



Notice is hereby given that an Ordinary Meeting of Southland District Council will be held on:

Date: Friday, 1 November 2019
Time: 9am
Meeting Room: Council Chamber
Venue: 15 Forth Street
Invercargill

Council Agenda OPEN

MEMBERSHIP

Mayor

Mayor Gary Tong

Councillors

Don Byars
John Douglas
Paul Duffy
Bruce Ford
Darren Frazer
George Harpur
Julie Keast
Ebel Kremer
Christine Menzies
Karyn Owen
Margie Ruddenklau
Rob Scott

IN ATTENDANCE

Chief Executive

Steve Ruru

Committee Advisor

Fiona Dunlop

Contact Telephone: 0800 732 732
Postal Address: PO Box 903, Invercargill 9840
Email: emailsdc@southlanddc.govt.nz
Website: www.southlanddc.govt.nz

Full agendas are available on Council's Website
www.southlanddc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.

TABLE OF CONTENTS

ITEM	PAGE
PROCEDURAL	
1 Powhiri	
2 Apologies	
3 Welcome	
4 Making and Attesting of Members' Declarations	7
5 Conflict of Interest	
6 Extraordinary/Urgent Items	
7 General Explanation from Chief Executive	11
8 Appointment of Deputy Mayor	17
9 Proposed Governance Structure	19
10 Elected Member Appointments	29
11 Terms of Reference and Delegations for 2019 - 2022 Governance Structure	37
12 Adoption of 2019 Standing Orders	151
13 Elected Member's Remuneration	237
14 Schedule of Meetings for remainder of 2019 and for 2020	243
15 Elected Members Code of Conduct	249
16 Unbudgeted expenditure approval for review of possible Luxmore development at Te Anau	275
PUBLIC EXCLUDED	
Procedural motion to exclude the public	279
C17 Finance and Assurance Committee - Re-appointment of External Member	
C18 Risk Management Update - September 2019 Quarter	
C19 Proposed Land Acquisition Otautau	

Apologies

At the close of the agenda no apologies had been received.

Conflict of Interest

Councillors are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as a councillor and any private or other external interest they might have.

Extraordinary/Urgent Items

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

- (a) that item may be discussed at that meeting if-
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."

Making and Attesting of Members' Declarations

Record No: R/19/7/12221
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To enable the making and attesting of declarations of office by the Mayor elect and councillors elect.

Executive Summary

- 2 Elected members take up office on the day after the official declaration of the election results is publicly notified. However, they cannot make any decisions or otherwise act as a member until they have made an oral declaration and made a written declaration in the form set out in clause 14, Schedule 7 of the Local Government Act 2002.
- 3 The oath for the Mayor and councillors is taken at the inaugural meeting of the Council. The chief executive will receive and witness the declaration of the Mayor. The Mayor then receives and witnesses the declaration of the councillors.

Recommendation

That the Council:

- a) **Receives the report titled "Making and Attesting of Members' Declarations" dated 23 October 2019.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Notes that the chief executive has received and witnessed the declaration of the Mayor**
- e) **Notes that the Mayor has received and witnessed the declaration of Council members.**

Background

- 4 The Local Government Act 2002, Schedule 7 clause 14 requires the Mayor elect and Councillors elect to make oral declarations and also a written declaration before they can act as a member of Council and is follows:

Declaration by mayor or chairperson or member

“I, AB, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of [*region or district*], the powers, authorities, and duties vested in, or imposed upon, me as [*mayor or chairperson or member*] of the [*local authority*] by virtue of the Local Government Act 2002, the [Local Government Official Information and Meetings Act 1987](#), or any other Act

Dated at: [*place, date*]

Signature:

Signed in the presence of:

CD, [*mayor or chairperson or member or chief executive of local authority*].”.

Issues

- 5 There is a need for the Mayor elect and councillors elect to make the required declarations before they can act.

Factors to Consider

Legal and Statutory Requirements

- 6 The Local Government Act 2002 clearly outlines the procedure that must be undertaken to enable the Mayor and councillors elect to act as members of the Southland District Council.

Community Views

- 7 The community would expect newly elected members to make the declarations as required.

Costs and Funding

- 8 There are no costs.

Policy Implications

- 9 There are no policy implications.

Analysis

Options Considered

- 10 There are two options to consider

Analysis of Options

Option 1 – Making and attesting of declarations

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Is consistent with the statutory requirements• Will enable Council to conduct its business.	<ul style="list-style-type: none">• Council would not be able to function.

Option 2 – Not making and attesting of declarations

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• There are no advantages	<ul style="list-style-type: none">• Council would not be able to conduct its business.

Assessment of Significance

- 11 This a routine administrative matter and therefore is not considered significant.

Recommended Option

- 12 The recommended option is option 1 to make and attest declarations to enable Council to conduct its business.

Next Steps

- 13 Proceed with the remainder of the agenda following the making and attesting of declarations.

Attachments

There are no attachments for this report.

General Explanation from Chief Executive

Record No: R/19/7/12222
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☐ Decision ☐ Recommendation ☒ Information

Purpose

- 1 To provide elected members with a general explanation of the laws affecting them in their role.

Executive Summary

- 2 The chief executive of a local authority is bound by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members on certain legislation which controls the way in which the Council's business may be conducted and the way in which elected members are required to undertake their duties.
- 3 This report provides an overview of the relevant legislation identified in the Act in addition to some other relevant information.

Recommendation

That the Council:

- a) **Receives the report titled "General Explanation from Chief Executive" dated 19 October 2019.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**

Background

- 4 The general explanation that must be conducted at the first meeting of the Southland District Council following the triennial general election is required to cover sections of the following pieces of legislation:
 - Local Government Official Information and Meetings Act 1987
 - Local Authorities (Members' Interests) Act 1968
 - Sections 99,105, and 105A of the Crimes Act 1961

- Secret Commissions Act 1910
- Financial Markets Conduct Act 2013.

5 The information provided on the relevant legislation does not attempt to cover all the detailed points of the legislation, but brings to elected members attention the key issues affecting their role and functions as members of the Southland District Council for the 2019/2022 Triennium.

Local Government Act 2002

6 The Local Government Act 2002 is the principal piece of empowering legislation for local authorities. The purpose of the Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this act:

- a. states the purpose of local government
- b. provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them
- c. promotes the accountability of local authorities to their communities
- d. provides for local authorities to play a broad role in promoting the social, economic, environmental and cultural well-being of their communities, taking a sustainable development approach.

7 Section 10 of the act defines the purpose of local government as being:

- a. to enable democratic local decision making and action by, and on behalf of, communities; and
- b. to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

8 Section 12 grants a power of general competence to local authorities to carry on or undertake any business, do any act or enter into any transaction for the purpose of performing their role. This power is subject to compliance with the other relevant provisions of the Act, particularly those relating to decision-making processes.

9 Part 6 of the Act contains detailed provisions relating to planning, decision making and accountability. These include a requirement to follow a particular process in making decisions, principles governing consultation, consideration of the views of those likely to be affected by or have an interest in the decisions being made and the contribution of Maori to decision-making processes.

Local Government Official Information and Meetings Act 1987

10 The Local Government Official Information and Meetings Act 1987 (LGOIMA) governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by staff and the chief executive has statutory authority to make decisions in relating to administration of these requests.

11 LGOIMA also sets meeting procedures and requirements. These include:

- the requirement to give public notice of meetings

- the public availability of the agenda and supporting papers for meetings of the Council, and its committees and subcommittees
- the circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances
- the responsibility of the chair to maintain order at meetings and the power they have, under section 50, to require any person to leave the meeting should they believe on reasonable grounds that their behaviour could prejudice the orderly conduct of the meeting.

12 What is official information?

- formal documents, any writing on any material, any information recorded or stored by means of a tape recorder or computer
- draft reports, correspondence etc
- handwritten notes
- emails – including on your home computer or emails sent from your personal accounts and any deleted emails
- pictures
- recordings
- text messages
- information that is known to elected members and/or staff but is not necessarily recorded.

13 It is useful to ask:

- is this a personal record or a Council record?
- do I need to keep this personal record in Council systems?
- do I need to make this record in this way using this language?
- how would this look on the front page of the newspaper?

14 Elected members should be aware that all information that they receive or ‘know’ in their official capacity falls within the scope of official information covered by LGOIMA. This includes, for example, any information that they may receive on a private email. As a general rule elected members should forward a copy of any such information to a committee advisor so that it can be formally filed in Council’s records management system. It is an offence to destroy official information.

Local Authority (Members’ Interests) Act 1968

15 The Local Authorities (Members’ Interests) Act 1968, which has two main aspects:

Contracts

16 The act provides that no person shall be elected or appointed to be a member of a local authority or any committee of a local authority, if the total payments made by that local authority in respect

of a contract with which that person is concerned or interested exceeds \$25,000 in any financial year (although the local authority can seek the approval of the Auditor General on a case by case basis).

- 17 If a member breaches the \$25,000 limit, he/she is disqualified from holding office and there is an extraordinary vacancy created. The disqualification remains until the next triennial election

Pecuniary Interest

- 18 The act further provides that a member of a local authority shall not vote on or take part in the discussion of any matter in which he/she has directly or indirectly any pecuniary interest, other than an interest in common with the public, The same applies if a member's spouse or partner has directly or indirectly a pecuniary interest other than an interest in common with the public.
- 19 Members who are prohibited from voting on or discussing a matter are under a duty to declare their interest to the meeting, and their abstention from discussion or voting is to be recorded in the minutes.
- 20 If a member acts in breach of this prohibition he/she commits an offence and is liable to a fine of \$100. The member is required to vacate office creating an extraordinary vacancy.

Crimes Act 1961

- 21 Under the Crimes Act 1961 a member of a local authority who obtains or accepts or offers to accept any bribe to do, or not do, something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to seven years.

Secret Commissions Act 1910

- 22 Under the Secret Commissions Act 1910, an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to two years and a fine of up to \$1,000.

Financial Markets Conduct Act 2013

- 23 The Financial Markets Conduct Act 2013 essentially places elected members in the same position as company directors whenever the Council offers financial products (such as an issue of debt or equity securities). Elected members may be personally liable if documents that are registered under the Act, such as a product disclosure statement, contain false or misleading statements. Elected members may also be liable if the requirements of the Act are not met in relation to offers of financial products.

Health and Safety at Work Act 2015

- 24 Health and Safety at Work Act 2015 allocates duties to those people who are in the best position to control risks to health and safety as appropriate to their role in the workplace and for the person conducting a business or undertaking (PCBU) (i.e. the Council) to ensure as far as is reasonably practicable the safety of workers and others who may be impacted by the work the business undertakes.

- 25 For the purposes of the act elected members (which include the Mayor, councillors and community board members) and the chief executive are by default identified as “officers”. Officers is any person occupying a position in relation to the business or undertaking that allows the person to exercise significant influence over the management of the business or undertaking.
- 26 Officers have due diligence obligations, which include:
- To acquire, and keep up to date, knowledge of work, health and safety matters
 - To gain an understanding of the nature of the operations of the business and the associated hazards and risks
 - To ensure that sufficient resources have been allocated and processes put in place to eliminate or minimise risks to health and safety from work carried out
 - To ensure that there are appropriate processes in place for receiving and considering information regarding incidents, hazards and risks.

Public Audit Act 2001

- 27 Local Authorities are defined as public entities in section 4 of the Act. The Auditor-General is appointed as the auditor of every public entity. He also has the power (section 16) to examine, at any time:
- The extent to which the public entity is carrying out its activities effectively and efficiently
 - The entities compliance with it statutory obligations
 - Any actions which show or appear to show a lack of probity or financial prudence.
- 28 Under section 18 the Auditor-General also has a general power to hold an inquiry into any matter concerning the use of resources by a public entity.

Issues

- 29 There is a need for the chief executive to provide elected members with a briefing on relevant legislation.

Factors to Consider

Legal and Statutory Requirements

- 30 The chief executive is required by clause 21(5) of schedule 7 of the Local Government Act 2002 to provide an explanation to elected members in relation to specific sections of legislation.

Community Views

- 31 The community would expect the chief executive to comply with a statutory requirement.

Costs and Funding

- 32 There are no costs and funding.

Policy Implications

- 33 There are no policy implications.

Analysis

Options Considered

- 34 There are no options to consider as this is a legislative requirement for the chief executive to provide.

Assessment of Significance

- 35 This is not considered significant.

Recommended Option

- 36 There are no recommended options.

Next Steps

- 37 Elected members to consider their obligations in undertaking their duties.

Attachments

There are no attachments for this report.

Appointment of Deputy Mayor

Record No: R/19/7/12224
Author: Gary Tong, Mayor
Approved by: Gary Tong, Mayor

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is for Council to note the Mayor's appointment of Councillor Ebel Kremer as Deputy Mayor.

Executive Summary

- 2 The election of a Deputy Mayor must occur at the first meeting of the local authority. Section 41A of the Local Government Act 2002 provides for the Mayor to appoint a councillor to the position of the Deputy Mayor.
- 3 The appointment of a Deputy Mayor provides for the Deputy Mayor to perform all the responsibilities and duties and may exercise all the powers of the Mayor with the consent of the Mayor at any time during the temporary absence of the Mayor, without consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties or exercising the powers of the office.
- 4 As Mayor, I have decided to appoint Councillor Ebel Kremer to the position of Deputy Mayor.

Recommendation

That the Council:

- a) **Receives the report titled "Appointment of Deputy Mayor" dated 23 October 2019.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Confirm the Mayor's appointment of Councillor Ebel Kremer to be the Deputy Mayor of Southland District Council for the 2019/2022 Triennium.**

Issues

- 5 There are no issues to consider.

Factors to Consider

Legal and Statutory Requirements

- 6 This is a statutory requirement as noted under section 41(A) of the Local Government Act 2002.

Community Views

- 7 There are no community views to consider.

Costs and Funding

- 8 The position of Deputy Mayor carries a higher honorarium to reflect the additional duties in deputising for the Mayor from time to time.

Policy Implications

- 9 There are no policy implications

Attachments

There are no attachments for this report.

Proposed Governance Structure

Record No: R/19/8/15182
Author: Steve Ruru, Chief Executive
Approved by: Steve Ruru, Chief Executive

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To seek approval of the proposed Council governance structure for the 2019-2022 triennium.

Executive Summary

- 2 With the start of a new triennium it is seen as appropriate that Council establish a new governance or committee structure that reflects the needs of the business, while also being mindful of the ward and community board structure.
- 3 Over the last four years Council has progressed a community governance review project. It is seen that there are two key pillars that support the community governance concept as it is being implemented within the Southland District. These are:
 - A community led development pillar which is about 'place' being at the centre with Council being one of a number of agencies supporting the development of each place or local community
 - A representative leadership pillar which is about the more traditional role of elected representatives being the identified political leaders within their community.
- 4 It is the representative leadership pillar that is being addressed through the committee structure that is established. Attached is a diagram that outlines the proposed new structure and the relationship between the various bodies. Key features of this proposal include:
 - That community boards would be responsible to the relevant Council committee (eg Services and Assets for infrastructural asset activities) when exercising their delegated authority in relation to a particular activity.
 - Local community sub-committees would be accountable to the relevant community board so that the board has a direct relationship with and can maintain an understanding of the work being progressed within their community area.
 - It is proposed that Council not establish ward committees now that the area covered by community boards has been extended to cover the whole District. This does mean that decisions relating to, for example, the setting of the ward rate that will need to be retained until implementation of the 2021 LTP will need to be made by full Council.

Recommendation

That the Council:

- a) **Receives the report titled “Proposed Governance Structure” dated 23 October 2019.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approve the proposed Governance Structure as outlined in Attachment A including establishment of the following committees and subcommittees:**
 - **Executive Committee**
 - **Services and Assets Committee**
 - **Finance and Assurance Committee**
 - **Regulatory and Consents Committee**
 - **Community and Strategy Committee**
 - **Ohai Railway Fund Committee**
 - **Te Anau Basin Water Supply Subcommittee**
 - **Five Rivers Water Supply Subcommittee**
 - **Matuku Water Supply Subcommittee**
 - **Riverton Harbour Subcommittee**
 - **Stewart Island Visitor Levy Subcommittee**
- e) **Agree that Council will not establish ward committees or community development area subcommittees this triennium given that community boards now cover the whole of the District.**
- f) **Agree that any decisions relating to, what would have previously been made by the ward committee will be made by full Council**
- g) **Notes that Council will formally approve the establishment of each committee or subcommittee and its terms of reference in a subsequent order paper item dealing with the proposed terms of reference for each committee.**

Background

- 5 Over the last four years Council has progressed a community governance review project. An important feature of the community governance concept is that it is exercised by the communities themselves, rather than for them or to them. As such it requires a shift in thinking

from a focus on governing organisations to governing communities - not necessarily defined within historical boundaries or service delivery jurisdictions that may have been defined by Council.

- 6 It is seen that there are two key pillars that support the community governance concept as it is being implemented within the Southland District. These are:
 - a community led development pillar which is about ‘place’ being at the centre with Council being one of a number of agencies supporting the development of each place or local community
 - a representative leadership pillar which is about the more traditional role of elected representatives being the identified political leaders within their community.
- 7 The work completed through the community governance project, and more particularly the representative leadership pillar, was used to inform the 2018 representation review through which Council determined that it would establish nine community boards covering the whole of the District as well as confirming the wards from which councillors are elected.
- 8 While the community board structure for the current triennium has already been set in place via the 2018 representation review process, Council is able to establish the committee and subcommittee structures that it considers appropriate. It is also able to determine the delegations that should be given to each of its committees and community boards.
- 9 There are a number of reasons as to why Council might consider establishing an appropriate committee structure to which it can delegate an appropriate range of functions. These include:
 - focusing on strategic matters: delegation can reduce the workload of Council and enable it to focus on strategic matters of importance while delegating more routine matters to the appropriate committees and/or community boards
 - workload: some issues, such as a variation and/or review of parts of the district plan, will require frequent meetings and considerable reading/research. From a workload perspective it can prove to be simply impractical for Council as a whole to consider such matters.
 - building knowledge and capability: some issues may require decision-makers to build up expertise in a specific area, such as resource management or asset management, to enable them to appropriately consider the issues involved in a matter and/or make decisions. For resource consent hearing matters, for example, there is a statutory requirement for the decision makers to be accredited albeit in exceptional circumstances a matter can be heard by a panel that has some non-accredited members. External appointments to committees can also be used to add specific expertise to those committees. It is, for example, recommended good practice for one or more external professionals to be appointed to a Finance and Assurance committee.
 - facilitating community engagement: governing bodies tend to operate in a formal manner with limited time for debate. This is not always conducive to community and/or stakeholder input to the decision-making process. Delegations to committees and/or community boards can be a practical mechanism that enables citizens and local organisations to be more actively involved with Council.

- 10 The role of Council can be defined as follows:
- to set the strategic direction and policies for Council
 - to monitor organisational performance including the achievement of Council's strategic priorities
 - to be stewards of the organisation and the public assets it administers on behalf of its community. This includes monitoring of organisational health and capability including its compliance with the regulatory frameworks within which it needs to operate
 - to connect with and provide leadership to the District's communities
 - to set the governance culture for the organisation.
- 11 In fulfilling its role Council should establish a strategic context within which the organisation operates. This context will be reflected in the vision, mission and goals set in the Long Term Plan. In general the goals set should have a focus on:
- the outcome, result or benefit to be produced, or need met
 - for whom the outcome is to be produced
 - the cost, worth or relative priority of the outcome.
- 12 When determining which subordinate decision-making structure is most appropriate Council should also have regard to the following principles:
- transparency and openness – Council is required to operate in a transparent and open manner. The nature of its governance structure can either enhance or diminish transparency and openness, both of which are essential to build public trust
 - accountability – choice of governance model must be understandable and accountability for decisions made should be clear and unambiguous
 - inclusive and responsive – the governance system should be responsive to issues and matters of concern brought before it and should avoid unnecessary delays
 - competent and capable – participants in the different committees need the capability to make the decisions required in a timely way. This process should be assisted by their having access to an appropriate level of staff advice.
- 13 An additional factor Council may also wish to consider is the cost of administration, which would support the establishment of a simple and yet effective committee structure.

Proposed Governance Structure

- 14 At the start of the last triennium Council changed its committee structure so that it more clearly reflected the main functional responsibility/output areas and the organisation structure. Hence, it established a Services and Assets committee, Community and Policy committee, Regulatory and Consents committee and Finance and Audit committee. This approach has generally worked well and it is proposed that it be retained for the new triennium.

- 15 It is proposed to establish five committees of Council to 'head' the new governance structure. It would be the role of these committees to provide governance oversight for all of the activities, whether District or local, that fall within the scope of their functional areas. The proposed approach will mean, for example, that community boards would be accountable via the Services and Assets committee for community facilities and jetties even though these are local activities. In a similar manner, community boards would be accountable to the Community and Strategy committee for local community leadership and development. The advantage of this approach is that the relevant committee can then ensure that there is a level of consistency in the development of policy, activity management and levels of service etc being adopted across all areas of Council service delivery functions.
- 16 It is proposed that the following committees be established with functional responsibility for the activities that fall within the scope of their mandate:
- Services and Assets – responsible for local and District infrastructural asset services/activities, such as transport, water and waste, wharves and jetties, parks and reserves
 - Finance and Assurance – responsible for finance, risk management, health and safety and providing assurance as to the probity of Council spending and operations
 - Regulatory and Consents – responsible for environmental policy including the district plan, building, resource management and environmental health
 - Community and Strategy – responsible for strategy and policy, community leadership, community partnership and community assistance
 - Executive committee – code of conduct and employment of chief executive.
- 17 The establishment of a dedicated Finance and Assurance committee is seen as good practice and allows for a more specialised focus on financial and risk management issues. It is also recommended good practice to have one or more external appointees, including an independent chair. External appointees can bring a level of independence and additional skills, which complement those provided by elected members, to the work of the committee.
- 18 In the last triennium there were a number of sub-committees of Council committees which had responsibility for providing input to the management of local activities. The Stewart Island Jetties sub-committee, for example, operated as a subcommittee of the Services and Assets committee despite the fact that it is a locally funded activity. It is also an issue that is of considerable importance to the local community and one in which there is benefit in being able to access local input.

- 19 To ensure that community boards have a relationship with and understanding of the work being overseen by these sub-committees it is proposed that they report via and become formal sub-committees of the relevant local community board. The relevant committees affected by this change and the community board to which they will report are:
- Te Anau Basin Water Supply (Fiordland community board)
 - Five Rivers Water Supply (Northern community board)
 - Matuku Water Supply (Northern community board)
 - Riverton Harbour (Oraka Aparima community board)
 - Ohai Railway Fund (Wallace Takitimu community board)
 - Stewart Island Visitor Levy subcommittee (Stewart Island/Rakiura community board).
- 20 Given that the Stewart Island Jetties subcommittee effectively operates as an advisory group, rather than a formal subcommittee, it is proposed that it be constituted as such. This will reduce the administrative effort required to support the group.
- 21 In the past, due to the fact that the community boards and community development area sub-committees did not cover the whole of the District, Council also operated ward committees. Each committee has a ward rating structure so that it could fund local activity services that were not covered by a community board/CDA. With the establishment of the new community board model covering the whole of the District it is seen that there is no longer a need to retain the ward committee structure or establish community development area subcommittees.

Issues

- 22 To seek a decision on the committee and sub-ordinate governance structures that Council wishes to put in place for the 2019 – 2022 triennium.

Factors to Consider

Legal and Statutory Requirements

- 23 Under the Local Government Act 2002 Council has a wide discretion to determine the extent to which it may want to delegate matters to its committee and community board structures.
- 24 The statutory authority for Council to delegate is provided for in clause 32 of Schedule 7. The decisions that Council are not able to delegate include:
- the power to make a rate
 - the power to make a bylaw (although local boards have the right to recommend these for their local areas)
 - 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 plan, annual plan, or annual report
 - the power to appoint a chief executive

- 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
- the power to adopt a remuneration and employment policy.

- 25 A delegation means that the body with the delegated power has the full authority of Council, as the governing body, in respect of the decision-making powers defined in the delegation. The governing body, while retaining legal responsibility for the exercise of any powers it has delegated, cannot overturn or amend a decision made by a body which is exercising a delegation.
- 26 If Council has concerns about the decision that was made it can ask the committee or community board to revisit the decision that it made and in so doing give consideration to the factors that are of concern to Council.
- 27 Council also retains the right to review and revoke any delegation made at a later point in time.

Community Views

- 28 The community would expect Council to establish a governance structure that enables it to perform its governance and representative leadership functions in an effective and efficient manner.

Costs and Funding

- 29 The costs associated with operation of the committee structure proposed are reflected in the current Council budgets.

Policy Implications

- 30 There are no policy implications associated with the decision as to what might constitute an appropriate committee structure.

Analysis

Options Considered

- 31 The options available to Council are to either endorse the committee structure proposed (option 1), adopt a revised structure (option 2) or do nothing (option 3) which would mean that Council would operate without a formal committee structure.

Analysis of Options

Option 1 – Endorse proposed committee structure

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Will ensure that Council has an appropriate committee structure that reflects the new community board structure and is consistent with good practice principles.• Consistent with the principles that Council has previously discussed through the community governance review.• Structure reflects lessons that have been learnt from previous triennium.	<ul style="list-style-type: none">• Requirement for community boards to report via the relevant committees may not be supported by all.

Option 2 – Adopt a revised structure

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Would allow Council to address any concerns it may have with the proposed structure.• Council could still adopt a structure that was consistent with governance that is consistent with good practice governance principles.	<ul style="list-style-type: none">• If a revised structure was to remain consistent with the community governance review outcomes it may limit any changes that Council may wish to make.

Option 3 – Do nothing

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Would allow Council to defer making a decision as to what might constitute an appropriate committee structure.	<ul style="list-style-type: none">• Would increase significantly the workload of full Council• Would not be consistent with the good practice features identified.

Assessment of Significance

- 32 In this paper Council is making a decision about its governance structure. As such it is a decision that is administrative in nature and not considered to be significant.

