

Delegations 2007/2010

Council:

Voting Membership:

The Mayor and all Councillors are members of Council.

External Membership (non-voting):

Nil

Quorum:

8

Frequency of Meetings:

Meetings will be held monthly or as required.

Powers that cannot be delegated:

These functions are either listed in the Local Government Act 2002 or other relevant legislation as unable to be delegated, or must by their nature be exercised by Council:

- 1.0 make a rate;
- 1.1 make a bylaw;
- 1.2 borrow money or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan (LTCCP);¹
- 1.3 adopt a LTCCP, annual plan, or annual report;
- 1.4 appoint a Chief Executive;
- 1.5 adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the LTCCP or the preparation of the Local Governance Statement;
- 1.6 appoint and discharge the Deputy Mayor;
- 1.7 approve or amend the Council's Standing Orders;
- 1.8 approve or amend the Code of Conduct for elected members;
- 1.9 establish and determine the structure, terms of reference, and delegated authorities of committees and appoint and discharge members of committees;
- 2.0 establish a joint committee with another local authority or other public body;

¹ Not the Annual Plan

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- 2.1 make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;²
- 2.2 make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the recommendation;
- 2.3 any other matters which from time to time may not legally be delegated by the Council.

Powers retained by Council:

Council retains the power to:

- 2.4 approve or alter Council strategy and policy, except as otherwise specifically delegated to a committee, subcommittee or officer;
- 2.5 establish and determine the structure, terms of reference and delegated authorities of subcommittees and appoint and discharge members of subcommittees;
- 2.6 approve Council's recommendation to the Remuneration Authority for the remuneration of elected members;
- 2.7 approve or amend the Triennial Agreement;
- 2.8 approve the Local Governance Statement produced following the triennial election of members;
- 2.9 determine whether or how to fill any extraordinary Council vacancies;
- 3.0 review and make decisions on Council membership and the basis for elections;
- 3.1 appoint and discharge trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (CO's) and to other external bodies except where specifically delegated to a committee or officer, and determine the remuneration for trustees, directors or office holders;
- 3.2 in respect of District Plan decisions:
 - 3.2.1 approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change)

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

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- 3.2.2 approve a proposed plan or a change to a district plan under clause 17 of the First Schedule;
- 3.3 promote legislation, or significant amendments to legislation, unless specifically delegated to a committee or officer;
- 3.4 approve any claim for compensation over \$1,000,000 unless specifically delegated;
- 3.5 approve the provision of any financial guarantee or indemnity over \$1,000,000, unless the guarantee or indemnity (or the matter to which it relates) is in the LTCCP or Annual Plan, has been separately approved by Council, or it arises in the normal management of employment relations or assets;
- 3.6 exercise any authority which it has delegated to a committee, subcommittee or officer.

Strategy and Policy Committee

Voting Membership:

The Mayor and all Councillors are members of the Committee.

External Membership (non voting):

- One representative of Ngati Toa appointed by Ngati Toa
- One representative of the Tenth Trust appointed by the Tenth Trust

Quorum:

8

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Portfolio Leader:

The Strategy and Policy Committee will have seven Portfolio Leaders. The Portfolio Leaders will have responsibilities relating to strategy and policy in the following areas:

- Social
- Environment
- Cultural Wellbeing
- Economic Development and Recreation
- Urban Development and Transport
- Governance
- Climate Change.

Frequency of Meetings:

Meetings will be held on a weekly basis or as required.

General Purpose and Objectives:

The Strategy and Policy Committee has primary responsibility for:

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

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Terms of Reference:

The Strategy and Policy Committee has responsibility and authority to:

