

## **Committee Structure & Delegations**

Papakura District Council  
Approved November 20 2007

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(All clause references refer to the Schedule 7 of the Local Government Act 2002 unless otherwise stated.)

## **1 About delegations and Council committees and delegations**

### **Delegations**

- 1.1 The Council has many powers, functions, and duties. These may be specifically prescribed by legislation or may come from the Council's general power of competence in section 12 of the Local Government Act 2002. In either case, the power, functions, and duties are usually conferred on the local authority itself. (There are a few exceptions, such as where the power is specifically given to a particular officer – such as an enforcement officer.)
- 1.2 The powers or duties are conferred on the corporate body that is the Council. Depending on the circumstances, the corporate body is variously described as 'the Council', 'the local authority' or 'the territorial authority'. The local authority's governing body (ie, full Council) exercises these powers or duties by voting and passing resolutions (clause 24, Schedule 7). However, much of the Council's work cannot be done solely by full Council:
- full Council does not have the time or capacity to consider every decision on every matter
  - many of its powers, functions, and duties require some sort of physical attendance or action by a person, rather than a committee.
- 1.3 This means many of the Council's powers, functions, and duties must be delegated. The LGA2002 provides for the delegation of the Council's powers, functions and duties to other people and bodies (including a committee, subordinate decision-making body, member or officer of the local authority) for the purpose of efficiency and effectiveness in the conduct of the local authority's business. In addition, various other legislation specifically provides for the delegation of the Council's powers or duties (for example, sections 34 and 34A of the Resource Management Act 1991).
- 1.4 The Council's powers are most commonly delegated to:
- a Council committee or subcommittee, or
  - a Council officer.
- This document deals with delegations to Council committees or subcommittees, not delegations to officers.
- 1.5 As a general principle, decisions should be made at the lowest possible level commensurate with efficiency and effectiveness principles. This ensures Council's services are delivered in an effective, efficient, and timely manner.

1.6 There are some restrictions on the Council's power to delegate. There are a number of powers, functions and duties that cannot be delegated by full Council. The LGA2002 prohibits the delegation of some 'high-level' governance decisions, namely:

- the power to make a bylaw
- the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term council community plan
- the power to adopt a long-term council community plan, annual plan, or annual report
- the power to appoint a chief executive; and
- 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.

In addition, some specific legislation prohibits or restricts delegation in various ways.

For example:

- the Council's power to approve any change to the District Plan can only be delegated to a committee of Council, not officers or hearings committees
- the Council's power to grant exemptions under the Fencing of Swimming Pools Act 1987 may only be delegated to a committee solely of elected members
- the Council's power to resolve to reject a recommendation of the Ombudsman under the Local Government Official Information and Meetings Act 1987 relating to the disclosure of official information cannot be delegated.

In cases where there is a prohibition on delegation, the Council may still delegate any matters precedent to the exercise of those powers by the Council (after consultation with the committee or body or person).

### **Council committees and subcommittees**

1.7 The LGA2002 provides for the appointment of committees and other subordinate decision-making bodies:

1.7.1 The Council may appoint committees, subcommittees, and other subordinate decision-making bodies (clause 30(1)(a)).

1.7.2 A committee may appoint subcommittees (unless the Council has directed otherwise) (clause 30(2)). However, the committee can only appoint a subcommittee and delegate authority in relation to matters which the committee has delegated authority from Council to deal with.

