



Delegations Register

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1. INTRODUCTION AND OVERVIEW

1.1 Purpose

A formal delegations register records Council's responsibilities, duties, or powers as delegated to its committees, community boards and officers. Delegations may apply to Council's responsibilities, duties and powers pursuant to statute, regulations, bylaws and policies.

2. DELEGATIONS FRAMEWORK

It is not practicable or desirable for the Council to perform all of its duties and exercise all of its powers. Legislation therefore authorises local authorities to delegate those responsibilities, duties and powers in order to facilitate the efficient and effective conduct of their business, principally under the Local Government Act 2002 (LGA02). Delegations will be made to positions, not people.

2.1 Statutory Framework

Authority to delegate is provided for in a number of statutes under which local authorities have defined responsibilities, duties or powers, but the authority most generally applicable is that contained in clause 32, Schedule 7 of the LGA02:

- (1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—
 - (a) the power to make a rate; or
 - (b) the power to make a bylaw; or
 - (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
 - (d) the power to adopt a long-term plan, annual plan, or annual report; or
 - (e) the power to appoint a chief executive; or
 - (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or
 - (g) [Repealed]
 - (h) the power to adopt a remuneration and employment policy.

This provision of the LGA02 is a default position as regards the power to delegate, applying "unless expressly provided otherwise" in the LGA02 itself, or in any other Act. There is a range of legislation that Council operates under, and under which it may usefully delegate to officers. Some have specific provisions relating to delegations that may be inconsistent with the broad power in the LGA02. For example section 34A(1) & (2) of the Resource Management Act 1991 (RMA) provides that:

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
 - (a) the approval of a proposed policy statement or plan under [clause 17](#) of Schedule 1:
 - (b) this power of delegation.
- (2) A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:
 - (a) the powers in subsection (1)(a) and (b):
 - (b) the decision on an application for a resource consent:
 - (c) the making of a recommendation on a requirement for a designation.

Under this provision of the RMA the power to sub-delegate is expressly prohibited, which is an important consideration when delegating under that Act.

The RMA therefore provides its own limits on delegations, which differ from those in the LGA02. By contrast section 232 of the Building Act 2004 (**BA04**) simply states:

Clause 32 of Schedule 7 of the Local Government Act 2002 applies, with all necessary modifications, in respect of powers conferred by this Act on a territorial authority and its officers.

Other statutes, like the Dog Control Act 1996, make no provision whatsoever for delegations, meaning that the LGA02 provision applies by default.

All delegations in this register are made pursuant to the Council's general power of delegation under clause 32 of Schedule 7, LGA02 unless expressly otherwise provided.

2.2 Range of delegations

Council has responsibilities, duties and powers under a variety of statutes and regulations. Decisions and actions, other than purely administrative matters, must be undertaken pursuant to Council resolution unless there are relevant delegations in place. Some delegations will be made to boards and committees of Council, and in some instances (where not precluded by the original delegation) those responsibilities, duties and powers may be sub-delegated to officers. The framework is primarily concerned with delegations made by Council to staff.

The range of statutes under which Council might usefully delegate its responsibilities, duties and powers includes the following, although this list may be amended from time to time as legislation is made or repealed, and in accordance with the determinations of Council:

2.3 Acts (include)

Administration Act 1969	Government Rounding Powers Act 1989
Airport Authorities Act 1966	Hazardous Substances and New Organisms Act 1996
Animal Welfare Act 1999	Health Act 1956
Arts Council of New Zealand Toi Aotearoa Act 2014	Health and Safety at Work Act 2015
Biosecurity Act 1993	Heritage New Zealand Pouhere Taonga Act 2014
Building Act 2004	Holidays Act 2003
Building Research Levy Act 1969	Impounding Act 1955
Burial and Cremation Act 1964	Income Tax Act 2007
Bylaws Act 1910	Insolvency Act 2006
Civil Defence Emergency Management Act 2002	Irrigation Schemes Act 1990
Copyright Act 1994	Kiwi Saver Act 2006
Criminal Procedure Act 2011	Land Act 1948
Dispute Tribunal Act 1988	Land Drainage Act 1908
Dog Control Act 1996	Land Transfer Act 1952
Electricity Act 1992	Land Transport Act 1998
Employment Relations Act 2000	Land Transport Rule: Setting of Speed Limits 2017
Fees and Travelling Allowances Act 1951	Land Transport Rule: Traffic Control Devices 2004
Finance Act 1978	Land Transport Management Act 2003
Financial Markets Conduct Act 2013	Litter Act 1979
Food Act 2014	Local Authorities (Members Interests) Act 1968
Forestry Rights Registration Act 1983	Local Electoral Act 2001
Freedom Camping Act 2011	Local Government Act 1974
Gambling Act 2003	
Gas Act 1992	
Goods and Services Tax Act 1985	

Local Government Act 2002
Local Government Official Information and Meetings Act 1987
Local Government (Rating) Act 2002
Machinery Act 1950
Major Events Management Act 2007
Marine and Coastal Area (Takutai Moana) Act 2011
Maritime Transport Act 1994
New Zealand Library Association Act 1939
Parental Leave and Employment Protection Act 1987
Postal Services Act
Privacy Act 1993
Property Law Act 2007
Prostitution Reform Act 2003
Protected Disclosures Act 2000
Public Audit Act 2001
Public Authorities (Party Wall) Empowering Act 1919
Public Bodies Leases Act 1969

