



Hastings District Council

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UPDATED VERSION

2013 Committee and Rural Community Board Delegations Register

COUNCIL MEETING

Meeting Date: Thursday, 31 October 2013

Time: 2.00pm

**Venue: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

ITEM	SUBJECT	PAGE
10.	DELEGATIONS TO COMMITTEES AND RURAL COMMUNITY BOARD	
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Schedule 1

Item 10

HASTINGS DISTRICT COUNCIL

Attachment 1

**COMMITTEES AND RURAL COMMUNITY BOARD
DELEGATIONS REGISTER**

Schedule of Amendments, Additions and Deletions

(NB: If changes are made, please update the date in the footer with the date that the change is made, i.e. "... incorporating subsequent corrections, amendments and additions up to "Date"")

Date	Section	Amendment/Addition/Deletion And name/s of relevant committee/subcommittee	Authorisation

Item 10

Attachment 1

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INTRODUCTION

General Principles of Delegation

The following matters cannot legally be delegated to Committees, Subcommittees, Community Boards, officers or any other subordinate decision-making body (Clause 32(1) of Schedule 7 of the Local Government Act 2002).

- (a) The power to make a rate.
- (b) The power to make a bylaw.
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan.
- (d) The power to adopt a Long Term Council Community Plan, Annual Plan, or Annual Report.
- (e) The power to appoint a Chief Executive Officer.
- (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Council Community Plan or developed for the purpose of the Local Governance Statement.

When an Act or Regulation empowers the "Council" to carry out a decision-making function, that decision must be made by way of a resolution of the full Council unless the Act or Regulation permits delegation to a Committee, Subcommittee or Officer.

Without delegation the operation of the Council and its administration would not be efficient, effective and timely in delivering services. The business to be transacted by a Council and its administration is large and wide-ranging, dealing with the details of many Acts and Regulations, the Council's District Plan, Bylaws, and a range of Council functions and activities.

It is impossible for the elected Council to deal with everything itself. The principle of subsidiarity should therefore apply; that is, decisions should be made at the lowest possible level commensurate with efficiency and effectiveness. Generally, the legislation which the Council uses on a day-to-day basis provides for delegations. The fields of activity and delegations in this Register are intended to reflect the principle of subsidiarity to allow the Council to delegate its powers and functions to the most efficient and effective levels.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the body or person with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

Council Committee Principles

Council Committees, when used, will be assigned responsibility in a way that reinforces the wholeness of the Council's job and does not interfere with the delegation from the Council to the Chief Executive Officer.

- 1. Council Committees will ordinarily assist the Council to carry out its governance job by preparing policy alternatives and implications for Council deliberation. They should not extend their work into operational areas helping or advising the Chief Executive Officer and staff. Unless specifically delegated authority to do so, Council Committees may not instruct the Chief Executive Officer and staff beyond reasonable requests for information and advice. If, in the Chief Executive Officer's opinion, meeting such requests would consume a material amount of staff time or funds outside those budgeted, or would be disruptive, the Chief Executive Officer should refer the request to the Council.*
- 2. Council Committees may not speak for the Council except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the Chief Executive Officer.*
- 3. Because the Chief Executive Officer works for the Council as a whole, s/he will not be required to obtain the approval of a Committee before taking an executive action. For the avoidance of doubt no chairman or member of a Committee has or may exercise any executive power unless expressly delegated such power by the Council.*
- 4. Council Committees are to avoid over-identification with Council parts rather than the whole. Therefore a Council Committee that has helped the Council create policy on some topic will not be used to monitor Council performance on that same subject.*
- 5. While the Council may delegate authority to committees, including the monitoring of performance within their areas of responsibility, the Council remains at all times the superior body.*
- 6. This policy applies to any group that is formed by Council action whether or not it is called a committee and regardless of whether the group includes Council Members. It does not apply to Committees formed under the authority of the Chief Executive Officer.*

COMMITTEES

The law relating to Committees is generally to be found in Schedule 7 of the Local Government Act 2002. Unless otherwise stated, references to clauses are references to clauses in Schedule 7.

While a Committee may include persons other than elected members (other than under Section 12 Fencing of Swimming Pools Act 1987), it must include at least one elected member. Council officers may only be appointed to subcommittees (Clause 31(4)). The minimum number of members of a committee is three, (Clause 31(6) (a)) with a quorum being at least two, including at least one elected member, (Clause 23(3) (b)). The Council will determine the quorum.

A Committee may delegate any of its functions, duties, or powers to a Subcommittee, subject to any conditions, limitations, or prohibitions imposed by the Council or Committee. A Subcommittee may comprise Elected Members or staff (Clause 31(4) (b)) or other persons but the minimum number of members is two (Clause 31(6)(b)).

A decision made by a Committee under delegated powers which decides, prescribes or affects the rights, powers, privileges, immunities, duties or liabilities of a person, or that person's eligibility to receive or continue to receive a benefit or licence, cannot be rescinded or amended by the Council unless there is specific empowering statutory authority. The Council may however review policy matters falling outside of the foregoing categories from time to time.

Revocation or alteration of decisions may only be dealt with in accordance with the Council's Standing Orders.

The Council can also delegate certain powers to officers. Delegations to the Chief Executive Officer are contained in a separate Register. Staff members receive their delegations from the Chief Executive Officer.

HASTINGS DISTRICT RURAL COMMUNITY BOARD

A community board is a separate entity to the Council. It is not a committee of the Council.

Section 51 of the Local Government Act 2002 states that a community board is:

- (a) An unincorporated body.
- (b) Not a local authority.
- (c) Not a committee of the relevant territorial authority.

The role of a community board is set out in Section 52 of the Local Government Act (and is set out in the section of this Register relating to the Rural Community Board). The delegation of powers by the Council to community boards is provided for in Clause 32.

THE ROLE OF COMMITTEES AND SUBCOMMITTEES

Clause 30(1)(a) enables the Council to appoint such Committees, Subcommittees and other subordinate decision-making bodies, as it considers appropriate.

A Council Committee may appoint the Subcommittees that it considers appropriate unless it is prohibited from doing so by the terms of its delegation from the Council (Clause 30). Every subcommittee is subject to the control of the Council, or Committee that appointed it. A Committee can only set up a subcommittee within its field of activity and delegated powers, and it may delegate any of its functions, duties and powers to the subcommittee.

APPOINTMENT OF COMMITTEES

Section 41A of the Local Government Act 2002 gives the Mayor the authority to establish committees of the territorial authority and to appoint the chairperson of each of those communities should they wish to do so.

In this Register a "field of activity" is a specific activity or function which the Standing Committee or Subcommittee has responsibility for. "Delegated Powers" define what the Committee or Subcommittee is allowed to do.

The Council determines the fields of activities for its Committees and Subcommittees. Committees and Subcommittees may generally deal with all matters covered by their respective fields of activity for which financial provision has been made but subject to any conditions set by the Council.

Statutory matters that do not have to be dealt with by the Council are delegated to either Committees or Subcommittees within their respective fields of activity.

Provision for 'Joint Committees' with other local authorities or public bodies is provided for in Clause 30 (1)(b).