## Committee Structure and Delegations - Papakura District Council

- 1.8 The Council may also appoint a joint committee with another local authority or public body (clause 30(1)(b)).
- 1.9 The Council may discharge or reconstitute any committee, subcommittee, and other subordinate decision-making body (clause 30(5)). Similarly, a committee may discharge any of its subcommittees (clause 30(5)). In both cases, this is not permitted if particular legislation prohibits the Council or committee doing so. Committees, subcommittees and other subordinate decision-making bodies are discharged at each triennial election – unless the Council resolves otherwise (clause 30(7)).
- 1.10 There are various rules controlling the membership of committees and subcommittees:
- 1.10.1 Minimum numbers of committee members:
- (a) A committee must have at least 3 members, at least one of whom must be an elected member (clauses 30(4) & (6)).
  - (b) A subcommittee must have at least 2 members (clauses 30(4) & (6)).
- 1.10.2 Appointment and discharge of members:
- (a) The Council has the power to appoint or discharge members to a committee or subcommittee (clause 31(1)).
  - (b) A committee has the power to appoint or discharge members to any of its subcommittees (unless the Council has directed otherwise) (clause 31(2)).
- 1.10.3 Appointment of non-elected committee members:
- (a) The Council may appoint a person who is not an elected member of the Council to a committee or subcommittee if the Council considers that person has skills, attributes or knowledge that will assist the work of the committee or subcommittee (clause 31(3)).
  - (b) However, employees of the Council can only be appointed to subcommittees, not committees (clause 31(4)(b)).
  - (c) A committee (other than a subcommittee) must have at least 1 elected member (clause 31(4)(a)).
- 1.10.4 Quorum:
- (a) The quorum for committees and subcommittees is set by the Council or parent committee. However, the quorum must be at least 2 members and in the case of committees other than subcommittees, must include at least 1 elected member.

## **2 Committee Structure and Appointments**

2.1 The Council has the following committees and subcommittees:

2.1.1 Main committees:

- District Development;
- Operations and Monitoring;
- Resource Management and Regulatory.

2.1.2 Special purpose committees:

- Long Term Council Community Plan/Annual Plan;
- Resource Consents;
- Audit;
- CEO Performance;
- Allocation of Grants;
- Development Contributions Policy Review.

Appointments to these committees will be made by the Council, reflecting the nature and workload of these committees.

## **3 Delegated Authority of Committees**

3.1 A committee has the general authority to undertake the Council's powers, functions, and duties in relation to matters within its Fields of Activity. In addition, a committee has the authority to undertake the delegated powers, functions, and duties specifically set out in the attached schedule for that committee.

3.2 However, the general and specific delegated authority of the committee is subject to the following conditions and restrictions.

3.2.1 A committee does not have the authority to exercise any powers, functions or duties which cannot be delegated to that committee such as:

- The non-delegable powers set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, namely:
  - (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

## Committee Structure and Delegations - Papakura District Council

- (d) the power to adopt a long-term council community plan, annual plan, or annual report
- (e) the power to appoint a chief executive; or
- (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.

However, a committee may do anything precedent to the exercise of these powers by the Council to the extent that these matters fall within its Fields of Activity.

- Any other powers under the Local Government Act 2002 or other legislation which cannot be delegated by the Council or is incapable of being determined by the committee.

3.2.2 A committee does not have the authority to exercise any powers, functions or duties which the Council has reserved to itself in the attached schedule.

3.2.3 A committee cannot authorise expenditure above its specified financial limit or where it has not been authorised through an annual plan or LTCCP process.

3.2.4 The delegated authority of a committee is limited by any additional conditions or restrictions specifically set out in the attached schedule for that committee.

3.3 A committee cannot make decisions on matters which have been delegated to another committee, Council officer, or other person. This does not affect the ability of the Council or committee to supervise the administration and implementation of matters within their Fields of Activity or matters delegated by them to committees, subcommittees, or officers etc.

3.4 However, the Council or a committee cannot rescind or amend a decision made under a delegation authorising the making of decision by a committee, subcommittee, or other subordinate decision-making body (clause 30(6)). Decisions can only be rescinded or amended in accordance with the procedure set out in standing orders. It should be noted that some decisions are not able to be rescinded particularly those matters dealt with by the Resource Consents Committee whose decision is final other than by way of appeal to the Environment Court.

3.5 Although a committee may have the delegated authority in relation to a particular matter, it is not required to exercise that power; instead it may refer the matter to the Council (or, in the case of a subcommittee, its parent committee) to deal with. For example, a committee may refer matters of a contentious or sensitive political nature to the Council even if the matter falls within its delegated authority.

3.6 Where:

## Committee Structure and Delegations - Papakura District Council

- there is a conflict between a delegation or the delegation of a particular matter is unclear, and
- an urgent decision is required to resolve the issue

the Mayor, (or in his absence, the Deputy Mayor) has the authority to determine which committee has delegated authority in respect of a matter. In either case, the member must take account of the advice of the Chief Executive Officer on the issue.

