chair is also the spokesperson for the panel when external organisations, including central government or the media, seek the views of the panel on specific matters.

The panel may invite presentations from external organisations and individuals in scheduled meetings if the topics are relevant to the panels' purpose. The chair approves such external presentations in consultation with the liaison councillor and the lead support officer.

Members of the panel will respect the majority decision on the panel's advice to the council. The resolutions in each meeting should clearly be shown in meeting minutes.

12. Submissions

The panel cannot make formal submissions to Auckland Council on council strategies, policies and plans, for example, the annual plan. However, the panel may be asked for informal feedback during a consultative process.

In its advisory role to the council, the panel may have input to submissions made by the council to external organisations but will not make independent submissions, except as agreed with the council.

This does not prevent individual members being party to submissions outside their role as panel members.

13. Engagement with the Governing Body

The panel may forward issues of concern relevant to historic heritage to an appropriate committee.

14. Panel resourcing

The council sets an annual budget for the panel.

Panel members are entitled to meeting fees determined by the council on the basis of the Auckland Council Fees Framework and Expenses Policy for Appointed Members, unless:

- they are on the panel as a representative of an organisation or interest group which already pays them; and/or
- they are an elected member of Auckland Council or a member of the Independent Māori Statutory Board or an ex-officio member.

The council will reimburse all members for travel costs to attend scheduled panel meetings, in line with the Expenses Policy.

15. Staff support

The panel is supported by the following council staff.

Lead Officer Support

- facilitates development of the panel's work programme
- follows up on meeting actions and resolutions
- acts as a conduit with relevant parts of organisation for the panel
- attends pre-meeting briefings with the chair if scheduled
- highlights potential issues and risks
- sits next to the chair in meetings to provide advice as appropriate
- ensures guidance and advice from the panel is clearly captured

- provides subject matter expertise.

Principal Advisor Panels

- ensures appropriate processes and policies are in place for the panel
- co-ordinates monitoring and reporting of progress on the panel's work programme
- arranges the induction of members

Communications Advisor / Specialist

- is the panel's initial point of contact for all media activity undertaken by or in collaboration with the panel
- can assist with communicating matters of relevance to the panel and/or related to the panel's strategic agenda and work programme
- provides advice and works with the panel chair and/or delegated panel spokesperson and relevant support staff in response to media inquiries and other communications. This may include reviewing and providing feedback on draft media releases and other communications.

Governance Advisor

- prepares for meeting agendas and schedule
- arranges panel meetings and workshops
- takes meeting minutes and publishes them online on time
- acts as a first point of contact for panel issues and refers inquiries or information to relevant council staff.

16. Review

The form and functioning of the panel may be reviewed prior to or after, the end of the panel's term in 2022.

Appendix A: Code of Conduct for members appointed to Advisory Panels

1. Purpose

The Code of Conduct sets out expectations for the general conduct of members of Auckland Council advisory panels.

2. Principles

The principles underlying the expected conduct of members include:

2.1 Honesty and integrity

Members have a duty to act honestly and with integrity at all times.

2.2 Impartiality and accountability

Members should consider issues on their merits, taking into account the views of others. This means co-operating fully and honestly to ensure the best advice is provided to the council.

2.3 Openness

Members should be as open as possible about their actions and advice. This includes having an open mind and a willingness to listen to differing points of view. This means giving reasons for advice given; communicating clearly; not being close-minded and taking personal ownership of comments made publicly.

2.4 Respect

Members should treat others, including staff, with respect at all times. This means not using derogatory terms towards others, or about others, including in public-facing new media; not misrepresenting the statements or actions of others (whether they be other individual members, the governing body, local boards, committees or staff); observing the rights of other people; treating people with courtesy, and recognising the different roles others play in local government decision-making.

2.5 Duty to uphold the law

Members should uphold the law and, on all occasions, act in accordance with the trust the public places in them.

2.6 Stewardship

Members should ensure that they and the council use resources prudently and for lawful purposes.

2.7 Leadership

Members should promote and support these principles by example.

3. Relationships

3.1 Chair

The chair is the presiding member at the meetings and is the spokesperson for the panel. The role of the deputy chair is to support the chair to run panel meetings and perform any delegated tasks from the chair.

All members

Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been appointed.

4. Media

4.1 Spokesperson

The chair is the first point of contact for the official view of the panel on any issue. Where the chair is absent, any matters will be referred to the deputy chair when applicable.

No other member may comment on behalf of the panel without having first obtained the approval of the chair.

4.2 Personal views

Members are free to express a personal view in public or in the media, at any time. When doing so, they should observe the following:

- comments must make clear that they represent a personal view and must not state or imply that they represent the views of the panel
- where a member is making a statement that is contrary to a panel policy, the member must not state or imply that his or her statements represent a majority view
- comments to the media must observe the other expectations of general conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.

5. Confidential information

If members receive information that is confidential they must ensure it remains confidential. Confidential information is normally deemed to be such because its public release will cause some harm, either to the council or to other parties.

6. Ethics

Members will behave ethically at all times.

7. Members' interests

Members act in the interests of the panel and not in their own interests.

A financial conflict of interest arises when a member stands to benefit financially, either directly or indirectly, from advice given by the panel.

A non-financial conflict may arise from a personal relationship or association with another organisation or from conduct that indicates prejudice or predetermination. In these situations a member may be influenced by interests that conflict with the duty to act in the best interests of the panel.

Members must declare any private interests or personal benefits relating to their public duties and take steps to resolve any conflicts of interest in such a way that protects the public interest. This means fully disclosing actual or potential conflicts of interest; avoiding any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

8. Complaints

A complaint about a member's conduct will be made to the chair of the panel in the first instance, who will counsel the member concerned. Alternatively, concerns about the conduct of any member or chairperson may be raised with the General Manager Democracy Services, who will give advice on options available to resolve the concerns.

Appendix B: Qualifications of Members

1. To be a member of the Panel, a person must

- a. be a natural person, and
- b. consent to being appointed to the board, and
- c. not be disqualified under sub clause (2).

2. The following persons are disqualified from being members:

- a. a person who is under 18 years of age
- b. a person who is an undischarged bankrupt
- c. a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, or the Securities Act 1978, or the Securities Markets Act 1988, or the Takeovers Act 1993
- d. a person who is subject to a property order under the Protection of Personal and Property Rights Act 1988
- e. a person in respect of whom a personal order has been made under that Act that reflects adversely on the person's
 - i. competence to manage his or her own affairs in relation to his or her property; or
 - ii. capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare
- f. a person who has been convicted of an offence punishable by imprisonment for a term of two years or more, or who has been sentenced to imprisonment for any other offence
- g. a current member of Parliament
- h. a person who is disqualified under another Act.