Final decisions can be made by Committees and Subcommittees only on those matters where authority to make decisions has been delegated. All other decisions must be in the form of recommendations to the Council, or, in the case of Special Committees or Subcommittees, to the parent Committee. Recommendations may extend over any of the items included in, or similar to, the Committee's or Subcommittee's fields of activity. Committees can delegate final decision-making power to Subcommittees, but only in relation to matters within the delegated authority of the Committee and only subject to any conditions imposed on such a delegation by the Council itself (Schedule 7 Clause 32), or limitations imposed by statute.

While Schedule 7 Clause 30 (3) makes it clear that every Committee is “*subject in all things to the control of the [Council] and must carry out all general and special directions ...*” the Council is not entitled to rescind or amend a decision made by a Committee exercising a delegated authority to make the decision (Clause 30(6)). However if it considers that a Committee has erred the Council could amend the authorities delegated to that Committee.

PRINCIPLES OF COUNCIL'S COMMITTEE STRUCTURE

The Council's Committee structures (as laid out in these delegations) have been based on the following governance principles:

1. There should be appropriate separation between the Council's
 - Strategy and policy development functions,
 - Monitoring of finances and operational performance, and
 - Its role in regulatory matters.(see 39(c) of the Local Government Act 2002).
2. Other Committees and Subcommittees (to support the main Committees) will focus specifically on key areas requiring that additional focus.

AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between any of the provisions contained in the Delegations Register, with the result that there is uncertainty or dispute as to which Committee, Subcommittee or Community Board has the delegated authority to act in respect of a particular matter, then the Chief Executive Officer will prepare a written report in respect of that uncertainty or dispute and submit the same to the Mayor (or the Deputy Mayor in the absence of the Mayor) for consideration and determination. The decision of the Mayor (or Deputy Mayor in the absence of the Mayor) will be final and binding.

If neither the Mayor nor the Deputy Mayor is available the decision of the Chief Executive Officer will be final and binding.

STANDING COMMITTEES

District Development Committee

Fields of Activity

The development of policy and the oversight of operations in the area of the social, economic, cultural and environmental wellbeing and development of the District, including (but not limited to) the following activities:

- Development of the Council's strategic planning framework, including development of the overarching strategies (Social, Cultural, Environmental, Economic, Growth Management) and the Long Term Plan;
- District development and land use planning (high level strategy)
- Urban design and development (including CBD planning)
- Landmarks Activities
- Housing for the elderly
- Cemeteries (including physical works)
- Youth
- Parks and Reserves
- Recreation activities
- Arts, Culture and Heritage including the Hastings City Art Gallery
- Democracy, civil society, community engagement and partnership
- Economic & Business Development programmes
- Social Development and wellbeing programmes
- Regional development
- Guilin Sister City Relationship
- Local and community events and celebrations
- Historic commemorations
- Citizenship activities
- Civic Awards
- Promotion and Marketing
- Grants, Funding and allocations
- Library operations
- Civic square development and CBD green space

Other roles of a strategic overview nature including:

- Oversight of sustainability and climate change projects and partnerships for the delivery of and measuring sustainability performance (including the State of the Environment Reporting jointly with the Planning and Regulatory Committee)
- Other policy development not otherwise provided for

Membership

Chairman appointed by Council
Deputy Chairman appointed by Council
The Mayor
All Councillors

Quorum – 8 members

Delegated Powers

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where prohibited by law or otherwise delegated to another committee) in relation to all matters detailed in the Fields of Activity.

2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Authority to develop and adopt goals, strategies and policies on behalf of the Council for matters within the Fields of Activity.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Parks, Reserves and Walkways

5. Authority to exercise all of the Council's powers and functions under the Reserves Act 1977 in respect of parks and reserves other than the review of bylaws.
6. Authority to hear submissions under s120 (1)(c) of the Reserves Act 1977 in relation to all reserves or to appoint a commissioner or commissioners to hear submissions and to make a recommendation in respect of those objections or submissions to the Committee.
7. Authority to determine names for or to change the name of, parks and reserves owned or administered by the Council.
8. Where the Council is appointed as the controlling authority of a walkway under the New Zealand Walkways Act 1990, authority to exercise the powers of the controlling authority.

Bylaws

9. Authority to monitor any Council bylaws relating to matters within the Fields of Activity and to recommend any amendments or additions to those bylaws to the Planning and Regulatory Committee for review and consideration.

Cemeteries

10. Authority to exercise all of the Council's powers, functions, and duties under the Burial and Cremation Act 1964 and any other statute or regulation relating to the control and management of the burial or cremation of the dead within Hastings District (other than the review of bylaws, which is the responsibility of the Planning and Regulatory Committee).

Finance and Monitoring Committee

Fields of Activity

Oversight of all the Council's financial management policy and operations (including assets, cash, investment and debt management) including (but not limited to):

- Monitoring compliance with the Long Term Plan/Annual Plan and budget implementation.
- Finance and Ownership
- Audit and other accountability requirements;
- Business units/CCO/CCTO ownership overview;
- Rating matters including rating sale proceedings;
- Taxation.
- Establishing the strategic direction of Council's business units (if any), Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations
- Other matters including:
 - Performance Management
 - Other matters not otherwise within the scope of other Committees

Monitoring compliance with the Long Term Plan/Annual Plan and budget implementation.

Membership

Chairman appointed by Council

Deputy Chairman appointed by Council

The Mayor

All Councillors

Quorum – 8 members

Delegated Powers

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where prohibited by law or otherwise delegated to another committee in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.

Fees and Charges

4. Except where otherwise provided by law, or where delegated to another Committee, the authority to fix fees and charges in respect of Council activities or services.

Planning and Regulatory Committee

Fields of Activity

Oversight of all matters relating to the Council's planning and regulatory functions and the development of policies and strategies in relation to those functions. The matters within this committee's responsibilities include (but are not limited to):

- Resource Management Act 1991
- Building Control including the Building Act 2004 and the New Zealand Building Code
- Bylaws
- Health Act 1956
- District Plan
- Historic Places Act 1993
- Security Patrol
- Maritime Planning Schemes

Other regulatory matters including:

- Animal and pest control,
- Dangerous goods and Hazardous substance,
- Fencing of swimming pools,
- Litter,
- Liquor,
- Noise abatement,
- Public health and safety,
- Prostitution,
- Gambling,
- Parking control.
- Responsibility for all matters related to the District's environment including the environment of neighbouring districts and water bodies
- Other Regulatory matters not otherwise defined.

Membership

Chairman appointed by the Council
 Deputy Chairman appointed by the Council
 The Mayor
 All Councillors

Quorum – 8 members

Delegated Powers

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where delegation is prohibited by law or the matter is delegated to another committee) in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Bylaws

- 5. Authority to review bylaws and to recommend to the Council that new or amended bylaws be made including but not limited to the review of bylaws made pursuant to rules under the Land Transport Act 1998, (primarily relating to speed limits) and bylaws relating to parking.

Legal proceedings

- 6. Authority to commence, compromise and discontinue mediations, legal proceedings, prosecutions and other proceedings within the Fields of Activity.

Fees and Charges

- 7. Except where otherwise provided by law, authority to fix fees and charges in relation to all matters within the Fields of Activities.

Resource Management/Environmental issues

- 8. Authority to make submissions on behalf of the Council in respect of any proposals by another authority under any legislation, or any proposed statute which might affect the District's environment or the well being of its residents including such matters as adjacent local authorities' district plans, any regional policy statement, and Regional Plans.