Recommended Option

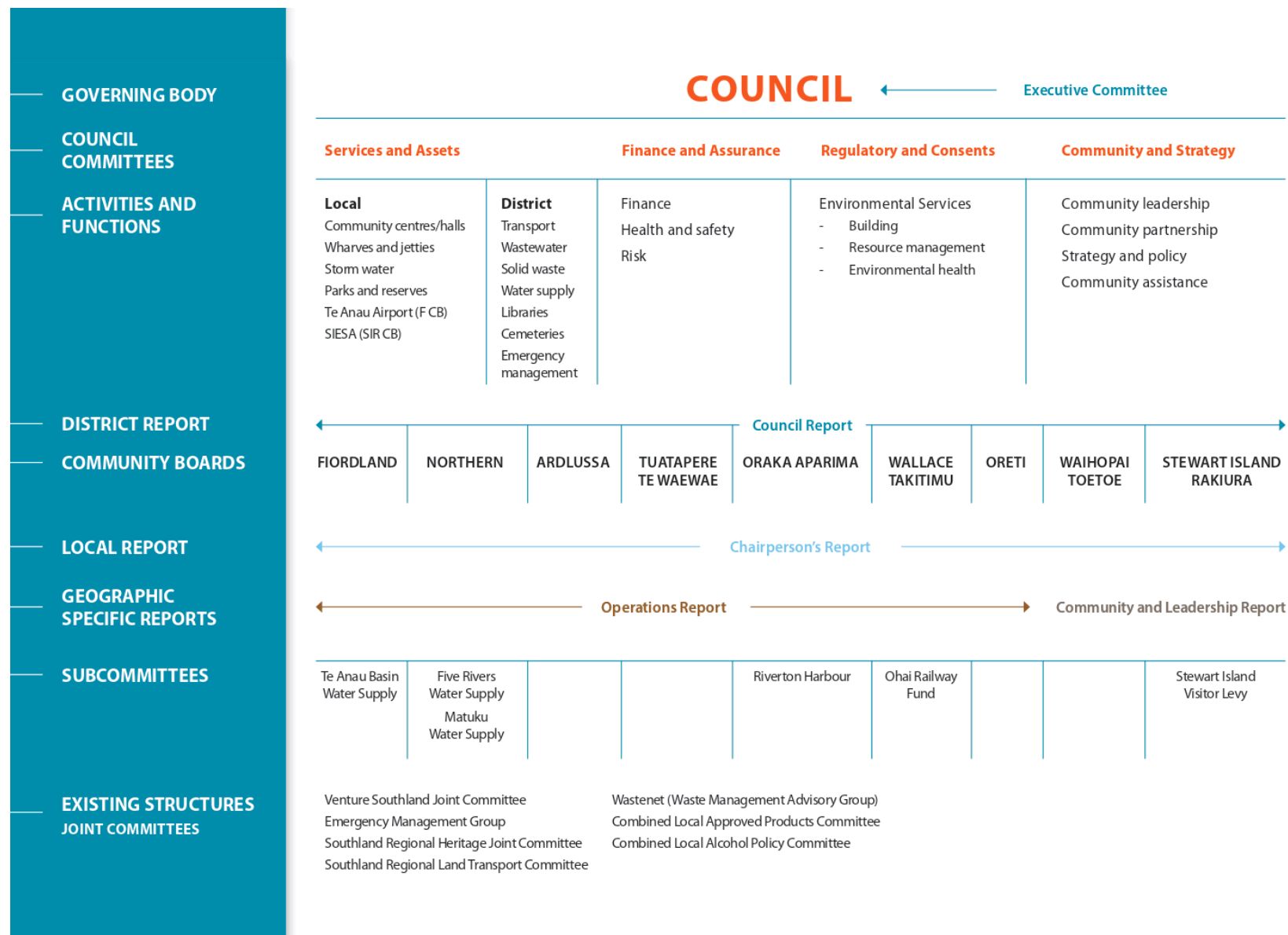
- 33 It is recommended that Council endorse the committee structure proposed.

Next Steps

- 34 If the structure is endorsed then Council should move to approve formal terms of reference for each of its committees and appoint members to each committee.

Attachments

- A Proposed Governance Structure - October 2019 [↓](#)



Elected Member Appointments

Record No: R/19/7/12229
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to make decisions on the appointment of elected members to committees, community boards, subcommittees joint committees, council controlled organisations and council organisations.

Executive Summary

- 2 To give effect to the adoption of the governance structure contained in the agenda for the meeting of 1 November 2019, Council is required to confirm the establishment of committees and make appointments to the committees, subcommittees and joint committees.
- 3 In addition, Council is required to make elected member appointments to each of the nine community boards. Councillors are also appointed to council controlled organisations (CCOs) and Council organisations because of trust deed or company constitution requirements.
- 4 Council has the ability and in some cases a legal requirement under various trust deeds to appoint representatives to council organisations and other organisations that it has an involvement with through providing funding, strategic partnerships or by invitation.
- 5 The Mayor has discussed the appointment process with councillors and worked through the various appointments. The recommendations contained in the report reflect the conversations the Mayor has had.

Recommendation

That Council:

- a) Receives the report titled “Elected Member Appointments” dated 23 October 2019.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Confirm the establishment of the following committees and subcommittees and make the following appointments to those committees and subcommittees:

Committees and Subcommittees	Representation
Executive Committee	Mayor Gary Tong, Deputy Mayor Ebel Kremer, Councillors Paul Duffy and Julie Keast
Community and Strategy Committee	Councillor Julie Keast (Chairperson), Mayor Gary Tong and all Councillors
Services and Assets Committee	Councillor Ebel Kremer (Chairperson), Mayor Gary Tong and all Councillors
Finance and Assurance Committee	Bruce Robertson (Chairperson) Councillor Ebel Kremer (Deputy Chairperson), Mayor Gary Tong, Councillors Paul Duffy, John Douglas, Julie Keast and Don Byars
Regulatory and Consents Committee	Councillor Paul Duffy (Chairperson) Mayor Gary Tong, Councillors Julie Keast, Christine Menzies, Darren Frazer and Margie Ruddenklau
Ohai Railway Fund Committee	Councillors George Harpur, Don Byars and Margie Ruddenklau
Riverton Harbour Subcommittee	Councillor Don Byars
Matuku and Five Rivers Water Supply Subcommittees	Councillor John Douglas
Stewart Island/Rakiura Visitor Levy Subcommittee	Councillor Julie Keast (Chairperson) Councillor Bruce Ford and Bruce Robertson

e) Agree to make the following appointments to community boards:

Community Boards	Representation
Ardlussa	Councillor Rob Scott
Fiordland	Councillor Ebel Kremer
Northern	Councillor John Douglas
Oraka Aparima	Councillor Karyn Owen
Oreti	Councillor Darren Frazer
Stewart Island/Rakiura	Councillor Bruce Ford
Tuatapere Te Waewae	Councillor George Harpur
Waihopai Toetoe	Councillor Julie Keast
Wallace Takitimu	Councillor Don Byars

f) Agree to make the following appointments to the following joint committees:

Joint Committee	Representation
Venture Southland Joint Committee	Mayor Gary Tong and Councillor Paul Duffy
Wastenet (Waste Advisory Group)	Mayor Gary Tong and Councillor Ebel Kremer
Southland Regional Heritage Joint Committee	Councillors Paul Duffy and Karyn Owen
Civil Defence Emergency Management Group	Mayor Gary Tong, Councillor Paul Duffy as alternate
Southland Regional Land Transport Joint Committee	Councillor Ebel Kremer
Combined Local Approved Products Joint Committee	Councillors George Harpur and Paul Duffy
Combined Local Alcohol Policy Joint Committee	Councillors George Harpur, Julie Keast, Paul Duffy and Darren Frazer

g) Agree to make the following appointments to the following Council controlled organisation:

Council Controlled Organisation	Representation
Southland Museum and Art Gallery Trust Board	Deferring making an appointment until a report on the future structure of the trust.
Milford Community Trust	Councillor Ebel Kremer

h) Agree to make the following appointments to the following Council organisations:

Council organisations	Representation
Age Concern	Janet Thomas
Destination Fiordland	Councillors Ebel Kremer and John Douglas
Creative Communities	Councillor Margie Ruddenklau
Gore and Districts Community Counselling Centre Inc	Councillor Julie Keast
Milford Opportunities Project	Mayor Gary Tong
Pioneer Women's Memorial Trust (Gore)	Councillor Julie Keast
Rakiura Heritage Centre Trust	Councillor Bruce Ford
Regional Community Road Safety Network	Hartley Hare
Southland Indoor Leisure Centre Charitable Trust	Councillor Darren Frazer
Southland Medical Foundation	Mayor Gary Tong
Southland Regional Heritage Building and Preservation Trust	Councillor Paul Duffy and Councillor Karyn Owen as an alternate
Te Roopu Taiao	Mayor Gary Tong and Councillor Paul Duffy as an alternate
Waiau Working Party	Councillor George Harpur

Background

- 6 Council is represented by elected members and/or officers on the boards of a number of organisations and bodies. The councillor positions were vacated at the end of the 2016/2019 triennium and, if Council so decides, councillors can be reappointed to them for the duration of the new triennium.
- 7 In some cases the appointments are required because of board membership criteria set out in trust deeds or constitutions. These documents may or may not stipulate that appointees must be councillors. In other cases Council has elected to appoint councillors, usually at the request of the entities concerned.
- 8 Council should note that any entity whose board includes a Council appointee, whether a councillor, officer or external person, is automatically classified as either a Council organisation, joint committee or Council controlled organisation under the Local Government Act 2002 (LGA). This brings with it, performance monitoring obligations involving consideration of the contribution which such an entity makes to the strategic outcomes of Council.
- 9 In the case of entities where such an appointment is at the discretion of Council, these obligations can be avoided simply by not making the appointment. Where an obligation to appoint exists but that right is not exercised, they cannot be avoided. In the case of the latter, a

change to the relevant trust deed or constitution would need to be executed if Council wishes to avoid its monitoring obligations.

Issues

- 10 The organisations to which Council has representation is broken down into three types of organisations as prescribed in the Local Government Act 2002 and in general terms are;
- **Joint committee (JC)** where Council may appoint a joint committee with another local authority or other public body (LGA 2002, schedule 7 Part 1 Clause 30)
 - **Council organisation (CO)** means a company in which a local authority has a shareholding or any entity in which one or more local authorities has voting rights or the ability to appoint a trustee, director or manager. This includes any partnership, trust or arrangement for the sharing of profits, union of interest, co-operation, joint venture or similar arrangement. (LGA 2002, schedule 7 Part 1 Clause 30)
 - **Council controlled organisations (CCO)** means a council organisation that is-
 - (a) a company
 - (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are -
 - (A) held by 1 or more local authorities; or
 - (B) controlled, directly or indirectly, by 1 or more local authorities; or
 - (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
 - (b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—
 - (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or
 - (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity
- (LGA 2002 Part 1 Clause 6)
- 11 A review of the need for appointments to the various organisations was conducted before the start of the last triennium.
- 12 In addition, the 2018 Local Government Commission's determination of the representation review requires that a councillor be appointed to each community board from the ward in which the community board is located.

Responsibilities

- 13 On behalf of Southland District Council, the representatives shall have specific responsibilities for:
- developing effective working relationships with members of the council organisation, committee and other associated agencies
 - advocating for the needs of Southland District in local, regional and national forums

- keeping Council informed of material issues and applying acquired knowledge in the review of relevant Council policies and plans
- monitoring the performance of the Council organisation or committee to evaluate its contribution to the achievement of Council's objectives for the organisation or committee and the overall aims and outcomes of Council.

Delegations

14 In order to carry out their specific responsibilities, representatives are delegated authority to:

- vote on matters in accordance with:
 - (a) the organisation or committee terms of reference; and
 - (b) approved Southland District Council policy.
- represent Council at ceremonial functions associated with the role
- advocate on associated issues on behalf of Council in accordance with approved Council policy or guidelines.

Without prior approval from Council, the representatives do not have delegated authority to:

- delegate any of their responsibilities, duties, or powers; or
- commit Southland District Council to contractual obligations or expenditure.

Skills Required by Representatives

15 Representatives are required to demonstrate the following skill sets:

- a collaborative approach to addressing the economic, environmental, cultural and social objectives associated with the activity
- an ability to work across organisational boundaries and political jurisdictions
- an ability to build support from leaders, citizens, interest groups and policy professionals for a shared vision
- an understanding of governance issues
- business or other experience relevant to the activity
- sound judgement
- a high standard of personal integrity
- the ability to work as a team member.

Frequency of Attendance

16 The representatives may attend:

- all meetings of the organisation or committee
- ceremonial functions associated with the role.

Associated Meetings Approved by the Organisation, Committee or Council

- 17 The representatives may attend:
- all meetings of the organisation or committee
 - ceremonial functions associated with the role
 - associated meetings approved by the organisation, committee or Council.

Relationships with Other Parties

- 18 Although representatives are encouraged to develop relationships with service providers in the community to acquire an awareness of relevant issues, the representatives do not have any authority to become involved in operational activities.

Contacts with Media and Outside Agencies

- 19 Representatives may only speak to the media/and or outside agencies on organisation or committee members in accordance with the authorised delegation from that organisation or committee.

Conduct of Affairs

- 20 The representative shall conduct their 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, Code of Conduct and approved Southland District Council policy.

Reporting

- 21 The representative(s) shall present a report of the meeting and any issues arising to Council if considered relevant after having discussions with the mayor or in his absence the chief executive.

Remuneration

- 22 Representatives will be reimbursed in accordance with the current Elected Members' Remuneration and Reimbursements Policy which was adopted by Council at its meeting on 8 June 2016.

Administrative Support

- 23 The chief executive is responsible for servicing and providing support to the representatives in the completion of their duties and responsibilities. The chief executive appoints an appropriate manager to provide these functions on his/her behalf.

Factors to Consider

Legal and Statutory Requirements

- 24 As noted in the report Council has statutory obligations and obligations under a variety of trust deeds and constitutions to make appointments to various committees and organisations.

Community Views

- 25 This is a statutory requirement. No specific community views have been sought.

Costs and Funding

- 26 Funding shall only be expended, by delegated staff, on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through the Long Term Plan and Annual Plan.
- 27 Any costs will be met from existing budgets.

Policy Implications

- 28 There are no policy implications

Analysis

Options Considered

- 29 There are two options, either make a variety of appointments or not.

Analysis of Options

Option 1 – Make appointments as discussed with the Mayor

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Council would be executing its right and obligations.	<ul style="list-style-type: none">• There are no disadvantages

Option 2 – Not make appointments as needed

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• There are no advantages.	<ul style="list-style-type: none">• Council runs the risk of not fulfilling its statutory responsibilities.

Assessment of Significance

- 30 This report is not considered significant.

Recommended Option

- 31 Option one - Make appointments as discussed with the Mayor.

Next Steps

- 32 Once the appointments are made the organisations will be advised of who has been appointed.

Attachments

There are no attachments for this report.

Terms of Reference and Delegations for 2019 - 2022

Governance Structure

Record No: R/19/7/12227

Author: Clare Sullivan, Governance and Democracy Manager

Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 The purpose of the report is to put forward the updated Manual of Delegations (including terms of reference) for the 2019 – 2022 triennium governance structure for adoption.

Executive Summary

- 2 To give effect to the governance structure for the 2019 – 2022 term contained in the agenda for the meeting of 1 November 2019, the Council is required to adopt an updated Manual of Delegations that reflect the governance structure. Delegations will allow decisions to be made at an appropriate level including at community boards and committees thereby contributing to the principle of small council big community. The manual supports the representative leadership pillar of the wider community governance concept.
- 3 Council is now required to adopt the terms of reference and delegations for the governance structure.
- 4 In addition there is a recommendation, based on previous discussions with members of the former Ohai-Nightcaps and Districts Doctors House and Surgery Subcommittee that this fund of approximately \$38,000 be wound up and the funds distributed to appropriate groups in the Ohai-Nightcaps and Districts area. The recommendation is that this delegation be given to the Wallace Takitimu Community Board that takes in this area as part of its community.

Recommendation

That Council:

- a) **Receives the report titled “Terms of Reference and Delegations for 2019 - 2022 Governance Structure” dated 23 October 2019.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Adopts the Delegations Manual containing terms of reference and delegations for the governance structure as attached to this report.**
- e) **Delegates authority to the Wallace Takitimu Community board to consider and make a decision on whether or not to wind-up and allocate the remaining funds from the Ohai-Nightcaps and Districts Doctors House fund.**

Background

- 5 On 10 April 2019 the Council adopted a Manual of Delegations which provides a ‘one stop shop’ for elected representatives, staff and customers to access:
 - Council’s delegations of governance activities to Council committees and community boards
 - Council’s delegations of management activities to the chief executive
 - the chief executive’s delegations to Council staff, including the executive leadership team.
- 6 At that meeting Council resolved that a formal review of the draft Delegations Manual once adopted, be undertaken in line with triennial elections.

Issues

- 7 This review has now been completed and this report and associated attached document is the outcome of that review.
- 8 The draft Delegations Manual provides for specific delegations relating to finance, regulatory functions and specific statutory responsibilities devolved to Council through legislation. Delegations to committees and/or community boards can be a practical mechanism that enables citizens and local organisations to be more actively involved with Council.
- 9 Some of the key changes include delegations to community boards to support the new structure, an increase in the approval of expenditure for local activities, provides for community boards to accept donations of a local asset to a value of less than \$20,000 and provides for community board to approve business cases for approved budgeted capital expenditure up to \$300,000.

- 10 Changes to the committees include changes to the names of two of the committees to better reflect the scope of activities of the committees and an acknowledgement of the relationship that the community boards will have with various committees when exercising their delegated authority in relation to a particular activity.
- 11 Another change is the relationship that community boards will have with various proposed subcommittees. This includes the Riverton Harbour Subcommittee with the Oraka Aparima Community Board and the water supply subcommittees with their respective community boards.
- 12 Delegations to joint committees also now include clarification of the use of Standing Orders, who the administering authority is and reporting requirements. This is best practice and will provide better clarity.
- 13 It is noted that as part of the procurement policy development work that is currently underway, Council will need to revisit the delegation around the awarding of contracts once the policy work is completed and the procurement policy is adopted.

Factors to Consider

Legal and Statutory Requirements

- 14 Council is legally empowered to grant the delegations.

Community Views

- 15 Community views have not been sought in relation to the draft Delegations Manual project as it relates to organisation wide operational practices. It can be expected that the community would expect Council to operate in accordance with recognised good practice standards in this regard.

Costs and Funding

- 16 Costs associated have been met from existing staff budgets.

Policy Implications

- 17 There are no policy implications identified through the recommendation to adopt the draft Delegations Manual.
- 18 If adopted, the draft Delegations Manual will continue to be an accessible, 'one stop' resource for elected representatives, staff and customers.

Analysis

Options Considered

- 19 There are two options – either adopt the delegations manual or not.

Analysis of Options

Option 1 – Adopt the Manual of Delegations attached to the report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• provides clarity as to delegations regarding Council activities for elected representatives, staff and customers• enables decisions to be made at an appropriate level.	<ul style="list-style-type: none">• there are no disadvantages to this option.

Option 2 – Not adopt the Delegations attached to the report

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• there are no advantages to this option	<ul style="list-style-type: none">• this would mean in effect that the delegations of the 2016 – 2019 would be in use but this would not be practical for the new governance structure.

Assessment of Significance

- 20 While the adoption of a manual of delegations is an important part of the governance structure the report is not classified as significant.

Recommended Option

- 21 That Council adopt Option 1.

Next Steps

- 22 The draft Delegations Manual project has highlighted that the next step is an examination of the relationship between financial delegations and the broader procurement policy and expenditure approval processes. This is a separate piece of work related to the recommended review of the terms of reference and is already underway.

Attachments

- A Manual of Delegations with proposed new changes [↓](#)



Southland District Council

Manual of Delegations

19 September 2019

DRAFT

Southland District Council
Te Rohe Pōtae o Murihiku

PO Box 903
15 Forth Street
Invercargill 9840

0800 732 732
@ sdc@southlanddc.govt.nz
📍 southlanddc.govt.nz

Table of Contents

1	Introduction	9
1.1	Purpose.....	9
1.2	Structure of Manual.....	9
2	Delegations Philosophy	10
2.1	Philosophy	10
2.2	Key Principles	10
2.3	Delegations to the Chief Executive	11
2.3.1	Temporary Delegations	11
2.3.2	Extension of Delegated Authority	11
2.4	Legal Restrictions.....	11
2.5	Powers and Responsibilities Retained by Council	12
3	The Statutory Framework	12
3.1	Council's Principal Responsibilities	12
3.2	Responsibilities of the Chief Executive.....	13
3.3	Delegation of Powers to any Other Officer	14
4	Authority.....	14
5	Amendments to this Manual.....	14
6	Conduct of Affairs	14
7	Ambiguity or Conflict	15
8	Governance Delegations	15
8.1	Introduction.....	15
8.2	Community Boards.....	15
8.3	Expectations of Committees.....	22
8.4	Committees.....	22
8.4.1	Executive Committee	23
8.4.2	Community and Strategy Committee	25
8.4.3	Services and Assets Committee.....	28
8.4.4	Finance and Assurance Committee	31
8.4.5	Regulatory and Consents Committee	36
8.4.6	District Licencing Committee	39
8.4.7	Ohai Railway Fund Committee	39
8.5	Subcommittees	40
8.5.1	Introduction	40
8.5.2	Delegations to Subcommittees.....	40
8.5.5	Riverton Harbour Subcommittee	40
8.5.7	Water Supply Subcommittees – Te Anau Basin, Five Rivers, Matuku.....	45
8.5.9	Stewart Island/Rakiura Visitor Allocation Levy Subcommittee	46
8.6	Local Authority Joint Committees	47
8.6.1	Venture Southland Joint Committee	47
8.6.2	Wastenet (Waste Advisory Group).....	48
8.6.3	Southland Regional Heritage Joint Committee.....	50
8.6.4	Civil Defence Emergency Management Group (CDEM).....	51
8.6.5	Southland Regional Land Transport Committee.....	51
8.6.5	Combined Local Approved Products Committee.....	52
8.6.6	Combined Local Alcohol Policy Committee.....	52
9	Financial Delegations	53

9.1	Introduction.....	53
9.2	Council's Role in Financial Management.....	53
9.3	The Chief Executive's Role in Financial Management.....	53
9.4	Committees' Role in Financial Management.....	54
9.5	Managers' Role in Financial Management.....	54
9.6	The Finance Manager's Role.....	55
9.7	Financial Delegations to Council Committees.....	55
9.7.1	Contract Acceptance.....	55
9.7.2	Budget Reallocation.....	55
9.8	General Delegations from Council to the Chief Executive.....	56
9.8.1	Emergency Delegations.....	56
9.9	Expenditure Delegations.....	56
9.9.1	Contract and Expenditure Authorisation.....	56
9.9.2	Council Credit Cards.....	59
9.10	Schedule of Financial Delegations.....	59
9.10.1	Agency Payments when Council acting on behalf of another agency (MCT, Southland Flood Relief, etc).....	60
9.10.2	Approve Expenditure.....	60
9.10.4	Bank Signatories.....	60
9.10.5	Authorised to 'own' Council bank accounts.....	60
9.10.6	Bonds.....	60
9.10.7	Credit Cards.....	60
9.10.8	Credit Notes.....	61
9.10.9	Debt.....	61
9.10.10	Deposit of Funds.....	62
9.10.11	Investments (placing/withdrawing/changing terms).....	62
9.10.12	Discontinue Service.....	62
9.10.13	Donations.....	62
9.10.14	Early Payment of Rates.....	62
9.10.15	Interest.....	62
9.10.16	Overdraft (establishing/cancelling/modifying).....	63
9.10.17	Borrowing (establishing/cancelling/modifying).....	63
9.10.18	Oath/Declaration.....	63
9.10.19	Rates Penalties.....	63
9.10.20	Rates Remission and Postponement.....	63
9.10.21	Rates Remission and Postponement on Maori Freehold Land.....	63
9.10.22	Refunding Overpayments.....	64
9.10.23	Reserve Contributions.....	64
9.10.24	Development and Financial Contributions.....	64
9.10.25	Small Claims.....	64
9.10.26	Valuations.....	64
10	Statutory Delegations.....	65
10.1	Introduction.....	65
10.3	Delegations to Council Committees.....	65
10.4	Delegations to the Chief Executive.....	65
10.4.1	Legislation and Regulations.....	65
10.4.2	Bylaws.....	67
10.4.3	Warrants.....	67

11	Sub Delegations	67
11.1	Amusement Devices Regulations 1978.....	67
11.2	Building Act 2004.....	68
11.4	Building Research Levy Act 1969	73
11.5	Burial and Cremation Act 1964.....	74
11.6	Camping-Grounds Regulations 1985	74
11.7	Civil Defence Emergency Management Act 2002.....	74
11.8	Dog Control Act 1996	74
11.9	Drainage and Plumbing Regulations 1978.....	77
11.12	Food Act 1981	77
11.13	Food Act 2014	78
11.14	Food Hygiene Regulations 1974	78
11.16	Freedom Camping Act 2011.....	78
11.17	Gambling Act 2003	79
11.18	Gas Act 1992.....	79
11.19	Hazardous Substances and New Organisms Act 1996.....	79
11.20	Health Act 1956.....	79
11.21	Health (Burial) Regulations 1946	80
11.22	Health (Drinking Water) Amendment Act 2007	80
11.22	Health (Hairdressers) Regulations 1980.....	81
11.23	Health (Registration of Premises) Regulations 1966.....	81
11.24	Housing Improvement Regulations 1947	82
11.25	Impounding Act 1955.....	82
11.26	Infrastructure (Amendments Relating to Utilities Access) Act 2010.....	83
11.27	Land Drainage Act 1908.....	83
11.28	Land Transfer Act 2017.....	83
11.29	Land and Transport Act 1998	83
11.30	Land Transport (Infringement and Reminder Notices) Regulations 2012.....	84
11.31	Litter Act 1979.....	84
11.32	Local Government Act 1974	84
11.33	Local Government Act 2002	86
11.34	Local Government Official Information and Meetings Act 1987	88
11.35	Local Government (Rating) Act 2002.....	89
11.36	New Zealand Library Association Act 1939.....	90
11.37	Overseas Investments Act 2005.....	90
11.38	Public Bodies Leases Act 1969	90
11.39	Public Works Act 1981	91
11.40	Racing Act 2003.....	91
11.40	Rates Rebate Act 1973.....	91
11.41	Rating Valuations Act 1998.....	92
11.42	Reserves Act 1977	92
11.43	Resource Management Act 1991.....	92
11.44	Sale and Supply of Alcohol Act 2012	98
11.45	Sale and Supply of Alcohol (Fees) Regulations 2013	100
11.46	Smoke Free Environments Act 1990	101
11.47	Summary Proceedings Act 1957.....	101
11.48	Telecommunications Act 2001	101
11.49	Transport (Vehicular Traffic Road Closure) Regulations 1965	101

11.50	Utilities Access Act 2010.....	101
11.51	Waste Minimisation Act 2008.....	102
11.52	Dog Control Bylaw 2015.....	102
11.53	Freedom Camping Bylaw 2015	103
11.54	Alcohol Control Bylaw 2015.....	103
11.55	Keeping of Animals, Poultry and Bees Bylaw 2010	103
11.56	Roading Bylaw 2008 – Revision 2 2018	104
11.57	Trading in Public Places Bylaw 2013	104
11.58	Trade Waste Bylaw 2008	104
11.59	Airport Authorities Act 1966.....	104
11.60	Residential Tenancies Act 1986	104
12	Non Statutory Delegations	105
12.1	Advertising.....	105
12.2	Animal Control	105
12.3	Appointment and Termination.....	105
12.4	Public Tender	106
12.4	Asset Disposal.....	106
12.5	Civic Ceremonies and Civic Functions	106
12.6	Closed Circuit Television (“CCTV”)	106
12.8	Council Common Seal	106
12.9	Document Execution.....	107
12.10	Insurance.....	107
12.11	Media Statements.....	107
12.13	Planning	107
12.14	Public Tenders	108
12.15	Property.....	109
12.16	Refuse and Recycling	109
12.17	Roads	109
12.18	Signage.....	109
12.19	Street Appeals.....	110
12.20	Street Furniture and Signage.....	110
12.21	Street Parades	110
12.22	Water Services	110

Council Revisions

Council meeting date	Amendment/act	Report #
10/4/19	Created	R/19/1/1589
10/4/19	Disestablishment of the Te Anau Wastewater Discharge Project Committee	R/19/3/5028

Delegations to Officers

Date approved by chief executive	Section	Delegation	Officers granted delegation	
9 June 2019	Section 319 – LGA 1974	General Powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council 319(h) where a permanent road stopping is proposed as this is required to be referred to Council	Group manager services and assets Strategic manager transport Property services manager	R/19/6/10616
9 June 2019	Section 181 – LGA 2002	Construction of works on private land	Group manager services and assets Property services manager Strategic manager water and waste	R/19/6/10615
9 June 2019	Airport Authorities Act 1966	Leasing powers of airport authorities	Group manager services and assets Property services manager Commercial infrastructure manager	R/19/6/10614
9 June 2019	Residential Tenancies Act 1986	To undertake the role and obligations of the landlord as required by the act.	Group manager services and assets Property services manager Community facilities manager	R/19/6/10613
30 June 2019	Building Act 2004	Various sections of the Building Act 2004	Group manager environmental services	R/19/7/12649

Date approved by chief executive	Section	Delegation	Officers granted delegation	
			Manager building solutions Technical lead building solutions Building control officer Technical support partners Team leader resource management Senior planner	
11 July 2019	Land Transfer Act 1952 2017	10.4 Delegations to the chief executive 10.4.1 Legislation and regulations The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these acts. This includes, but is not limited to , the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers. Land Transfer Act 1952 Land Transfer Act 2017	Chief executive	R/19/7/13091
		11.28 Land Transfer Act 1952 2017 Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 1952 2017	Property services manager	R/19/7/13091
	S.34	Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 1952 2017	Property services manager	
6 August 2019		11.28 Land Transfer Act 2017	Group manager services and assets	R/19/8/15000

Page | 7

Date approved by chief executive	Section	Delegation	Officers granted delegation	
		The authority to execute A&I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction	Property services manager Group manager – environmental services Team leader resource management	

1 Introduction

Southland District Council ("Council") relies on a clear distinction between governance and management activities for effective operation. Council is comprised of:

- **elected members**, including councillors and community board members who have overall responsibility for Council decisions and activities
- **the chief executive**, who is the sole employee of the elected members, and
- **Council officers**, who are employed by the chief executive.