- 1.0 delegate to any subcommittee of the Strategy and Policy Committee any authorities which have been delegated by Council to the committee (note that authority to establish any subcommittee is retained by the Council);
- 1.1 undertake the administration of all statutory functions, powers and duties within its terms of reference, other than those specifically delegated to any other Committee or Subcommittee, or retained by Council;
- 1.2 develop the Council's draft and final LTCCP, Annual Plans, Community Outcomes, and all other policies required under the Local Government Act 2002 to be included in the LTCCP (including but not limited to the funding and financial policies and the Significance Policy) for recommendation to Council;³
- 1.3 determine the form and extent of public consultation methods to be employed for the draft Annual Plan and LTCCP, and any other matter within the committees terms of reference (this is subject to the requirements as set out in the Local Government Act 2002);
- 1.4 hear submissions under the special consultative procedure, or submissions received as part of any consultative process undertaken by Council in relation to any decision or power of recommendation within the committee's terms of reference;
- 1.5 approve the exceeding of the budget level for a Key Achievement Area with no commensurate savings elsewhere, up to \$500,000 and recommend to Council amounts exceeding \$500,000, if required after the Annual Plan or Long Term Council Community Plan is approved;
- 1.6 approve submissions on behalf of the Council in relation to proposed legislation or policy by Government, Local Government or other regulatory authorities within its terms of reference (except that in cases where the submission is of a technical nature and the nature of the Council's submission is consistent with Council policy, a submission may be approved by the Chief Executive);
- 1.7 perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
 - the chairs of the committee agree to such a meeting; or
 - Council directs a joint meeting; or
 - at least one third of the members of each committee so request;

³ This will include projects/new initiatives, income and expenditure, and includes recommending the draft for notification, and the final for adoption.

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- 1.8 develop, monitor and review policy, strategy and plans, and recommend to Council the adoption of a new or amended policy, strategy and plans;
- 1.9 receive and consider reports on the Council's performance against the LTCCP and AP;
- 2.0 set the strategic guidelines for the AP and the LTCCP;
- 2.1 recommend service level changes and new initiatives for the AP and LTCCP;
- 2.2 review and approve Asset Management Plans;⁴
- 2.3 review and recommend to Council that it make any resolution where in a bylaw the Council has reserved any matter to be regulated, controlled, or prohibited by the Council by resolution either generally, for any specified case, or in a particular case;⁵
- 2.4 review and approve the Statements of Intent and Business Plans of Council's CCOs;
- 2.5 oversee, develop and approve an appropriate Council response on the Treaty of Waitangi and relationship with Maori;
- 2.6 review, develop and recommend to Council policy and practices in respect of governance (including elections, Standing Orders, the Code of Conduct for elected members, representation reviews and related issues);
- 2.7 in respect of the district plan:
 - 2.7.1 review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a) First Schedule RMA)
 - 2.7.2 withdraw a proposed plan or plan change under clause 8D First Schedule RMA;
- 2.8 receive reports from Council's Advisory Groups;
- 2.9 approve policy, if not delegated to a subcommittee, in respect of financial reporting.
- 3.0 review and approve all new borrowings approved in the LTCCP in accordance with the Revenue and Financing Policy;

⁴ Noting that the actual dollar amounts will not be approved until in the LTCCP/ AP - which is reserved for Council approval

⁵ Includes matters such as: 1) any new or amended traffic resolutions under the Traffic Bylaw; 2) setting fees if a bylaw provides for fees to be set by resolution of Council; 3) the extension of the Liquor ban for a special event

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- 3.1 monitor the financial management of the Council's borrowings and investments in accordance with Council's revenue and financing policy and investment policy;
- 3.2 review and recommend to Council the adoption of the Annual Report;
- 3.3 in relation to the waterfront:
 - 1.0 develop and approve the Waterfront Development Plan that includes broad priorities for work and projected activities for the year;
 - 1.1 conduct public engagement/consultation processes as required;
 - 1.2 develop and approve performance briefs for individual areas or sections of work;
 - 1.3 approve detailed designs;
 - 1.4 monitor implementation including approval of variations from approved designs;
- 3.4 approve three year funding contracts from the economic, environmental, social and cultural grants pools.
- 3.5 approve the priorities for allocating grants within the economic, environmental, social and cultural grants pools.
- 3.6 set fees in accordance with legislative requirements unless the fees are set under a bylaw or set as part of the LTCCP or AP (in which case the decision is retained by Council and the committee has the power of recommendation);
- 3.7 approve any resolution required under section 319A of the Local Government Act 1974 (naming of road);
- 3.8 consider and approve the attendance of Elected Members at conference and seminars (domestic);
- 3.9 consider reports from officers on the acquisition and disposal of Council's property assets, for recommendation to Council⁶;
- 3.10 in respect of land held or managed under the Reserves Act 1977 and council owned open space land:
 - a) to approve leases, licenses and concessions, except for decisions to approve leases, licences and concessions to recreation and community groups (of land and/or buildings), and renewals of leases or licences, which are made by the Regulatory Processes Committee

⁶ Council has statutory responsibility for final decision making on the purchase or disposal of assets, other than in accordance with the LTCCP.