Hastings District Licensing Agency

- 9. Authority to carry out all of the functions of the Council, as the Hastings District Licensing Agency, under the Sale of Liquor Act 1989.

Works and Services Committee

Fields of Activity

The development of operational policy and the oversight of operations in the area of infrastructure works, tenders, procurement, including (but not limited to) the following activities:

- Three-Waters Infrastructure (Water, Wastewater, Stormwater)
- Property ownership, management, renewals, upgrades and developments
- CBD upgrades physical works
- Roading and transport operations (including Capital infrastructure development for bridges, roads and footpaths including cycleways)
- Solid waste operations (including refuse and recycling disposal and recycled materials)
- Water, wastewater and stormwater (including public drainage and watercourses)
- Infrastructure service provision
- Emergency Management
- Tenders
- Transport Strategy (including, public transport, cycling, cars, walking and other modes)
- Overview of the implementation of major projects including:-
 - Model Communities Project
 - Havelock North Streams
- And other projects as delegated by Council from time to time

Membership

Chairman appointed by the Council

Deputy Chairman appointed by the Council

The Mayor

All Councillors

Quorum – 8 members

Delegated Powers

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where delegation is prohibited by law or the matter is delegated to another committee) in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Public Drainage and Watercourses

5. Authority to exercise the functions, duties and powers of the Council under Sections 446, 447, 451, 461, 467, and 468 of the Local Government Act 1974 (Sewerage and Storm Water Drainage).
6. Authority to exercise the functions, duties and powers of the Council under Part 29 (Land Drainage and Rivers Clearance) and Part 29A (Divestment of Land drainage schemes and water race schemes) of the Local Government Act 1974.

7. Authority to hear and determine submissions concerning the Council's requirements for owners of private land to do works associated with private drains (Section 459 Local Government Act 1974).
8. Authority to hear and determine objections to the construction, by Council, of a private drain (Section 460 Local Government Act 1974).
9. Authority to make declarations of private drains to be public drains (Section 462 Local Government Act 1974).
10. Authority to exercise the functions, duties and powers of the Council under Sections 195 and 196 of the Local Government Act 2002 (Discharge of sewage and trade wastes).

Water Supply

11. Authority to exercise the functions, duties and powers of the Council under Subpart 1 (assessments of water and sanitary services) and Subpart 2 (obligations and restrictions relating to provision of water services) of Part 7 of the Local Government Act 2002.

Waste Management

12. Authority to exercise the functions, duties and powers of the Council in relation to waste management, including power to adopt waste management and waste minimisation plans under the Waste Minimisation Act 2008.

Roading

13. Authority to exercise all of the Council's powers under the Local Government Act 1974 the Transport Act 1962, the Land Transport Act 1998 and the Land Transport Management Act 2003 in relation to roads.
14. Authority to approve policy guidelines for the initial naming of roads, and for the alteration of the name of any road, within the District.
15. Authority to recommend to the Council, after consultation with the Hastings District Rural Community Board (where appropriate), that the name of a road or part of a road be changed.
16. Authority to exercise the functions, duties and powers of construction, maintenance and control of roads delegated to the Council under Sections 62 and 63 of the Government Roothing Powers Act 1989.
17. Power to resolve that land held as a road reserve be dedicated as road (Section 111 Reserves Act 1977).

Bylaws

18. Authority to monitor any Council bylaws relating to matters within the Fields of Activity and to recommend any amendments or additions to those bylaws to the Planning and Regulatory Committee for review and consideration.

SUBCOMMITTEES

Audit and Risk Subcommittee

A subcommittee of the Finance and Monitoring Committee

Fields of Activity

The Audit and Risk Subcommittee is responsible for assisting Council in its general overview of financial management, risk management and internal control systems that provide:

- Effective management of potential risks, opportunities and adverse effects; and
- Reasonable assurance as to the integrity and reliability of the financial reporting of Council; and
- Monitoring of the Council's requirements under the Treasury Policy

Membership

Chairman appointed by the Council
The Mayor
Deputy Mayor
Chairman of District Development Committee
Chairman of Finance and Monitoring Committee
Chairman Planning and Regulatory Committee
Chairman of Works and Services Committee
Chairman Hearings Committee

Quorum – 4 members

Delegated Powers

Authority to consider and make recommendations on all matters detailed in the Fields of Activity and such other matters referred to it by the Council or the Finance and Monitoring Committee

The subcommittee reports to the Finance and Monitoring Committee.

Tenders Subcommittee

A Subcommittee of the Works and Services Committee

Fields of Activity

The Tenders Subcommittee is responsible for assisting council in its general overview of procurement and tender activity by accepting tenders which exceed the Chief Executive's delegated authority to approve, for projects previously approved by Council or a Standing Committee within the delegated authority.

Membership

Chairman appointed by the Council
4 members appointed by the Council
Chief Executive
Group Manager: Asset Management

For the avoidance of doubt the references in this delegation to the 'Chief Executive' and 'Group Manager: Asset Management' extends to include any persons from time to time appointed in writing to those roles in an acting capacity.

Quorum – Any four members.

Delegated Powers

Authority to accept tenders for individual projects previously approved by the Council or a Standing Committee of the Council up to a value of \$8,000,000

Responsibility to provide oversight and direction on tendering processes in general and/or specific issues relating to a particular project

The Committee reports to the Works and Services Committee

Community Grants Subcommittee

A Subcommittee of the District Development Committee

Fields of Activity

The Community Grants Subcommittee is responsible for assisting Council in the allocation of Community Grants by:

- Reviewing applications for Community Grants
- Setting appropriate performance measures to assist in the measurement of delivery of activities funded from grants
- Allocation of grant funding within the budget allocation

Membership

Chairman appointed by the Council
6 members appointed by the Council

Quorum – any 4 members

Delegated Powers

All matters not specifically delegated to any other Committee and Council Officers concerning or involving the following:

Authority to exercise all Council's powers, functions and authorities (except where prohibited by law or otherwise delegated) in relation to all matters within the Field of Activity including:

- The allocation of grant funding within the budget allocation.

The subcommittee reports to the District Development Committee.

Reserve Management Plan Subcommittee

A subcommittee of the District Development Committee

Fields of Activity

The Reserve Management Plan Subcommittee is responsible for advising the District Development Committee by:

- Reviewing and considering submissions to Draft Reserve Management Plans
- Recommending Reserve Management Plans for adoption

Membership

Chairman appointed by the Council
7 members appointed by the Council

Quorum – 4 members at least one of whom represents the Ward in which a reserve under consideration is located.

Delegated Powers

Authority to exercise all Council's powers, functions and authorities in relation to all matters within the Field of Activity.

The subcommittee reports to the District Development Committee.

Road Closures Subcommittee

A subcommittee of the Works and Services Committee

Fields of Activity

The Road Closure Subcommittee is responsible for assisting Council by:

- Reviewing, considering submissions and deciding applications for temporary closure of roads.

Membership

Chairman appointed by the Council (who shall be an elected member)

Alternate chairman appointed by the Council (who shall be an elected member)

Transportation Manager

Environmental Manager Consents

Quorum – 2 members of whom one shall be the Chairman or the alternate Chairman.