Governance activities are the remit of elected members. Management activities are the remit of the chief executive, which includes the provision of policy advice, as well as implementing the governance decisions made by elected members.

In order for a council to operate efficiently and effectively, the chief executive delegates provision of policy advice and decision implementation to council officers.

1.1 Purpose

The purpose of the Delegations Manual ("the manual") is to define and authorise the scope of:

- a) the division between governance and management activities
- b) Council's delegations of governance activities to Council committees and community boards
- c) Council's delegations of management activities to the chief executive
- d) the chief executive's delegations to Council officers, including the Executive Leadership Team.

Other aspects of Council's work programme can be delegated by Council resolution. This includes the work programme detailed in the Long Term Plan and Annual Plan. Separate delegations are not required for Council officers to undertake any work included in these documents, which are adopted by Council.

The Delegations Manual also provides for specific delegations relating to finance, regulatory functions and specific statutory responsibilities devolved to Council through legislation.

1.2 Structure of Manual

The Delegations Manual is structured as follows:

1. Delegations framework – this section outlines Council's guiding principles for delegating authority and establishes the legal power for making these delegations. It then establishes the framework through which the delegations are made and structured
2. Governance delegations – this section sets out the delegation of governance powers from Council to committees and community boards
3. Financial delegations – the delegation of financial powers enables the achievement of Council's objectives and work programme, as adopted in the Long Term Plan and Annual Plan. This section sets the limits of financial delegations to Council sub-committees and Council officers
4. Statutory delegations - this section sets out key statutes and regulations that devolve and delegate power, duties and responsibilities to Council. These delegations are consistent with the Local Government Act 2002 ("the act"), which empowers Council to delegate the enforcement,

inspection, licensing and administration related to bylaws and other regulatory matters to any other local authority, organisation, or person

5. Non statutory delegations – this section sets out how the chief executive delegates management powers and responsibilities to facilitate the effective operation and administration of Council business.

2 Delegations Philosophy

Delegations are the assignment of a duty or power of action to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

The powers, functions and duties of Council are prescribed by central government either expressly or implicitly by statute and associated regulations. The legislative framework imparts various different powers, functions and duties to the elected Council, the chief executive and to specific Council officers.

Primary statutes that impact Council include but are not limited to:

- Local Government Act 2002 ('the act')
- Resource Management Act 1991 ('RMA')
- Building Act 2004
- Reserves Act 1977.

2.1 Philosophy

In the interests of good management and effective administration, Council believes that decision-making should be delegated to the lowest competent level. This will enable the best use of elected member and Council officer abilities and minimise the cost of material, technical and financial resources.

Authority and responsibility are inseparable. Those with the responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use.

Delegations do not remove ultimate accountability of elected members, the chief executive and the leadership team for the affairs of Council.

2.2 Key Principles

In making decisions about delegated authority, Council and the chief executive will balance the following, to enable Council to:

- operate efficiently and effectively
- concentrate on its policy making role, empowering the chief executive and Council officers to implement and administer those policies
- carry out Council functions openly and fairly
- provide delegates with the necessary authority to effectively carry out delegated responsibilities
- properly observe all statutory requirements.

Other principles observed in the development of the manual are that delegations will:

- be made to positions, not people
- be recorded in the Delegations Manual
- have any updates recorded in an Appendix of Subsequent Delegations
- commit Council to decisions made by staff with delegated authority
- be reviewed and amended as required, including a review in line with triennial elections.

2.3 Delegations to the Chief Executive

Council may delegate any function to the chief executive except those expressly precluded by legislation. Any further delegations by the chief executive made following the publication of this manual will be recorded in an Appendix of Subsequent Delegations.

The chief executive may appoint an Executive Leadership Team member to assume delegated authority in the event of planned or unplanned leave, absence or unavailability. Such appointments should be for a limited time and be recorded in writing.

2.3.1 Temporary Delegations

Council officers who are charged with increased duties in a temporary capacity also receive the delegated powers, duties and responsibilities relevant to the position in which they are acting. Any appointment in a temporary capacity shall be recorded in writing and be for a defined period.

2.3.2 Extension of Delegated Authority

The group manager and team leader/activity manager of any Council officer who has a specific delegated authority will share the same delegation.

2.4 Legal Restrictions

Council cannot delegate any power which is required by law to require a resolution of Council, including under Schedule 7 Clause 32 of the Local Government Act 2002.

Council cannot delegate the power to:

- set a rate
- adopt a bylaw
- borrow money, purchase or dispose of assets, outside of the Long Term Plan
- adopt a Long Term Plan, Annual Plan, or Annual Report
- appoint the chief executive
- adopt policies with consultation requirements prescribed by the Local Government Act 2002, including those associated with the Long Term Plan
- approve, adopt, and set operative dates for changes and/or variations to resource management plans and policies under the Resource Management Act 1991
- approve and adopt the District Plan and Notices of Requirement
- adopt a remuneration or employment policy

- make a final decision following an ombudsman's recommendation that rejects or modifies that recommendation
- appoint or discharge the deputy mayor
- approve or amend Council's Standing Orders
- approve or amend the Code of Conduct for elected members
- establish and determine the structure, terms of reference, and delegated authorities of committees
- appoint and discharge members of committees
- establish a joint committee with another local authority or public body.

2.5 Powers and Responsibilities Retained by Council

Council also retains the following additional powers and responsibilities:

- the powers and duties conferred or imposed on Council under Part 2 of the Public Works Act 1981 to allow for the compulsory acquisition of land
- approval of a draft Long Term Plan or draft Annual Plan prior to community consultation
- approval of a draft bylaw prior to community consultation
- resolutions required to be made by Council under the Local Electoral Act 2001, including the appointment of an electoral officer
- the power to institute any proceedings in the high court that are not injunctive proceedings
- the power to sell, dispose or purchase land, including parks, reserves and endowment properties where they are not being acquired as part of the approval of a resource consent for developments such as subdivisions or where the land is being acquired as part of a project included in the Long Term Plan where the value is less than \$50,000
- the power to cease any existing function or commence any new significant activity
- formulation or amendment of Council's corporate goals and objectives
- adoption of the Local Governance Statement
- adoption of the Triennial Agreement
- preparation of Long Term Plan/Annual Plan documents
- power to set fees and charges
- adoption of the Assessment of Water and Sanitary Services.

3 The Statutory Framework

3.1 Council's Principal Responsibilities

The purpose of local government as per s.10 of the Local Government Act 2002 is:

- to enable democratic local decision-making and action by, and on behalf of, communities, and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The governance principles of local government as set out in s.39 of the Local Government Act 2002 are:

- a local authority should ensure that the role of democratic governance of the community, and the expected conduct of elected members, is clear and understood by elected members and the community
- a local authority should ensure that the governance structures and processes are effective, open, and transparent
- a local authority should ensure that, so far as is practicable, responsibility and processes for decision making in relation to regulatory responsibilities is separated from responsibility and processes for decision-making for non-regulatory responsibilities
- a local authority should be a good employer
- a local authority should ensure that the relationship between elected members and management of the local authority is effective and understood.

3.2 Responsibilities of the Chief Executive

The Local Government Act 2002 requires Council to delegate the management of the organisation to the Chief Executive in accordance with s.42 and Schedule 7 ss.33 – 36, on the terms and conditions that Council consider appropriate.

The Chief Executive is responsible to the elected Council for:

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

The chief executive is responsible for:

- a) ensuring, as far as practicable, that the management structure of the local authority:
 - reflects and reinforces the separation of regulatory responsibilities and decision making processes from other responsibilities and decision making processes
 - is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.
- b) appointment of independent commissioner(s) to hear, consider, and determine all contested resource consent applications in respect of which Council, or a Council controlled organisation (CCO), is or could be perceived to be an interested party

- c) delegating to the hearings panel all of Council's regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; approvals under the Fencing of Swimming Pools Act 1987; and actions under the Dog Control Act 1996
- d) delegating to appropriate staff Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

3.3 Delegation of Powers to any Other Officer

The Delegations Manual records all delegations from the chief executive to Council officers. Schedule 7 (s.32B) of the Local Government Act 2002 provides (with some restrictions) powers for a Council officer to further delegate to any other officer.

4 Authority

All previous delegations were revoked by resolution, and the delegations made in the governance section of the manual and other delegations of statutory and financial powers to committees and subcommittees and all the delegations made to the chief executive were adopted by Council at its meeting on 10 April 2019.

Sub delegations made by the chief executive pursuant to the policy and to the powers delegated to him were made effective from 10 April 2019.

5 Amendments to this Manual

This manual shall be maintained by the Governance and Democracy Team who shall amend it in accordance with:

- any instruction to that effect given by Council, and any for delegate authorised to amend this manual
- any need for typographical, grammatical or other minor amendment where the intention of Council in the matter of a delegation is not altered
- any amendments to address legislative or regulatory changes, excluding the powers and responsibilities that remain with Council, which shall go to Council for approval.

The Delegations Manual will be reviewed in line with triennial elections.

6 Conduct of Affairs

All elected members, community boards, committees and subcommittees shall conduct their affairs in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act (LGOIMA) 1987, Local Authorities (Members' Interests) Act 1968, Council Code of Conduct (with respect to all elected members) and standing orders.

7 Ambiguity or Conflict

In the event of ambiguity or conflict as to which committee or subcommittee has the delegated authority to act in respect of a particular matter, then the mayor will decide in consultation with governance and democracy and having received advice from the chief executive.

8 Governance Delegations

8.1 Introduction

Council's delegation model is designed to enable committees of Council to undertake their roles consistent with their terms of reference. The use of delegated authority to the most appropriate level of the organisation enables Council to achieve the purpose of local government as prescribed in the Local Government Act 2002; which is:

- to enable democratic local decision-making and action by and on behalf of, communities; and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

When a statute or regulation empowers Council to carry out a decision making function, that decision must be made by resolution of the full governing body, unless the statute or regulation permits delegation to a committee, subcommittee or Council officer.

Under s.41A of the Local Government Act 2002, the mayor has the power to establish the committees of Council and appoint the chairperson of each committee of Council before the other members of the committee are determined.

The business to be delivered and administered by Council is significant and wide-ranging, implementing the requirements of many statutes and associated regulations, Council plans, policies, bylaws and other services. Without delegation, Council's operations and administration would not be efficient, effective or timely in delivering services.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. Delegates may choose not to exercise authority when a matter becomes of high public interest, or the issues involved are contentious or high risk.

When urgency, public interest, or risk requires matters that would normally be delegated for decision to a standing committee may go to the full elected Council for decision. The decision to do so will be made by the mayor in conjunction with the chief executive.

8.2 Community Boards

Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 ('LGA'), Council delegates the responsibilities, duties and powers listed below to community boards to exercise within their communities (as defined in the LGA).

Any decision by a community board must be consistent with policies or standards or resolutions adopted by Council (whether or not specifically referred to in the delegations below), the needs of their local communities and the approved budget for the activity.

It is Council's intention that community boards exercise their delegations in respect of local activities. For District activities which are the responsibility of Council, community boards will have the power to review and make recommendations to Council on the levels of service on the understanding that Council will be operating on a District wide minimum level of service.

The decision as to whether the exercise of a delegated power is for a local activity will be made by the group manager community and futures and the assigned executive leadership team member on behalf of the chief executive. The group managers may consult with the chairperson of the relevant community board.

TYPE OF COMMITTEE	Community board
RESPONSIBLE TO	Council Each community board will have a relationship with the committees in section 8.4.2 to 8.4.5 based on the scope of the activities/functions delegated to each committee.
SUBCOMMITTEES	As noted in section 8.5 various subcommittees will report to specific community boards.
LEGISLATIVE BASIS	Resolution made by Council through the representation arrangements as per the Local Electoral Act 2001. Role, status and membership as per subpart 2 of Part 4 of the Local Government Act 2002 (LGA). Treaty of Waitangi as per section 4, Part 1 of the LGA. Opportunities for Maori to contribute to decision-making processes as per section 14 of Part 2 of the LGA. Community boards delegated powers by Council as per schedule 7, clause 32, LGA. Appointment of councillors to community boards as per section 50, LGA.
MEMBERSHIP	Oreti and Waihopai Toetoe Community Boards have seven members elected by the local authority triennial elections plus a member appointed by Council. All other community boards have six members plus a member appointed by Council. The chairperson is elected by the community board. Councillors who are not appointed to community boards can only remain for the public section of the community board meeting. They cannot stay for the public excluded section unless the community board agrees.
FREQUENCY OF MEETINGS	Every second month but up to ten ordinary meetings a year
QUORUM	Not less than four members
KEY FUNCTIONS	<ul style="list-style-type: none"> to promote the social, economic, environmental and cultural well-being of local communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities to provide leadership to local communities on the strategic issues and opportunities that they face to be advocates and representatives for their local community and in so doing ensure that Council and other agencies have a clear understanding of local needs and aspirations to be decision-makers on issues that are delegated to the board by Southland District Council

	<ul style="list-style-type: none"> • to develop relationships and communicate with key community organisations, special interest groups, residents and businesses within the community • to maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs • to recommend the setting of levels of service and budgets for local activities.
DELEGATIONS	<p>The community board shall have the following delegated powers and be accountable to Council for the exercising of these powers.¹</p> <p>In exercising the delegated powers, the community board will operate within:</p> <ol style="list-style-type: none"> 1) policies, plans, standards or guidelines that have been established and approved by Council 2) the needs of the local communities; and 3) the approved budgets for the activity. <p>Power to Act</p> <p>The community board will prepare and implement programmes of work, which will be reflected in its community board plan, which are relevant to the purposes of the community board that are consistent with the long term plan and annual plan processes of Council. Such programmes are to include budgetary provision for all costs associated with the work.</p> <p>Community Well-Being</p> <ol style="list-style-type: none"> 4) to develop local community outcomes that reflect the desired goals for their community/place 5) to monitor the overall well-being of local communities and use the information gathered to inform development of local strategies to address areas of need 6) work with Council and the community to develop a community board plan for the community of interest area – working in with any community plans that may exist. <p>Community Leadership</p> <ol style="list-style-type: none"> 7) communicate and develop a relationship with community organisations, local groups, and special interest groups within the local community of interest 8) identify key issues that will affect their community of interest's future and work with Council staff and other local representatives to facilitate multi-agency collaborative opportunities 9) promote a shared vision for the community of interest area and develop and promote ways to work with others to achieve positive outcomes 10) provide a local community perspective on Council's long term plan key performance indicators and levels of service as detailed in the long term plan, and on local expenditure, rating impacts and priorities.

¹ Local Government Act 2002, s.53

	<p>Advocacy</p> <p>11) submissions</p> <ul style="list-style-type: none"> a) authority to make recommendations to Council on matters to be considered in submissions Council may make to external organisations' regional or national policy documents, select committees b) authority to make submissions to Council or other agency on issues within its community of interest area c) authority to make submissions to Council on bylaws and recommend to Council the level of bylaw service and enforcement to be provided, having regard to the need to maintain consistency across the District for all Council bylaws. <p>12) authority to prepare a submission to Council on the proposed levels of service, income and expenditure within the community of interest area, for consideration as part of the long term plan/annual plan process</p> <p>13) provide comment by way of the formal Annual Plan/Long Term Plan process on relative priorities for the delivery of District services and levels of service within the community board area.</p> <p>District activities include:</p> <ul style="list-style-type: none"> a) wastewater b) solid waste c) water supply d) parks and reserves e) roading f) libraries g) cemeteries h) emergency management i) stormwater j) public toilets k) community housing <p>14) Council will set the levels of service for District activities – if a community board seek a higher level of service they will need to recommend that to Council and it will need to be funded in an appropriate way (locally).</p> <p>Community Assistance</p> <p>15) authority to establish prioritisation for allocation based on an overarching set of criteria from council to guide the scope of the activity</p> <p>16) authority to grant the allocated funds from the Community Partnership Fund</p> <p>17) authority to allocate bequests or grants generated locally consistent with the terms of the bequest or grant fund</p> <p>18) Northern Community Board</p> <p>19) make decisions regarding funding applications to the Northern Southland Development Fund. The Northern Community Board</p>
--	---

	<p>may invite a representative of the community of Dipton to take part in the decisions on applications to the Northern Southland Development Fund.</p> <p>Unbudgeted Expenditure</p> <p>Approve unbudgeted operating expenditure for local activities of up to \$20,000.</p> <p>Approve up to a \$20,000 increase in the projected cost of a budgeted capital works project/item that is included in the annual plan/LTP.</p> <p>Authority to delegate to the chief executive, when approving a project definition/business case, over-expenditure of up to \$10,000 for capital expenditure against the budget detailed in the Annual Plan/LTP.</p> <p>Service Delivery</p> <p>Local Activities</p> <p>For activities within the local activities category, the community board shall have authority to:</p> <ol style="list-style-type: none"> recommend to Council levels of service for local activities having regard to Council budgets within the Long Term Plan and Annual Plan process recommend to Council the rates and/or user charges and fees to fund the local activities accept donations of a local asset eg a gas barbeque, park bench, etc with a value of less than \$20,000. Approve project definitions/business cases for approved budgeted capital expenditure up to \$300,000 recommend to the Services and Assets Committee the approval of project definitions/business case and procurement plan for capital expenditure over \$300,000 and/or any unbudgeted capital expenditure monitor the performance and delivery of the service in meeting the expected levels of service facilitate the development of local management plans (for subsequent recommendation to Council), where required by statute or in support of District or other plans for reserves, harbours, and other community facilities, except where powers: <ul style="list-style-type: none"> have been delegated to Council officers; or would have significance beyond the community board's area or otherwise involves a matter of national importance (Section 6 Resource Management Act 1991); or involve the alienation of any part of a proposed or existing esplanade reserve by way of width reduction, easement, lease or otherwise. <p>Local activities include:</p> <ol style="list-style-type: none"> community leadership local halls and community centres (within Council's overarching policy for community facilities) wharves and harbour facilities
--	--

	<ul style="list-style-type: none"> iv) local parks and reserves v) parking limits and footpaths vi) Te Anau/Manapouri Airport (Fiordland Community Board) vii) Stewart Island Electricity Supply Authority (SIESA) (Stewart Island/Rakiura Community Board) <ul style="list-style-type: none"> (i) for the above two local activities only (ii) recommend levels of service and annual budget to the Services and Assets Committee (iii) monitor the performance and delivery of the service
	<p>20) naming reserves, structures and commemorative places</p> <ul style="list-style-type: none"> a) authority to decide upon requests from the community, regarding names of reserves, the placement of structures and commemorative places.
	<p>21) naming roads</p> <ul style="list-style-type: none"> a) authority to decide on the naming for public roads, private roads and rights of way
	<p>22) assist the chief executive by providing comment (through the board chairperson) to consider and determine temporary road closures applications where there are objections to the proposed road closure.</p>
	<p>Rentals and Leases</p> <p>In relation to all leases and licences of land and buildings for local activities within their own area, on behalf of Council;</p> <ul style="list-style-type: none"> a) accept the highest tenders for rentals more than \$10,000 b) approve the preferential allocation of leases and licenses where the rental is \$10,000 or more per annum.
	<p>Environmental management and spatial planning</p> <p>23) provide comment on behalf of the relevant community/communities on resource consent applications referred to the community board for comment.</p> <p>24) recommend 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.</p> <p>25) provide advice to Council and its committees on any matter of interest or concern to the community board in relation to the sale of alcohol where statutory ability exists to seek such feedback.</p> <p>26) provide input into regulatory activities not otherwise specified above where the process allows.</p> <p>27) recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the board has made submissions; ability to provide input to support the development of community planning for a civil defence emergency; and after an emergency event, to provide input and information to support community response efforts.</p>

LIMITS TO DELEGATIONS	<p>No financial or decision making delegations other than those specifically delegated by Council.</p> <p>The community board shall only expend funding on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its Long Term Plan/ Annual Plan. In accordance with the provisions of section 39(2) of Schedule 7 the board may not incur expenditure in excess of the approved budget.</p> <p>Matters which are not Delegated</p> <p>Southland District Council has not delegated to community boards the power to:</p> <ul style="list-style-type: none"> • make a rate or bylaw • acquire, hold or dispose of property • direct, appoint, suspend or remove staff • engage or enter into contracts and agreements and financial commitments • institute an action for recovery of any amount • issue and police building consents, notices, authorisations and requirements under acts, statutes, regulations, bylaws and the like; • institute legal proceedings other than the delegation to recommend to Council the initiating of an appeal or reference to the environment court on decisions in respect to resource consent applications on which the community board has made submissions.
CONTACT WITH MEDIA	<p>The community board chairperson is the authorised spokesperson for the board in all matters where the board has authority or a particular interest.</p> <p>Board members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The assigned Executive Leadership Team member will manage the formal communications between the board and its constituents and for the board in the exercise of its business. Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>
REPORTING	<p>Community boards are unincorporated statutory bodies which are elected to represent the communities they serve.</p> <p>The boards maintain bound minute books of their own meetings.</p>

8.3 Expectations of Committees

Within its areas of jurisdiction, each committee is expected to:

- report minutes of all meetings to Council
- observe and pursue the goals, objectives and strategies in any strategic plan adopted by full Council
- maintain regular communications with other committees and full Council to ensure that the widest possible good is achieved for the community
- approve expenditure that exceeds delegated authority of Council officers, within the financial parameters of the Long Term Plan and Annual Plan
- ensure appropriate consultation and communication is undertaken with the community and affected stakeholders
- monitor and respond to changes in legislation governing their jurisdiction
- support Council staff to achieve programmes and projects contained in the Long Term Plan.

All committees will operate within:

- the policies, plans, standards or guidelines established and approved by Council
- the overall priorities of Council
- the needs of people in the district
- the approved budgets for the activity.

8.4 Committees

Council has established the following committees:

- Executive Committee
- Community and Strategy Committee
- Services and Assets Committee
- Finance and Assurance Committee
- Regulatory and Consents Committee
- District Licensing Committee

8.4.1 Executive Committee

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	Mayor (chairperson), deputy mayor, chairperson Regulatory and Consents Committee, chairperson Services and Assets Committee, chairperson Finance and Assurance Committee, chairperson Community and Strategy Committee
FREQUENCY OF MEETINGS	As required
QUORUM	Three members
SCOPE OF ACTIVITIES	The Executive Committee is responsible for: <ul style="list-style-type: none"> • overseeing the employment of the chief executive • managing code of conduct issues relating to elected members • making decisions on urgent matters arising between scheduled Council meetings or on specific matters referred to it by Council.
DELEGATIONS	Council delegates to the Executive Committee the following powers: <ul style="list-style-type: none"> (a) oversee the employment of the chief executive in accordance with the provisions of the Local Government Act 2002 (b) development of the chief executive's performance agreement for review and approval by Council (c) monitoring the chief executive's performance against the approved performance agreement (d) commissioning any market data required to assess appropriate remuneration for the chief executive for their annual review (e) developing a remuneration arrangement for the chief executive and making recommendations to Council. (f) authority to investigate any complaints or issues about the actions of an elected member under the code of conduct (g) authority to make decisions on urgent matters between Council meetings or on matters specifically referred to it by Council including the approval of unbudgeted expenditure requests that do not include the purchase of an asset not provided for in the Long Term Plan. (h) the authority to engage the independent member of the Finance and Audit Committee to assist with the investigation of a code of conduct issue/complaint should they consider that desirable.
FINANCIAL DELEGATIONS	Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.

	<p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Executive Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy.
CONTACT WITH MEDIA	<p>The mayor is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest. Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations unless expressly given.</p>

8.4.2 Community and Strategy Committee

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Community and Strategy Committee is a committee of the whole Council. The mayor and all councillors will be members of the Community and Strategy Committee.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	Seven
SCOPE OF ACTIVITIES	<p>The Community and Strategy Committee is responsible for:</p> <ul style="list-style-type: none"> • providing advice to Council on the approaches that it should take to promote the social, economic, environmental and cultural well-being of the District and its communities and in so-doing contribute to the realisation of Council's vision of one District offering endless opportunities • to provide leadership to District communities on the strategic issues and opportunities that they face • to develop relationships and communicate with stakeholders including community organisations, special interest groups and businesses that are of importance to the District as a whole. • assessing and providing advice to Council on: <ul style="list-style-type: none"> - key strategic issues affecting the District and Council - community development issues affecting the District and Council - the service needs of the District's communities and how these needs might best be met - resource allocation and prioritisation processes and decisions. • developing and recommending strategies, plans and policies to the Council that advance Council's vision and goals, and comply with the purpose of local government as specified in the Local Government Act 2002 • monitoring the implementation and effectiveness of strategies, plans and policies • developing and approving submissions to government, local authorities and other organisations • advocating Council's position on particular policy issues to other organisations, as appropriate • considering recommendations from community boards and Council committees and make decisions where it has authority from Council to do so, or recommendations to Council where a Council decision is required.