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- b) to approve easements
 - c) to approve covenants for carbon credit purposes
 - d) to review, notify and recommend to Council the adoption of reserve management plans;
 - d) to review and recommend to the Strategy and Policy Committee for approval, reserve:
 - declarations
 - revocation
 - classification
 - naming;
 - e) to conduct the consultation processes required to make the above recommendations or decisions
- 3.11 to approve the purchase of any land for open space purposes that is consistent with council policy and within the funding provided in the LTCCP.
- 3.12 to make consider and make recommendations under the Public Works Act 1981 regarding:
- a) the transfer to another party of land for a public work under section 50
 - b) to exercise the Council's powers of compulsory acquisition under section 2
- 3.13 consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to Strategy and Policy Committee for decision making;

Delegated Authority

The Strategy and Policy Committee will have delegated authority to carry out activities within its terms of reference.

Regulatory Processes Committee

Voting Membership:

The Regulatory Processes Committee will have up to six Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

3

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Frequency of Meetings:

The Regulatory Processes Committee will meet on an as required basis.

Parent Body:

The Regulatory Processes Committee will report to Council on any issues requiring full Council approval.

General Purpose and Objectives:

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

Terms of Reference:

The Chair of the Regulatory Processes Committee, in consultation with the Mayor, will have authority to:

- 1.0 appoint councillors (sitting as hearings commissioners) and/or independent commissioners to hearings panels required under council's various statutory requirements;
- 1.1 appoint councillors for the purposes of 2.1 below;

The Committee will have responsibility and authority:

- 2.0 to approve and monitor Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors sitting as hearings commissioners, and independent commissioners);
- 2.1 to supervise the conduct of statutory hearings on regulatory matters and undertake and make decisions on those hearings;⁷

⁷ This relates to any statutory hearings other than under the Resource Management Act 1991. For example, hearings required under the Dog Control Act and the Fencing of Swimming Pools Act. When a

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- 2.2 to undertake hearings on road stopping under the Local Government Act 1974 and make recommendations to Council whether to proceed with a road stopping and the disposal of stopped road;
- 2.3 to consider and recommend to Council any request to the Crown that a road is stopped under section 116 of the Public Works Act 1981, and the disposal of the stopped road:
- 2.4 to provide feedback to the Strategy and Policy Committee on policy matters which have arisen during the Committee's work;
- 2.5 to make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
- to authorise the resolution of appeals on a proposed plan, plan change or variation;
 - to decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal;
 - to consider and approve council submissions on a proposed plan, plan changes, and variations;
 - to manage the private plan change process;
 - to accept, adopt or reject private plan change applications under clause 25 First Schedule RMA;
- 2.5 to perform any of its delegated functions jointly with another committee when issues arise which are also within the terms of reference/delegated authority of that other committee. In such cases, a joint meeting of two or more committees can be called in the following circumstances:
- the chairs of the committee agree to such a meeting;
 - Council directs a joint meeting;
 - at least one third of the members of each committee so request;
- 2.6 to approve leases to recreation and community groups (of land and/or buildings) on public land.

hearing is required it may be carried out by a quorum of the committee, with the membership of the quorum to be determined by the chair of the Regulatory Processes Committee in consultation with the Mayor.

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Delegated Authority

The Regulatory Processes Committee will have delegated authority to carry out activities within its terms of reference.

The Chair of the Regulatory Processes Committee will have delegated authority to carry out activities 1.0 and 1.1 in this terms of reference.

Performance Review Committee

Voting Membership:

The Committee will have up to four Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

3

Chair:

The Mayor is the Chair of the Performance Review Committee.

Frequency of Meetings:

The Committee will meet on an as required basis.

Parent Committee:

The Committee shall report to Council any issues as may be required.

General Purpose and Objective:

The Performance Review Committee has primary responsibility for the effective monitoring of the Chief Executive Officer's performance and performance agreement.

Terms of Reference:

The Committee will have responsibility and authority to:

- 1.0 work as required with the Chief Executive on the implementation of the performance agreement entered into between the Council and the Chief Executive;
- 1.1 conduct the performance review required in the contract between the Council and the Chief Executive;
- 1.2 re-negotiate new performance agreements to cover subsequent periods as required;
- 1.3 make decisions regarding remuneration for the Chief Executive, including payment of any performance bonus;
- 1.4 represent the Council in regard to any issues which may arise in respect to the Chief Executive's job description, contract, performance agreement or other similar matters;

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- 1.5 oversee any recruitment and selection process for a Chief Executive (noting that the decision on appointment must by law be made by the Council);
- 1.6 report to Council any issues as may be required.