Delegated Powers

All the Council's powers and functions in respect to temporary prohibition of traffic under Section 342(1)(b) and clause 11(e) of Schedule 10 of the Local Government Act 1974.

The Subcommittee reports to the Works and Services Committee.

Civic Awards Subcommittee

A Subcommittee of the District Development Committee

Fields of Activity

The Civic Awards Subcommittee is responsible for assisting Council by:

- Reviewing, considering nominations and recommending recipients of Civic Awards.

Chairman appointed by the Council

2 Members appointed by the Council

The Mayor (ex officio)

Quorum – any 2 members

Delegated Powers

Authority to exercise all Council powers, functions and authorisation in matters within the fields of activity such as to enable recommendations to the District Development Committee on those.

The subcommittee reports to the District Development Committee.

Bylaws Review Subcommittee

A subcommittee of the Planning and Regulatory Committee.

Fields of Activity

Providing direction to Council officers in respect of the drafting of Council's new revised bylaws, and providing oversight of the Special Consultative Procedures.

Membership

5 Councillors

The Chair to be elected by the members of the Working Party

Quorum

3 members

Delegated Powers

- To review and provide comment on draft new or reviewed bylaws, and to recommend to the Planning and Regulatory Committee the adoption of drafts for consultation.
- To hear and consider all submissions reviewed in respect of any bylaw proposal and to recommend responses to the Planning and Regulatory Committee.
- To recommend to the Planning and Regulatory Committee the final wording of any new or reviewed bylaw for adopted by the Council.

OTHER COMMITTEES

Appointments Committee

A Committee of the Council

Fields of Activity

The Appointments Committee is responsible for assisting the Council with the appointment of directors for Hasting District Holdings Limited.

Membership

Chairman appointed by the Council
3 members appointed by the Council
Up to 2 others co-opted by the Committee from time to time

Quorum – 3 councillor members

Delegated Powers

Consideration of recommendations for appointment for director positions for Hastings District Holdings Limited in accordance with the Council's Policy on Appointment and Remuneration of Directors for Council Organisations.

The Committee reports to the Council.

Hastings District Council : Tangata Whenua Wastewater Joint Committee

This is established between Hastings District Council and representation of Tangata Whenua.

Fields of Activity

To be actively involved in developing the Hastings District Council's wastewater treatment and disposal system policies and, in particular, following a review of wastewater treatment in the light of new technologies and standards that may be introduced in the interim, to make recommendations to the Council so as to remove kuparu (human waste) from the waste stream in accordance with the Resource Management Act 1991 and Policies and Plans under the Act, and in particular, to recognise the role of Tangata Whenua as kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Hastings District Council actions on wastewater issues including:

- Options for further treatments
- Options for methods of disposal
- Monitoring effects on the environment

To coordinate and oversee education of the community on wastewater issues.

Membership

Chairman appointed annually by the Joint Committee from its members annually to alternate between the Council and Tangata Whenua representatives.

5 Councillors appointed by the Council

3 Tangata Whenua representatives nominated by the Heretaunga Maori Executive

2 Tangata Whenua representatives nominated by the Ahuriri Maori Executive

Quorum – 6 members including not less than 3 Councillor representatives

Delegated Powers

Recommendation to Council on matters within the Committee Fields of Activity.

The chairperson shall not have a casting vote.

Hastings District Council : Maori Joint Committee

This is established between the Hastings District Council and the Maori community.

Context

- The Joint Committee has been established by the Council as a deliberate step taken to assist in the development of sustainable relationships with Maori. Further it is intended the Council 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 Maori to contribute to the decision processes of the Council and
 - fostering the development of Maori capacity to contribute to those processes and
 - the provision of information to assist Maori contribution to Council's activities.
- The Council wishes the Joint Committee to reflect a spirit of partnership between the Council and the community and to contribute effectively to the Council's activities. To enable this to occur the Fields of Activity and Delegated Powers are framed with the widest scope possible.
- The Council wishes the Joint Committee to assist it with the development of an integrated policy framework (based on Treaty of Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Maori Communities.

Fields of Activity

- To provide policy advice with respect to the District Plan, regarding provisions for Waahi Tapu, Papakainga, and where relevant to tangata whenua, any other amendments to the Plan.
- To provide input to the LTP and Annual Plan with particular reference to those issues of importance to Maori from within the District.
- To host Council hui a hapu events held twice a year.
- To provide insight into Maori and other strategic community issues with particular reference to the Long Term Plan, the effectiveness of the District Plan and the delivery of the Annual Plan.
- To consider and recommend Maori capacity building initiatives within budget and resource constraints of the Council.
- To assist the Council as appropriate in conducting and maintaining effective, good faith working relationships with the Maori community including advice on governance arrangements.
- To make decisions as to the allocation of Marae Development Fund grants within the allocated budget.
- To assist the Council with the development of an integrated policy framework and work programme to enable effective governance, engagement and service delivery for Council's Maori Communities.

Membership

Chairman – to be elected at the first meeting of the Committee at the beginning of each triennium; and from among the appointed community members of the committee

Deputy Chair – to be elected at the first meeting of the Committee at the beginning of each triennium from among the elected members of the committee

The Mayor

5 Councillors appointed by the Council

6 members from within the Maori Community to be appointed by the Council and Kaumatua

Quorum – at least 3 Councillor Members and three Maori Representatives

Delegated Powers

Authority to exercise all Council powers, functions and authorities in relation to the matters detailed in the Fields of Activity such as to enable recommendations to the Council on those matters.

Authority to make decisions on the allocation of Marae Development Fund grants within the allocated budget.

Authority to develop procedures and protocols that assist the joint committee in its operation. Provided that such procedures and protocols meet the statutory requirements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 and Council's Standing Orders.

The Chairman shall not have a casting vote.

Omarunui Refuse Landfill Joint Committee

See Appendix Three – Heads of Agreement

Chairmen's Committee

Field of Activity

Dealing with all matters relating to the employment relationship between the Council and the Chief Executive and monitoring the performance of the Chief Executive in relation to agreed key result areas.

Membership

Chairman - The Mayor

Deputy Mayor

Chairman of District Development Committee

Chairman of Finance and Monitoring Committee

Chairman of Planning and Regulatory Committee

Chairman of Hearings Committee

Chairman of Works and Services Committee

Chairman of HDC : Maori Joint Committee

Quorum – 4 members

Delegated Powers

The Chairmen's Committee is to provide on behalf of Council a formal process:

- of regular review and planning with the Chief Executive and Council in respect of the Council's performance expectations of the Chief Executive, and the Chief Executive's performance
- to prepare and adopt the Performance Agreement between Council and the Chief Executive
- to assist the Chief Executive to identify areas and priorities for efficiency and baseline reviews
- to receive briefings and act as a governance sounding board for organisational change and improvement processes
- to review and set remuneration and other conditions of employment on behalf of Council.
- to develop, with the Chief Executive, and approve professional development programmes and initiatives to further develop the Chief Executive.

The Chief Executive's performance review, planning and related processes are to be conducted in line with the process set out in Appendix One.

The Chairmen's Committee reports to the Council.

Hawke's Bay Crematorium Committee

The Hawke's Bay Crematorium Committee established by Order in Council 9 June 1989 as part of The Local Government (Hawke's Bay Region) Reorganisation Order 1989.