	<p>It is also responsible for community partnerships and engagement. This includes:</p> <ul style="list-style-type: none"> • monitoring the progress, implementation and effectiveness of the work undertaken by Great South in line with the Joint Shareholders Agreement and Constitution. • allocations of grants, loans, scholarships and bursaries in accordance with Council policy • international relations • developing and overseeing the implementation of Council's community engagement and consultation policies and processes. <p>The Community and Strategy Committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • community services • district leadership.
DELEGATIONS	<p>Power to Act</p> <p>The Community and Strategy Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ol style="list-style-type: none"> a) approve submissions made by Council to other councils, central government and other bodies b) approve scholarships, bursaries, grants and loans within Council policy and annual budgets c) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. d) monitor the performance of Great South.. <p>Power to Recommend</p> <p>The Community and Strategy Committee has authority to consider and make recommendations to Council regarding strategies, policies and plans.</p>
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Community and Strategy committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land subject to the disposal being provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items

	<ul style="list-style-type: none"> • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy
LIMITS TO DELEGATIONS	<p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS	<p>This committee will maintain and develop relationships with:</p> <ul style="list-style-type: none"> • Community Boards • Great South • Milford Community Trust • Destination Fiordland. <p>The committee will also hear and receive updates to Council from these organisations as required.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager, community and futures will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>

8.4.3 Services and Assets Committee

TYPE OF COMMITTEE	Council standing committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Services and Assets Committee is a committee of the whole Council. The mayor and all the councillors will be members of the Services and Assets Committee.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	Not less than seven members
SCOPE OF ACTIVITIES	<p>The Services and Assets Committee is responsible for ensuring that Council delivers its infrastructural asset based services in an effective and efficient manner that meets the needs of its communities and protects the investment that Council has in these assets.</p> <p>The committee is responsible for overseeing the following Council activities:</p> <ul style="list-style-type: none"> • transport • property management including community facilities, acquisitions and disposals (including land dealings) • forestry • water supply, wastewater and stormwater • solid waste management • flood protection • waste management • Te Anau airport • Stewart Island Electrical Supply Authority • Stewart Island Jetties and Riverton Harbour • water supply schemes.
DELEGATIONS	<p>The Services and Assets Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <p>Power to Act</p> <p>The committee has the delegated authority to:</p> <ol style="list-style-type: none"> a) assess and provide advice to Council on the strategic issues relating to the delivery of infrastructural asset services b) reviewing and recommending to Council strategies on how it should go about managing the delivery of the infrastructural asset services that it provides c) monitor the condition and performance capability of the infrastructural assets owned by Council so as to ensure that it protects its investment in these assets in accordance with accepted professional standards

	<p>d) monitor the delivery of capital works projects and the implementation of the capital works programme</p> <p>e) monitor the delivery of operations and maintenance contracts</p> <p>f) approve and/or assign all contracts for work, services or supplies where those contracts relate to work within approved estimates. Where the value of the work, services, supplies or business case or the value over the term of the contract is estimated to exceed \$2 million a prior review and recommendation of the business case by the Finance and Assurance Committee is required. The business case shall include as a minimum; risk assessment, a procurement plan and financial costings. If there is a different recommendation from the Finance and Assurance Committee the matter will be referred to Council for a decision</p> <p>g) monitor the return on all Council's investments including forestry</p> <p>h) monitor and track Council contracts and compliance with contractual specifications.</p> <p>Power to Recommend</p> <p>The Services and Assets Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to the scope of activities of the Services and Assets Committee</p> <p>b) changes to Council's adopted levels of service</p> <p>c) the dividend from the forestry business unit</p>
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Services and Assets committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land. <p>Budget Reallocation.</p> <p>Committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> funded by way of savings on existing budget items within the jurisdiction of the committee consistent with the Revenue and Financing Policy.
LIMITS TO DELEGATIONS	<p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> amendment to fees and charges relating to all activities

	<ul style="list-style-type: none"> • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS	<p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Community Boards Regional Land Transport Committee • WasteNet • FENZ (Fire and Emergency New Zealand) <p>The committee will also hear and receive updates to Council from these organisations, as required.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the board's delegations.</p> <p>The group manager services and assets will manage the formal communications between the committee and the people of the Southland District and for the committee in the exercise of its business.</p> <p>Correspondence with central government, other local government agencies or official agencies will only take place through Council staff and will be undertaken under the name of Southland District Council.</p>

8.4.4 Finance and Assurance Committee

TYPE OF COMMITTEE	Council standing committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	Mayor, three councillors and one external appointee
FREQUENCY OF MEETINGS	Quarterly or as required
QUORUM	Three members
SCOPE OF ACTIVITIES	<p>The Finance and Assurance Committee is responsible for:</p> <ul style="list-style-type: none"> ensuring that Council has appropriate financial, risk management and internal control systems in place that provide: <ul style="list-style-type: none"> an overview of the financial and non-financial performance of the organisation effective management of potential opportunities and adverse effects reasonable assurance as to the integrity and reliability of Council's financial and non-financial reporting. exercising active oversight of information technology systems exercising active oversight of Council's health and safety policies, processes, compliance, results and frameworks relationships with external, internal auditors, banking institutions and insurance brokers. <p>The Finance and Assurance Committee will monitor and assess the following:</p> <ul style="list-style-type: none"> the financial and non-financial performance of Council against budgeted and forecasted outcomes consideration of forecasted changes to financial outcomes Council's compliance with legislative requirements Council's risk management framework Council's control framework Council's compliance with its treasury responsibilities Council's compliance with its Fraud Policy.
DELEGATIONS	<p>The Finance and Assurance Committee shall have the following delegated powers and be accountable to Council for the exercising of these powers. In exercising the delegated powers, the Finance and Assurance Committee will operate within:</p> <ul style="list-style-type: none"> policies, plans, standards or guidelines that have been established and approved by Council the overall priorities of Council the needs of the local communities

	<ul style="list-style-type: none"> the approved budgets for the activity. <p>The Finance and Assurance Committee will have responsibility and delegated authority in the following areas:</p> <p>Financial and Performance Monitoring</p> <ol style="list-style-type: none"> monitoring financial performance to budgets monitoring service level performance to key performance indicators. <p>Internal Control Framework</p> <ol style="list-style-type: none"> reviewing whether Council's approach to maintaining an effective internal control framework is sound and effective reviewing whether Council has taken steps to embed a culture that is committed to probity and ethical behaviour reviewing whether there are appropriate systems, processes and controls in place to prevent, detect and effectively investigate fraud. <p>Internal Reporting</p> <ol style="list-style-type: none"> to consider the processes for ensuring the completeness and quality of financial and operational information being provided to Council 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. <p>External Reporting and Accountability</p> <ol style="list-style-type: none"> agreeing the appropriateness of Council's existing accounting policies and principles and any proposed change enquiring of internal and external auditors for any information that affects the quality and clarity of Council's financial statements and statements of service performance, and assess whether appropriate action has been taken by management in response to the above satisfying itself that the financial statements and statements of service performance are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal control (ie letters of representation), and recommend signing of the financial statements by the chief executive/mayor and adoption of the Annual Report, Annual Plans, Long Term Plans <p>Risk Management</p> <ol style="list-style-type: none"> reviewing whether Council has in place a current, comprehensive and effective risk management framework and associated procedures for effective identification and management of the Council's significant risks considering whether appropriate action is being taken to mitigate Council's significant risks. <p>Health and Safety</p> <ol style="list-style-type: none"> review, monitor and make recommendations to Council on the organisations health and safety risk management framework and policies to ensure that the organisation has clearly set out its commitments to manage health and safety matters effectively. review and make recommendations for Council approval on strategies for achieving health and safety objectives
--	---

- c) review and recommend for Council approval targets for health and safety performance and assess performance against those targets
- d) monitor the organisation's compliance with health and safety policies and relevant applicable law
- e) ensure that the systems used to identify and manage health and safety risks are fit for purpose, being effectively implemented, regularly reviewed and continuously improved. This includes ensuring that Council is properly and regularly informed and updated on matters relating to health and safety risks
- f) seek assurance that the organisation is effectively structured to manage health and safety risks, including having competent workers, adequate communication procedures and proper documentation
- g) review health and safety related incidents and consider appropriate actions to minimise the risk of recurrence
- h) make recommendations to Council regarding the appropriateness of resources available for operating the health and safety management systems and programmes
- i) any other duties and responsibilities which have been assigned to it from time to time by Council.

Internal Audit

- a) approve appointment of the internal auditor, internal audit engagement letter and letter of understanding
- b) reviewing and approving the internal audit coverage and annual work plans, ensuring these plans are based on Council's risk profile
- c) reviewing the adequacy of management's implementation of internal audit recommendations
- d) reviewing the internal audit charter to ensure appropriate organisational structures, authority, access, independence, resourcing and reporting arrangements are in place.

External Audit

- a) confirming the terms of the engagement, including the nature and scope of the audit, timetable and fees, with the external auditor at the start of each audit
- b) receiving the external audit report(s) and review action(s) to be taken by management on significant issues and audit recommendations raised within
- c) enquiring of management and the independent auditor about significant business, political, financial and control risks or exposure to such risks.

Compliance with Legislation, Standards and Best Practice Guidelines

- a) reviewing the effectiveness of the system for monitoring Council's compliance with laws (including governance legislation, regulations and associated government policies), with Council's own standards, and best practice guidelines as applicable
- b) conducting and monitoring special investigations, in accordance with Council policy, and reporting the findings to Council

	<p>c) monitoring the performance of Council organisations, in accordance with the Local Government Act.</p> <p>Business Case Review</p> <p>a) review of the business case of work, services, supplies, where the value of these or the project exceeds \$2 million or the value over the term of the contract exceeds \$2 million.</p> <p>Insurance</p> <p>a) consider Council's insurance requirements, considering its risk profile</p> <p>b) approving the annual insurance renewal requirements</p> <p>Treasury</p> <p>a) oversee the treasury function of Council ensuring compliance with the relevant Council policies and plans</p> <p>b) ensuring compliance with the requirements of Council's trust deeds are met</p> <p>c) recommend to Council treasury policies.</p> <p>Fraud Policy</p> <p>a) receive and consider reports relating to the investigation of suspected fraud</p> <p>b) monitor the implementation of the Fraud Policy.</p> <p>Power to Recommend</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to Council regarding:</p> <p>a) policies relating to risk management, rating, loans, funding and purchasing</p> <p>b) accounting treatments, changes in generally accepted accounting practice, and new accounting and reporting requirements</p> <p>c) the approval of financial and non-financial performance statements including adoption of the Annual Report, Annual Plans and Long Term Plans.</p> <p>The Finance and Assurance Committee is responsible for considering and making recommendations to the Services and Assets Committee on business cases completed under the 'Power to Act' section above.</p>
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee accept or decline any contract for the disposal of goods, plant or other assets other than property or land that is provided for in the Long Term Plan

	<p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee • consistent with the Revenue and Financing Policy.
LIMITS TO DELEGATIONS	<p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • amendment to fees and charges relating to all activities • powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual. <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
RELATIONSHIPS WITH OTHER PARTIES	<p>The committee shall maintain relationships with each of the nine community boards.</p> <p>Professional advisors to the committee shall be invited to attend all meetings of the committee including:</p> <ul style="list-style-type: none"> • external auditor • internal auditor/risk advisor (if appointed) • chief financial officer. <p>At each meeting, the chairperson will provide the external auditor and the internal auditor/risk advisor (if appointed) with an opportunity to discuss any matters with the committee without management being present. The chairperson shall request the chief executive and staff in attendance to leave the meeting for the duration of the discussion. The chairperson will provide minutes for that part of the meeting.</p> <p>The chief executive and the chief financial officer shall be responsible for drawing to the committee's immediate attention any material matter that relates to the financial condition of Council, material breakdown in internal controls and any material event of fraud.</p> <p>The committee shall provide guidance and feedback to Council on financial performance, risk and compliance issues.</p> <p>The committee will report to Council as it deems appropriate but no less than twice a year.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The chief financial officer will manage the formal communications between the committee and its constituents and for the committee 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 and will be undertaken under the name of Southland District Council.</p>

8.4.5 Regulatory and Consents Committee

TYPE OF COMMITTEE	Council committee
RESPONSIBLE TO	Council
SUBCOMMITTEES	None
LEGISLATIVE BASIS	Committee constituted by Council as per schedule 7, clause 30 (1)(a), LGA 2002. Committee delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	The Regulatory and Consents Committee will comprise of six members.
FREQUENCY OF MEETINGS	Six weekly or as required
QUORUM	Three
SCOPE OF ACTIVITIES	<p>The Regulatory and Consents Committee is responsible for overseeing the delivery of regulatory services and statutory functions that fall with the scope of, but limited to, the following legislation:</p> <ul style="list-style-type: none"> • Resource Management Act 1991 • Health Act 1956 • Food Act 2014 • Dog Control Act 1996 • Sale and Supply of Alcohol Act 2012 • Heritage New Zealand Act Pouhere Taonga Act 2014 • Building Act 2004 • Freedom Camping Act 2011 • Psychoactive Substances Act 2013 • Impounding Act 1955 • Southland Land Drainage Act 1935 • Southland Land Drainage Amendment Act 1938. <p>The committee is responsible for hearing and determining regulatory matters including but not limited to:</p> <ul style="list-style-type: none"> • resource consents • public work requirements • objections against the construction of public works on private land • objections to decisions made by the committee and/or delegated staff • administration of Council bylaws • proposed variations to the District Plan.
DELEGATIONS	<p>Council delegates to the Regulatory and Consents Committee the following functions:</p> <p>Power to Act</p> <ol style="list-style-type: none"> a) maintain an oversight of the delivery of regulatory services b) conduct statutory hearings on regulatory matters and undertake and make decisions on those hearings (excluding matters it is legally unable to make decisions on ie - pursuant to the RMA) c) appoint panels for regulatory hearings

	<p>d) hear appeals on officer's decisions to decline permission for an activity that would breach the Southland District Council Control of Alcohol Bylaw 2015</p> <p>e) approve Council's list of resource management hearing commissioners (from whom a commissioner can be selected) at regular intervals and the chief executive be authorised to appoint individual commissioners for a particular hearing</p> <p>f) make decisions on applications required under Southland District Council's Development and Financial Contribution Policy for remissions, postponements, reconsiderations and objections</p> <p>i) receive and approve Council's Annual Reports on dog control and alcohol licensing</p> <p>j) hear and determine objections to officer decisions under the Dog Control Act 1996</p> <p>k) hear objections and decide on matters under the Southland Land Drainage Act 1935 and Southland Land Drainage Amendment Act 1938.</p> <p>The Regulatory and Consents Committee shall be accountable to Council for the exercising of these powers (Local Government Act 2002, Schedule 7, Clause 32).</p> <p>Power to Recommend</p> <p>The Regulatory and Consents Committee is responsible for considering and making recommendations to Council regarding:</p> <ul style="list-style-type: none"> a) regulatory policies and bylaws for consultation b) regulatory delegations c) regulatory fees and charges (in accordance with the Revenue and Financial Policy) d) assisting with the review and monitoring of the District Plan.
FINANCIAL DELEGATIONS	<p>Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction.</p> <p>Contract Acceptance:</p> <ul style="list-style-type: none"> • accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities relating to the work of the Finance and Assurance Committee • accept or decline any contract for the disposal of goods, plant or other assets other than property or land as provided for in the Long Term Plan <p>Budget Reallocation.</p> <p>The committee is authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:</p> <ul style="list-style-type: none"> • funded by way of savings on existing budget items • within the jurisdiction of the committee

	<ul style="list-style-type: none"> • consistent with the Revenue and Financing Policy.
LIMITS TO DELEGATIONS	<p>Matters that must be processed by way of recommendation to Council include:</p> <ul style="list-style-type: none"> • making operative District Plan changes • decision to notify the reviewed District Plan and make operative amendments to fees and charges relating to all activities. <p>Powers that cannot be delegated to committees as per the Local Government Act 2002 and sections 2.4 and 2.5 of this manual.</p> <p>Delegated authority is within the financial limits in section 9 of this manual.</p>
STAKEHOLDER RELATIONSHIPS	<p>This committee shall maintain relationships including, but not limited to the following organisations:</p> <ul style="list-style-type: none"> • Each of the nine community boards • Southland Museum and Art Gallery • Southland Heritage Building Preservation Trust • Emergency Management Southland • Southland Regional Heritage Committee • Public Health South • New Zealand Police • Ministry of Business, Innovation and Employment • Alcohol Regulatory and Licensing Authority. <p>The committee will also hear and receive updates to Council from these organisations, as required.</p>
CONTACT WITH MEDIA	<p>The committee chairperson is the authorised spokesperson for the committee in all matters where the committee has authority or a particular interest.</p> <p>Committee members, including the chairperson, do not have delegated authority to speak to the media and/or outside agencies on behalf of Council on matters outside of the committee's delegations.</p> <p>The group manager, environmental services will manage the formal communications between the committee and its constituents and for the committee 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 and will be undertaken under the name of Southland District Council.</p>

8.4.6 District Licencing Committee

TYPE OF COMMITTEE	Committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Sale and Supply of Alcohol Act 2012, s.186.
MEMBERSHIP	Membership of the committee shall follow the requirements set out in s.189 of the Sale and Supply of Alcohol Act 2012. Committee members are appointed for a period of three years coinciding with triennial elections.
QUORUM	Quorum shall follow the requirements set out in s.191 of the Sale and Supply of Alcohol Act 2012
FUNCTIONS	<p>Functions are set out in s.187 of the Sale and Supply of Alcohol Act 2012. These include that the District Licensing Committee decides applications for:</p> <ul style="list-style-type: none"> • new and renewed licences and managers certificates, regardless of whether they are contested • temporary authorities and temporary licences • variation of licences • most enforcement action for special licences.

8.4.7 Ohai Railway Fund Committee

TYPE OF COMMITTEE	Committee
SUBORDINATE TO	Relationship with Wallace Takitimu Community Board
LEGISLATIVE BASIS	Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	<p>The Ohai Railway Fund Committee comprises the following members:</p> <ul style="list-style-type: none"> • three representatives who are appointed by Council • four local representatives whom are elected at the committee's triennial meeting.
QUORUM	NA
FREQUENCY OF MEETINGS	The triennial meeting of the subcommittee is held within the first three months of the year following the triennial elections of Southland District Council.
SCOPE OF ACTIVITIES	The purpose of the fund is to provide grant(s) for the benefit of the "residents" of the former "Ohai Railway Board Area" as legally described in the New Zealand Gazette Notice, page 1671 of 11 May 1916. A "resident" being a person or a descendant of a person whose name appeared on the Parliamentary Electoral Roll for a nine year period during the years 1960 to 1999, both years inclusive, and whose address at this time or times was within the area of the district of the former Board.
DELEGATIONS	<p>Power to Act</p> <p>The Ohai Railway Fund Committee shall have the following delegated powers:</p> <ul style="list-style-type: none"> • making decisions regarding funding applications to the Ohai Railway Fund.

8.5 Subcommittees

8.5.1 Introduction

Council and its committees may appoint such subcommittees and other subordinate decision making bodies as it considers appropriate. Council's delegation model is designed to enable the subcommittees of Council to fully and completely undertake their role, consistent with their terms of reference.

Council has established the following subcommittees:

SUBCOMMITTEE	SUBCOMMITTEE OF
Riverton Harbour Subcommittee	Oraka Aparima Community Board
Water supply subcommittees - Te Anau Basin, Five Rivers, Matuku	Fiordland Community Board and Northern Community Board respectively
Ohai Railway Fund Committee	Wallace Takitimu Community Board
Stewart Island/Rakiura Visitor Levy Subcommittee	Stewart Island Community Board

8.5.2 Delegations to Subcommittees

A subcommittee shall exercise only such delegated authority as is granted to it from time to time by Council or the relevant standing committee. The primary purposes of subcommittees are:

- to dispose of matters which have been delegated to it
- to investigate and report, with recommendations if appropriate, on matters referred from Council or the relevant standing committee
- to act as a forum for communication between elected representatives, officers, and interested parties.

8.5.5 Riverton Harbour Subcommittee

TYPE OF COMMITTEE	Subcommittee
SUBORDINATE TO	Oraka Aparima Community Board
LEGISLATIVE BASIS	Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	<p>The Riverton Harbour Subcommittee will comprise as follows:</p> <ul style="list-style-type: none"> one councillor from the Waiau-Aparima Ward four members nominated by Oraka Aparima Community Board (community board to nominate a representative from the community board, two representatives from berth owners and one representative from either Riverton Rowing Club or Riverton Coastguard) one member nominated by the local Iwi Aparima Oraka Runaka one representative from Environment Southland (with no voting rights).
QUORUM	Four
FREQUENCY OF MEETINGS	Quarterly
SCOPE OF ACTIVITIES	The Riverton Harbour Subcommittee is delegated the following responsibilities by Council:

	<p>(a) the management and control of all Riverton Harbour assets vested in Council being:</p> <ul style="list-style-type: none"> • the use and maintenance of the boat ramp adjacent Koi Koi Park • the use and maintenance of the “unloading wharf” and crane at Lees Point operated by Council so that no vessel anchors, moors, secures or is placed at the unloading wharf unless actively loading or unloading fuel, provisions, fishing equipment or fish (1972 Bylaw No. 3) • the use and maintenance of the “common walkway” on the jetty leading to the privately owned berth numbered L36. • the use and maintenance of the “common walkway” on the jetty leading to the privately owned berths numbered L22, L23, L24, L25, L26, L27, L28, L29 and L30 • the provision and maintenance of the ‘lead lights’ markers the white light at Howells Point and red flashing light at Pearl Rock and any other navigational aids required to assist those vessels leaving and entering the Riverton Harbour • the use and maintenance of berth L35 currently subject to a lease. <p>(b) the administration, management and control of all Riverton Harbour endowment lands now vested in Southland District Council in consultation with and subject to approval by Southland District Council being those lands comprised in Certificates of Title 5C/914, 5C/917, 5C/918, 5C/919, 5C/920, 5C/921, 5B/825, 9D/859, 10C/615, 10C/616 and all such other Riverton harbour endowment lands so vested.</p>
DELEGATIONS	<p>Power to Act</p> <p>The Riverton Harbour Subcommittee shall be responsible for the following:</p> <p>1 The exercise of the following powers (and enforcement of same):</p> <ul style="list-style-type: none"> • to determine whether any person shall be authorised as necessary to carry out work on any vessel or fishing equipment or any other work or lease any equipment used in fishing or any other gear on Council harbour endowment land and any such authorisation may be given by the Harbourmaster (1972 Bylaw No. 3) • to determine whether any vessel may be left on Council harbour endowment land (1972 Bylaw No. 3) • to determine by resolution that any particular area on Council Harbour Endowment land be a parking area for restricted periods (1972 Bylaw No. 3) • to ensure as necessary that no person stops, stands or parks any vessel, vehicle, trailer, boat trailer or any other equipment in any area of Council harbour endowment land unless authorised by the committee or the Harbourmaster (1972 Bylaw No. 3) • to take such steps as are necessary to arrange for the removal of any vessel, gear, equipment, vehicle, trailer, or boat trailer left on Council harbour endowment land without the approval of the Riverton Harbour Committee provided that if the goods are not removed or remain unclaimed by the owner the matter shall be

	<p>referred to Council for further action in consultation with the Riverton Harbour Committee (1972 Bylaw No. 3)</p> <ul style="list-style-type: none"> • to ensure as necessary that no person drives any vehicle over Council harbour endowment land at a speed greater than 20 kilometres per hour (1972 Bylaw No. 3). • to arrange for and provide such signs as deemed necessary from time to time to assist in the best use of the wharves and Council harbour endowment lands and for any other reason (1972 Bylaw No. 3). <p>2. The Riverton Harbour Subcommittee shall be responsible for ensuring that the income from assets and income derived from harbour activities and endowment lands is applied to the maintenance and development of Riverton Harbour, to the maintenance and improvement of endowment lands vested in Council and for such other purposes to benefit the Riverton community</p> <p>3. The Riverton Harbour Subcommittee shall be responsible for preparing an annual budget in every financial year in consultation and with the assistance of Council</p> <p>4. The Riverton Harbour Subcommittee shall be responsible for preparing an Asset Management Plan in and with the assistance of Council.</p> <p>5. The Riverton Harbour Subcommittee shall under delegated authority from Council perform those functions, powers and duties which have now been transferred by Environment Southland as under the Riverton Harbour Board Bylaws (No. 2) 1970 Clauses 1-14, 22 and 35-37. Accordingly the subcommittee is responsible as under:</p> <p>Control of Vessels</p> <ul style="list-style-type: none"> (a) to ensure as necessary that vessels only anchor, moor at a berth or wharf/ mooring site for which that vessel has been licensed unless the licensee of that berth, wharf has given approval for same. [1970 Bylaw No. 1(a)] (b) to ensure as necessary that any vessel not having a licensed site or wharf/ berth is moored, anchored, secured or placed within the Riverton Harbour as directed by the Harbourmaster. [1970 Bylaw No. 1(b)] (c) to ensure as necessary that vessels are not anchored in the fairway or stopped in such a way that the approach to any wharf is obstructed. [1970 Bylaw No. 2] (d) to ensure as necessary that all vessels anchored or moored or secured to any wharf within the Harbour are adequately secured. [1970 Bylaw No. 3] (e) to order the removal of any vessel, timber or other obstacle to any part of the Riverton harbour as deemed necessary by the Harbourmaster for the better working of shipping, cargo or wharves. [1970 Bylaw No. 4] (f) in pursuance of the responsibilities under (a), (b), (c), (d) and (e) the Harbourmaster may arrange to secure, moor, unmoor, place or remove any vessel and where necessary recommend to Environment Southland that it consider a prosecution for a
--	---

	<p>breach of these Bylaws. [1970 Bylaw Nos. 5(a), 5(b), 5(c) and 5(d)]</p> <p>(g) to grant permission in appropriate situations for a master of any vessel to haul a vessel on shore for the purpose of inspection or repairs. [1970 Bylaw No. 6]</p> <p>(h) to require, where appropriate by order of the Harbourmaster the removal from a wharf of any vessel having on board cargo or other matter injurious to health or offensive or dangerous in any respect or other action deemed to be necessary for the safety and interest of all vessels. [1970 Bylaw No. 7]</p> <p>(i) to control as determined by the Harbourmaster the place, times and manner of bringing vessels to or in taking them from any wharf and the securing of any vessel. [1970 Bylaw No. 10]</p> <p>(j) to take such steps as are necessary for the suppression of any fire happening on any vessel or on any wharf. [1970 Bylaw No. 13]</p> <p>(k) to ensure as necessary that all motor-launches operating within the Riverton Harbour have a silencing device in good repair to prevent undue noise from the engine and that the master/driver of the motor-launch is over 15 years of age. [1970 Bylaw Nos. 14(2), 14(3), 14(4), 14(5), 14(6), 14(7), 14(8)]</p> <p>(l) to ensure as necessary that the speed, use or management of a motor launch or of a seaplane on the harbour surface or of a water ski aquaplane or other object towed by any motor-launch or seaplane does not create a nuisance or continue to be a nuisance. [1970 Bylaw No. 14(9)]</p> <p>(m) to ensure as necessary that the speed of a motor-launch or seaplane on the surface of the water does not exceed ten kilometres an hour in those situations prescribed by 1970 Bylaw No. 14(10)(a), (b), (c) and (d)</p> <p>(n) to ensure as necessary that the speed of any water ski, aquaplane or other similar object or person towed by any motor launch or seaplane does not exceed ten kilometres an hour or ride on any water ski aquaplane or other object so towed in those situations prescribed by 1970 Bylaw No. 14(11)(a), (b), (c) and (d)</p> <p>(o) to ensure as necessary that any motor launch or seaplane being used to tow any water-ski aquaplane or other similar object or person has two persons on board so that one person can warn of any mishap occurring or the possibility of any mishap occurring to the person being towed or riding upon the water ski, aquaplane or other object. [1970 Bylaw No. 14(12)(a) and (b)]</p> <p>(p) to determine from time to time what part of the Riverton Harbour is to be reserved as an access lane or lanes for any particular purpose in accordance with 1970 Bylaw No. 14(13)(a), (b) and (c)</p> <p>(q) to determine in any particular case where special circumstances so justify by resolution that any of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof shall</p>
--	---

	<p>not apply in respect of any area or areas of the Riverton Harbour. [1970 Bylaw No. 14(14)]</p> <p>(i) to deal with any applications on the occasion of any yacht, launch or boat race or speed trial for the suspension of the Riverton Harbour Board Bylaws No. 2 (1970) or any specified provisions thereof in accordance with 1970 Bylaw No. 14(15)(a) and (b)</p> <p>(s) to obtain where possible the name and address of any person who appears to have committed any offence against the Bylaws and where appropriate the registered number of any vessel involved in the alleged offence.</p> <p>Mooring and Anchoring</p> <p>To enforce the General Harbour Regulations for harbours of New Zealand as may be applicable (1970 Bylaw No. 22).</p> <p>Control</p> <p>To appoint a Harbourmaster for the purposes of control in terms of the Riverton Harbour Board Bylaws (No. 2) 1970 and to supervise the observance and enforcement of the provisions of these bylaws and to appoint in consultation with the Southland District Council such other officers as may be deemed necessary from time to time [1970 Bylaw No. 35].</p> <p>Offences and Penalties</p> <ul style="list-style-type: none"> - to order any person or persons who may be in breach of the provisions of the Riverton Harbour Board Bylaws (No. 2) 1970 to leave the foreshore forthwith. [1970 Bylaw No. 36] - to recommend commencement of summary proceedings in appropriate cases against any person in breach of the bylaw. <p>(6) The Riverton Harbour Subcommittee shall have the power to make submissions to Environment Southland in respect of all resource consent applications received by Environment Southland that deal with matters involving the Riverton Harbour.</p> <p>(7) The Riverton Harbour Subcommittee will report at three monthly intervals to Environment Southland on any actions taken pursuant to the powers transferred by Environment Southland and any issues or concerns identified by users of the harbour.</p> <p>5.2 Power to Recommend</p> <p>The Riverton Harbour Subcommittee will:</p> <ul style="list-style-type: none"> (a) make recommendations to Environment Southland on matters of concern that pertain to Environment Southland's RMA functions (b) make recommendations to the Services and Assets Committee on all matters of policy not delegated to the Riverton Harbour Subcommittee (c) recommend to Council the granting of any leases or licenses for any Riverton Harbour endowment lands
--	--

8.5.7 Water Supply Subcommittees – Te Anau Basin, Five Rivers, Matuku

TYPE OF COMMITTEE	Subcommittee
SUBORDINATE TO	Fiordland and Northern Community Board
LEGISLATIVE BASIS	Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	<p>Te Anau Basin Water Supply Subcommittee (Fiordland Community Board)</p> <p>The total membership of the Te Anau Basin Water Supply Subcommittee will be nine. Membership of the subcommittee shall be determined by an election at a triennial public meeting.</p> <p>The subcommittee representation shall comprise:</p> <ul style="list-style-type: none"> a water supply consumer from each of the following areas: <ul style="list-style-type: none"> Duncraigen Homestead Kakapo Mt York Princhester Ramparts Takitimu two representatives appointed by Landcorp. <p>Matuku Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Matuku Water Supply Subcommittee will be six plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p> <p>Five Rivers Water Supply Subcommittee (Northern Community Board)</p> <p>The total membership of the Five Rivers Water Supply Subcommittee will be six members plus a councillor.</p> <p>The chairperson shall be elected by the vote of the subcommittee.</p>
QUORUM	<p>Te Anau Basin Water Supply Subcommittee – 5</p> <p>Matuku Water Supply Subcommittee – 4</p> <p>Five Rivers Water Supply Subcommittee – 4</p>
FREQUENCY OF MEETINGS	<p>Te Anau Basin Water Supply Subcommittee</p> <p>Three meetings per annum or as required.</p> <p>Matuku Water Supply and Five Rivers Water Supply Subcommittee</p> <p>One meeting per annum or as required.</p>
SCOPE OF ACTIVITIES	<p>The activity of Southland District Council's Water Supply Subcommittees is framed by Council policies and plans. The responsibilities of these water supply subcommittees include:</p> <ul style="list-style-type: none"> providing feedback to Council officers on relevant plans and strategies (including asset management plans) receiving operational and financial reports community engagement and representing community views to Council.