## Council

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<b>Matters specifically reserved to Council</b>	1	Appointments to Committees or Subcommittees
	2	Ownership responsibilities for:  Watercare Services Ltd
	3	Any other situations where Council exercises a governance role with respect to other organisations

### District Development Committee

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<b>Membership</b>	<ul style="list-style-type: none"><li>• 8 members appointed by the Council</li><li>• the Mayor (ex officio)</li></ul>
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<b>Quorum</b>	4 members
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<b>Fields of Activity</b>	<p>District-wide strategies, policies and plans (except for policies and plans that are to be developed within the legal framework of the Resource Management Act 1991) including the following:</p> <ul style="list-style-type: none"><li>• Environmental policy and strategy</li><li>• Social policy and strategy</li><li>• Economic development policy and strategy</li><li>• Cultural policy and strategy</li><li>• Democracy, civil society, community engagement and partnership</li><li>• Policies required by the Local Government Act 2002 including funding policies</li><li>• Parks policy (including reserve management planning)</li></ul> <p>District-wide development projects policy and associated design decisions. Note: once the direction and key design matters are signed off the projects will transfer to the oversight of the Operations and Monitoring Committee. District wide projects will include:</p> <ul style="list-style-type: none"><li>• CBD Revitalisation</li><li>• Stations Development</li></ul> <p>Regional strategic processes including the following:</p> <ul style="list-style-type: none"><li>• Auckland Sustainability Framework</li><li>• Regional Growth Strategy</li><li>• Regional Governance</li><li>• Regional Land Transport Strategy</li><li>• Regional water, wastewater and stormwater review</li></ul>
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## Committee Structure and Delegations - Papakura District Council

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- Southern Sector Agreement
- Southern Sector Transport Study
- Regional Economic Development Strategy
- Regional Sports and Recreation Strategy

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<b>Specific Delegations</b>	n/a
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<b>Specific Restrictions</b>	n/a
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<b>Financial Limit</b>	\$1,000,000
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## Operations and Monitoring Committee

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<b>Membership</b>	<ul style="list-style-type: none"><li>• 8 Members appointed by the Council</li><li>• The Mayor (ex officio)</li></ul>
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<b>Quorum</b>	4 members
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<b>Fields of Activity</b>	<p>To oversee operations and exercise specific delegated powers for the Council on behalf of the community by monitoring the Long Term Council Community Plan (LTCCP)/Annual Plan and budget implementation, overseeing tenders and procurement, monitoring contracts for provision of services and overseeing the Council's financial management and to exercise stewardship of Council's assets in particular in the following areas:</p>
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### Operational Monitoring

- Parks and Reserves
- Cemetery and Sanitary Services
- Community facilities
- Housing for Older Adults
- Aquatic Centre
- Library
- Community Development
- Infrastructure provision
- Roading and transport including road safety
- Stormwater
- Water and wastewater
- Waste management
- Economic development and events
- Service provision and contracts for regulatory services
- Operation of the Franchise Agreement between Council and United Water International in particular in relation to the following matters:

- Compliance by United Water with the Franchise Agreement as measured through the annual set of monitoring processes;
- Compliance by United Water with the Franchise Agreement as measured through the five yearly set of monitoring processes.

Financial Monitoring

- Accountability requirements imposed through the Local Government Act 2002
- Council Controlled Organisation ownership monitoring
- Financial and asset management
- Funding including rating and development contributions, borrowings and investments (cash and property)
- Funding applications to LTNZ, ARTA/ARH, LTSA etc.
- Valuation
- Taxation
- Insurance
- Acquisition and sale of properties as approved in the AP/LTCCP

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<b>Specific Delegations</b>	n/a
<b>Specific Restrictions</b>	n/a
<b>Financial Limit</b>	\$1,000,000

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## Resource Management and Regulatory Committee