- 1) The Hastings District Council shall establish and maintain a committee to be called the Hawke's Bay Crematorium Committee.
- 2) The membership of the Committee shall consist of:
 - (a) Two members to be appointed by the Napier City Council; and
 - (b) Two members to be appointed by the Hastings District Council; and
 - (c) One member to be appointed by the Central Hawke's Bay District Council.
- 3) The Hastings District Council shall delegate to the Hawke's Bay Crematorium Committee such functions, duties and powers in respect of the supervision and operation of the Hawke's Bay Crematorium as the Council considers appropriate.

Membership

Chairperson appointed by the Committee

5 members appointed in accordance with the Reorganisation Order

Quorum – 3 members

Delegated Powers

Authority to develop policies and provide operational and financial oversight of the Hawke's Bay Crematorium.

Hearings Committee

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

Resource Management Act 1991

Building Act 2004

Sale of Liquor Act 1989

Health Act 1956

Dog Control Act 1996

Litter Act 1979

Fencing of Swimming Pools Act 1987

Hastings District Council Bylaws

Local Government Act 1974

Local Government Act 2002

Gambling Act 2003

Membership

Chairman appointed by the Council

Deputy Chairman appointed by the Council

2 members appointed by the Council

1 member appointed by the Council from among the HDC : Maori Joint Committee not being a Councillor

Quorum –

- a) At least half of the members including the Chair sitting on a hearing must be accredited
- b) A maximum of three members including the chairperson to meet for any one hearing, except for Council initiated plan change hearings where all members may attend and take part in the decision making process (subject to a) above).
- c) For Hearings other than Council initiated plan change hearings the quorum shall be two members
- d) For Council initiated Plan Change Hearings the quorum shall be three members.
- e) Members to sit on any hearing other than a Council initiated plan change hearing shall be selected by agreement between the Chair and the Group Manager: Planning and Regulatory Services.

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Attachment 1

Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

- | | | |
|-----|--|--|
| 1) | Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. | Decide on Applications and Private Plan Change requests. |
| 2) | Hear, consider and recommend to the Planning and Regulatory Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan. | Submission on Council Plan Changes. |
| 3) | Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Resource Consents. |
| 4) | Appoint a Commissioner or Commissioners to hear, consider and recommend to the Planning and Regulatory Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Proposed District Plan and Council or Private Plan Changes. |
| 5) | Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act. | Extend Time Limits and Waive Compliance. |
| 6) | Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act | Review of Decisions made under Delegation. |
| 7) | Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it. | Protection of Sensitive Information. |
| 8) | Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers reports in respect of any matter before it. | Waive Time for Receipt of Officers' Reports. |
| 9) | Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it. | Defer Application Where Other Consents Required. |
| 10) | Require, pursuant to Section 92 of the Act, further information | Require Further |

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	relating to any application before it and postpone notification, hearing or determination of the application.	Information.	
11)	The above delegations shall apply with all necessary modifications to:		
	i) Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so.	Review of Consent Conditions.	Item 10
	ii) Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act.	Hear Submissions on Designations.	
	iii) Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act.	Hear Submissions on Heritage Orders.	
12)	Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act.	Recommendations and Designations.	
13)	Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act.	Amend District Plan.	Attachment 1
2. BUILDING ACT 2004			
	Pursuant to Clause 9.0 of the Dangerous, Earthquake-prone and Insanitary Buildings Policy 2006 and Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to review, consider and determine any objection to a classification made under the initial evaluation procedure for earthquake-prone buildings.	Determine Objections on Insanitary Earthquake Prone Building Notices.	
	Note: Where building owners disagree with a notice served by Council pursuant to Sections 124 or 129 of the Act, they may apply to the Department of Building and Housing for a determination under Section 177 of the Building Act 2004.		
3. SALE OF LIQUOR ACT 1989			
	Pursuant to Section 104 of the Sale of Liquor Act 1989 the Hearings Committee is delegated authority to:		
1)	Hear and decide on any application for a Special Licence where objections have been received pursuant to Sections 77 and 100 (d) of the Act.	Decide on Objections to Special Licences.	
2)	Waive, pursuant to Section 111 of the Act, precise compliance with the terms of the Act in respect of any application before it.	Waive Time Limits.	
3)	Hear and determine applications for an order to vary, suspend or cancel any Special Licence, pursuant to Section 133 of the Act, including any appeals against an application for such an order.	Make an Order to Suspend or Cancel a Special Licence.	

<p>4) Hear and determine applications for suspension of any on-licence or club licence pursuant to Section 134 of the Act.</p>	<p>Determine Applications to Suspend On/Club Licences.</p>
<p>4. HEALTH ACT 1956</p> <p>Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:</p>	
<p>i) Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966.</p>	<p>Explanations Why Registration Should Not be Revoked.</p>
<p>ii) Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the Housing Improvement Regulations 1974.</p>	<p>Determine Appeals, Applications or Objections to Requirements Under Housing Improvement Regulations.</p>
<p>5. DOG CONTROL ACT 1996</p> <p>Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections</p>	
<p>(1) Section 22</p>	<p>relating to classification as a probationary owner.</p>
<p>(2) Section 26</p>	<p>relating to objection to disqualification from owning a dog.</p>
<p>(3) Section 31</p>	<p>relating to classification as dangerous dog.</p>
<p>(4) Sections 33EA and 33ED</p>	<p>relating to classification as a menacing dog.</p>
<p>(5) Section 55</p>	<p>relating to notices to abate barking nuisance.</p>
<p>6. LITTER ACT 1979</p> <p>Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.</p>	
<p>7. FENCING OF SWIMMING POOLS ACT 1987</p> <p>Pursuant to Section 12 of the Fencing of Swimming Pools Act 1987 the Hearings Committee is delegated authority to grant pursuant to Section 6 and Clause 11 of the Schedule to the Act, an exemption from or waive compliance with the requirements of the Act (with or without conditions) in the case of any particular pool.</p>	
<p>Grant Exemptions to Pool Fencing Requirements.</p>	

8. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

- i) Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws. Review of Delegated Decisions.
- ii) Consider and determine any application under Clause 6.0 of Part 1 of the Hastings District Council Bylaws for a dispensation from full compliance with any provision of the Bylaws. Dispensations from Bylaws Requirements.

9. LOCAL GOVERNMENT ACT 1974

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.

Hearing Objections to Road Stopping.

10. GAMBLING ACT 2003

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

- i) Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy. Hear and Decide on Applications for Territorial Authority Consent.

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Attachment 1

Hastings District Plan Hearings Committee

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the Resource Management Act 1991, relative to its delegated powers.

Membership

Chairman appointed by the Council

Deputy Chairman appointed by the Council

2 members appointed by the Council

1 member appointed by the Council from among the HDC: Maori Joint Committee not being a Councillor

1 member appointed by the Council from among the HDC Rural Community Board

Quorum –

- a) At least half of the members including the Chair sitting on a hearing must be accredited. This may change if the Government amends the Resource Management Act
- b) A quorum of 4 members

For the avoidance of doubt the Chairperson shall have the casting vote.