DELEGATIONS	<p>Power to Act</p> <p>The Te Anau Basin, Matuku and Five Rivers Water Supply Subcommittees shall have the following delegated powers and be accountable to the relevant community board for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) power to recommend the annual budget relating to the relevant water supply scheme (b) power to approve expenditure outside Council's authorised officer levels but within the budget of the water supply schemes. All decisions to approve expenditure outside Council's authorised officer levels must be made by way of a resolution at a meeting of the water supply subcommittees. Any such decisions must be reflected in the minutes of the meeting (c) power to approve new connections to the relevant water supply scheme (d) power to approve expenditure outside of the relevant annual budget for emergency works (e) policies relating to water schemes. <p>In addition to the power to approve expenditure outside of the relevant annual budget for emergency works, this committee can also recommend unbudgeted expenditure to the Works and Services Committee and Council for approval.</p>
--------------------	--

8.5.9 Stewart Island/Rakiura Visitor Allocation Levy Subcommittee

TYPE OF COMMITTEE	Subcommittee
SUBORDINATE TO	Stewart Island/Rakiura Community Board
LEGISLATIVE BASIS	Subcommittees delegated powers by Council as per schedule 7, clause 32, LGA 2002.
MEMBERSHIP	<p>The subcommittee consists of the following members appointed by Council:</p> <p>Chairperson:</p> <p>A councillor of Southland District Council who shall be the Chair of Council's Community and Strategy Committee.</p> <p>Members:</p> <ul style="list-style-type: none"> • a representative from or recommended by each of the approved operators named under the Stewart Island/Rakiura Visitor Levy Policy <ul style="list-style-type: none"> ○ one community board representative ○ the chair of the Finance and Assurance Committee ○ a member from Stewart Island/Rakiura community, and ○ a member to represent iwi • the councillor for Stewart Island/Rakiura Ward
QUORUM	Majority of members
FREQUENCY OF MEETINGS	One meeting per annum or as required
SCOPE OF ACTIVITIES	The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee is responsible for governance of the Stewart Island/Rakiura Visitor Levy

	Fund and setting strategic objectives to act as the basis for assessing applications for funding.
DELEGATIONS	<p>The Stewart Island/Rakiura Visitor Levy Allocation Subcommittee shall have the following delegated powers and be accountable to Council for the exercising of these powers:</p> <ul style="list-style-type: none"> (a) determining strategic outcomes for the Stewart Island/Rakiura Visitor Levy Fund (b) making decisions regarding funding applications to the Stewart Island/ Rakiura Visitor Levy Fund. (c) setting policy in relation to the collection and enforcement of the Stewart Island/Rakiura Visitor Levy.

8.6 Local Authority Joint Committees

Council may unite with any one or more local authorities or other public bodies in appointing a joint committee in accordance with Schedule 7 clause 30A of the Local Government Act 2002. Southland District Council and other local authorities within the region have formed a number of joint committees, with terms of reference to address specific subject matters.

Any committee appointed will be considered to be both a committee of Southland District Council and a committee of the other local authority or public body, unless otherwise specified by legislation. In forming any such committee Council must reach agreement with the other local authorities or public bodies involved which must specify the number of members, how the chairperson and deputy are to be appointed, the terms of reference of the committee, what responsibilities are to be delegated to the committee and how the agreement may be varied.

The powers to discharge any individual member and appoint another will be exercisable by the local authority or public body that made the appointment.

JOINT COMMITTEE
Venture Southland Joint Committee
Emergency Management Group
Southland Regional Heritage Joint Committee
Southland Regional Land Transport Committee
Wastenet (Waste Management Advisory Group)
Combined Local Approved Products Committee
Combined Local Alcohol Policy Committee

8.6.1 Venture Southland Joint Committee

TYPE OF COMMITTEE	Joint committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002.
MEMBERSHIP	<p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor, Southland District Council

	<ul style="list-style-type: none"> • mayor, Invercargill City Council • one councillor, Invercargill City Council • one councillor, Gore District Council <p>Note: Mayor or councillors can transfer their position to another councillor in their absence and the transference has full voting rights.</p>
QUORUM	Four
MEETINGS	The joint committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Southland District Council and will provide administrative support and leadership of the joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	<p>Power to Act</p> <p>Full power to act within scope of activity set out below:</p> <ol style="list-style-type: none"> 1) to appoint trustees to the Venture Southland Trust 2) Oversee the winding up and transfer of the assets of Venture Southland to the Southland Regional Development Agency. 3) to undertake as necessary other activities which are incidental or conducive to the attainment of the above objects and purposes. <p>Power to Recommend</p> <p>Full power to recommend outside scope of activity.</p>

8.6.2 Wastenet (Waste Advisory Group)

TYPE OF COMMITTEE	Joint committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002.
MEMBERSHIP	<p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • mayor and one councillor, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.
MEETINGS	The joint committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	<p>The functions and responsibilities of the Waste Management Advisory Group are to:</p> <ol style="list-style-type: none"> 1. be the high level decision making committee for the implementation and carrying out of the WasteNet activities within the delegations

	<p>from each of the WasteNet Councils</p> <ol style="list-style-type: none"> 2. receive and approve financial monitoring reports as to the accounting between the WasteNet Councils in relation to the WasteNet activities 3. report to each constituent WasteNet Council as to the WasteNet activities outcomes 4. develop policies to ensure the smooth implementation and operation of the WasteNet activities 5. provide a forum for: <ol style="list-style-type: none"> a) the exchange of views and information relevant to the management of waste for each of the WasteNet Council territories; b) discussion as to the effectiveness of the services contracts including ways in which value can be added to the parties through the services contracts and the implementation of the WasteNet Southland Business Plan c) the identification of opportunities for joint waste management and minimisation initiatives d) identification and resolution of points of tension or difficulties between the WasteNet Councils as to their respective roles under the services contracts and this agreement. 6. receive reports and recommendations from the WMG and approve recommendations as permitted by each separate WasteNet Council's delegations 7. formulate recommendations in relation to the services contracts, waste disposal and minimisation strategies and the implementation of the WasteNet Southland Business Plan for consideration by the joint committee and each of the WasteNet Councils as appropriate 8. make recommendations to the WasteNet Councils in relation to the following: <ol style="list-style-type: none"> a) the exit by a WasteNet Council from any or all of the services contracts b) the inclusion of other territorial authorities into any of the services contracts or into WasteNet Southland 9. make decisions generally (in accordance with each Council's delegations) in relation to the implementation of the WasteNet Southland Business Plan 10. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Regional Landfill Contract as to the following: <ol style="list-style-type: none"> a) the portion of funding of general waste management and waste minimisation costs to be recovered through landfill charges b) landfill pricing for authorised users c) and requests from the landfill operator for approval of major industrial users. 11. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Recyclables Acceptance Contract as to the following:
--	---

	<ol style="list-style-type: none"> a) the exercise of the WasteNet extension right pursuant to clause 2.5 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.5 c) the allocation of the contract price payable under the contract as between the WasteNet Councils d) the apportionment of the revenue share payment received by the WasteNet Councils under the contract.
	<ol style="list-style-type: none"> 12. make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Collection and Transfer Stations Contract as to the following: <ol style="list-style-type: none"> a) the exercise of the WasteNet Extension Right pursuant to clause 2.3 b) the modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.3 13. exercise such powers or functions as shall be delegated to the WAG by the WasteNet Councils (either together or separately) 14. carry out such other functions and responsibilities as the WasteNet Councils shall agree shall be functions and responsibilities of the WAG.

8.6.3 Southland Regional Heritage Joint Committee

TYPE OF COMMITTEE	Joint committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002.
MEMBERSHIP	<p>Membership of the joint committee shall comprise of the following:</p> <ul style="list-style-type: none"> • two councillors, Southland District Council • two councillors, Invercargill City Council • two councillors, Gore District Council • one iwi representative may be appointed by the committee <p>Other committee members may be appointed by the committee being persons who have the skills, attributes or knowledge that may assist the work of the committee</p>
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.
MEETINGS	The Joint Committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	The committee shall have such powers, functions and duties as are necessary to carry out the objects and goals set out in the Southland Regional Heritage Joint Committee Heads of Agreement 2017-24.

8.6.4 Civil Defence Emergency Management Group (CDEM)

DESCRIPTION	The Southland CDEM group is a partnership of local authorities, emergency services and other organisations tasked with providing effective and comprehensive management of major hazards and their consequences anywhere in Southland. Civil Defence is a major function of Council and the availability of resources from outside the district in the case of a major incident is important. In addition, the Civil Defence and Emergency Management Act 2002 intensified the relationships within the region on these issues.
SUBORDINATE TO	Council
MEMBERSHIP	Membership from the Southland District Council includes <ul style="list-style-type: none"> • mayor, Southland District Council • one councillor (alternate)
FUNCTIONS	Liaise on regional civil defence plans
MEETINGS	The Joint Committee will meet on an as required basis
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Southland Regional Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	Recommend to Council any changes to the district civil emergency plan as a consequence of regional plans.

8.6.5 Southland Regional Land Transport Committee

DESCRIPTION	The Regional Transport Committee (RTC) is established under the auspices of the Land Transport Act 2003 (as amended). It is responsible for preparing the Regional Land Transport Strategy, the Regional Land Transport Programme, and for advising the Regional Council on strategic land transport planning and funding matters. The Regional Council requires that Council has one appointee (plus an alternate) on the body. Other Councils in the region have a similar entitlement.
SUBORDINATE TO	Council
MEMBERSHIP	The committee comprises of: <ul style="list-style-type: none"> • an elected member from each of the following councils: <ul style="list-style-type: none"> - Southland District Council - Invercargill City Council - Gore District Council • two Environment Southland elected members • a representative from the New Zealand Transport Agency
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.

MEETINGS	The Joint Committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Southland District Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
FUNCTIONS	To make sure that arrangements for land transport throughout the region are integrated. Participation in this committee should contribute to this objective.
DELEGATIONS	<ul style="list-style-type: none"> to report to Council on discussions and resolutions of RTC meetings recommend changes to Council on matters arising from the RTC

8.6.5 Combined Local Approved Products Committee

TYPE OF COMMITTEE	Joint Committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Psychoactive Substances Act 2013 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002.
MEMBERSHIP	Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> two councillors, Southland District Council two councillors, Invercargill City Council two councillors, Gore District Council
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.
MEETINGS	The Joint Committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	The committee shall have the powers, functions and duties under sections 66 to 69 of the Psychoactive Substances Act 2013 (local approved products policies): <ul style="list-style-type: none"> to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons.

8.6.6 Combined Local Alcohol Policy Committee

TYPE OF COMMITTEE	Joint Committee
SUBORDINATE TO	Council
LEGISLATIVE BASIS	Sale and Supply of Alcohol Act 2012 Joint Committees delegated powers by Council as per schedule 7, clause 30A, LGA 2002.

MEMBERSHIP	Membership of the joint committee shall comprise of the following: <ul style="list-style-type: none"> • four councillors, Southland District Council • four councillors, Invercargill City Council • four councillors, Gore District Council
QUORUM	A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member of a local authority from each.
MEETINGS	The Joint Committee will meet on an as required basis
STANDING ORDERS	The current Standing Orders of the administering authority shall govern the conduct of the meetings.
ADMINISTERING AUTHORITY	The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint committee.
REPORTING	The committee will report to each member authority.
DELEGATIONS	The committee shall have the powers, functions and duties under part 2, sub part 2 of the Sale and Supply of Alcohol Act 2012 (local alcohol policies): <ul style="list-style-type: none"> • to set its own procedure, quorum and rules relating to the appointment of a chairperson or persons.

9 Financial Delegations

9.1 Introduction

This section outlines the delegated financial authority to committees and Council officers. The roles and responsibilities of elected members and officials within the financial management system are quite different. Elected members set the overarching policy setting, while Council officers implement the policy. The different roles are more specifically set out below.

9.2 Council's Role in Financial Management

The responsibility of Council in financial management is to:

- ensure Council remains financially stable while giving focus to financing key Council priorities
- promote the prudent use of ratepayer's money together with other funding available to deliver agreed levels of service, cater for growth and maintain a sound asset management approach
- ensure Council rates and fees are kept to a level commensurate with its levels of service obligation
- provide financial parameters within which Council's work programmes are to be achieved.

9.3 The Chief Executive's Role in Financial Management

The responsibility of the chief executive in financial management includes:

- overall responsibility of the sound financial management of Council
- delivery of the financial outcomes of Council's Long Term Plan

- responsibility for the performance of staff with delegated financial powers
- arbitrating any conflict relating to finance which may arise from time to time, in which the chief executive's decision is final
- ensuring compliance with Council's funding and financial policies
- compliance with the Local Government Act 2002, the Local Government (Rating) Act 2002, Rates Rebate Act 1973, Financial Reporting Act 1993 and other statutory provisions.

9.4 Committees' Role in Financial Management

The role of Council committees in financial management is to:

- consider issues and make recommendations to Council on how best to achieve goals and objectives for activities that fall within the scope of each committees responsibilities
- consider issues and make recommendations on how best to reflect this in the Long Term Plan, Annual Plan and Annual Report
- take responsibility for the finances of activities within the committee jurisdiction
- recommend changes to full Council when required
- approve the transfer of funding between projects or programmes within the same categories, when the transfer is beyond the delegated authority of the chief executive and within the scope of the Long Term Plan
- consider and approve contracts or expenditure if recommended by a manager.

9.5 Managers' Role in Financial Management

Council group and activity managers' role in financial management is to:

- deliver the work programme outlined in the long term plan within the agreed budget
- take responsibility for the performance and management of specified activity budgets
- monitor and control activity finances
- keep the chief executive and appropriate Council committee informed of financial matters and the overall status of activity finances
- liaise with the finance manager on all financial matters
- produce annual and Long Term Plan activity budgets in a form specified by the finance manager
- obtain and provide services within delegated limits and Council policy
- take responsibility and accountability for activity expenditure.

In all cases, financial delegations are made only to enable the commitment or expenditure of funds provided for in the annual plan or long term plan. Financial delegations are made relative to the specified sum as outlined further below.

9.6 The Finance Manager's Role

The finance manager (in consultation with the chief financial officer) has responsibility for carrying out the day to day cash and short term debt management activities. This will include, but is not limited to, the following:

- calculating and maintaining comprehensive cash flow projections on a daily (two weeks forward), weekly (four weeks forward), monthly (12 months forward) and annual (five years) basis. These cash flow forecasts determine Council's borrowing requirements and surpluses for investment
- electronically downloading all Council bank account information daily
- co-ordinating Council's operating units to determine daily cash inflows and outflows, to manage Council's ongoing cash position within approved parameters
- carrying out short term borrowing as required, minimising overdraft costs
- using spreadsheet modelling to provide accurate forecasting that promotes efficient cash management
- minimising fees and bank/government charges by optimising bank account/facility structures
- monitoring Council's use of overdraft or cash advance facilities
- matching future cash flows to smooth the overall cash flow timeline
- providing detailed reports comparing actual and budgeted monthly cash flows
- maximising the return from available funds by not making vendor payments earlier than required, unless there is a financial benefit in doing so.

9.7 Financial Delegations to Council Committees

Council authorises the following delegated authority of financial powers to Council committees in regard to matters within each committee's jurisdiction, also detailed in the terms of reference section of this manual.

9.7.1 Contract Acceptance

Council committees are authorised to:

- accept or decline any contract for the purchase of goods, services, capital works or other assets where the total value of the lump sum contract or the annual value of the term contract does not exceed the sum allocated in the Long Term Plan/Annual Plan and the contract relates to an activity that is within the scope of activities for the relevant committee.
- accept or decline any contract for the disposal of goods, plant or other assets other than property and land that is provided for in the Long Term Plan.

9.7.2 Budget Reallocation

Committees are authorised to reallocate funds from one existing budget item to another. Reallocation of this kind must not impact on current or future levels of service and must be:

- funded by way of savings on existing budget items
- within the jurisdiction of the committee

- consistent with the Revenue and Financing Policy.

9.8 General Delegations from Council to the Chief Executive

For the purpose of implementing decisions made by Council and its committees, the chief executive has delegated authority for:

- all arrangements and contracts for the supply of goods, services, plant and labour
- the management of operations and maintenance
- capital expenditure to the limit approved in the Annual Plan and/or Long Term Plan.

9.8.1 Emergency Delegations

During a declared state of emergency, the chief executive may enter into any contract on behalf of Council of up to \$1 million in excess of budgeted amounts.

In the time between the last Council meeting of the term, and the inaugural Council meeting, the chief executive may enter into any contract on behalf of Council, subject to the budgeted limits approved in the Long Term Plan/Annual Plan.

9.9 Expenditure Delegations

9.9.1 Contract and Expenditure Authorisation

Council delegates to its officers the power to incur expenditure and enter into contracts as per the following table, subject to Council's approved:

- Procurement Policy and Manual
- Sensitive Expenditure Policy
- Long Term Plan/Annual Plan budget.

Authority to purchase capital items or goods and services within relevant Council estimates

POSITION	LIMIT \$
Chief executive	No Limit
Chief executive support	10,000
Mayoral support	5,000
GM community and futures	100,000
Communications and engagement manager	10,000
Strategy and policy manager	10,000
Governance and democracy manager	10,000
Community partnership leader	10,000
GM services and assets	1,000,000
Projects delivery manager	200,000
Strategic manager water and waste	200,000

POSITION	LIMIT \$
Strategic manager transport	200,000
Commercial infrastructure manager	100,000
Community facilities manager	100,000
Manager property services	100,000
Manager operations water and waste	50,000
Senior water and waste engineer	50,000
Senior roading engineer	50,000
Road asset engineer	50,000
Road engineering	20,000
Road contract manager	20,000
Work scheme supervisor	20,000
Community facilities officer building assets	20,000
People and capability manager	100,000
People and capability advisor	1,000
Chief financial officer	200,000
Finance manager	20,000
Finance officer – rates	1,000
GM customer delivery	100,000
Digital solutions manager	10,000
Business solutions manager	10,000
Team leader knowledge management	10,000
Customer contact centre manager	10,000
Library/customer support operations manager	10,000
District library manager	10,000
Senior technical librarian	1,500
GM environmental services	100,000
Team leader resource management	10,000
Team leader building solutions	10,000
Environmental health manager	10,000
Quality assurance lead	10,000

Authority to enter into contracts (full value of contract) within estimates or accept tenders for asset disposal

POSITION	LIMIT \$
Chief executive	200,000
GM community and futures	100,000
GM services and assets	200,000

POSITION	LIMIT \$
People and capability manager	100,000
Chief financial officer	200,000
GM customer delivery	100,000
GM environmental services	100,000

Authority to authorise payments for awarded contracts (1) or approved loan payments (2), investments (3), tax and payroll payments (4) or GST and FBT payments (5)

POSITION	LIMIT \$
Chief executive	No limit (all)
GM community and futures	100,000 (1)
GM services and assets	No limit (1)
Strategic manager water and waste	200,000 (1)
Strategic manager transport	200,000 (1)
People and capability manager	100,000 (1) 500,000 (4)
Chief financial officer	No limit (1,2,3,5) 500,000 (4)
Finance manager	No limit (2,3,5) 500,000 (4)
Management accountant	No limit (5)
Financial accountant	No limit (5)
GM customer delivery	100,000 (1)
GM environmental services	100,000 (1)

Authority to make electronic bank payments, direct debits, inter account transfers and sign cheques subject to invoice or payment request being duly authorised

POSITION	LIMIT \$
Chief executive	No limit
People and capability manager	No limit
Chief financial officer	No limit
Finance manager	No limit
Management accountant	No limit
Financial accountant	No limit
GM environmental services	No limit

Authority to purchase plant, capital items and goods and services NOT within estimates but subject to suitable funding source being available (district budgets only)

POSITION	LIMIT \$
Chief executive	10,000

POSITION	LIMIT \$
GM services and assets	5,000

Authority to purchase plant, capital items and goods and services NOT within estimates due to extreme weather and/or other emergency event

POSITION	LIMIT \$
Chief executive	500,000

Authority to authorise credit notes in debtor system

POSITION	LIMIT \$
Chief executive	No limit
GM community and futures	100,000
GM services and assets	100,000
People and capability manager	100,000
Chief financial officer	200,000
Finance manager	20,000
GM customer delivery	100,000
GM environmental services	100,000

9.9.2 Council Credit Cards

The following positions are delegated authority to use Council credit cards to the specified limit:

POSITION	LIMIT \$
Mayor	10,000
Chief executive	20,000
Group managers	10,000

The chief executive may approve the issue of additional credit cards to staff (other than those listed in 9.9.2) where appropriate, subject to the following:

- the chief executive must be satisfied that the credit card is necessary to cover regular travel or administrative efficiencies, such as payment of properly authorised purchases from overseas
- a credit limit of no more than \$10,000.

9.10 Schedule of Financial Delegations

Council makes the following additional delegations of financial powers:

9.10.1 Agency Payments when Council acting on behalf of another agency (MCT, Southland Flood Relief, etc)

DESCRIPTION	DELEGATE
Collection and transfer of funds, not subject to limits in 9.1 and Investment and Liability Management Policy.	Chief financial officer Finance manager Financial accountant

9.10.2 Approve Expenditure

DESCRIPTION	DELEGATE
All purchases require an authorised purchase order. Authoriser must have the authority to approve the level of expenditure as per 9.9.1.	The person initiating the purchase order should not be the same person who is authorising it. Where expenditure relates to the individual (ie training, accommodation, mileage, expense, reimbursement) the purchase order must be approved by the individual's manager or higher.