Public Records Act 2005
Public Works Act 1981
Racing Act 2003
Rates Rebate Act 1973
Rating Valuations Act 1998
Receiverships Act 1993
Reserves Act 1977
Resource Management Act 1991
Sale and Supply of Alcohol Act 2012
Tax Administration Act
Telecommunications Act 2001
Thames Borough Endowment Leasing Act 1900
Trespass Act 1980
Unit Titles Act 2010
Utilities Access Act 2010
Wages Protection Act 1983
Walking Access Act 2008
Waste Minimisation Act 2008
Wild Animal Control Act 1977

2.4 Regulations (include)

Amusement Devices Regulations 1978
Building (Accreditation of Building Consent Authorities) Regulations 2006
Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967
Camping-Grounds Regulations 1985
Cremation Regulations 1973
Dog Control (Prescribed Forms) Regulations 1996
Food Hygiene Regulations 1974
Health (Hairdressers) Regulations 1980
Health (Burial) Regulations 1946
Health (Registration of Premises) Regulations 1966
Heavy Motor Vehicles Regulations 1974
Local Electoral Regulations 2001
Rating Valuations Regulations 1998
Transport (Vehicular Traffic Road Closure) Regulations 1965

2.5 Policy decisions

This may apply to a range of matters where policy determinations are necessary, including, for example, decisions on rates penalties, remissions and postponements under the relevant policies made under the LGA02. The delegations register records delegated authority for such decision-making where it is contained in a policy.

2.6 Bylaws

Bylaw provisions sometimes require the consent of Council to specific activities, or the approval of certain activities. The delegations register records the delegations contained in bylaws. The register does not address the powers of specified statutory officers, as these are outlined in the relevant bylaw.

2.7 Enforcement

This register does not address powers or duties that are conferred directly on an officer under an act, regulation or bylaw by virtue of the statutory position held e.g. parking warden. These powers and duties are set out in the relevant act, regulation or bylaw e.g. for parking wardens in the Land Transport Act 1998. The power to appoint such officers may be included in the delegations register for reference purposes.

2.8 Specific Delegations

Specific delegations may need to be made from time to time to determine a specific issue. These must be recorded in writing on the statutory delegations file, including the date by which the delegation will expire, or the event pursuant to which it will expire.

2.9 Level of delegation

Different local authorities take a variety of approaches to the level to which direct delegations are made, but all allow delegations to officers at many levels in the areas in which they operate. Clause 32(3) of Schedule 7 LGA02 allows sub-delegation:

A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.

An over-arching delegation will be made to the Chief Executive allowing him/her to exercise all of the responsibilities, duties and powers of Council that are capable of delegation, except those that the Council has specifically reserved to itself or one or other of its boards or committees.

The Council does not lose the right to exercise the power or perform the duty delegated and may act instead of, or in conjunction with, the delegate.

The Chief Executive retains the ability to exercise the responsibilities, duties and powers delegated to any officer in the organisation.

2.10 Sub-delegation

Not all statutory responsibilities can be sub-delegated. The statute itself may specifically limit sub-delegation, as is the case with section 34A(1) of the RMA:

A local authority may delegate ... except the following:...

(b) this power of delegation.

The Chief Executive has the power to sub-delegate to individual positions unless expressly prevented from doing so by the relevant Council resolution or legislation (eg Resource Management Act 1991).

2.11 Keeping and Maintaining the Delegations Register

The delegations register requires input based on the requirements of all parts of Council. While maintained centrally by the Legal Team, officers having responsibility to report instances where new delegations are required, or existing delegations are no longer appropriate.

Updates to the delegations register may be required when legislation is enacted, amended or repealed. An update will also be required when officer position titles are changed (e.g. as a result of a restructure).

From time to time officers will encounter situations where they need to act, but lack the delegated authority to do so. Officers will need to report such instances to the Legal Team to consider whether an amendment is required to the delegations register.

The delegations register will be reviewed on an annual basis, and amended from time to time as there is a need to do so.

2.12 Use of Delegations Register

The delegations are contained in the following parts:

Part A sets out the governance delegations from Council to its Boards and Committees (contained in the Terms of Reference).

Part B sets out the delegations that the Council directly delegates to the Chief Executive.

Part C sets out the delegations under section 34A of the Resource Management 1991. These powers cannot be sub-delegated and cannot be exercised by another officer e.g. the position holder's manager or general manager. These delegations can only be exercised by the position listed.

Part D sets out the delegations under the Local Government (Rating) Act 2002. These powers cannot be sub-delegated and cannot be exercised by another officer e.g. the position holder's manager or general manager. These delegations can only be exercised by the position listed.

Part E sets out sub-delegations from the Chief Executive to Officers.

Part F sets out a schedule of delegations for policies and bylaws.

Part G contains non-statutory delegations setting how the Chief Executive delegates management powers and responsibilities to facilitate the effective operation and administration of Council business.

3. PRINCIPLES AND PROCEDURES OF DELEGATIONS

When making decisions under delegated authority, the delegates must have regard to any relevant Council policy, the extent of the delegated authority and any binding statutory authority.