District Plan Review Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

- | | |
|---|--|
| 1) Hear, consider and recommend to the Planning and Regulatory Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or Proposed District Plan. | Submission on Council Plan Changes. |
| 2) Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act. | Extend Time Limits and Waive Compliance. |
| 3) Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it. | Protection of Sensitive Information. |
| 4) Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers reports in respect of any matter before it. | Waive Time for Receipt of Officers' Reports. |

HASTINGS DISTRICT RURAL COMMUNITY BOARD

Hastings District Rural Community Board

The Community Board is a separate entity to the Council. The role of the Community Board is set out in Section 52 of the Local Government Act 2002. The Council is authorised to delegate powers to the Community Board.

Membership

Elected Community Board Members

Mohaka and Kahuranaki Ward Councillors appointed by the Council

The Board elects its own Chairman

Quorum – 4 members

Delegated Powers

GENERAL

1. To maintain an overview of services provided by the Council within the Community Board's area.
2. To represent, and act as an advocate for, the interests of the community represented.
3. To consider and report on all matters referred to the Board by the Council, or any matter of interest or concern to the Community Board.
4. To communicate with community organisations and special interest groups within the community;
5. To undertake any other responsibilities that are delegated to it by the Council.
6. To appoint a member of the Community Board to organisations approved by the Council from time to time.

LONG TERM COUNCIL COMMUNITY PLAN/ANNUAL PLAN / POLICY ISSUES

7. Authority to make a submission to the Long Term Plan/Annual Plan process on activities, service levels and expenditure (including capital works priorities) within the Board's area or to make a submission in relation to any policy matter which may have an effect within the Board's area.

ROADING AND TRAFFIC

8. Authority to exercise the Council's powers and functions in relation to roads within the Board's area under the following sections of the Local Government Act 1974:
 - Section 335 (vehicle crossings);
 - Section 344 (gates and cattle stops);
 - Section 355 (overhanging trees).
9. Authority to exercise the Council's statutory powers (including any relevant powers conferred by bylaw) over roads within the Board's area in respect of:
 - (i) Road user behaviour at intersections;
 - (ii) Controls on stopping or overtaking
 - (iii) Controls on turning
 - (iv) Pedestrian safety,
 - (v) Footpath maintenance and improvements.
 - (vi) Accident investigation studies, lighting and other safety works
10. For the avoidance of doubt, nothing in this delegation authorises a Community Board to deal with a matter, in the exercise of delegated authority, in a manner which is conflict with any

policy or decision of the Council or any standing committee of the Council in relation to the same matter.

Rural Halls Subcommittee

A Subcommittee of the Rural Community Board.

Fields of Activity

The Rural Halls Subcommittee is responsible for assisting the Rural Community Board by:

- Reviewing applications for grants from the Rural Hall Community Fund,
- Recommending the allocation of grants within the funding available,
- Recommending changes in criteria for grants.

Membership

Chairman – Chairman of the Rural Community Board

Rural Community Board Members

2 Heretaunga Ward Councillors

Quorum - 4 Members

Delegated Powers

- Reviewing Application for Grants from the Rural Hall Maintenance Fund.
- Recommending the allocation of grants within the allocated funding.
- Recommending changes in criteria for grants from the Rural Hall Maintenance Fund.

OTHER DELEGATIONS

Landmarks Advisory Group

Fields of Activity

The Landmarks Advisory Group is established to advise the Council on planning the implementation of the Landmarks Developments.

Membership

Chairman – a Councillor appointed by the Council
4 other Councillor members appointed by the Council
The Landmarks Trust Chair
3 others nominated by the Landmarks Trust

Quorum – 5 members including not less than three Councillor members.

Delegated Powers

1. To make recommendations to Council on Landmarks design elements in Council initiated projects.
2. To approve public art projects that are budgeted for.
3. To approve grants from the Abbott Bequest.
4. To make recommendations to the Council on Landmarks projects for inclusion in the LTCCP.
5. To monitor the Landmarks Development Plan and the Hastings CBD Strategy and its programme delivery and effectiveness.

Tender Awards Panel

Fields of Activity

The award of Tenders as set out within the delegated powers.

Delegated Powers

The following are delegated authority to approve (without meeting) the lowest tendered price recommended in the Tender Recommendation Report, tenders for individual projects previously approved by the Council or a committee of the Council up to the value of \$8,000,000 provided it is below the budget allocation or not more than \$70,000 above the budget allocation, by signature.

The Chief Executive and

The Group Manager: Asset Management and

The Chairman of the Tenders Subcommittee (or the Mayor in the absence of the Chair of the Tenders Subcommittee) and

Any other elected member of the Tenders Subcommittee,

For the avoidance of doubt all four of the above are required to approve by signature the award of any tender under this delegation.

For the avoidance of doubt the reference in this delegation to the 'Chief Executive' and 'Group Manager: Asset Management' extends to include any persons from time to time appointed in writing to those roles in an acting capacity.

Earthquake-Prone Building Working Party

Fields of Activity

Providing input and direction to Council officers implementing the requirements of the Dangerous, Earthquake-prone and insanitary Buildings Policy 2006 (*the Policy*). This may include input and direction on public consultation processes and preparation of discussion documents relevant to the implementation of the Policy.

To initiate and complete reviews of the Policy, and inform Council on proposed legislative and national policy changes as may be appropriate or required from time to time.

Membership

4 Councillors appointed by the Council
Chairman appointed by the members of the Working Party

Quorum

3 Members

Delegated Powers

To make recommendations to Council on matters related to the Field of Activity for the Working Party.

To update Council's Planning and Regulatory Committee as appropriate on matters within the Field of Activity.

Rating Review Working Party

Fields of Activity

The Rating Review Working Party is responsible for assisting the Council in activities relating to rating policy and the reviews of rating policy.

Membership

Chairman appointed by the Council
6 Members appointed by the Council
The Mayor (ex-officio)

Quorum

4 members

Delegated Powers

- Oversight of the implementation of all matters related to the rating reviews and such other projects delegated by the Council from time to time.
- Recommend to Council changes to rating policy for consideration for inclusion in the Long Term Plan and Annual Plan.
- The Working Party reports to Council.

PORTFOLIO LEADERSHIP

Portfolio leaders assist the Council within their fields of activity by undertaking the following tasks and roles.

Policy Leadership: to provide guidance to colleagues on issues and reports from within a particular portfolio. Portfolio Leaders will move reports from their area of responsibility, advocate for them, explain and clarify matters to colleagues and, where necessary, introduce reports at Council. Portfolio Leaders will also facilitate informal policy discussions between elected members, and elected members and officers, on matters within their area of responsibility.

External Representation and Relationships: to represent the Council at meetings of working groups, and other external organisations and groups, and contribute to the work carried out by such organisations and groups. Attend official functions within their area of responsibility, and represent the Mayor on those occasions when the Mayor and Deputy Mayor are unable to attend.

Communication: to act as the principal spokesperson in communicating to the media and public the official policy of the Council (or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction) on items relating to their respective area of activity (noting that the Mayor has the right of first refusal as Council's principal spokesperson).

Officer Liaison: to advise Chief Executive and/or Management team officers of issues, provide feedback from councillors and the community, and to act as the point of contact for officers in supporting the work programme in their area of activity.

Meeting Preparation and Follow-Up: to ensure satisfactory presentations are under preparation, ensure media issues have been addressed, and following a meeting make sure key issues and decisions are clearly communicated to the media and public.

The Council appoints Portfolio Leaders at the commencement of each Triennium to focus on activities it considers are such that the appointment of a Portfolio Leader will assist it in achieving its objectives. The appointment will define the fields of activity.