9.10.4 Bank Signatories

DESCRIPTION	DELEGATE
Authorised to operate Southland District Council accounts.	Any two of the following officers: Chief executive Chief financial officer Finance manager Financial accountant Management accountant

9.10.5 Authorised to 'own' Council bank accounts

DESCRIPTION	DELEGATE
Authorised to operate Southland District Council accounts.	Chief executive and chief financial officer

9.10.6 Bonds

DESCRIPTION	DELEGATE
Forfeiture of bonds (partial or total).	Chief financial officer
Refund of bonds (partial or total).	Chief financial officer Finance manager

9.10.7 Credit Cards

DESCRIPTION	DELEGATE
Issue of credit cards subject to 9.9.2.	Chief executive

9.10.8 Credit Notes

DESCRIPTION	DELEGATE
Authority to issue credit notes.	As per 9.9.1 authority to authorise credit notes in debtor system

9.10.9 Debt

DESCRIPTION	DELEGATE
Approve the write-off of rates, water rates, SIESA tariffs and other revenue, and associated charges (such as legal/collection fees, interest/penalties etc)	Chief executive (up to \$25,000 per request) Chief financial officer (up to \$25,000 per request) Finance manager (up to \$10,000 per request)
Approve/authorise legal proceedings in relation to collection of all arrears, other than rating sales/leases and abandoned land sales/leases	Chief executive Finance manager
Approve the write-off of other revenue associated with their activity, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request	Executive Leadership Team members
Approve payment arrangements outside normal Council terms	Chief executive Executive Leadership Team members Finance manager (up to \$10,000 and/or 240 days)
Authorise disconnection of supply	SIESA activity manager
Approve the write-off of SIESA tariffs, and associated charges (such as legal/collection fees, interest/penalties etc) up to \$10,000 per request	SIESA activity manager
Approve payment arrangements for SIESA arrears outside normal Council terms	SIESA activity manager
Make demand on the mortgagee for unpaid rates and water rates	Finance officer Debtors officer
Issue disconnection notices in accordance with the Debt Recovery Policy	Finance officer Debtors officer
Apply penalty charges in accordance with the Debt Recovery Policy	Finance officer Debtors officer
Lodge debts with recovery agencies as required	Finance officer Debtors officer
Advise debt recovery agency or legal representative to proceed to legal recovery (once approved)	Finance officer Debtors officer

9.10.10 Deposit of Funds

DESCRIPTION	DELEGATE
Authorise the deposit of funds into Council's operational bank accounts (ie non-investment).	All customer support staff All finance staff

9.10.11 Investments (placing/withdrawing/changing terms)

DESCRIPTION	DELEGATE
Authority in accordance with Council's Investment and Liability Management Policy is granted to invest Council monies. A regular report is to be prepared for the Finance and Audit Committee stating what investments are made, with whom, term, and interest rate.	Chief financial officer Finance manager

9.10.12 Discontinue Service

DESCRIPTION	DELEGATE
Authority to discontinue any service for non payment and authorise resumption of service where appropriate.	Finance manager in consultation with group manager services and assets

9.10.13 Donations

DESCRIPTION	DELEGATE
Authority to make donations/koha.	Executive Leadership Team or their delegated authorities

9.10.14 Early Payment of Rates

DESCRIPTION	DELEGATE
Accept notifications/requests for early repayment of rates on behalf of council. Calculate and update the schedule of specified rates on an annual basis.	Finance officer
Accept notifications/requests for early repayment of rates on behalf of council. Oversee the early payment of specified rates.	Finance manager Chief financial officer

9.10.15 Interest

DESCRIPTION	DELEGATE
Authority to negotiate loan interest rates and terms with brokers and/or lending institutions for loans raised by Council.	Chief financial officer Finance manager

9.10.16 Overdraft (establishing/cancelling/modifying)

DESCRIPTION	DELEGATE
Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy.	Chief financial officer Finance manager

9.10.17 Borrowing (establishing/cancelling/modifying)

DESCRIPTION	DELEGATE
Authority to arrange overdraft facilities in accordance with Council's Investment and Liability Management Policy.	Chief financial officer

9.10.18 Oath/Declaration

DESCRIPTION	DELEGATE
Make any oath or declaration in regard to Council's financial affairs.	Chief financial officer Finance manager

9.10.19 Rates Penalties

DESCRIPTION	DELEGATE
Remission of penalties in accordance with Council's Remission and Postponement of Rates Policy.	Chief financial officer Finance manager Finance officer – rates Finance officer – credit control

9.10.20 Rates Remission and Postponement

DESCRIPTION	DELEGATE
Authority to postpone rates or remit rates in accordance with Council's Remission and Postponement of Rates Policy.	Chief financial officer Finance manager
Authority to request any further information and documentation required to make a decision regarding the remission or postponement of rates or penalties.	Chief financial officer Finance manager Finance officer – rates Finance officer – credit control

9.10.21 Rates Remission and Postponement on Maori Freehold Land

DESCRIPTION	DELEGATE
Authority to accept or decline applications for remission of rates on Māori freehold land. Authority to review applications, if applicable, for remission of rates on Māori freehold land.	Chief financial officer

DESCRIPTION	DELEGATE
<p>Authority to receive applications and make recommendations to chief financial officer for remission of rates on Māori freehold land.</p> <p>Authority to request financial statements regarding the property if there is evidence that the land is occupied or being used for economic benefit.</p> <p>Authority to write off rates if the application is accepted.</p>	<p>Finance manager</p> <p>Finance officer – rates</p> <p>Finance officer – credit control</p>

9.10.22 Refunding Overpayments

DESCRIPTION	DELEGATE
Authority to refund customer/ratepayer overpayments/payment errors.	<p>Chief financial officer</p> <p>Finance manager</p>

9.10.23 Reserve Contributions

DESCRIPTION	DELEGATE
Authority to consider and decide upon any application for remission or reduction of reserve contributions.	<p>Group manager services and assets</p> <p>Group manager environmental services</p> <p>Community facilities manager</p> <p>Strategic manager property</p>

9.10.24 Development and Financial Contributions

DESCRIPTION	DELEGATE
Authority to refund, development and/or financial contributions.	Chief financial officer

9.10.25 Small Claims

DESCRIPTION	DELEGATE
Authority to refund, development and/or financial contributions.	<p>Chief executive</p> <p>Chief financial officer</p>

9.10.26 Valuations

DESCRIPTION	DELEGATE
Amend any entries in the valuation roll or Council's rating records which are the result of an error or which are no longer correct as a result of changed circumstances.	<p>Group manager customer service delivery</p> <p>Chief financial officer</p> <p>Finance officer – rates</p> <p>Finance officer – credit control</p> <p>Where appropriate, information management/business solutions</p>

DESCRIPTION	DELEGATE
Vary or waive any fee within jurisdiction and only if permitted by law and not inconsistent with Council policy.	Chief executive Executive Leadership Team
Authority to apply to the valuer general for valuation equalisation certificates for ratings purposes.	Group manager customer delivery Chief financial officer Finance manager

10 Statutory Delegations

10.1 Introduction

Local authorities have a wide range of legislative responsibilities. Some of these are general, in that they apply to all organisations in New Zealand. These include the Employment Relations Act 2000, Health and Safety at Work Act 2015 and Goods and Services Tax Act 1985. However, many statutes contain provisions specific to local government, setting out specific powers and responsibilities.

Most of Council's regulatory powers, along with the rules around their implementation, are contained in statute. These include the Resource Management Act 1991 and Building Act 2004.

This section of the Delegations Manual sets out the delegations of these statutory responsibilities to committees, Council officers and external service providers.

Section 145 of the Local Government Act 2002 empowers Council to develop bylaws. The purpose of any bylaw must be one or more of the following:

- protect the public from nuisance
- protect, promote and maintain public health and safety
- minimise the potential for offensive behaviour in public places.

Bylaw development and adoption cannot be delegated, although the powers created by bylaws and their enforcement of bylaws can be.

The delegation of these powers, duties and functions is also specified in this section of the Delegations Manual.

10.3 Delegations to Council Committees

Council committees have the delegated authority to make policy and financial decisions within the limits of relevant legislation. Specific delegations are contained in governance terms of reference section.

10.4 Delegations to the Chief Executive

10.4.1 Legislation and Regulations

The chief executive has delegated authority for all powers, duties and responsibilities conferred by statute and regulations made under these Acts. This includes, **but is not limited to**, the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws. See section 11 below for subdelegations for these acts and regulations from the chief executive to officers.

Amusement Devices Regulations 1978	Land Act 1948	Reserves Act 1977
Airport Authorities Act 1966	Land Transfer Act 2017	Residential Tenancies Act 1986
Racing Act 2003	Land Drainage Act 1908	Resource Management Act 1991
Building Act 2004	Land Transport Act 1998	Sale and Supply of Alcohol Act 2012
Building Research Levy Act 1969	Land Transport Management Act 2003	Smoke-free Environments Act 1990
Burial and Cremation Act 1964	Litter Act 1979	Soil Conservation and Rivers Control Act 1941
Civil Defence Emergency Management Act 2002	Local Government Act 1974	Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012
Dog Control Act 1996	Local Government Act 2002	Southland Harbour Board Act 1958
Electricity Act 1992	Local Government (Rating) Act 2002	Southland Land Drainage Act 1935
Land Transport (Infringement and Reminder Notices) Regulations 2012	Local Government Official Information and Meetings Act 1987	Telecommunications Act 2001
Food Act 1981	Rating Valuation Act 1998	Transport Act 1962
Food Act 2014	New Zealand Geographic Board Act 2008	Unit titles Act 1972
Transport (Vehicular Traffic Road Closure) Regulations 1965	New Zealand Library Association Act 1939	Utilities Access Act 2010
Gambling Act 2003	Walking Access Act 2008	Waste Minimisation Act 2008
Gas Act 1992	Privacy Act 1993	Freedom Camping Act 2011
Hazardous Substances and New Organisms Act 1996	Property Law Act 2007	Trespass Act 1980
Health Act 1956	Prostitution Reform Act 2003	Summary Proceedings Act 1957
Health (Drinking Water) Amendment Act 2007	Public Bodies Leases Act 1969	Health (Burial) Regulations 1946
Heritage NZ Pouhere Taonga Act 2014,	Public Works Act 1981	Camping-Grounds Regulations 1985
Human Rights Act 1993	Rating Valuations Act 1998	Drainage and Plumbing Regulations 1978
Impounding Act 1955	Rates Rebate Act 1973	Food Hygiene Regulations 1974

Health (Hairdressers) Regulations 1980	Health (Registration of Premises) Regulations 1966	Infrastructure (Amendments Relating to Utilities Access) Act 2010
--	--	---

10.4.2 Bylaws

The chief executive has delegated authority for all powers, duties and functions of all Council adopted bylaws. This includes, but is not limited to, the following. See section 11 below for subdelegations for these bylaws from the chief executive to officers.

Alcohol Control Bylaw 2015	Signs and Objects on Roads and Footpaths Bylaw 2016
Alcohol Licensing Fee Setting Bylaw	Solid Waste Bylaw 2008
Ashton Flats Roothing Bylaw 2016	Stewart Island Rakiura Visitor Levy Bylaw 2012
Cemetery Bylaw 2016	Subdivision Land Use and Development Bylaw 2012
Dog Control Bylaw 2015	Trading in Public Places Bylaw 2013
Fire Prevention Vegetation Bylaw 2010	Speed Limits Bylaw
Freedom Camping Bylaw 2015	Wastewater Drainage Bylaw 2017
The Keeping of Animals, Poultry & Bees Bylaw 2010	Trade Waste Bylaw 2018
Roothing Bylaw 2008 (2015 revision)	Stormwater Drainage Bylaw 2017
	Water Supply Bylaw 2017

10.4.3 Warrants

The chief executive has delegated authority to issue warrants to Council officers under all relevant legislation, as per Schedule 7 Clause 32A of the Local Government Act 2002.

11 Sub Delegations

The following schedule details all statutory sub delegations made by the chief executive. The chief executive can withdraw or replace delegates at any time. Any subdelegation made by the delegate is withdrawn at the same time.

These sub delegations expressly exclude any power, responsibility or duty that has been delegated to a community board, committee, subcommittee or other subordinate decision making body.

All delegations are made severally unless specified otherwise (ie a delegation can be exercised by the officer acting alone)

11.1 Amusement Devices Regulations 1978

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.11	Power to issue a permit for amusement devices	Group manager environmental services

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
		Manager building control Building control officer
S.23	Power of entry	Group manager environmental services Manager building control Building control officer

11.2 Building Act 2004

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
	All powers, functions and duties under the Building Act 2004 (except those that are unable to be legislatively delegated)	Group manager environmental services
	All powers, functions and duties shown	
s.31	To apply for and provide PIM to owner on application of a building consent	Manager building solutions Technical lead building solutions Building control officer
s.33	To determine the adequacy of information received with an application for a PIM and require further information on an application	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.34(1)	To issue a PIM	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.34(4)	To determine if any PIM issued contains an error or omission, or determine if any information received affects that PIM, and re-issue the PIM	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.35	To determine the content of a PIM	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.37	To permit issue of building consent with certificate attached that resource consent required and no work to commence until this has been obtained	Group manager environmental services Team leader resource management Senior planner
s.38	To provide PIM to operators or other authorities that have provided information in that PIM	Manager building solutions Technical lead building solutions Building control officer Technical support partners

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.39	To advise New Zealand Historic Places Trust of certain applications	Group manager environmental services Team leader resource management Senior planner
s.40	To initiate legal proceedings in respect of individuals who have undertaken building work without first having obtained a building consent	Group manager environmental services
ss.45, 48	To determine the adequacy of information received with a building consent application or an application for an amended building consent, and require further information on the application	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.46	To provide a copy of certain applications to Fire and Emergency New Zealand	Manager building solutions Technical lead building solutions Building control officer Technical support partners
S47	To determine an application without a memorandum provided from Fire and Emergency New Zealand.	Technical lead building solutions Building control officer
s.48	To process building consent applications	Technical lead building solutions Building control officer Technical support partners
s.49	The authority to grant a building consent subject to receipt of fees and any levy payable	Technical lead building solutions Building control officer
s.50	To determine whether to refuse any building consent and give written notice of the refusal and the reasons for the refusal	Technical lead building solutions Building control officer
s.51	The authority to issue a building consent	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.52	To extend the time permitted to activate a building consent to prevent lapse of consent	Manager building solutions Technical lead building solutions Building control officer
s.54	To advise applicant of the amount of levy payable	Manager building solutions Technical lead building solutions Building control officer Technical support partners
ss.58, 59	The duty to make payments and certify in respect of levies to the Ministry of Building, Innovation and Employment	Manager building solutions

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.62	The power to recover unpaid levies from applicant	Manager building solutions
s.64	The duty to keep in safe custody all records and building consents issued including the estimated value of the building work.	Manager building solutions
s.67	Authority to grant or refuse any applications for a waiver or modification of the Building Code, on matters of minor non compliance.	Manager building solutions Technical lead building solutions
s.68	The duty to notify the Ministry of Building, Innovation and Employment	Manager building solutions
s.70	The duty to receive applications for energy work	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.71	Authority to refuse any building consent in relation to land with natural hazards	Manager building solutions Technical lead building solutions Building control officer Technical support partners
ss.72-74	To permit the issue of a building consent in circumstances where the site may be subject to natural hazards but the situation is not made worse by the construction of the building	Group manager environmental services Team leader resource management Senior planner
s.75	Building on two or more allotments - issue and authenticate for entry of titles	Group manager environmental services Team leader resource management Senior planner
ss.90, 222	The power to inspect any land and building work and enter any premises for the purpose of inspection and be an "authorised agent or officer"	Manager building solutions Technical lead building solutions Building control officer
s.91	Authority on behalf of the building consent authority that grants a building consent to issue a code compliance certificate	Manager building solutions Technical lead building solutions Building control officer
ss.93-95	To determine all matters as a building consent authority in relation to whether a code compliance certificate will be issued, including requiring further information, and the issuing of all code compliance certificates	Manager building solutions Technical lead building solutions Building control officer
s.96	To determine whether to grant or refuse an application for a certificate of acceptance	Manager building solutions Technical lead building solutions Building control officer
ss.97, 98	Power to determine information required and to require further information on an application for a certificate of acceptance	Manager building solutions Technical lead building solutions

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
		Building control officer
s.99	To determine whether any qualifications should be made on any certificate of acceptance	Manager building solutions Technical lead building solutions Building control officer
ss.100-103, 108	Authority to consider and implement all aspects relating to compliance schedules, building warrants of fitness and approval of independent qualified persons	Manager building solutions Technical lead building solutions Building control officer
s.103	Content of compliance schedule (specified systems)	Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer
ss.106, 107, 109	Power to amend a compliance schedule	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.110	To require owner of building to produce of annual written reports on compliance schedules	Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer
s.111	Power to inspect buildings	Manager building solutions Technical lead building solutions Building control officer Technical support partners Monitoring and enforcement officer
s.112, 118	To determine all matters in relation to alterations to an existing building, that will not comply fully with the relevant provisions of the building code	Manager building solutions Technical lead building solutions Building control officer
s.113	Authority to determine conditions of a building consent in relation to buildings with specified intended lives	Manager building solutions Technical lead building solutions Building control officer
s.115	The power and authority to determine the change of use of buildings	Manager building solutions Technical lead building solutions Building control officer
s.116	The power and authority with respect to code compliance requirements to determine an extension of life of a building and subdivisions (as warranted authorised officers)	Manager building solutions Technical lead building solutions Building control officer

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.121	To determine whether a building is dangerous, including seeking advice from Fire and Emergency New Zealand.	Manager building solutions Technical lead building solutions
s.123	To determine whether a building is insanitary	Manager building solutions
ss.124-129-	Authority to take action in relation to dangerous and insanitary buildings	Manager building solutions Environmental monitoring manager
s.126	Apply to the district court for order to carry out building	Group manager environmental services
s.129	Take action to avoid immediate danger or to fix insanitary conditions	Chief executive of territorial authority
s.133AH	Request engineering assessment of potentially earthquake-prone buildings	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.133AJ	Granting /refusing application for extension of time to provide engineering assessment	Manager building solutions Technical lead building solutions Building control officer
s.133 AK	Determining if a building is earthquake prone	Manager building solutions Technical lead building solutions Building control officer
s.133 AL	Issue EPB notice for earthquake prone buildings	Group manager environmental services Manager building solutions Technical lead building solutions Building control officer
s.133AN	Granting/refusing application for exemption from requirement to carry out seismic work	Group manager environmental services Manager building solutions Technical lead building solutions Building control officer
s.133AO	Granting/refusing application for extension of time to complete seismic work on certain heritage buildings	Group manager environmental services Manager building solutions Technical lead building solutions Building control officer
s.133AQ	Assessing information relating to earthquake prone building status at any time and deciding if a building is or is not an EPB	Group manager environmental services Manager building solutions
s.133AR	Impose safety requirements in relation to EPB	Group manager environmental services Manager building solutions
s.133AS	Applying to the District Court to carry out seismic work	Group manager environmental services Manager building solutions
s.133AT	Assess alterations of a building or part of a building that is subject to an EPB notice	Group manager environmental services

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
		Manager building solutions Technical lead building solutions
ss.164-166	The power and authority to issue notices to fix, or to determine whether another authority should issue notices to fix	Manager building solutions Technical lead building solutions Building control officer Technical support partners
s.167	The power to inspect the building work to which any notice to fix relates, to confirm whether or not the notice to fix has been complied with, and to issue any notices with reasons	Manager building solutions Technical lead building solutions Building control officer
s.177	To apply to the chief executive for a determination (comment this is the chief executive MBIE)	Manager building solutions
s.180	To withdraw any application for a determination	Manager building solutions
s.189	To apply for the clarification of a determination	Manager building solutions
s.215	Duty to obtain accreditation and be registered	Manager building solutions
s.216	The duty to keep all records relevant to the administration of the Building Act 2004	Manager building solutions
s.217	The duty to provide access to that information to the public	Manager building solutions
ss.224, 371C	The duty of authorised and warranted officers to carry and produce evidence when required	Manager building solutions Technical lead building solutions Building control officer Monitoring and enforcement officer
s.222	To be an authorised officer to inspect land on which building work is or is proposed, building, building work or residential pool or pool area	Manager building solutions Technical lead building solutions Building control officer Manager environmental health Environmental health officer Monitoring and enforcement officer (limited to barriers for swimming pools)

11.4 Building Research Levy Act 1969

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s. 9	The duty to make payments and certify in respect of levies to the Building Research Association of New Zealand	Group manager environmental services Manager building control

11.5 Burial and Cremation Act 1964

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	All powers, functions and duties under the Burial and Cremation Act 1964 excluding s.49	Property services manager
s.49	Remission of burial charges	Property services manager in consultation with group manager services and assets

11.6 Camping-Grounds Regulations 1985

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss. 3, 14, 15	Issue, renew and transfer licences, permits or registrations, grant and set conditions on certificate of exemption, inspection	Group manager environmental services Environmental health manager Environmental health officer

11.7 Civil Defence Emergency Management Act 2002

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss.12, 13	Obligation to form, and for the mayor or the mayor's nominee to be a member of a Civil Defence Emergency Management Group	Mayor or nominee
s.25	Power to declare a state of local emergency	Mayor
s.27	Appointment of local controllers	Civil Defence Emergency Group
s.64	Obligation to plan and provide for civil defence emergency management in the district	Emergency management officer
ss.68, 71, 72	Power to declare, extend and terminate a state of local emergency	Mayor

11.8 Dog Control Act 1996

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	All powers, functions and duties under the Dog Control Act 1996 and any subsequent amendments, including the power to authorise prosecutions (except those that are unable to be legislatively delegated)	Group manager environmental services
s.9	Requirement to retain funds obtained under the act and apply for authorised purposes only under the act	Environmental health manager
s.10, 10A, 10AA	Requirement to adopt a policy about dogs and annually report on the policy and other matters	Group manager environmental services Environmental health manager
s.11	Appoint dog control officers	Chief executive

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.12	Appoint dog rangers	Group manager environmental services
s.13	Issue warrant to dog control officers and dog rangers	Chief executive
s.21	Classify a person as a probationary owner and give notice of that decision	Group manager environmental services Environmental health manager
s.22	Hear and determine an objection to classification as a probationary owner	Regulatory and Consents Committee
s.23A	Require a probationary owner to undergo training	Group manager environmental services Environmental health manager
s.25	Disqualification of owners and specification of period of disqualification. Determine whether the circumstances are such that disqualification is not warranted, or the person should instead be classified as a probationary owner and give notice of disqualification	Group manager environmental services Environmental health manager
s.26	Hear and determine an objection to disqualification	Regulatory and Consents Committee
s.28	Extend period of disqualification	Group manager environmental services Environmental health manager
s.30	Maintain records and provide information	Environmental health manager Dog control officer Group manager environmental services Customer services officer
s.31	Classify any dog as a dangerous dog. Hear and determine an objection to classification of any dog as a dangerous dog	Group manager environmental services Environmental health manager Regulatory and Consents Committee
s.32	Consent to disposal of dangerous dog to any person	Environmental health manager Dog control officer Group manager environmental services
s.33A	Classify a dog as a menacing dog and give notice of the classification	Group manager environmental services Environmental health manager
s.33B	Hear and determine an objection to classification of a dog as a menacing dog	Regulatory and Consents Committee
s.33C	Classify a dog as a menacing dog by belonging to breed or type listed in Schedule 4 and give notice of the classification	Group manager environmental services Environmental health manager Dog control officer
s.33D	Hear and determine an objection to classification of a dog as a menacing dog by belonging to breed or type	Regulatory and Consents Committee
s.33E	Require production of a certificate in accordance with s.33E(1)(b).	Environmental health manager

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Determine under s.33E(5) that a dog need not be muzzled	Dog control officer Group manager environmental services
s.33EB	Require neutering of dog	Environmental health manager Dog control officer Group manager environmental services
s.33ED	Classification of certain dogs	Group manager environmental services Environmental health manager
s.35	Supply information in accordance with the provisions of this section	Environmental health manager Dog control officer Group manager environmental services Customer services officer
s.35(5)(c)	To determine whether or not a dog should be delivered into custody of a dog control officer or dog ranger	Environmental health manager Dog control officer
s.36A	Request verification that a dog has been implanted with a functioning microchip transponder	Environmental health manager Dog control officer Group manager environmental services Customer services officer Dog control ranger
s.39	Remit, reduce or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where satisfied that there are special grounds for doing so	Environmental health manager Dog control officer Customer services officer
s.40	Require the production of a written statement or veterinarian's certificate as proof of class of dog	Environmental health manager Dog control officer Customer services officer
s.42	Determine that there are reasonable grounds for believing there has been a breach of s.42(1)	Environmental health manager Dog control officer Dog control ranger
s.46	To issue a replacement label or disc	Dog control officer Customer services officer
s.55	Consider and determine an objection to a notice to abate a barking dog nuisance	Group manager environmental services
s.66	Issue infringement notices Make any decision on any matter relating to those proceedings	Environmental health manager Dog control officer Dog control ranger Environmental health manager Dog control officer
s.68	Require pound fee set is paid before release of dog	Environmental health manager Group manager environmental services

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
		Dog control officer Dog control ranger
s.69	Give written notice to the owner that a dog has been impounded and dispose of a dog pursuant to s.69(2) Where the owner of a dog is not known and cannot be identified from the dog registration label or disc, seize the dog, sell, destroy, or otherwise dispose of the dog pursuant to s.69(3) Apply proceeds from sale of dog against fees of the owner	Environmental health manager Dog control officer Customer services officer Dog control ranger
s.69A	Verify that a dog has been fitted with a functioning microchip transponder Recover the costs of microchip transponder	Environmental health manager Dog control officer Group manager environmental services Dog control ranger
s.70	Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog	Environmental health manager Dog control officer Group manager environmental services
s.71	Determine an application for return of a dog Apply fees to sustenance of dog and require payment before return of dog	Environmental health manager, dog control officer, group manager environmental services
s.71A	Sell, destroy or otherwise dispose of dogs seized under s.15 and s.33EC in a manner thought fit Apply fees from disposal towards fees Apply fees to sustenance of dog and require payment before return of dog	Environmental health manager Dog control officer Dog control ranger

11.9 Drainage and Plumbing Regulations 1978

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Authority to exercise the powers of "Engineer" under the Drainage and Plumbing Regulations	Group manager services and assets

11.12 Food Act 1981

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Initiating prosecutions and injunctions under act or regulations	Group manager environmental services
s.2	Appoint inspector	Chief executive

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.8E	Enforce Food Hygiene Regulations	Environmental health manager Environmental health officer
s.8N	Grant exemption from provisions of the Food Hygiene Regulations 1974 or refer to director general	Environmental health manager Environmental health officer
s.8O	Grant or refuse to grant exemption on director general's direction	Environmental health manager Environmental health officer
s.8P	Give notice of intention to refuse to grant exemption	Environmental health manager Environmental health officer
s.8Q	Revoke, amend, add conditions to any exemption	Environmental health manager Environmental health officer
s.8R	Specify exemption for specified period	Environmental health manager Environmental health officer
s.8S	Revoke exemption and give notice of intention to do so	Environmental health manager Environmental health officer
s.8U	Grant substitute exemption	Environmental health manager Environmental health officer

Delegations under the Food Act 1981 remain in place during the period of transition to the Food Act 2014.