4. GENERAL DELEGATIONS TO THE CHIEF EXECUTIVE

Delegations to the Chief Executive are general. The Chief Executive, as permanent head of the Council staff, is delegated responsibility and accountability for managing the administrative affairs of the Council. He/she may exercise any of the powers granted under the matters detailed in the delegations register and may, within this, without further authority exercise all reasonable powers incidental to the delegation.

Unless, otherwise stated, the Chief Executive may delegate powers granted to him/her (except the power to sub-delegate) to any officer of the council, either generally or specifically and may impose any term or condition on that sub-delegation.

Subject only to the ultimate power of the Council to interpret its own delegations, the Chief Executive shall be the principal adviser on the extent and nature of delegated authority granted under these delegations.

The Chief Executive may make minor amendments to any Council document where the substance is not modified or any Council policy affected. These delegations do not preclude the Chief Executive from referring for any reason any matter to the Council for decision.

5. GENERAL RULES APPLYING TO ALL DELEGATIONS AND SUB-DELEGATION

All delegations are subject to the restrictions set out below and exclude those matters in respect of which delegation is prohibited by any Act or regulation.

- When acting under delegated authority, the delegate is at all times acting on behalf of the Council.
- Authority to perform a function, duty or power delegated to an officer holding a named position or level of authority is also a delegation to all officers in a direct line of authority above that Officer, unless expressly stated.
- Authority to perform a function, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or substantially similar role or function, whatever the title of his/her position.
- An Officer who is delegated authority to perform a function, duty or power is also delegated any ancillary functions, duties or powers necessary to give effect to that delegation.

- These delegations do not preclude the Chief Executive from referring for any reason any matter to the Council for decision.
- Where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation, then the legislative wording will prevail.
- Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.
- Functions, duties or powers delegated to officers by the Chief Executive may not be sub-delegated.
- Unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or Council.
- When an officer is exercising a delegation in an acting capacity, this should be expressly stated (this includes when a position has been vacated). An acting appointment must be in writing and authorised by that officer's manager, a higher level manager e.g. Group Manager, or the Chief Executive. A record of the acting appointment must be provided to the Legal Team.
- An officer must comply with any conditions (such as financial limits and reporting or other procedural requirements) relevant to the exercise of a delegated authority and should also comply where required with all applicable Council policies.
- Where the description of a delegation appears to be in conflict with the wording of the officer's job description, the delegation will prevail.
- A delegation remains valid and is not extinguished in circumstances where an office holder title is subsequently changed, e.g. following an organisational restructure, provided that the responsibilities conferred on the holder of the replacement title remain substantially the same (as determined by the Chief Executive, or applicable Group Manager).

The following matters cannot be delegated (LGA02, schedule 7, clause 32(1)):

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

Note: the conferring of delegated authority means that the officer *may* exercise the function, duty or power, but not that he/she *should* or *must* do so (either at all, or in a particular case). Whether or not it is appropriate for an officer to exercise a delegated authority will depend on their job description, any special instructions or particular circumstances that will require judgment. For example if the matter is particularly significant, of political importance or sensitivity, of special community interest, or otherwise outside normal risk parameters, it may need to be exercised at a higher level or referred to the Council.

6. FURTHER DELEGATIONS

Any delegations by the Council or Chief Executive made following the publication of this register will be recorded and incorporated into the relevant Part.

PART A - GOVERNANCE DELEGATIONS TO BOARDS AND COMMITTEES

As provided in clause 32, schedule 7 of the LGA02 the Council may delegate (within limits) to delegate to a committee or community board. These delegations can be found in the relevant Terms of Reference. The Terms of Reference will specifically note whether a Community Board or Committee has the power to delegate.

 <p>COMMUNITY BOARD TERMS OF REFERENCE</p>	<i>Authorising Body</i>	Council
	Status	Community Board
	Applies to	Thames Community Board Coromandel-Colville Community Board Mercury Bay Community Board Tairua-Pauanui Community Board Whangamata Community Board
	Approval Date	25 October 2016
	Responsible Officer	Chief Executive

Purpose

The purpose of these delegations is to give effect to the local community empowerment model which is a partnership approach to the governance of the District that will primarily be delivered through the five community boards. The model was originally adopted on 18 April 2012 and through these delegations has been refined.

The intent of these delegations is to delegate authority and, as far as possible, responsibility to community boards to allow the five community boards to effectively govern and determine local issues associated with their areas.

In making these delegations the Council recognises that it is ultimately responsible for the governance of the district and therefore retains the right to set minimum standards and to review community board decisions associated with the exercise of these delegations.

In making these delegations the Council undertakes to:

- Provide for and give consideration to community board input into significant governance decisions affecting the respective community board area.

Community Board Status

A community board (Local Government Act 2002, s.51) is:

1. An unincorporated body; and
2. Not a local authority; and
3. Not a committee of the Council.

Role

The legislative role of community boards (Local Government Act 2002, s.52) is to:

1. Represent, and act as an advocate for, the interests of its community; and
2. Consider and report on all matters referred to it by the Council, or any matter of interest or concern to the community board; and
3. Maintain an overview of services provided by the Council within the community; and
4. Prepare an annual submission to the Council for expenditure within the community; and
5. Communicate with community organisations and special interest groups within the community; and
6. Undertake any other responsibilities that are delegated to it by the Council.