APPENDIX ONE

Chief Executive's Performance Review and Planning Process

OVERVIEW

This process has been put in place to provide a formal process of regular performance review and planning with the Chief Executive (CE) and Council, to ensure that there is common understanding of desired outcomes, to foster the relationship and communication between the CE and Council, to provide feedback on performance to the CE, and to resolve any particular differences between the CE and Council. The Chairmen's Committee is delegated the authority to act on behalf of Council in carrying out this process.

In setting performance indicators and conducting performance reviews, the parties must take into account the requirements of the Local Government Act 2002, as follows:

Part 4 Section 42 Chief Executive

(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—

- (a) implementing the decisions of the local authority; and*
- (b) providing advice to members of the local authority and to its community boards, if any; and*
- (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and*
- (d) ensuring the effective and efficient management of the activities of the local authority; and*
- (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
- (f) providing leadership for the staff of the local authority; and*
- (g) employing, on behalf of the local authority, the staff of the local authority; and*
- (h) negotiating the terms of employment of the staff of the local authority.*

(3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—

- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
- (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*

(4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

and

Schedule 7, Part 1, 34 (2)

34 Terms of employment of chief executive

(2) The local authority and the chief executive must enter into a performance agreement.

PERFORMANCE PLAN

The process commences with an agreement between the CE and Council on the Performance Plan for the coming year. This Plan includes overarching Performance Expectation information as well as specific Key Performance Indicators. The Key Performance Indicators detail the performance area, the specific goals and objectives, and the targets or measures.

A workshop with full Council will be held to provide Councillors with the opportunity to express their desired areas of focus for the CE for the forthcoming year and related key performance indicators (in years following the first year, this Workshop will play the dual role of providing an opportunity for reviewing performance of the CE as well as planning for the coming year).

The Performance Plan will be drafted based on the information gathered through the workshop and through Chairmen's Committee meetings, and will be agreed by the Chairmen's Committee and the CE.

The finalised Performance Plan will be circulated to full Council.

PERFORMANCE REVIEW

Having agreed the Performance Expectations and Key Performance Indicators, the Chairmen's Committee will conduct periodic reviews to a predetermined timetable. There will be at least two reviews annually. For the annual review, an experienced consultant will be retained to facilitate the process.

As part of the annual review, a 360 degree feedback survey may be undertaken. This will involve seeking feedback from the Mayor and Councillors, other appropriate external stakeholders (e.g. CE Hawke's Bay Regional Council), direct reports to the Chief Executive and the Chief Executive.

The workshop referred to above will provide the ability for Councillors to comment on the achievement of the agreed Performance Expectations and Key Performance Indicators. The Chief Executive will also periodically seek to have other workshops with Council to seek more informal feedback on how things are going and to provide updates to Council as appropriate.

The CE will prepare a paper prior to this workshop detailing his/her views on the achievement of Performance Expectations and Key Performance Indicators. This paper will see the Performance Plan as a basis and provide comments in regard to each Key Performance Indicator, as well as overall commentary.

Following the Workshop, the Performance Review document drafted by the CE will be updated to reflect the views of the Council, and the final Review document will be agreed by the Chairmen's Committee.

The final Review document will then be circulated to full Council.

The Chairmen's Committee may invite the organisation's human resources executive to be a party to the Performance Review and Planning process. The intent here is to maintain a level of consistency with the management of the CE in comparison with the management of other Council officers.

Following the completion of the Performance Review, the external consultant will review the CE's remuneration package and give advice to the Chairmen's Committee based on market remuneration information and taking account the outcomes of the Performance Review process. The organisation's human resources executive may be invited to provide input into this process. The Chief Executive will be given the opportunity to provide his/her views on the appropriate remuneration level. Following consultation with the Chief Executive, the Chairmen's Committee will determine the appropriate remuneration level.

APPENDIX TWO

International Advisory Group Delegations

(Extract from Hastings District International Advisory Group – Statement of Intent 2011-2015)

Fields of Activity

The Hastings District International Advisory Group is established to advise the Council on the development of education, scientific research, migration and cultural relationships with cities within China and the rest of the world, and develop relationships with ethnic communities in Hawke's Bay through the knowledge and experience gained from our Sister City relationship with Guilin.

Membership (10)

- Chairman – a Councillor appointed by the Council
- Hastings District Mayor
- 1 other Councillor members appointed by the Council
- 1 representative of the Hawke's Bay branch of the New Zealand China Friendship Society
- 1 representative of the Hawke's Bay Chinese Association
- 2 representatives of the Multicultural Association Hawke's Bay
- 1 representative of the Education Link Group
- 1 representative of the Hastings District Youth Council
- 1 representative of the Hawke's Bay Settlement Support
- Up to 2 other members may be co-opted at any time

Quorum – 5 members including not less than two Councillor members.

Delegated Powers

1. To promote and oversee sister city activity between Guilin and Hastings District such as delegation visits and cultural exchanges.
2. To support the development of relationships between Hastings District or Hawke's Bay based educational establishments with those in China and the rest of the world.
3. To report its work and progress to the District Development Committee.

Meetings

Meetings will be held a minimum of 3 times a year. These are to be advertised as public meetings, and will be fully serviced by the Council's Corporate and Customer Services Group. The Advisory Group will be disestablished at each triennial Local Government election.

(6 December 2011 Finance and Operations Committee resolution:

- A) That the Statement of Intent is adopted by the Committee thereby renaming the Guilin Sister City Board of Directors the Hastings District International Advisory Group, and for the Advisory Group to report directly to the Finance and Operations Committee.
- B) That a report is brought to the Finance and Operations Committee in early 2012, reviewing the membership of the Advisory Group and recommending an appointments process.)

(Note: The Finance and Operations Committee was disestablished as at 1 June 2012 and responsibility for International Relations is now within the Field of activity of the District Development Committee.)

APPENDIX THREE

Omarunui Refuse Landfill Joint Committee Heads of Agreement

Heads of Agreement dated the 4th day of October 2010

1.	Parties:	Hastings District Council and Napier City Council (the Councils)
2.	Nature of Relationship	A Joint Committee between the Councils who already own a property at Omarunui as tenants in common in the following shareholding percentages for refuse disposal purposes: Hastings District Council: 63.68% Napier City Council: 36.32%
3.	Objectives	To jointly develop and operate generally for the benefit of the Councils a refuse disposal facility (including any ancillary activities) in compliance with resource and regulatory consents.
4.	Participation of each Council	Each Council shall participate on the basis of the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32% (subject to any specific provisions following)
5.0	Joint Committee	
5.1	Omarunui Refuse Landfill Joint Committee (Joint Committee):	This Committee shall comprise four elected members of the Hastings District Council and two elected members of the Napier City Council or the alternates of those elected members and an alternate when acting in the place of an elected member shall be deemed to be an elected member. The functions of this Joint Committee shall be to determine policies to ensure the objectives are achieved and to monitor the implementation of those policies by obtaining reports from the Facility Manager or any other persons involved in the refuse disposal operation.
5.2	Administering Authority	The Hastings District Council shall be the Administering Authority. It shall provide technical, financial and secretarial services and shall be the employing authority for staff required in the administration and conduct of the refuse disposal operation. The Administering Authority shall make any information required by the Joint Committee available to that Committee.
6.0	Joint Committee General Powers	6.1 Subject to Clause 6.2 the general powers of the Joint Committee shall be: a. Except as provided in Clause 6.3 all such powers as shall be necessary to develop and operate the refuse disposal facility in compliance with the resource and regulatory consents already obtained including, if