11.13 Food Act 2014

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	All powers, functions and duties under the Food Act 2014, excluding ss.173(2), 176, 179, 182 and 205 which remain with Council	Group manager environmental services Environmental health manager Environmental health officer Customer services officer

11.14 Food Hygiene Regulations 1974

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.4	Grant, extend, set conditions on certificate of exemption	Group manager environmental services Environmental health manager Environmental health officer

11.16 Freedom Camping Act 2011

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.25	Power to issue proceedings for an offence other than an infringement notice	Group manager environmental services

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
		Environmental health manager
s.27	Issue infringement notices Make any decision on any matter relating to those proceedings	Environmental health manager Environmental health officer Freedom camping ranger
s.28	Power to issue reminder notice	Customer services officer
s.32	Appointment of an enforcement officer	Chief executive
s.39	Power to return property seized or impounded	Environmental health manager Environmental health officer Freedom camping ranger
s.40	Power to dispose of seized and impounded property	Environmental health manager Environmental health officer Freedom camping ranger

11.17 Gambling Act 2003

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss.98-100	Considering and determining application for territorial authority consent	Group manager environmental services

11.18 Gas Act 1992

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.25	Power to set reasonable conditions on the opening up of any road and recover reasonable costs	Assets manager Roading manager
S.33	Power to require fittings to have their position changed	Assets manager Roading manager

11.19 Hazardous Substances and New Organisms Act 1996

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Initiating prosecutions and injunctions under Act or Regulations	Group manager environmental services
s. 108	Confirm, change or cancel Compliance Order	Environmental health manager Environmental health officer

11.20 Health Act 1956

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Initiating prosecutions and injunctions	Group manager environmental services

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.28	Appoint environmental health officers	Chief executive
s.33	Bring proceedings for nuisance	Environmental health manager
s.34	Determine that immediate action for the abatement of the nuisance is necessary by reason of the existence of a nuisance on any premises and without notice to the occupier, enter on the premises and abate the nuisance	Environmental health manager
s.41(1)	Decide and cause service of a cleansing order	Environmental health manager
s.41(2)	Cause cleansing	Environmental health manager
s.42	Duly authorised to issue certificate	Environmental health manager
s.42(2)	Cause service of a repair notice	Environmental health manager
s.42(3)	Issue a closing order	Environmental health manager
s.45	Cancel a closing order	Environmental health manager
s.54	Determine any application to carry on an offensive trade, register or renew the registration of any premises used for an offensive trade	Environmental health manager Environmental health officer
s.58	Determine any application to establish a stockyard, register or renew the registration of any premises used for a stockyard	Environmental health manager Environmental health officer
s.66	Apply for injunction where continuing breach of bylaw following conviction	Group manager environmental services
s.81	Decide and authorise environmental health officer to enter and carry out cleansing	Group manager environmental services Environmental health manager
s.83	Destroy articles that cannot be effectively disinfected	Environmental health manager Environmental health officer
s.128	Power to enter and inspect	Environmental health manager Environmental health officer

11.21 Health (Burial) Regulations 1946

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.16	Consent, register, renew, refuse, impose conditions for registration or consent	Environmental health manager Environmental health officer

11.22 Health (Drinking Water) Amendment Act 2007

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.69S	Duty to take all practicable steps to ensure that an adequate supply of drinking water is	Strategic manager water and waste

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	provided to each point of water supply to which drinking water is supplied	
s.69T	Duty to take action where risk to water is actual or foreseeable	Strategic manager water and waste
s. 69U	Duty to take reasonable steps to contribute to the protection of a drinking water source	Strategic manager water and waste
S.69V	Duty to take all practicable steps to comply with drinking water standards	Strategic manager water and waste
s. 69W	Duty to take reasonable steps to supply wholesome drinking water	Strategic manager water and waste
s.69X	Duty to check water quality before connecting to a new water source	Strategic manager water and waste
s.69Y	Duty to monitor drinking water to ensure compliance with drinking water standards and assess public health risk	Strategic manager water and waste
ss. 69ZA – 69ZF	Duty to prepare and implement a public health risk management plan in relation to the drinking water supply, to review/renew plans, keep and make available records of plans, to investigate complaints, to take remedial action if standards breached	Strategic manager water and waste
s. 69ZZZ	Duty to protect water supplies from risk of backflow	Strategic manager water and waste

11.22 Health (Hairdressers) Regulations 1980

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.4	Grant, extend, set conditions on certificate of exemption	Group manager environmental services Environmental health manager Environmental health officer

11.23 Health (Registration of Premises) Regulations 1966

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.5	Consent, amend, register, renew, impose conditions for registration, and cancel registrations	Environmental health manager Environmental health officer
s.9	Cause first notice and further notice to be served	Environmental health manager Environmental health officer

11.24 Housing Improvement Regulations 1947

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Exercise the powers and functions of a local authority	Environmental health manager

11.25 Impounding Act 1955

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Authority to authorise any officer to carry out all or any functions of a ranger under the Impounding Act 1955	Group manager environmental services
ss.8, 9	Appointment of a pound keeper (a statutory appointment) and appointment of a deputy (statutory appointment)	Chief executive
s.10	Remove or suspend pound keeper or deputy	Chief executive
s.11	Authority to publicly notify every appointment, or suspension, or removal from office of any pound keeper or deputy pound keeper, as required by Section 11 of the Impounding Act 1955	Chief executive
s.14	Recover actual costs of sustenance of impounded stock	Environmental health manager Dog control officer Dog control ranger
s.32	Declare fenced paddock a temporary pound	Dog control officer Dog control ranger
s.42	Disposal of wild stock straying on roads	Dog control officer Dog control ranger
s.50	Authorise person to act as auctioneer for sale of impounded stock	Environmental health manager Dog control officer Dog control ranger
s.52	Destroy worthless or suffering stock	Dog control officer Dog control ranger
s.53	Dispose of unsold stock	Dog control officer Dog control ranger
s.56	Recover any deficiency in costs from owner of stock	Environmental health manager Dog control officer Dog control ranger

11.26 Infrastructure (Amendments Relating to Utilities Access) Act 2010

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.14	Power to set reasonable conditions over the opening up of any road and recover reasonable costs	Group manager services and assets Roading manager

11.27 Land Drainage Act 1908

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.6	Obligation to provide information on ratepayers in respect of property within the district liable to be rated	Chief financial officer Finance manager Rates officer
S.20	Power to object to Drainage Board (ES) interfering with road or footpath	Strategic manager water and waste
SS. 61,63	Power to cleanse, repair or maintain a watercourse or drain	Strategic manager water and waste

11.28 Land Transfer Act 2017

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Consenting to dealing with land where that land is subject to a caveat or encumbrance that requires the consent of Council before registration of any instrument under the Land Transfer Act 2017	Property manager in consultation with group manager environmental services or group manager services and assets
S.34	Authority to certify documents on Council's behalf pursuant to section 34 of the Land Transfer Act 2017	Chief executive Group manager environmental services Group manager services and assets
	The authority to execute A & I forms and any associated documentation required by Land Information New Zealand or other regulatory body which under any act the documents are to be registered in accordance with the Land Transfer Act 2017 for the completion of any authorised transaction	Group manager services and assets Property services manager Group manager environmental services Team leader resource management

11.29 Land and Transport Act 1998

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.16A	Powers regarding restriction of heavy traffic on roads	Group manager services and assets Roading manager

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss.22AB, 22AD and 22AE	Powers regarding transport related bylaws	Group manager services and assets Roading manager
s.128D	Appointment of parking wardens	Group manager environmental services Environmental monitoring manager Parking officer
s.128E	Powers of parking wardens	Group manager environmental services Environmental monitoring manager
s.139	Power to issue infringement notices	Group manager environmental services Environmental monitoring manager Parking officer
s.157	Power as road controlling authority to control, restrict and prohibit traffic	Group manager services and assets Roading manager

11.30 Land Transport (Infringement and Reminder Notices) Regulations 2012

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
Schedule 4	Power to review or waive stationary vehicle infringements	Environmental monitoring manager

11.31 Litter Act 1979

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.5	Appoint litter control officers	Chief executive
s.8	Appoint and revoke appointment of litter wardens	Chief executive
s.10	Serve notices to clear litter To hear and determine any objection	Environmental health manager Environmental health officer Group manager environmental services
s.14	Issue infringement notices and make any decision on any matter relating to those proceedings	Environmental health manager Environmental health officer
s.15	Initiating prosecutions and injunctions	Group manager environmental services

11.32 Local Government Act 1974

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.319	General powers in respect of roads	Group manager services and assets Roading manager Assets manager

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s. 319 (a)	General powers of councils in respect to roads except: 319 (a) where an application is received to form a road and the additional new formation is proposed to be maintained by Council as this is required to be referred to Council.	Group manager services and assets Strategic manager transport Property services manager
s. 319B	Allocation of property numbers	Team leader resource management Support officer (Environmental Services)
319 (h)	319(h) where a permanent road stopping is proposed as this is required to be referred to Council	Group manager services and assets Strategic manager transport Property services manager
S.344	Authority to approve and authorise the installation of gates and cattle stops on legal roads	Group manager services and assets Roding manager
s.346D	Authority to approve new vehicle entrances on to roads and limited access roads and/or alter the location of existing approved entranceways	Group manager services and assets Roding manager
s.348	Creation and cancellation of right of ways	Group manager environmental services Team leader resource management Senior planner
s.353	Require fencing	Group manager environmental services
s.355	Council's powers relating to the removal and/or trimming or overhanging trees etc., and recovery of costs	Group manager services and assets Roding manager
ss.356, 356A	The power to authorise any person to remove and dispose of motor vehicles found on a road or in a public place which may be abandoned	Group manager services and assets Roding manager
s.357	The power to penalise a person who commits an offence which encroaches on a road	Group manager services and assets
Schedule 10 clauses 11 (a) and (b)	The temporary prohibition of traffic for the purpose of: Construction or repair of the road or any drain, water race, pipe or apparatus under, upon, or over the road Diversion of traffic in order to resolve problems associated with traffic operations When, for any reason it is considered desirable that traffic should be diverted to other roads	Group manager services and assets Roding manager

11.33 Local Government Act 2002

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.162	Apply for injunction restraining a person from committing a breach of a bylaw or an offence against this Act	Executive Leadership Team
s.163	Remove or alter a work or thing that is, or has been, constructed in breach of a bylaw, and recover the costs of removal or alteration	Environmental health manager Environmental health officer
s.167	Return of property seized or impounded	Environmental health manager Environmental health officer Dog control officer Dog control ranger
s.168	Dispose of property that has not been returned within six months after it was seized and impounded	Environmental health manager Environmental health officer Dog control officer Dog control ranger
s.171	Enter any land or building other than a dwelling house. Determine how to exercise the power to enter occupied land or buildings. Give notice of intended entry	Environmental health manager Environmental health officer Dog control officer Dog control ranger
s.173	Enter occupied lands or buildings without giving prior notice Inform occupier and owner of entry	Environmental health manager Environmental health officer Dog control officer Dog control ranger
S.174	To be an authorised officer to act and enter private land	Group manager environmental services Building services manager Team leader resource management Environmental monitoring manager Building official Technical officer Senior planner Planner Graduate planner Environmental health officer Compliance coordinator Assets management engineer Asset management officer – transportation Utilities engineer Asset management officer – utilities Support officer service and assets Farm manager

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
		Assets manager Roading manager Monitoring and enforcement officer Environmental monitoring officer Alcohol licensing inspector Systems officer – animal control Group manager customer service Contracts engineer – rural Contracts engineer – urban Technical support officer – roading Development engineer Technical support officer – applications Waste recovery manager Operations and services officer Assets field assistant Projects and operations manager Asset management engineer – utilities Stockwater rangers
s.177	Appoint enforcement officer	Chief executive
s.179	Contract out administration of regulatory functions	Group manager environmental services
s.181	Construction of works on private land	Group manager services and assets Property services manager Strategic manager water and waste
s.185	Approve the carrying out of works by an occupier	Environmental health manager
s.186(2)	Execute, provide or do works, materials or things and recover costs from person in default	Group manager environmental services Environmental health manager
s.187	Act in default of owner and recover costs from person in default	Group manager environmental services Environmental health manager Environmental health officer Dog control officer Dog control ranger
s.215	Application for removal order for fence, structure or vegetation	Group manager environmental services
ss.227, 228, 229, 230, 231, 232, 238, 239,	Initiating prosecutions and injunctions under acts or bylaws	Group manager environmental services

11.34 Local Government Official Information and Meetings Act 1987

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.5	Power to determine availability of information	Chief executive Group managers
S.6	Power to determine withholding of information	Chief executive Group managers Communications and engagement manager
S.7	Other reasons for withholding official information	Chief executive Group managers Communications and engagement manager
S.10	Requests for official information	Chief executive Group managers Communications and engagement manager
S.11	Assistance with requesting information	Chief executive Group managers Communications and engagement manager
S.12	Transfer of requests	Chief executive Group managers Communications and engagement manager
S.13	Decisions on requests	Chief executive Group managers Communications and engagement manager
S.14	Extension of time to provide official information	Chief executive Group managers Communications and engagement manager
S.15	Power to determine the manner of presenting information	Chief executive Group managers Communications and engagement manager
S.16	Power to determine deletions of some information from documents	Chief executive Group managers Communications and engagement manager
SS.17, 18	Refusal of requests for information	Chief executive Group managers Communications and engagement manager
S.24	Precautions regarding access to personal information	Chief executive Group managers Communications and engagement manager
S.25	Correction of information	Chief executive Group managers

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
		Communications and engagement manager
S.26	Refusal to supply personal information	Chief executive Group managers Communications and engagement manager
S.33	Requirement to notify decision of ombudsman	Chief executive Group managers Communications and engagement manager
S.44A	Authority to prepare and approve Land Information Memoranda	Team leader knowledge management Property information officer Knowledge officer
S.46	Public notification of meetings	Governance and democracy manager Chief executive Committee advisor
SS.46A, 49, 51	Availability of agendas, reports and minutes	Governance and democracy manager Communications and engagement manager Committee advisor
S.51A	Public notification of resolution at emergency meeting	Governance and democracy manager Communications and engagement manager Committee advisor

11.35 Local Government (Rating) Act 2002

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.27	Keep and maintain rating information data base	Chief financial officer Finance manager
S.37	Keep and maintain rates records	Finance manager Rates officer
S.40	Power to correct errors in rating information database and rates records	Finance manager Rates officer
S.41	Power to issue an amended rates assessment if an error is corrected	Finance manager Rates officer
SS.44-51	Obligations to deliver rates assessments and rates invoices to ratepayers setting out the information required by the act	Finance manager Rates officer
S.53	Power to appoint a rates collector s.67. Appointment of principal administrative officer with power to have judgments of the court enforced by the court	Finance manager Rates officer
S.54	Power not to collect rates that are uneconomic to collect	Finance manager Rates officer

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS.57, 58	Power to add penalties for rates not paid by the due date	Finance manager Rates officer
S.62, 63	Powers for recovery of rates if owner in default	Finance manager Rates officer
S.67	Appointment of principal administrative officer with power to have judgments of the court enforced by the court	Finance manager Rates officer
S.77	Obtain a court ruling that abandoned land can be disposed of by Council and then to dispose of such land.	Chief executive Group manager services and assets
S.79	To set the reserve price of abandoned land which is to be offered for sale, or to be leased.	Chief executive Group manager services and assets
SS.85-90; 114-115	Power to remit or postpone rates pursuant to Council rates remission and postponement policy	Finance manager Rates officer
S.108	Appointment of principal administrative officer with power to have judgments of the court enforced by the court	Finance manager Rates officer

11.36 New Zealand Library Association Act 1939

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.5	Power to become a member of the association	Manager district library

11.37 Overseas Investments Act 2005

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Issue certificates relating to land	Group manager environmental services Team leader resource management Senior Planner

11.38 Public Bodies Leases Act 1969

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss. 7, 17, 18, 22, 23A	To sign on behalf of Council, lease, tenancy, service and other miscellaneous agreements where the use of the corporate seal is not required	Strategic manager property Property advisor
ss.7, 17, 18, 22, 23A	To sign leases on behalf of Council, including renewal, transfers, rent reviews that are in accord with legislation and Council policy	Strategic manager property Property advisor

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS. 8-9	Leases to be sold by public tender or auction subject to certain conditions	Strategic manager property Property advisor
S.23	To authorise process for surrender of leases	Strategic manager property Property advisor

11.39 Public Works Act 1981

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss. 110-111A	Provides certain powers of entry onto private land.	Group manager services and assets
SS.133-134	Provide for removal of trees and hedges that interfere with public works	Group manager services and assets
SS.233-234	Obligation to provide notice before entry onto private land	Group manager services and assets
S.237	Power to approve excavations near public works	Group manager services and assets
S.238	Power to bring action for damage to public work	Group manager services and assets
S.239	Power to remove and/or dispose of abandoned property from public works land	Group manager services and assets
S.240	Removal of land from persons holding illegal possessions	Group manager services and assets

11.40 Racing Act 2003

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS.65A-65E	Receiving, considering and determining application for territorial authority consent	Group manager environmental services

11.40 Rates Rebate Act 1973

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS.5-7	Provide for application of rebate of rates to be considered by chief executive	Chief financial officer Finance manager
S.9	Provides for application to secretary for Local Government for refund of rebates granted	Chief financial officer Finance manager
S.13	Power to receive declarations	Chief financial officer Finance manager

11.41 Rating Valuations Act 1998

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.10	Duty to prepare and maintain district valuation roles	Chief financial officer Finance manager
SS.11-13	Powers regarding general revaluations	Chief financial officer Finance manager
SS.14-17	Powers regarding specific revaluations during the currency of a general revaluation	Chief financial officer Finance manager
SS.32-40	Objections to valuations	Chief financial officer Finance manager
SS.41-42	Powers for information to be disclosed	Chief financial officer Finance manager
S.43	Power to obtain contribution to the cost of preparing and maintaining the valuation role from the regional Council	Chief financial officer Finance manager
S.45	Provides authorisation for entry onto private property to carry out valuations	Chief financial officer Finance manager

11.42 Reserves Act 1977

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	All powers, functions and duties under the Reserves Act 1977 except those outlined below	Communities facilities manager Property services manager
SS.78-80, 84-85A, 89-92	Financial powers and duties regarding reserves	Chief financial officer Finance manager Community facilities manager Property services manager

11.43 Resource Management Act 1991

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
SS.10, 10A, 10B	Determination of whether existing rights in terms of Section 10 of the RMA apply	Group manager environmental services Team leader resource management Senior planner
s.27	To provide information to the Minister for Environment	Group manager environmental services Team leader resource management Senior planner
s.36(5)	Power to require the payment of additional charges to cover processing costs in accordance with Council's approved Schedule	Group manager environmental services Team leader resource management

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
	of Fees and Charges under the Resource Management Act 1991	Senior planner Resource management planners
s.36(6)	Power to provide on request an estimate of additional charges over and above the processing deposits	Group manager environmental services Team leader resource management Senior planner Resource management planners
s.36AAB (1)	Power to remit the whole or any part of the charge under s36 that would otherwise be payable.	Group manager environmental services Team leader resource management
ss.37, 37A	Power to waive and/or extend time limits for functions under the act.	Group manager environmental services Team leader resource management Senior planner
s.38	Authorisation of Enforcement Officers	Group manager environmental services Team leader resource management
s.41B	Direction to provide evidence with time limits	Group manager environmental services Team leader resource management Senior planner
s.42	Protection of sensitive information	Group manager environmental services Team leader resource management
s.42A	Require the preparation of a report on information provided	Group manager environmental services Team leader resource management
s.42A (5)	Waiving compliance regarding timeframes for distributing reports, where there is no material prejudice	Group manager environmental services Team leader resource management Senior planner
s.87BA	To issue a notice confirming a boundary activity is permitted	Group manager environmental services Team leader resource management Senior planner Resource management planners
s.87BB	To issue a notice confirming a marginal or temporary activity is permitted	Group manager environmental services Team leader resource management Senior planner
s.87E	Decision on request for application to go directly to environment court	Group manager environmental services Team leader resource management
s.87F	Preparation of report on application referred directly to environment court	Group manager environmental services Team leader resource management Senior planner
s.88(3)	Determining an application incomplete and returning to the applicant	Group manager environmental services Team leader resource management Senior planner

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.91	Determining not to proceed with notification or hearing of application pending lodging of further consents under the act	Group manager environmental services Team leader resource management Senior planner
s.92	Request further information or agreement to commissioning of a report on resource consent application	Group manager environmental services Team leader resource management Senior planner Resource management planners
s.92A (2)	Set timeframe for provision of further information or commissioning of a report	Group manager environmental services Team leader resource management Senior planner Resource management planners
ss.95A, 95B	Determination of public notification or limited notification	Group manager environmental services Team leader resource management Senior planner
s.95D	Determination of adverse effects likely to be more than minor	Group manager environmental services Team leader resource management Senior planner
s.95E	Determination if person is affected person	Group manager environmental services Team leader resource management Senior planner
s.95F	Determination if group is an affected customary rights group	Group manager environmental services Team leader resource management
s.95G	Determination if group is an affected customary marine title group	Group manager environmental services Team leader resource management
s.99	Organise and convene prehearing meetings and prepare reports on these under Section 99 (5)	Group manager environmental services Team leader resource management Senior planner
s.100	Determine whether a formal hearing is necessary	Group manager environmental services Team leader resource management
s.101	Fix time and date for hearings	Group manager environmental services Team leader resource management Senior planner
s.102	To determine whether applications are required to be heard by Joint Hearings Committee	Group manager environmental services Team leader resource management
s.103	To determine whether two or more applications to different authorities are sufficiently unrelated that a joint hearing is not appropriate.	Group manager environmental services Team leader resource management

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
ss. 104, 104A, 104B, 104C, 104D, 108, 113	Make and issue decisions and impose conditions for non-notified resource applications and limited notified resource applications where there are no submissions received or where all submissions received are in support and no party wishes to be heard; in accordance with the provisions of the Southland District Plan and the RMA.	Group manager environmental services Team leader resource management Senior planner
s.106	Ability to refuse subdivision consent in certain circumstances.	Group manager environmental services Team leader resource management Senior planner
s.108A	Determination of requirement for a bond	Group manager environmental services Team leader resource management Senior planner
s.114	Notify decisions to applicant and other appropriate authorities	Group manager environmental services Team leader resource management Senior planner Resource management planners
s.123 (b)	Duration of consent	Group manager environmental services Team leader resource management Senior planner
s.125 (1A)(B)	Fix longer period for lapsing of resource consents than is the norm under Section 125(1)	Group manager environmental services Team leader resource management Senior planner
s.126	Cancel consent if not exercised	Group manager environmental services Team leader resource management
s.127	Determining whether application to change or cancel consent requires notification, or limited notification and changing or cancelling any condition on a resource consent	Group manager environmental services Team leader resource management Senior planner
s.128	Service of notice of intention to review conditions of a resource consent	Group manager environmental services Team leader resource management Senior planner
ss.129, 130	Formulation and public notification of notice to review conditions	Group manager environmental services Team leader resource management Senior planner
s.133A	Minor corrections of resource consents	Group manager environmental services Team leader resource management Senior planner
s.134(4)	Approval of transfer of resource consents – written notice	Group manager environmental services Team leader resource management

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
		Senior planner
s.138	Surrender of consent	Group manager environmental services Team leader resource management
s.139	Consider request for and issue Certificates of Compliance for any activity which is a permitted activity under the District Plan.	Group manager environmental services Team leader resource management Senior planner
s.139A	Consider request for and issue Existing Use Certificate.	Group manager environmental services Team leader resource management Senior planner
s.169	Request further information and process notice of requirement	Group manager environmental services Team leader resource management Senior planner
s.170	Discretion to include notice of requirement in proposed Plan	Group manager environmental services Team leader resource management
s.171	Consider notice of requirement and make submissions thereto, and make recommendation to the requiring authority	Group manager environmental services Team leader resource management Senior planner
s.174	Lodge appeal against decision of a requiring authority.	Group manager environmental services Team leader resource management
s.176A(2) (C)	Outline plan waivers	Group manager environmental services Team leader resource management Senior planner
s.181(3)	Alteration of designation in plan at request of requiring authority, to a minor extent	Group manager environmental services Team leader resource management
s.182	Removal of designation at request of requiring authority	Group manager environmental services Team leader resource management
s.184(2)	Waiver of lapsing designation	Group manager environmental services Team leader resource management
s.220	Issue certificates relating to requirements to comply on ongoing basis with consent conditions and endorsements on titles	Group manager environmental services Team leader resource management Senior planner
s.221	Imposing and issuing Consent Notices on subdivision consents.	Group manager environmental services Team leader resource management Senior planner
s.222	Dealing with Completion Certificates on subdivision consents	Group manager environmental services Team leader resource management Senior planner
s.223	Approval of Survey Plan – check compliance prior to sealing	Group manager environmental services Team leader resource management

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
		Senior planner
s.224	Issue certificates indicating all or any of conditions on subdivision consent have been complied with	Group manager environmental services Team leader resource management Senior planner
s.226	Certifications of plans of subdivision that allotments on the plan meet the requirements of the District Plan	Group manager environmental services Team leader resource management Senior planner
ss.229 – 237H	Creation of esplanade reserves and strips and associated conditions.	Group manager environmental services Team leader resource management Senior planner
ss.240,241	Imposition and cancellation of amalgamation conditions and restrictive covenants	Group manager environmental services Team leader resource management Senior planner
s.243(E)	Revoking a condition specifying easements	Group manager environmental services Team leader resource management Senior planner
ss.310, 311	Application to Environment Court for a declaration	Group manager environmental services Team leader resource management
ss.314,316	Seek and/or respond to an Enforcement Order	Group manager environmental services Team leader resource management
s.320	Seek and/or respond to an interim enforcement order	Group manager environmental services Team leader resource management
s.325A	Signature or cancellation of abatement notice	Group manager environmental services Team leader resource management Senior planner
Schedule 1, Clause 5A	To identify all affected parties for limited notification of a plan change or variation	Group manager environmental services Team leader resource management
ss.322, 327, 3258, 343C	The taking of enforcement action in relation to the Resource Management Act, initiating the review the resource consent decisions, and conditions	Group manager environmental services Team leader resource management
s.332	To carry out inspection of any premises of property (except a dwelling house) to determine whether the RMA, any regulation or rule of the District Plan or resource consent is being complied with	Team leader resource management Senior planner Resource management planner Compliance and consents officer
s.333	Entry to land (except a dwelling house) for purposes connected with any preparation, change, or review of the District Plan	Team leader resource management Senior planner Resource management planner Compliance and consents officer

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.336	Return of property seized under ss.323 and 328	Group manager environmental services Environmental health manager Environmental health officer
s.342	The power to collect fines for an offence under s.338	Group manager environmental services Team leader resource management Environmental health manager
s.357	The power to consider and make decisions on application for objections for an application which does not require a hearing, except where the decision would result in a net payment of reserve contributions by Council less credits for land to vest exceeding the delegation for the role. The power to decide whether an objection requires a hearing	Group manager environmental services Team leader resource management Environmental health manager
ss.357C-D	The power to consider and decide upon objections made. To consider, dismiss or uphold (in whole or in part) any objection under sections 357, 357A or 357B of the Act PROVIDED that this delegation shall NOT be exercised in respect of objections on resource consent applications which have been the subject of a hearing under section 100 of the Act	Group manager environmental services Team leader resource management
s.360F	To set overall charges payable by the applicant for a plan change or resource consent	Group manager environmental services Team leader resource management

11.44 Sale and Supply of Alcohol Act 2012

Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council.

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
	That Council authorises the chief executive to delegate to any Council officer either generally or particularly any of his powers, functions and duties under the Sale and Supply of Alcohol Act 2012 including those delegated to him by Council.	
	To give consent of Council as landowner (including reserves) for the purpose of the act	Property manager
	Authorising prosecutions and injunction proceedings.	Group manager environmental services

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.100(f)	Certificates that proposed use of premises meets the requirements of the Resource Management Act 1991 and Building Code	Group manager environmental services Team lead resource management Senior planner
s.189(6)	The appointment from time to time of two members from the list of persons approved to be members of the District Licensing Committee for the purposes of s.191. The appointment may be for such period not exceeding four weeks as is considered necessary for the purposes of a quorum for any meeting of the committee	Chief executive
s.197	Appointment of licensing inspectors	Chief executive
s.198	Delegation of functions, duties, or powers of chief executive	Written delegations contained in R/16/6/9766 and R/16/10/17914
s.204	Authorising any person to appear on behalf of Council in any proceedings described in s.204(1).	Chief executive
s.205	Authorising any person to appear on behalf of Council at any appeal to the Licensing Authority under s.81.	Chief executive

Sale and Supply of Alcohol Act 2012 delegations that are affected by limitations at the bottom of chart:

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
s.137(2)	Accept late application for special licence	Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer
s.187(a)	To consider and determine applications for manager's certificates and special licenses.	Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer
s.187(b)	To consider and determine applications for renewal of licences	Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer
s.187(b)	To consider and determine applications for renewal of manager's certificates	Chief executive Group manager environmental services Chief licensing inspector

SECTION	SUMMARY OF FUNCTION / POWER DELEGATED	DELEGATED OFFICER
		Licensing inspector Customer services officer
s.187(c)	To consider and determine applications for temporary authority	Chief executive Group manager environmental services Chief licensing inspector Licensing inspector
s.208	To waive certain omissions	Chief executive Group manager environmental services Chief licensing inspector Licensing inspector Customer services officer
Limitations	<p>The delegations in this chart are subject to these limitations which staff cannot decide:</p> <ol style="list-style-type: none"> consider or decide on any opposed applications, or applications subject to public objection consider or decide on any waivers that do not meet any agreed criteria within the SEAL reference document decline, suspend, or cancel any application or licence or certificate vary any licence without the consent of the licence holder reduce the term of renewal of any certificate or licence decide on any application that any reporting agency requests to be considered by the District Licensing Committee any application which the general manager environmental services decides should be considered by the District Licensing Committee. 	