Delegations

In exercising the delegated powers, the community board will operate within:

1. Policies, plans, standards or guidelines that have been established and approved by Council;
2. The approved Council budgets for the activity.

Local (Community Board) activities

Community Boards shall have authority to make all local governance decisions (decisions that do not have an impact on the wider provision of these services beyond the community board area) relating to the following activities and sub-activities:

- Harbour Facilities
- Community Centres and Halls
- Airfields
- Public Conveniences
- Community Grants
- Local Roading
- Parks and Reserves
- Libraries
- Swimming Pools
- Cemeteries
- Local Strategic Planning
- Local Economic Development

In addition to the community boards' legislative role the community boards are responsible for, and accountable to the Council for:

1. Preparing proposed budgets, including proposed fees and charges, for the locally funded activities for Council's consideration and approval through the Annual Plan and Long Term Plan processes.
2. Approving programmes of work relevant to the locally funded activities. The work programmes shall be consistent with the Ten Year Plan and Annual Plan budgets.
3. Ensuring that any consent, licence or authority required to exercise its powers, authorities or functions is obtained before action is taken.
4. Providing local leadership and developing relationships with the Council, the community and community organisations in developing local solutions within the Community Board areas.
5. Assisting the organisation with consultation with local residents, ratepayers, Iwi, community groups and other stakeholders on local issues including input to the Long Term Plan and Annual Plan .
6. Developing draft local management and development plans where required by statute or in support of district or other plans for reserves, harbours and all other community facilities within local activities, except:
 - Where powers have been delegated to Council officers; or
 - The plans would have significance beyond the community board's area or otherwise involve a matter of national importance (Section 6 Resource Management Act 1991); or
 - The plans involve the alienation of any part of a proposed or existing esplanade reserve by way of width reduction, easement, lease or otherwise;
7. Making recommendations to Council on leases, licenses or concessions associated with all Council owned property included within the locally funded activities of the community board area, excluding Council administration land and buildings.
8. Approving all local activity levels of service, where these decisions do not have an impact on the wider provision of these services beyond the community board area.
9. Making recommendations to Council on property (including land and buildings) acquisitions and disposals within the community board area.
10. Developing local activity policies for Council approval.
Note (1) Local policies are those policies that apply to and impact upon only the community board area to which the policy would apply.
Note (2) All local policies must be consistent with any other adopted Council policy.
11. Exercising all Council's authorities under the Reserves Act 1977 where these may be delegated to community boards.
12. Recommending project business cases for all local activities for Council approval.
13. Recommending to Council the level of bylaw service and enforcement to be provided within the community, having regard to the need to maintain consistency across the district.
14. Recommending to Council the initiation of an appeal or reference to the Environment Court on decisions on which the Board has made submissions.

Notes:

- 1) None of the delegations may be sub-delegated.
- 2) Council retains decision making authority associated with existing or new district-wide local activity maintenance contracts. Council will provide for community board input into such decisions.
- 3) All projects outside the \$20,000 discretionary funding must be developed in alignment with the current corporate project management policy requirements, which includes using the Council's corporate business case template.

Local (Community Board) activities

Community boards shall have authority to make all local governance decisions (decisions that do not have an impact on the wider provision of these services beyond the community board area) relating to the following activities and sub-activities:

- Harbour Facilities
- Community Centres and Halls
- Airfields
- Public Conveniences
- Community Grants
- Parks and Reserves
- Libraries
- Swimming Pools
- Cemeteries
- Local Strategic Planning
- Local Economic Development

Additional financial delegation

Community Boards shall have the authority to approve annual expenditure from a discretionary fund of up to \$20,000 per community board area, per annum, for local activities within the following parameters:

1. The decision meets relevant legislative and Council policy requirements including any controls on the use of funds from the respective accounts.
2. The decision is made after considering a report from staff.
3. This expenditure may be operating or capital in nature, or a mixture of the two.
4. This expenditure cannot fund the "additional capacity" component of capital projects as this is funded by development. It can only fund 'renewal' or 'increased level of service components' of capital projects.
5. Capital projects funded from the discretionary fund will be recorded in the activity to which they relate as a capital project with associated funding recorded from the Local Consolidated Retained Earnings account.

Power to Delegate

The community board may not delegate any of their responsibilities, duties or powers to a committee, subcommittee or person.

Matters which are not delegated

Council does not delegate:

1. The power to:
 - a) Make a rate or a bylaw;
 - b) Borrow money, or purchase or dispose of assets;
 - c) Acquire, hold, or dispose of property;
 - d) Appoint, suspend, or remove staff;
 - e) Adopt a long term plan, annual plan or annual report, or the policies required to be adopted or consulted on in association with the long-term council community plan or developed for the purpose of the local governance statement;
 - f) Institute an action for the recovery of any amount;
 - g) Issue and police building consents, notices, authorisations and requirements under Acts, Statutes, Regulations, By-laws and the like;
 - h) Institute legal proceedings other than the delegation to recommend to Council the initiating of an appeal or reference to the Environment Court on decisions on which the community board has made submissions;
 - i) Enter into contracts and agreements. (Note: Staff have delegated authority within identified limits to enter into contracts and agreements);

- j) Incur expenditure in excess of the approved Community Board budget; or
2. The powers and duties conferred or imposed (on Council) by the Public Works Act 1981 or those powers listed in Section 34(2) of the Resource Management Act 1991.