<b>Membership</b>	<ul style="list-style-type: none"> <li>• 8 Members appointed by the Council</li> <li>• The Mayor (ex officio)</li> </ul>
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	<p>To exercise specific delegated powers and oversee resource management and regulatory policy for the Council on behalf of the community including the implementation of Council policy in relation to legislation, regulations or bylaws that regulate activities carried out on land and water, in particular relating to the following matters:</p> <ul style="list-style-type: none"> <li>• Resource Management Act matters including district plan changes and submissions and the hearing of submissions to the District Plan (or any variation to or review of the District Plan).</li> <li>• Building Act</li> <li>• Bylaws - Administrative Review (but excluding the development of new bylaws)</li> <li>• Fees and Charges</li> <li>• Legal proceedings with respect to regulatory matters</li> <li>• Maritime Planning Schemes</li> <li>• Regulatory Matters (including animal and pest control, dangerous goods and hazardous substances, fencing of swimming pools, litter, liquor, noise abatement, public health and safety)</li> <li>• Historic Places</li> <li>• Biodiversity</li> <li>• Biosecurity</li> </ul>
<b>Specific Delegations</b>	See delegations titled "Papakura District Council Regulatory Delegations November 2007"
<b>Specific Restrictions</b>	n/a other than as set out within this document and in the delegations titled "Papakura District Council Regulatory Delegations November 2007".
<b>Financial Limit</b>	\$1,000,000

### Long Term Council Community Plan Committee

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<b>Membership</b>	<ul style="list-style-type: none"><li>8 Members appointed by the Council</li></ul> <p>The Mayor (ex officio)</p> <p>2 external appointees</p>
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<b>Quorum</b>	4 members
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<b>Fields of Activity</b>	<p>To oversee and direct development of the draft LTCCP and/or Annual Plan for recommendation to Council.</p> <p>Key processes of which the Committee will maintain an oversight include:</p> <ul style="list-style-type: none"><li>Annual Plan development</li><li>Community outcomes</li><li>Activity statements/ Asset management plans</li><li>Assessments of water and sanitary services</li><li>Responses to public submissions on the LTCCP/AP</li></ul>
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<b>Specific Delegations</b>	n/a
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<b>Specific Restrictions</b>	n/a
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<b>Financial Limit</b>	\$1,000,000
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### CEO Performance Review Committee

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<b>Membership</b>	<ul style="list-style-type: none"><li>• 8 Members appointed by the Council</li><li>• The Mayor</li></ul>
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	<p>To assist the Council in its governance role, on behalf of the community, for the accountability and monitoring of staff by reviewing the performance of the Chief Executive, including:</p> <ul style="list-style-type: none"><li>• setting key result areas in accordance with the Chief Executive's contract.</li><li>• reviewing the performance of the Chief Executive in accordance with the Chief Executive's contract.</li><li>• fix remuneration for, deal with, and conclude all contractual matters with the Chief Executive.</li><li>• monitoring the performance of the Organisation in delivering the Council's services and carrying out the Council's policies as this relates to the performance of the Chief Executive.</li></ul>
<b>Specific Delegations</b>	n/a
<b>Specific Restrictions</b>	n/a
<b>Financial Limit</b>	\$300,000

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## **Audit Committee**

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<b>Membership</b>	<ul style="list-style-type: none"><li>• 8 Members appointed by the Council</li><li>• The Mayor</li></ul>
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	To assist the Council in its monitoring role by overseeing the external Audit of the Council including any audit of the Annual Plan or LTCCP and reviewing Council's Annual Report
<b>Specific Delegations</b>	n/a
<b>Specific Restrictions</b>	n/a
<b>Financial Limit</b>	n/a

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**Development Contributions Policy Review Committee**

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<b>Membership</b>	• 8 members appointed by the Council
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	• Hearing and deciding any requests for review of development contribution decisions
<b>Specific Delegations</b>	n/a
<b>Specific Restrictions</b>	n/a
<b>Financial Limit</b>	\$100,000

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### Allocation of Grants Committee

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<b>Membership</b>	• 8 Members
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	To allocate grants money provided by Council through the Annual Plan / Long Term Council Community Plan process, to individuals or groups, in accordance with any priorities or policy established by Council. The grants allocations may be for local or regional purposes.
<b>Specific Delegations</b>	n/a
<b>Specific Restrictions</b>	n/a
<b>Financial Limit</b>	\$20,000

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## Resource Consents Committee

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<b>Membership</b>	• 8 members appointed by the Council
<b>Quorum</b>	4 members
<b>Fields of Activity</b>	See separate delegations "Papakura District Council Regulatory Delegations November 2007"
<b>Specific Delegations</b>	See separate delegations "Papakura District Council Regulatory Delegations November 2007"
<b>Specific Restrictions</b>	See separate delegations "Papakura District Council Regulatory Delegations November 2007"
<b>Financial Limit</b>	\$1,000,000

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