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		<p>necessary, the power to seek further resource and regulatory consents.</p> <ul style="list-style-type: none"> b. To construct buildings, purchase and dispose of plant, equipment and materials. c. Arrange insurance cover to ensure that there is comprehensive insurance in respect of the establishment and operation of the refuse disposal facility. d. To indemnify any Council or Council representative acting on behalf of the Councils pursuant to this agreement in connection with the development or operation of the refuse disposal operation after the execution hereof. e. To fix and recover fees and charges payable by landfill users. f. The licensing of users. g. To recommend to the Councils the raising of loans. For the purpose of loan raising the 'Administering Authority' shall undertake all loan raising on behalf of the Councils. h. To enter into contracts within the estimates it being acknowledged by each of the Councils for the purposes of the Local Government Act 2002 that the Joint Committee shall be delegated power to enter into any contract limited to such an amount as may be fixed by the Councils from time to time unless the prior written approval of each Council shall have been obtained. i. To use any part of the Omarunui property not required for refuse disposal for any lawful purpose including the leasing thereof. j. Such further specific powers as may be delegated to it as agreed by the Councils. <p>6.2 The Joint Committee shall operate within budgets approved by the Councils. In the event that overexpenditure is anticipated or incurred the Joint Committee shall immediately report that fact to the Councils.</p> <p>6.3 The powers delegated to the Joint Committee shall not entitle that Committee to sell or otherwise dispose of on behalf of any Council any asset owned by that individual Council or to sell the Omarunui land or any other land administered by the Joint Committee for refuse disposal purposes.</p> <p>6.4 Subject to Clause 6.2 and 6.3 all decisions made by the Joint Committee pursuant to its delegated powers shall without confirmation of the Councils bind each of the</p>
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		Councils as if it had been done in the name of each Council.
7.0	Joint Committee Procedural Matters	<p>7.1 Each elected member or the alternate of such member shall have one vote.</p> <p>7.2 The elected members shall elect a Chairman and Deputy Chairman.</p> <p>7.3 Quorum at meetings shall be four elected members including at least one elected member from each Council. The parties note that this conflicts with the provisions in clause 30 (9) (b) of schedule 7 of the Local Government Act 2002. To avoid any possible doubt the parties shall operate the committee based on the specific requirements in this agreement at all times.</p> <p>7.4 All meetings may be attended by officers of the Councils but officers shall not be entitled to vote.</p> <p>7.5 Meetings may be requisitioned by any two elected members who shall state the nature of the business and the Administering Authority shall convene a meeting (giving notice of the business) and Councils shall ensure that at least one of their elected members attends.</p> <p>7.6 Annual meetings shall be held within three months of the end of the financial year and the business of such meeting shall include the financial accounts for the previous year.</p> <p>7.7 Budget estimates for the following financial year shall be prepared and supplied to the Councils no later than 31 January in each year for their approval.</p> <p>7.8 Meeting procedures shall be in accordance with NZS 9202: 2003, or such other version of standing orders as mutually agreed between the parties, except to the extent that specific provision is contained herein and is not contrary to law.</p>
8.0	Joint Committee Financial Provisions	<p>8.1 The Joint Committee shall provide financial and management accounting records and reports which provide sufficient detail to enable the committee and the Councils to assess performance of each separate business activity within the Landfill.</p> <p>8.2 The administering authority shall circulate a draft budget prior to the meeting at which the Joint Committee is to consider the estimates for recommendation to the Councils.</p> <p>8.3 Surpluses and deficits shall be received and borne by the Councils in the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32%</p> <p>8.4 All amounts payable by each Council shall be paid within</p>

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		<p>one calendar month of notification of the amount payable. If any Council shall consistently fail to make payments as required by this clause the Joint Committee may impose a penalty on the defaulting Council which shall be met by such Council.</p>
9.0	<i>Duties of the Individual Councils</i>	<p>9.1 To comply with the resource and regulatory consents relating to the operation.</p> <p>9.2 The Councils shall make bylaws to ensure the efficient operation of the refuse disposal facility and set and adopt fees and charges and licensing procedures.</p> <p>9.3 To establish and operate transfer stations and to adopt charges in relation to such transfer stations.</p>
10.0	<i>Changes in Participation</i>	<p>10.1 The establishment and operating costs of the Councils up to the time of any Change in Participation shall be safeguarded as far as possible.</p> <p>10.2 The addition or withdrawal of any party shall require agreement of the Councils.</p>
11.0	<i>Staff Appointments</i>	<p>11.1 Where any Council is involved in the provision of staff or services, such Council shall be reimbursed for the cost of such persons or services.</p> <p>11.2 It is recognised that it will be desirable for the staff required to be employed by one of the Councils.</p>
12.0	<i>Facility Manager</i>	<p>12.1 The Facility Manager appointed by the Administering Authority shall be a suitably qualified person who shall report to the Joint Committee and attend its meetings and will be responsible for the day to day operations at the landfill site.</p> <p>12.2 During any further development the Facility Manager, as appointed by the Administering Authority, shall be considered to be the officer responsible for all development activities unless otherwise directed by the Joint Committee.</p>
13.0	<i>Secretarial Services</i>	<p>13.1 Secretarial and Accounting services shall be provided by the Administering Authority.</p> <p>13.2 The functions to be fulfilled shall include:</p> <ol style="list-style-type: none"> a. Convening of meetings. b. Keeping of minutes. c. Preparation of estimates and accounts. d. Keeping the Joint Committee informed. e. The recovery of fees and charges. f. Such further specific powers as may be delegated by agreement of the Councils. <p>13.3 All documents to be signed on behalf of the Joint Committee shall be signed by the Chairman (or in his</p>

		absence one elected member of that Committee) together with such other person authorised by the Administering Authority.
14.0	Commencement and Duration	<p>14.1 This Joint Committee shall commence from the date of this agreement and shall continue thereafter until terminated by agreement of the Councils.</p> <p>14.2 On termination of this agreement the assets shall be applied, first, in the repayment of all debts, second, in the repayment of any capital contributions, advances or sums of money that may have been made or may be due to any of the Councils, third, the surplus, if any, shall be distributed between the Councils in the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32%</p> <p>14.3 In the event of a short-fall on the termination of this agreement the Councils shall contribute in the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32% to such short-fall, with any necessary adjustments being made to reflect any amounts due by or to any individual Council at termination.</p>
15.0	Arbitration	<p>15.1 In the event of any dispute relating to this agreement the same shall be referred to arbitration pursuant to the Arbitration Act 1996 and each Council who is a party to the dispute shall be entitled to appoint an Arbitrator.</p> <p>15.2 The Arbitrators before embarking on the Arbitration shall appoint an umpire whose decision shall be final in the event that the Arbitrators are unable to agree.</p>
16.0	Substitution	<p>16.1 It is agreed and acknowledged that this agreement shall take effect and be in substitution for the Heads of Agreement between the parties dated 18 February 1993.</p>