Limitations

For the avoidance of doubt, in addition to the existing legislative restrictions in the Local Government Act 2002 and other relevant legislation, community boards or their members are not permitted or delegated to:

1. Initiate or approve the expenditure of Council funds or to engage or direct contractors or staff to carry out works as these functions will be managed by staff.
2. To make local activity decisions that breach adopted Council policy or that are contrary to a district wide standard. Decisions that do not meet these requirements will be recommended to Council for final determination.

Review of a Community Board decision

In recognition of Council's ultimate responsibility for the governance of the District, that Council retains the right to review any decision of a community board where it believes:

1. The decision is not consistent with the Council's vision, mission, values and goals.
2. Where it believes the community board decision has contravened any relevant legislation.
3. The powers and functions of community boards as defined in the Local Government Act 2002 have been exceeded.
4. The delegations of the community board have been exceeded.
5. The decision will unduly impact on the ability of the Council to provide a district wide level of service where it believes it is necessary to do so.
6. The decision is contrary to the Council's Ten Year Plan, adopted council policy, plan or strategy or any other authority, license, consent or approval.

Decision review process

A decision to review and determine the associated course of action associated with a community board decision will be made jointly by the Mayor and Chief Executive. The relevant community board chairperson will be consulted in the process of the Council determining whether a community board decision will be reviewed. Generally the course of action will include one of the following:

1. Refer the decision back to the community board for reconsideration; or
2. Refer the decision to the Council, one of its committees or its delegated representative for determination.

Community Board to Council decision referral process

In exceptional circumstances, community boards may refer any decision to Council or its delegated committee for determination subject to that referral including the reasons the decision has been referred to the Council for determination.

Membership

The membership of the community board (Local Government Act 2002, s.50) consists of:

1. Members elected under the Local Electoral Act 2001; and
2. Members appointed in accordance with the Local Electoral Act 2001 by the Thames-Coromandel District Council.

Chairperson

The community board must have a chairperson (Local Government Act 2002, Schedule 7, Clause 37), who shall be elected at the first meeting of the community board in accordance with the Local Government Act 2002, Schedule 7, Clause 25 or in accordance with any subsequent amendment to this Act.

The chairperson is responsible for:

1. The efficient functioning of the community board;
2. Setting the agenda for community board meetings;
3. Ensuring that all members of the community board receive sufficient timely information to enable them to be effective community board members.
4. Attending Council meetings to represent the interests of the Community Board
5. Being the link between the community board and Council staff.

Contacts with media and outside agencies

The Mayor acts as the official spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

Community board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of the Council.

The Area Manager for the community board area, after consultation with the Community Board Chair, will manage the formal communications between the community board and its constituents, and for the community board in the exercise of its business. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff.

Frequency of meetings

The community board shall meet at least two monthly.

Conduct of affairs

The community board shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Council's Standing Orders and Code of Conduct.

Quorum

The quorum at a meeting of the community board shall consist of:

1. Half of the members if the number of members (including vacancies) is even; or
2. A majority of members if the number of members (including vacancies) is odd.

Remuneration

Elected members will be reimbursed in accordance with the current Local Government Elected Members' Determination.

 <p>THAMES COROMANDEL DISTRICT COUNCIL</p> <p>COUNCIL COMMITTEE</p>	Authorising Body	Mayor/Council
	Status	Standing Committee
	Title	Infrastructure Committee Terms of Reference
	Approval Date	25 October 2016
	Administrative Support	GM Infrastructure

Purpose

The purpose of the Infrastructure Committee (the Committee) is to provide an overview role and advisory to the Governing Body in discharging its responsibility as the steward of infrastructure assets.

Membership

The Chairperson of the Infrastructure Committee shall be determined by the Mayor. The Council will determine the other members of the Infrastructure Committee.

The Infrastructure Committee will comprise at least four elected members.

Quorum

The quorum at any meeting of the Committee shall be not less than three members of the Committee.

Frequency of Meetings

The Infrastructure Committee shall meet at least four times a year.

Committee's Responsibilities

The Committee's responsibilities are described below:

Function	Responsibility
Infrastructural activities	<ol style="list-style-type: none"> 1. Assess and provide advice to Council on strategic issues relating to the provision of Council's infrastructural activities. 2. Review, and recommend to Council, policy and strategies for the delivery of infrastructural asset services. 3. Monitor achievement of outcomes included in the Infrastructure Strategy and other infrastructure strategies eg Water Demand Strategy, Waste Minimisation Management Plan. 4. Ensure that Council protects its investment in its infrastructural assets in accordance with accepted professional standards. 5. Recommend to Council the annual and long term plan budgets for the infrastructure activities. 6. Recommend to Council the level of service specification for infrastructure activities. 7. Recommend project business cases for all infrastructure activities for Council approval. 8. Monitor the risks, financial and operational performance of the Council's infrastructural activities. 9. Monitor major contract performance measures/key result areas (KRAs).