Delegated Authority

The Performance Review Committee will have delegated authority to carry out activities within its terms of reference.

Council Controlled Organisation Performance Subcommittee

Voting Membership:

The Subcommittee will have up to three Councillors and up to two external persons as members.

Quorum:

2 (at least one elected member must be present for a quorum to exist)

Chair:

The chair is to be appointed by Council and selected from one of the external members.

Frequency of Meetings:

The Subcommittee will meet on an as required basis.

Parent Body:

The Subcommittee reports to the Strategy and Policy Committee.

General Purpose and Objectives:

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

Terms of Reference:

The Subcommittee will have responsibility and authority for:

- 1.0 making recommendations to the Strategy and Policy Committee regarding the approval of business plans, strategic plans and (where applicable) statutory adoption of statements of corporate intent;
- 1.1 monitoring Council's interests in its CCTOs, CCOs and COs through the review of their quarterly reports, annual reports, business plans, strategic plans and (where applicable) statements of corporate intent;
- 1.2 bringing to the attention of the Strategy and Policy Committee any matters that it believes are of relevance to the Committee's consideration of the financial performance or the delivery of strategic outcomes of Council's CCTOs, CCOs and COs;
- 1.3 monitor the performance of members on Council's CCOs.

Delegated Authority

The Council Controlled Organisation Performance Subcommittee will have delegated authority to carry out activities within its terms of reference.

Grants Subcommittee

Voting Membership:

The Subcommittee will have up to five Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

2

Chair:

The chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Frequency of Meetings:

The Subcommittee will meet on an as required basis.

Parent Body:

The Subcommittee reports to the Strategy and Policy Committee.

General Purpose:

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

Objective:

To achieve an equitable distribution of grants funding in line with the criteria applicable to each grant type and the characteristics and merits inherent in individual grants claims.

Terms of Reference:

The Subcommittee will have responsibility and authority to:

- 1.0 consider and approve annual grants from the economic, environmental, social and cultural pools in line with Wellington City Council's grants criteria, grants pool priorities and strategic fit.
- 1.1 consider and recommend to the Strategy and Policy Committee for approval three year funding contracts from the economic, environmental, social and cultural pools in line with Wellington City Council's grants criteria, grants pool priorities and strategic fit.
- 1.2 consider and recommend to the Strategy and Policy Committee for approval the priorities for allocating grants within the economic, environmental, social and cultural grants pools.
- 1.3 consider and approve the criteria applicable to grants in general and each grant type.
- 1.4 consider and approve Built Heritage Incentive Fund grants.

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Delegated Authority

The Grants Subcommittee will have delegated authority to carry out activities within its terms of reference.

Audit and Risk Management Subcommittee

Voting Membership

The Audit and Risk Management Subcommittee will have up to three Councillors and up to two external persons as members.

Quorum

2 (at least one elected member and one external member must be present for a quorum to exist).

Chair

The Chair will be elected by Council and remunerated at a level determined by the Remuneration Authority.

Frequency of Meetings

The Audit and Risk Management Subcommittee will meet on a quarterly basis or as required.

Parent Body

The Subcommittee reports to the Strategy and Policy Committee.

Objectives of the Subcommittee

The objectives of the Audit and Risk Management Subcommittee are to assist the Council to discharge its responsibilities for:

- a the robustness of the internal control framework and financial management practices;
- b the integrity and appropriateness of internal and external reporting and accountability arrangements;
- c the robustness of risk management systems, processes and practices;
- d the independence and adequacy of internal and external audit functions
- e compliance with applicable laws, regulations, standards and best practice guidelines; and
- f the establishment and maintenance of controls to safeguard the Council's financial and non-financial assets.

In fulfilling their role on the Audit and Risk Management Subcommittee, members shall be impartial and independent at all times.

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Terms of Reference

1. *Internal Control Framework*

- 1.1 Review whether management's approach to maintaining an effective internal control framework is sound and effective.
- 1.2 Review whether management has taken steps to embed a culture that is committed to probity and ethical behaviour.
- 1.3 Review whether there are appropriate processes or systems in place to capture and effectively investigate fraud.