Function	Responsibility
District-wide aspects for community facility activities (and district funded community facilities)	<ul style="list-style-type: none"> 10. Provide oversight of district-wide operations contracts, such as Parks and Reserves, public toilets. 11. Recommend to Council the minimum level of service specifications for community facility activities delivered across the district. 12. Recommend project business cases for district community facility activities for Council approval.
Compliance	<ul style="list-style-type: none"> 13. Ensure that operational functions comply with legislative requirements and Council policy. 14. Ensure that consents associated with Council's infrastructure are being met and renewals are planned for.

Performance Review

The Chair of the Committee will annually submit a written performance review to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

 COUNCIL COMMITTEE	Authorising Body	Mayor/Council
	Status	Standing Committee
	Title	Regulatory Committee
	Approval Date	25 October 2016
	Administrative Support	Operations Manager for Community Environment

Purpose

1. To conduct hearings under the *Resource Management Act 1991* and consider regulatory and statutory matters as delegated.
2. To undertake any functions as requested or delegated by Council from time to time provided the functions conform to the *Local Government Act 2002*.

Responsibilities

The Regulatory Committee shall have responsibility for:

Function	Responsibility
Hearings	<ol style="list-style-type: none"> 1. Conducting hearings, as delegated by Council, in accordance with the relevant legislative and policy requirements. 2. Ensuring that the decision making and accreditation requirements of the Resource Management Act 1991 are achieved.
Regulatory Activities	<ol style="list-style-type: none"> 3. Assessing and providing advice to Council on level of service and policy issues relating to: <ol style="list-style-type: none"> a. regulatory matters; and b. provision of services by the Planning and Regulatory Departments. 4. Reviewing and making recommendations to the Chief Executive in respect to functions and activities within the purpose of the Committee regarding codes of practice and practice notes.
Policies and bylaws	<ol style="list-style-type: none"> 5. Leading the development and review of Council's regulatory policies and district bylaws when and as directed by Council.
Compliance	<ol style="list-style-type: none"> 6. Monitoring the risks, financial and operational performance of the Planning and Regulatory Departments. 7. Ensuring that Council's planning and regulatory functions comply with legislative requirements and Council policy and processes.

Delegations

The Regulatory Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Regulatory Committee will operate within:

- policies, plans, standards or guidelines that have been established and approved by Council;
- the overall priorities of Council;
- the needs of the local communities; and
- the approved budgets for the activity.

Regulatory Committee, meeting as a Hearing Committee

The Regulatory Committee, when meeting as a Hearing Committee, shall be delegated authority to:

1. Hear and determine matters as follows:

Resource Management Act 1991	<ol style="list-style-type: none"> a. All matters requiring hearing including: <ol style="list-style-type: none"> i. Objections
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	ii. Resource consents. iii. Proposed plan changes to the Operative District Plan.
Public Works Act 1981	b. Public work requirements.
Local Government Act 2002	c. Objections against the construction of public works on private land.
Local Government Act 1974	d. Objections and appeals to road stopping proposals.
Fencing of Swimming Pools Act 1987	e. Applications for exemption, waiver or compliance.
Delegated decisions	f. Requests for review or objections to delegated decisions by the Committee and/or delegated officers. g. Appeals against decisions made by officials acting under delegated authority in accordance with approved Council Policy.
Dog Control Act 1996	h. Objections.
Gambling Act 2003, Health Act 1956 and Building Act 2004	i. Hearings, objections and related matters.

Appointment of Commissioners

The Chief Executive and the Chairperson of the Regulatory Committee jointly shall have delegated authority to:

1. appoint hearings commissioners for the purposes the Section 34A of the Resource Management Act 1991,
2. select a commissioner or commissioners from the list of accredited commissioners on the Council's schedule of approved commissioners to hear a particular matter.

PROVIDED THAT the power to select a commissioner or commissioners to hear a particular matter shall only be exercised in the following circumstances:

1. The Council or an individual councillor may otherwise be perceived to have an actual or perceived conflict of interest e.g. the Council is the applicant or has a significant interest.
2. Determination of objections made under section 357B of the Act relating to local authority charges.
3. When matters are outside the technical knowledge or experience of elected representatives or the Council's own staff.
4. When one or more committee members may have, or may be perceived to have a closed mind on the proposal.
5. For combined or joint hearings under section 102 of the Act where a neutral chair person or adviser is considered desirable.
6. To assist councillors in carrying out their duties during times when councillors are not available due to conflicting meeting times, or heavy workloads.
7. To cover lengthy hearings which councillors would be unable to attend on a continuous basis due to business, financial, family or other limitations.
8. Hear applications, plan changes or carry out other functions of councillors immediately after local authority elections when committees who may normally hear resource consent applications and plan changes have yet to be appointed.
9. A request has been made by the applicant or a submitter on an application, for a resource consent under section 100A of the Act for a Hearings Commissioner/s to hear and decide the application.

A Schedule of Approved Commissioners Accredited by the Ministry for the Environment is maintained by the Planning Manager and approved by Council.

The appointed hearings commissioner shall have delegated authority to:

1. Hear, consider and determine resource consent applications, to determine procedural matters which may occur prior to or during the hearing, including all applications for resource consent where pursuant to section 100A of the Act the application, or a submitter on an application, has requested that one or more hearings commissioners hear and decide the application, and as directed decisions pursuant to Sections 91 (Deferrals where additional consents required), 95A - E (Notification matters) and Section 87D - F (Direct referrals to the Environment Court) of the Resource Management Act 1991.
2. Hear, consider and recommend or determine notices of requirement for a designation or alteration of a designation.
3. Hear, consider and make a recommendation to the Council on plan changes and/or variations to the District Plan.

Power to Delegate

The Regulatory Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Chairperson of the Regulatory Committee shall be determined by the Mayor. The Council will determine the other members of the Regulatory Committee.

The Regulatory Committee will comprise four elected members (one of which will be the chairperson), and three reserve members for when the Regulatory Committee is meeting as a Hearings Committee.

When the Regulatory Committee is meeting as a Hearing Committee, the Chairperson and a majority of the Committee members must be accredited commissioners under the Act.

When the Regulatory Committee is meeting as a Hearing Committee, the Chairperson shall hold the 'chair certification' as per the Act.

The Committee membership for each hearing shall be appointed by the Chairperson of the Regulatory Committee together with the Chief Executive and will normally comprise the core Regulatory Committee members. The reserve members may be used in the following circumstances:

- a member of the core committee membership is unavailable;
- a member of the core committee membership has a conflict of interest in the matter being heard;
- the Chief Executive and Chairperson decide to use a reserve member or independent commissioner.

For clarity, the Mayor is a member of the committee in accordance with s.41A of the Local Government Act 2002.

Conflicts of Interest

To ensure a quorum is available at the hearing, any conflicts of interest shall be declared to the Chairperson of the Regulatory Committee or the Chief Executive at least 3 working days before the hearing to enable the appointment of reserve members.

Chairperson

The Chairperson is responsible for:

1. the efficient functioning of the Committee;
2. setting the agenda for Committee meetings in conjunction with the committee's liaison manager.

The Chairperson will be the link between the Committee and Council staff.

Quorum

The quorum at any meeting of the Committee shall be not less than three members of the Committee.

Frequency of Meetings

The Regulatory Committee shall meet at least quarterly .

Relationships with Other Parties

The Chief Executive is responsible for servicing and providing support to the Committee in the completion of its duties and responsibilities. The Chief Executive has appointed the Operations Manager for Community Environment to provide these functions on his/her behalf.

Contacts with Media and Outside Agencies

The Mayor is the authorised spokesperson for the Council with the media and may provide approval to elected members to act as an official spokesperson.

The Operations Manager for Community Environment will manage the formal communications on behalf of the Committee in conjunction with the Communications Manager. Correspondence with central government, other local government agencies or other official agencies will only take place through Council staff and will be undertaken under the name of the District Council.

Conduct of Affairs

The Committee shall conduct its affairs in accordance with the *Local Government Act 2002*, the *Resources Management Act 1991*, the *Local Government Official Information and Meetings Act 1987*, the *Local Authorities (Members' Interests) Act 1968*, Council's Standing Orders and Code of Conduct.

Hearings under the Resource Management Act 1991

The cost of hearings under the Resource Management Act, including elected member remuneration, will be charged to applicants and, for this reason, not more than three members will be considered as taking part in such hearings.

 COUNCIL COMMITTEE	Authorising Body	Mayor/Council
	Status	Standing Committee
	Title	Audit and Risk Committee Terms of Reference
	Approval Date	25 October 2016
	Administrative Support	Legal Counsel

Purpose

The purpose of the Audit and Risk Committee (the Committee) is to assist and advise the Governing Body in discharging its responsibility and ownership of governance, risk management, and internal control.

The Committee will review the effectiveness of the following aspects of governance, risk management and internal control:

- Enterprise Risk Management (ERM).
- Internal Audit.
- Integrity and Investigations.
- External Audit.
- Monitoring of compliance with laws and regulations.
- Significant projects and programmes of work focussing on the appropriate management of risk.
- Oversight of preparation of the LTP, Annual Report, and other external financial reports required by statute.

The scope of the committee includes the oversight of risk management and assurance across Council's CCO's – with respect to risk that is significant to Thames-Coromandel District Council. To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities, and of the Council's business, operations and risks.

Membership

The Chairperson of the Audit and Risk Committee shall be determined by the Mayor. The Council will determine the other members of the Audit and Risk Committee including at least one independent appointment with suitable financial and risk management knowledge and experience.

The Audit and Risk Committee will comprise of at least four elected members (one of which will be the chairperson), and one independent appointed member.

Quorum

The quorum at any meeting of the Committee shall be not less than three members of the Committee.

Frequency of Meetings

The Audit and Risk Committee shall meet at least four times a year.

Committees Responsibilities

The Committees responsibilities are described below:

Risk management

- Review, approve and monitor the implementation of the ERM policy, framework and strategy (including risks pertaining to CCOs)
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and / or emerging risks, and any subsequent changes to the ERM “Top Risk” register.

Internal Audit

- Review annually the Internal Audit Charter – which confirms the authority, independence and scope of the function
- Review and approve annually and monitor the implementation of the 3 year Internal Audit Strategy and 12 month detailed Internal Audit Plan
- Review the co-ordination between the risk and internal audit functions – including the integration of Councils ERM risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.
- Review the reports of the Internal Audit functions dealing with findings, conclusions and recommendations (including assurance over risks pertaining to CCOs)
- Review and monitor management’s responsiveness to the findings and recommendations – enquiring into the reasons that any recommendation is not acted upon.