2. *Internal Reporting*

- 2.1 To consider the processes for ensuring the completeness and quality of financial and operational information being provided to the Council.
- 2.2 To seek advice periodically from internal and external auditors regarding the completeness and quality of financial and operational information that is provided to the Council.

3. *External Reporting and Accountability*

- 3.1 Consider the appropriateness of the Council's existing accounting policies and principles and any proposed changes:
- 3.2 Enquire of internal and external auditors for any information that affects the quality and clarity of the Council's financial statements, and assess whether appropriate action has been taken by management in response to the above.
- 3.3 Satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (i.e. letters of representation), and recommend signing of the financial statements by the Chief Executive/Mayor and adoption by Council.
- 3.4 Confirm that processes are in place to ensure that financial information included in the entity's annual report is consistent with the signed financial statements.

4. *Risk Management*

- 4.1 Review whether management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council's significant risks.
- 4.2 Consider whether appropriate action is being taken by Management to mitigate Council's significant risks.

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5. *Internal Audit*

- 5.1 Review and approve the internal audit coverage and annual work plans, ensuring these plans are based on the Council's risk profile.
- 5.2 Review the adequacy of management's implementation of internal audit recommendations.
- 5.3 Review the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.
- 5.4 Conduct a members-only session (i.e. without any management being present) with internal audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention.

6. *External Audit*

- 6.1 At the start of each audit, confirm the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor.
- 6.2 Receive the external audit report(s) and review action to be taken by management on significant issues and audit recommendations raised within.
- 6.3 Conduct a members only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the Subcommittee's attention and/or any issues of independence.
- 6.4 Ensure any recommendation by management that the Office of the Auditor-General replace the external auditor is referred to and examined by the Audit and Risk Management Subcommittee.

7. *Compliance with Legislation, Standards and Best Practice Guidelines*

- 7.1 Review the effectiveness of the system for monitoring the Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and Best Practice Guidelines as applicable.

Delegated Authority

The Audit and Risk Management Subcommittee will have delegated authority to carry out activities within its terms of reference.

Development Contributions Subcommittee:

Voting Membership:

The Subcommittee will have up to four Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

2

Chairperson:

The Portfolio Leader – Urban Development and Transport is the Chair of the Development Contributions Subcommittee.

Frequency of Meetings:

The Subcommittee will meet on an as required basis.

Parent Committee:

The Subcommittee will report to the Strategy and Policy Committee on any issues as may be required.

General Purpose and Objective:

The Subcommittee is established to assist with the development of the Council's Development Contributions Policy, and make decisions on applications for remission and/or postponement.

Terms of Reference:

The Subcommittee will have responsibility and authority to:

- 1.0 Hear submissions on the draft Development Contributions Policy, or any amendments to it.
- 1.1 Make a recommendation to the Strategy and Policy Committee on the draft Development Contributions Policy or any amendments to it.
- 1.2 Request specific work to be undertaken by officers if required on any aspect of the Development Contribution Policy to be reported to the Subcommittee and/or the Strategy and Policy Committee to assist the deliberations on the draft policy or any amendments to it.
- 1.3 Make decisions on applications under the Policy for remission or postponement
- 1.4 Make recommendations to the Strategy and Policy Committee on matters arising from the operation of the Policy at the time of any review of the Policy undertaken by the Strategy and Policy Committee.

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Delegated Authority

The Development Contributions Subcommittee has the delegated authority to carry out activities within its terms of reference.

Temporary Road Closures Subcommittee

Voting Membership:

The Temporary Road Closures Subcommittee will have three Councillors as members.

External Membership (non-voting):

Nil.

Quorum:

2

Chair:

The Portfolio Leader – Economic Development and Recreation is the Chair of the Temporary Road Closures Subcommittee.

Frequency of Meetings:

The Temporary Road Closures Subcommittee will meet on an as required basis.

Parent Body:

The Temporary Road Closures Subcommittee will report to the Strategy and Policy Committee.

General Purpose and Objectives:

The Temporary Road Closures Subcommittee has primary responsibility for approving temporary road closures.

Terms of Reference:

The Temporary Road Closures Subcommittee will have authority to:

- 1.0 Make decisions under Clause 11(e) of the Tenth Schedule of the Local Government Act 1974 and the Transport (Vehicular Traffic Road Closure) Regulations 1965
- 1.1 Determine the procedure to be adopted by the Subcommittee when making a decision in 1.0 above.

Delegated Authority

The Temporary Road Closures Subcommittee will have delegated authority to carry out activities within its terms of reference.