Fraud and Integrity

- Review and approve annually, and monitor the implementation of the Fraud and Integrity Strategy, including detailed work programme.
- Review the whistleblowing procedures and ensure that arrangements are in place by which staff, may, in confidence, raise concerns about possible improprieties in matters of financial reporting, financial control or any other matters, and that there is proportionate and independent investigation of such matters and appropriate follow up action.
- Review the procedures in relation to the prevention, detection, reporting and investigation of bribery and fraud.
- Review and monitor all matters related to managing Conflicts of Interest amongst Elected Members, management, staff, consultants and contractors.
- Review reports from the Risk, Internal Audit, Integrity and Investigations, external audit and management related to whistle blower, ethics, bribery and fraud related incidents.

Statutory Reporting

Review and monitor the integrity of the interim and annual report including statutory financial statements and any other formal announcements relating to the Council's financial performance, focussing particularly on:

- Compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards.
- Compliance with applicable legal requirements relevant to statutory reporting
- The consistency of application of accounting policies.
- Changes to accounting policies and practices that may affect the way that accounts are presented.
- Any decisions involving significant judgement, estimation or uncertainty.
- The extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed.
- The disclosure of contingent liabilities and contingent assets.
- The clarity of disclosures generally.
- The basis for the adoption of the going concern assumption.
- Significant adjustments resulting from the audit.

External Audit

- Discuss with the external auditor before the audit commences :
 - the nature and scope of the external audit.
 - areas of audit focus.
 - error and materiality levels.
- Review with the external auditors representations required by Elected Members and senior management, including representations as to the fraud and integrity control environment.
- Review the external auditors management letter and management responses, and inquire into reasons for any recommendations not acted upon.
- Where required the Chair may ask a senior representative of the Office of the Auditor General's office to attend the committee meetings to discuss the Office's plans, findings and other matters of mutual interest.

Development Contributions

Hear individual applications for the reassessment of Development Contributions payable on a development, including special assessments (as per the prevailing policy).

Rates Remissions

Hear appeals against decisions made by officials acting under delegated authority under the Rates Remissions policy. The Chairperson of the Audit and Risk Committee shall have delegation to decide whether an appeal will be heard by the Committee. In determining whether or not to hear an appeal, the Chairperson must decide that:

- there is some doubt as to interpretation of the policy; or,
- there appears to be a serious issue of equity and fairness involved.

The Committee will consider and make decisions on remissions on privately initiated Council adopted plan changes to the prevailing District Plan where such a plan will have a rating effect on properties.

It will also consider and make decisions on applications for relief from solid waste targeted rates for rating units other than those expressly noted in the Rates Remission Policy.

The Committee is also delegated to consider and make decisions on applications for relief under the Rates Remission for Miscellaneous Purposes Policy.

Performance Review

The Chair of the Committee will annually submit a written performance review to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

 <p>COMMITTEE TERMS OF REFERENCE</p>	Authorising Body	Council
	Status	Standing Committee
	Title	District Licencing Committee Terms of Reference
	Approval Date	4 April 2017
	Administrative Support	Group Manager Customer and Regulatory Services

Purpose of the District Licencing Committee

To deal with alcohol licencing matters for the Thames-Coromandel District under the Sale and Supply of Alcohol Act 2012 (the Act).

Functions

District Licencing Committee functions are specified by the Act, and include:

- a) To consider and determine applications for licences and manager's certificates.
- b) To consider and determine applications for renewal of licences and manager's certificates.
- c) To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Act.
- d) To consider and determine applications for the variation, suspension, or cancellation of special licences.
- e) To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Act.
- f) With the leave of the chairperson for the licencing authority, to refer applications to the licencing authority.
- g) To conduct inquiries and to make reports as may be required of it by the licencing authority under section 175 of the Act.
- h) Any other functions conferred on licencing committees by or under the Act or any other enactment.

Powers

Section 188 of the Act specifies that a District Licencing Committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act 2012 or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

For the purposes of the Act, any person appointed as a commissioner has all the functions, powers, and duties of the chairperson of the District Licencing Committee.

Frequency of meeting

As and when required, with members appointed under delegation consisting of one commissioner and two list members.

Voting membership

The District Licencing Committee will have three members; a commissioner (chairperson) and two other members from the Council's list of persons approved to be members of a District Licencing Committee (i.e. list members).

The commissioner and list members of a District Licensing Committee may vary from meeting to meeting, determined by the Chief Executive who may delegate this responsibility.

Each member of a Committee has one vote and matters are determined by a majority of votes.

Quorum

A quorum for licence or manager's certificate applications that are opposed or objected to is three, consisting of a commissioner and two list members.

A quorum for licence or manager's certificate applications that are unopposed and not objected to is one, who must be a commissioner.

Secretary of the District Licensing Committee

The Chief Executive is the Secretary of District Licensing Committee. The Chief Executive may delegate either generally or particularly, any of the Chief Executive's functions, powers and duties under the Act.

Reporting

The Secretary of the District Licensing Committee will prepare, for Council approval, an annual report on the proceedings and operations of the District Licensing Committee.

Remuneration

Members of the District Licensing Committee will be remunerated in accordance with section 195 the Act.

PART B - DELEGATIONS FROM COUNCIL TO OFFICER