11.45 Sale and Supply of Alcohol (Fees) Regulations 2013

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.4	Classification of premises	Group manager environmental services
s.5(1)	Assigning cost/risk ratings	Group manager environmental services
s.5(6)	Opinions with regard to premises types	Group manager environmental services
s.6(1)	Assigning fees categories	Group manager environmental services
s.6(4)	Assigning fees categories	Environmental health manager Environmental health officer
s. 9(2)	Determining event types	Environmental health manager Environmental health officer
s.10(2)	Setting of fees	Environmental health manager Environmental health officer

11.46 Smoke Free Environments Act 1990

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.5	Duty of employers to have a policy on smoking	People and capability manager

11.47 Summary Proceedings Act 1957

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Functions and duties related to vehicle parking and other stationery vehicle offence enforcement	Group manager environmental services

11.48 telecommunications Act 2001

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.119	Sets out the matters that may be considered in setting conditions for access to Council roads	Assets manager Roading manager
S.128	Powers to deal with trees on road verges interfering with telecommunications networks	Assets manager Roading manager
S.135	Duty to provide telecommunications networks access to Council roads	Assets manager Roading manager
SS.137, 143	Duty to notify network operator of conditions imposed under section 135 or section 142	Assets manager Roading manager
S.142	Duty to provide telecommunications networks rights to place cabinets on public roads	Assets manager Roading manager

11.49 Transport (Vehicular Traffic Road Closure) Regulations 1965

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	The powers conferred on Council by the Transport (Road Closure) Regulations	Group manager services and assets

11.50 Utilities Access Act 2010

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
S.6	Obligation to comply with the national code of practice to co-ordinate work done in transport corridors	Group manager services and assets Roading manager Assets manager

11.51 Waste Minimisation Act 2008

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS.26, 27	Duty to impose levy on waste disposed of at disposal facility at prescribed rate	Group manager services and assets
S.28	Duty of operator of disposal facility to pay levy to levy collector	Group manager services and assets
S.32	Duty to spend levy money received on waste minimisation initiatives or in accordance with a Waste Management and Minimisation Plan	Group manager services and assets
S.51	Mandatory requirements for waste assessment	Group manager services and assets
S.53	Duty to use any proceeds from a service undertaken under s.52 in implementing the Waste Management and Minimisation Plan	Group manager services and assets
S.54	Duty for territorial authority to provide a service that collects waste promptly, efficiently and at regular intervals	Group manager services and assets
S.66	Authority to enforce provisions of bylaw	Group manager services and assets
SS.73,74	Authority to initiate proceedings for infringement offences and to issue and serve infringement notices	Group manager services and assets
S.75	Authority to retain infringement fees	Group manager services and assets
S.76	Authority to authorise any officer to be an enforcement officer	Group manager services and assets
SS.79, 80-82, 84, 85	Powers of enforcement officers	Group manager services and assets
SS.86-87	Duty to keep records and provide details if required	Group manager services and assets

11.52 Dog Control Bylaw 2015

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
ss.10(a) and (b)	Changes to dog access by public notice	Chief executive Group manager environmental services
s.13	Granting of multiple dogs licences	Chief executive Group manager environmental services Environmental health manager Dog control officer Customer services officer
s.14	Requirement to neuter uncontrolled dog	Chief executive Group manager environmental services Environmental health manager

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER

11.53 Freedom Camping Bylaw 2015

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.7	Consent to freedom camping	Chief executive Group manager environmental services

11.54 Alcohol Control Bylaw 2015

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.6	Granting of dispensations with or without conditions	Chief executive Group manager environmental services

11.55 Keeping of Animals, Poultry and Bees Bylaw 2010

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.5	Prescribe conditions	Chief executive Group manager environmental services
s.6	Dispensing powers	Chief executive Group manager environmental services

11.56 Roading Bylaw 2008 – Revision 2 2018

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	Functions and duties related to vehicle parking and other stationery vehicle offence enforcement	Group manager services and assets Roading manager

11.57 Trading in Public Places Bylaw 2013

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
SS.5, 6	Receiving, considering and determining application for licence	Chief executive Group manager environmental services Environmental health manager Environmental health officer

11.58 Trade Waste Bylaw 2008

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	All of the powers of council under the trade waste bylaw 2008 in respect of trade premises as defined in the bylaw and the discharges from them	Environmental health manager Environmental health officer

11.59 Airport Authorities Act 1966

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
s.6	Leasing powers of airport authorities	Group manager services and assets Property services manager Commercial infrastructure manager

11.60 Residential Tenancies Act 1986

SECTION	SUMMARY OF FUNCTION/POWER DELEGATED	DELEGATED OFFICER
	To undertake the role and obligations of the landlord as required by the act.	Group manager services and assets Property services manager Community facilities manager

12 Non Statutory Delegations

12.1 Advertising

DESCRIPTION	DELEGATED OFFICER
To authorise general advertising	Group managers Communications and engagement manager
Authority to issue public notices as required	Chief Executive or nominee Group Managers
Authority to issue works notices to property owners and residents in areas where works are to be carried out, subject to any other statutory provisions	Chief executive Group manager services and assets Assets manager Roading manager
To authorise resource consent application public notices	Group manager environmental services
To authorise advertising related to property matters.	Group manager services and assets Strategic property manager
To authorise advertising related to employment opportunities	Chief executive People and capability manager

12.2 Animal Control

DESCRIPTION	DELEGATED OFFICER
Authority to approve dog rehoming providers in relation to “approved rehoming providers” in Council’s fees and charges	Group manager environmental services

12.3 Appointment and Termination

DESCRIPTION	DELEGATED OFFICER
Appointment of salaried staff within the established limits	People and capability manager in consultation with the relevant group manager
Appointment of hourly rate staff within the established limits	People and capability manager People and capability advisor
Appointment of group managers	Chief executive
Termination of staff	Chief executive or nominee in consultation with people and capability manager and relevant group manager

12.4 Public Tender

DESCRIPTION	DELEGATED OFFICER
Authority to call for tenders and authorise the request for tenders document in accordance with the approved procurement plan	Chief executive

12.4 Asset Disposal

DESCRIPTION	DELEGATED OFFICER
Sale or trade-in of equipment or vehicles or plant surplus to requirements	Chief financial officer Finance manager

12.5 Civic Ceremonies and Civic Functions

DESCRIPTION	DELEGATED OFFICER
Arrangements for civic or mayoral functions	Chief executive Chief financial officer Communications and engagement manager Mayoral support

12.6 Closed Circuit Television ("CCTV")

DESCRIPTION	DELEGATED OFFICER
Release of all recorded CCTV images	Manager customer delivery Customer contact centre manager Privacy officer

12.8 Council Common Seal

DESCRIPTION	DELEGATED OFFICER
Affix the Southland District Council Common Seal	Mayor and chief executive. In the absence of the mayor, any other councillor. In the absence of the chief executive, any group manager.

12.9 Document Execution

DESCRIPTION	DELEGATED OFFICER
Authority to execute documents on Council's behalf for documents related to the Services and Assets Group and the Environmental Services Group as appropriate when the chief executive is absent and no acting chief executive has been appointed by Council and there is necessity for such documents to be signed as a matter of urgency	Group manager services and assets Group manager environmental services

12.10 Insurance

DESCRIPTION	DELEGATED OFFICER
Authority to sign release documents on insurance claims made by Council and to contribute any excess payable in accordance with policy	Chief financial officer Finance manager
Authority to settle any claim for compensation where the amount proposed does not exceed: (where provision is made in council's estimates) the amount provided in the estimates; or (where no provision is made in the estimates) an amount not exceeding \$5,000. All such settlements to be reported to the Finance and Audit Committee.	Chief financial officer Finance manager

12.11 Media Statements

See Governance Delegations section for specific committees and subcommittees.

DESCRIPTION	DELEGATED OFFICER
To authorise media statements	Chief executive Group managers Communications and engagement manager Business unit managers

12.13 Planning

DESCRIPTION	DELEGATED OFFICER
To lodge submissions and further submissions on behalf of Council on: Any proposed District Plan or variation to a proposed District Plan administered by Council or by any other council	Group manager environmental services

DESCRIPTION	DELEGATED OFFICER
Any Council initiated or privately initiated change to a District Plan administered by Council or by any other council Any notice of requirement for a heritage order Any notice of requirement for a designation Any proposed Regional Plan or variation to a proposed regional Plan, or on any change to a regional Plan Any proposed Policy Statement administered by Council or by any other Council Any matter lodged with the Environmental Protection Authority. This delegation is to be reported to Council at the next available opportunity to allow for the Council to review and endorse the submission	
Authority to require payment of financial contributions in accordance with Council's adopted schedule of fees	Group manager environmental services Team leader resource management
Authority to authorise the recovery of reasonable costs in relation to the monitoring of Resource Consent, District Plan, Resource Management Act and National Environmental Standard compliance	Group manager environmental services Team leader resource management
Authority to reduce the application fee for resource management administration as shown in Council's Schedule of Fees and Charges	Group manager environmental services Team leader resource management

12.14 Public Tenders

DESCRIPTION	DELEGATE
Authority to open public tenders received	Chief executive Chief financial officer Group manager environmental services Group manager services and assets Activity managers Finance manager Transport manager Community facilities manager Property services manager Projects and contracts coordinator
Prepare recommendations for tenders above personal limit.	Executive Leadership Team Activity managers
Prepare recommendations for acceptance by appropriate committee.	Executive Leadership Team

12.15 Property

DESCRIPTION	DELEGATED OFFICER
Authority to enter into new leases for Council properties on the following basis: that the length of the lease not be more than five years that the value of the property not be more than \$200,000	Group manager services and assets Property services manager
Termination of tenancies, lease or licence of Council property for non-compliance with tenancy agreements	Chief executive Group manager
Authority to approve leases, licences or other occupation agreements (other than residential tenancies)	Chief executive Group manager services and assets Property services manager

12.16 Refuse and Recycling

DESCRIPTION	DELEGATED OFFICER
Authority to close refuse areas due to adverse weather conditions	Group manager services and assets

12.17 Roads

DESCRIPTION	DELEGATED OFFICER
Authority to set fees and charges for inspection and repair of service authority trenches	Group manager services and assets Roading manager
Authority to approve the imposition of no-parking restrictions of up to 25m length for where these are necessary for road safety reasons or because of restricted carriageway or traffic-lane widths	Group manager services and assets Roading manager

12.18 Signage

DESCRIPTION	DELEGATED OFFICER
Authority to take appropriate action to control the display of advertising signs in a public place, not including roads and footpaths (see The SDC signs and objects on roads and footpaths bylaw 2016)	Group manager environmental services Environmental health manager Environmental health officer
Authority to approve the erection of hoardings for election campaigns and public meetings	Group manager environmental services Environmental health manager Team leader customer support

12.19 Street Appeals

DESCRIPTION	DELEGATED OFFICER
To authorise appeals to the public for financial assistance where that appeal is conducted from a public place by a charitable or community service organisation.	Manager environmental health Customer services team leader

12.20 Street Furniture and Signage

DESCRIPTION	DELEGATED OFFICER
Authority to approve the design and positioning of street furniture, including bus shelters	Group manager services and assets Roading manager
Authority to approve erection of directional signs	Group manager services and assets Roading manager

12.21 Street Parades

DESCRIPTION	DELEGATED OFFICER
Authority to permit street parades and rallies on public places, not including roads	Group manager services and assets Roading manager

12.22 Water Services

DESCRIPTION	DELEGATED OFFICER
Authority to impose restrictions on the use of water on those public supplies operated and administered by Council	Group manager services and assets Assets manager

Adoption of 2019 Standing Orders

Record No: R/19/7/14590
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to recommend that Council replaces its current set of Standing Orders with the new Standing Orders as attached to the report.

Executive Summary

- 2 Council must adopt a set of Standing Orders under clause 27(1) of Schedule 7 of the Local Government Act 2002. Council is still using the 2003 model Standing Orders with relevant legislative changes. However, the structure and language is still that of the 2003 edition.
- 3 In 2015 Local Government New Zealand (LGNZ) set up a working group comprising elected members and staff skilled in using the Standing Orders to review the model Standing Orders.
- 4 In 2016 a new template of Standing Orders were prepared for councils to adopt from that point. Specific templates for regional councils, territorial authorities and community boards were prepared. These have been reviewed again and are now available for councils to adopt as they see fit.
- 5 75 percent of the members present must approve the decision to adopt a new set of Standing Orders. Community boards must also adopt a set of Standing Orders. All members of Southland District Council must abide by them.

Recommendation

That Council:

- a) Receives the report titled “Adoption of 2019 Standing Orders” dated 4 October 2019.**
- b) Determines that this matter or decision be recognised as significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Agree to replace the current set of Standing Orders with the new Standing Orders (attachment a to the report) and**
 - i. That the mayor and chairperson have both a deliberative and casting vote (s.o.19.3)**
 - ii) That members have the right to attend by an audio or audio-visual link (s.o.13.7)**
 - iii. That Option C (s.o.22.4) be the default option for speaking and moving motions.**
- e) Authorises the chief executive to approve any non-material changes that may be required before the new Standing Orders are published.**

Background

- 6 Standing Orders provide a framework of rules for making decisions of Council, all of its committees and community boards. They assist in ensuring that public decision-making processes are open, transparent and fair.
- 7 Southland District Council and its committees and subcommittees have been using the model Standing Orders which were last reviewed in 2003 with relevant legislative changes.
- 8 In 2016 LGNZ reviewed the model Standing Orders. These were introduced in 2016 for councils to decide to adopt. There has been a further review completed in 2019 and it is recommended that these now be adopted by Council.

Issues

- 9 The benefits of the new Standing Orders include the legislative changes made since 2002; provide a new structure to identify matters more easily; a greater use of plain English to make them more easily understood by elected members, staff and the public and provide separate versions for Council and community boards.

- 10 Since then an updated version of the Standing Orders has been provided in 2019. It is recommended that the 2019 version as attached is adopted by Council. Changes in the 2019 edition include the new emergency meeting provisions; a process for the release of public excluded information; further information about financial and non-financial conflicts of interest and the keeping of minutes.
- 11 Training will be provided to chairs and members on the use and guidance of Standing Orders. The revised Standing Orders specific to community boards will go to the inaugural meeting of each community board for adoption.
- 12 There are three optional provisions included that Council needs to consider. These should be agreed on as part of the resolution d) above.
- 13 The provision for a casting vote by the chairperson – the current Standing Orders have this and it is recommended that this continue.
- 14 The option for members to join meetings by audio and audio-visual link – again the current Standing Orders have this and it is recommended that this continue.
- 15 The provision of a choice of a default option for speaking and moving motions at a meeting. Previously Standing Orders were quite prescriptive and limited the ability of members to move amendments if they have previously spoken. The 2019 (and 2016) version allow for greater flexibility for dealing with different situations. There are three options available – Option A – S.O. 22.2 repeats the current provisions in the Standing Orders; Option B – S.O. 22.3 - provides more flexibility by allowing any member, regardless of whether they have spoken before to move or second an amendment; Option C allows further flexibility.
- 16 The 2019 edition recommends that Council, when adopting the Standing Orders, should decide which option will be its default option which will be used most frequently. For a particular item or meeting, where a different option is desired, the meeting can decide on the option to be used. It is recommended that Option C be Council's default option as this reflects what happens in practice at most meetings.

Factors to Consider

Legal and Statutory Requirements

- 17 Council is required under clause 27(1) schedule 7 of the LGA 2002 to adopt a set of Standing Orders.

Community Views

- 18 This is a statutory requirement, specific community consultation has not been sought. The Standing Orders provide for a process for people to engage with Council.

Costs and Funding

- 19 There are no cost implications in this report.

Policy Implications

- 20 There are no policy implications

Analysis

Options Considered

- 21 There are two options.

Analysis of Options

Option 1 – Adopt the new 2019 edition of Standing Orders

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• brings Council up to date in terms of process and procedure• the 2019 edition uses plain English and is set out in a more structured way.	<ul style="list-style-type: none">• a small adjustment as elected members become familiar with the new standing orders.

Option 2 – retain the current Standing Orders

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• elected members and staff are familiar with the current standing orders.	<ul style="list-style-type: none">• not using best practice in terms of advice and meeting procedure.

Assessment of Significance

- 22 This report is considered significant because the Standing Orders provide the framework of rules under which decisions are made by Council, committees and community boards.

Recommended Option

- 23 Option 1 Adopt the 2019 edition of Standing Orders developed by LGNZ.

Next Steps

- 24 If agreed, the community board version will be put to each community board for adoption. Training will be offered for elected members. The Standing Orders will also be made available on Council's website.

Attachments

- A Proposed 2019 Standing Orders for adoption [↓](#)



Southland District Council

Standing Orders

Adopted by Council on 1 November 2019

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of the Southland District Council must abide by standing orders.

LGNZ has made every reasonable effort to provide accurate information in this document, however it is not advice and we do not accept any responsibility for actions taken that may be based on reading it.

Contents

1. Introduction	10
1.1 Principles	10
1.2 Statutory references	11
1.3 Acronyms	11
1.4 Application	11
2. Definitions	11
General matters	16
3. Standing orders	16
3.1 Obligation to adopt standing orders	16
3.2 Process for adoption and alteration of standing orders	16
3.3 Members must obey standing orders	16
3.4 Application of standing orders	16
3.5 Temporary suspension of standing orders	16
3.6 Quasi-judicial proceedings	17
3.7 Physical address of members	17
4. Meetings	17
4.1 Legal requirement to hold meetings	17
4.2 Meeting duration	17
4.3 Language	17
4.4 Webcasting meetings	18
4.5 First meeting (inaugural)	18
4.6 Requirements for the first meeting	18
5. Appointments and elections	19
5.1 Mayoral appointment of deputy Mayor, committee chairs and members	19
5.2 Council Discharge of a Mayoral Appointment	19
5.3 Establishment of committees by the Mayor	19
5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons	20
5.5 Removal of a deputy Mayor	20
5.6 Voting system for chairs, deputy Mayors and committee chairs	20
6. Delegations	21
6.1 Limits on delegations	21
6.2 Committees may delegate	21
6.3 Use of delegated powers	22
6.4 Decisions made under delegated authority cannot be rescinded or amended	22
6.5 Committees and sub committees subject to the direction of the local authority	22
6.6 Duty to consider delegations to community boards	22

7. Committees	23
7.1 Appointment of committees and subcommittees	23
7.2 Discharge or reconstitution of committees and subcommittees	23
7.3 Appointment or discharge of committee members and subcommittee members	23
7.4 Elected members on committees and subcommittees	23
7.5 Local authority may replace members if committee not discharged	24
7.6 Membership of Mayor	24
7.7 Decision not invalid despite irregularity in membership	24
7.8 Appointment of joint committees	24
7.9 Status of joint committees	25
7.10 Power to appoint or discharge individual members of a joint committee	25
Pre-meeting	26
8. Giving notice	26
8.1 Public notice – ordinary meetings	26
8.2 Notice to members - ordinary meetings	26
8.3 Extraordinary meeting may be called	26
8.4 Notice to members - extraordinary meetings	26
8.5 Emergency meetings may be called	27
8.6 Process for calling an emergency meeting	27
8.7 Public notice – emergency and extraordinary meetings	27
8.8 Meetings not invalid	27
8.9 Resolutions passed at an extraordinary meeting	28
8.10 Meeting schedules	28
8.11 Non-receipt of notice to members	28
8.12 Meeting cancellations	28
9. Meeting agenda	29
9.1 Preparation of the agenda	29
9.2 Process for raising matters for a decision	29
9.3 Chief executive may delay or refuse request	29
9.4 Order of business	29
9.5 Chairperson's recommendation	29
9.6 Chairperson's report	30
9.7 Public availability of the agenda	30
9.8 Public inspection of agenda	30
9.9 Withdrawal of agenda items	30
9.10 Distribution of the agenda	30
9.11 Status of agenda	30
9.12 Items of business not on the agenda which cannot be delayed	31
9.13 Discussion of minor matters not on the agenda	31

9.14	Public excluded business on the agenda	31
9.15	Qualified privilege relating to agenda and minutes	31
	Meeting Procedures	32
10.	Opening and closing	32
11.	Quorum	32
11.1	Council meetings	32
11.2	Committees and subcommittee meetings	32
11.3	Joint Committees	32
11.4	Requirement for a quorum	33
11.5	Meeting lapses where no quorum	33
11.6	Business from lapsed meetings	33
12.	Public access and recording	33
12.1	Meetings open to the public	33
12.2	Grounds for removing the public	33
12.3	Local authority may record meetings	33
12.4	Public may record meetings	34
13.	Attendance	34
13.1	Members right to attend meetings	34
13.2	Attendance when a committee is performing judicial or quasi-judicial functions	34
13.3	Leave of absence	34
13.4	Apologies	35
13.5	Recording apologies	35
13.6	Absent without leave	35
13.7	Right to attend by audio or audio visual link	35
13.8	Member's status: quorum	35
13.9	Member's status: voting	35
13.10	Chairperson's duties	36
13.11	Conditions for attending by audio or audio visual link	36
13.12	Request to attend by audio or audio visual link	36
13.13	Chairperson may terminate link	37
13.14	Giving or showing a document	37
13.15	Link failure	37
13.16	Confidentiality	37
14.	Chairperson's role in meetings	37
14.1	Council meetings	37
14.2	Other meetings	38
14.3	Addressing the Chairperson	38
14.4	Chairperson's rulings	38
14.5	Chairperson standing	38

14.6	Member's right to speak	38
14.7	Chairperson may prioritise speakers	38
15.	Public Forums	39
15.1	Time limits	39
15.2	Restrictions	39
15.3	Questions at public forums	39
15.4	No resolutions	39
16.	Deputations	40
16.1	Time limits	40
16.2	Restrictions	40
16.3	Questions of a deputation	40
16.4	Resolutions	40
17.	Petitions	41
17.1	Form of petitions	41
17.2	Petition presented by petitioner	41
17.3	Petition presented by member	41
18.	Exclusion of public	41
18.1	Motions and resolutions to exclude the public	41
18.2	Specified people may remain	42
18.3	Public excluded items	42
18.4	Non-disclosure of information	42
18.5	Release of information from public excluded session	43
19.	Voting	43
19.1	Decisions by majority vote	43
19.2	Open voting	43
19.3	Chairperson has a casting vote	43
19.4	Method of voting	43
19.5	Calling for a division	44
19.6	Request to have votes recorded	44
19.7	Members may abstain	44
20.	Conduct	44
20.1	Calling to order	44
20.2	Behaviour consistent with Code of Conduct	44
20.3	Retractions and apologies	44
20.4	Disorderly conduct	45
20.5	Contempt	45
20.6	Removal from meeting	45
20.7	Financial conflicts of interests	45
20.8	Non-financial conflicts of interests	46

20.9	Qualified privilege for meeting proceedings	46
20.10	Qualified privilege additional to any other provisions	46
20.11	Electronic devices at meetings	46
21.	General rules of debate	46
21.1	Chairperson may exercise discretion	46
21.2	Time limits on speakers	47
21.3	Questions to staff	47
21.4	Questions of clarification	47
21.5	Members may speak only once	47
21.6	Limits on number of speakers	47
21.7	Seconder may reserve speech	47
21.8	Speaking only to relevant matters	48
21.9	Restating motions	48
21.10	Criticism of resolutions	48
21.11	Objecting to words	48
21.12	Right of reply	48
21.13	No other member may speak	48
21.14	Adjournment motions	49
21.15	Chairperson's acceptance of closure motions	49
22.	General procedures for speaking and moving motions	49
22.1	Options for speaking and moving	49
22.2	Option A	49
22.3	Option B	50
22.4	Option C	50
22.5	Procedure if no resolution reached	50
23.	Motions and amendments	50
23.1	Proposing and seconding motions	50
23.2	Motions in writing	51
23.3	Motions expressed in parts	51
23.4	Substituted motion	51
23.5	Amendments to be relevant and not direct negatives	51
23.6	Chairperson may recommend amendment	51
23.7	Foreshadowed amendments	51
23.8	Lost amendments	51
23.9	Carried amendments	52
23.10	Where a motion is lost	52
23.11	Withdrawal of motions and amendments	52
23.12	No speakers after reply or motion has been put	52
24.	Revocation or alteration of resolutions	52

24.1	Member may move revocation of a decision	52
24.2	Revocation must be made by the body responsible for the decision	53
24.3	Requirement to give notice	53
24.4	Restrictions on actions under the affected resolution	53
24.5	Revocation or alteration by resolution at same meeting	53
24.6	Revocation or alteration by recommendation in report	53
25.	Procedural motions	54
25.1	Procedural motions must be taken immediately	54
25.2	Procedural motions to close or adjourn a debate	54
25.3	Voting on procedural motions	54
25.4	Debate on adjourned items	54
25.5	Remaining business at adjourned meetings	54
25.6	Business referred to the council, committee or local or community board	55
25.7	Other types of procedural motions	55
26.	Points of order	55
26.1	Members may raise points of order	55
26.2	Subjects for points of order	55
26.3	Contradictions	55
26.4	Point of order during division	55
26.5	Chairperson's decision on points of order	56
27.	Notices of motion	56
27.1	Notice of intended motion to be in writing	56
27.2	Refusal of notice of motion	56
27.3	Mover of notice of motion	56
27.4	Alteration of notice of motion	57
27.5	When notices of motion lapse	57
27.6	Referral of notices of motion	57
27.7	Repeat notices of motion	57
28.	Minutes	57
28.1	Minutes to be evidence of proceedings	57
28.2	Matters recorded in minutes	58
28.3	No discussion on minutes	58
28.4	Minutes of last meeting before election	58
29.	Keeping a record	59
29.1	Maintaining accurate records	59
29.2	Method for maintaining records	59
29.3	Inspection	59
29.4	Inspection of public excluded matters	59

Referenced documents	60
Appendix 1: Grounds to exclude the public	61
Appendix 2: Sample resolution to exclude the public	63
Appendix 3: Motions and amendments (Option A)	66
Appendix 4: Motions and amendments (Option B)	67
Appendix 5: Motions and amendments (Option C)	68
Appendix 6: Table of procedural motions	69
Appendix 7: Webcasting protocols	71
Appendix 8: Powers of a Chairperson	72
Appendix 9: Mayors' powers to appoint under s.41A	77
Appendix 10: Process for removing a Chairperson or deputy Mayor from office	78
Appendix 11: Workshops	79
Appendix 12: Sample order of business	80
Appendix 13: Process for raising matters for a decision	81

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendix, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner;
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- Make itself aware of, and have regard to, the views of all of its communities;
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002 Local Government Act 2002

LGOIMA Local Government Official Information and Meetings Act 1987

LAMIA Local Authorities (Members' Interests) Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the chief executive.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Emergency meeting has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Internet site means, in relation to a local authority or other person or entity, an Internet site that is maintained by, or on behalf of, the local authority, person, or entity and to which the public has free access.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of absence means a pre-approved absence for a specified period of time consistent with the council policy should one be in place.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Present at the meeting to constitute quorum means the member is to be physically present in the room.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- Any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority; and
- Any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Public notice in relation to a notice given by a local authority, means one that is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site. And in addition, is published in at least one daily newspaper circulating in the region or district of the local authority, or one or more other newspapers that have a combined circulation in that region or district which is at least equivalent to that of a daily newspaper circulating in that region or district.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to reply to those who have spoken to the motion. (The right does not apply to an amendment).

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of "Committee".

Working day means a day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday;
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part; and
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January of the following year any meeting must be notified as an extraordinary meeting, unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of "advisory group". Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend specified standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting.

Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002);
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002);
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013.
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial

authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or herself.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002.

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

Please note that a Mayor is a member of every committee unless specific legislation provides otherwise, for example a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.6) when electing people to the following positions:

- The Chairperson and deputy Chairperson of a regional council;
- The deputy Mayor;
- The Chairperson and deputy Chairperson of a committee; and
- A representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 9.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 10.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) There is a first round of voting for all candidates;
- (b) If no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) If no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) There is only one round of voting; and
- (b) If two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (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 plan;
- (d) The power to adopt a long-term plan, annual plan, or annual report;
- (e) The power to appoint a chief executive;
- (f) The power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*; and
- (h) The power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, 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 body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation will enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

Please note: A council is advised to delegate a range of decision-making responsibilities to its chief executive to cover the period from the day following the Electoral Office's declaration until the new council is sworn in. See the 2019 Guide to Standing Orders for further information.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) A local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) A committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election. This also applies to District Licensing Committees.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002.

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority unless specific legislation provides otherwise, such as a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. There is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. Following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) The number of members each party may appoint;
- (b) How the Chairperson and deputy Chairperson are to be appointed;
- (c) The terms of reference of the committee;
- (d) What responsibilities, if any, are to be delegated to the committee by each party; and
- (e) How the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of the current month, together with the dates, the times and places on and at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification may be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held. (See Guide to Standing Orders for more information).

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the date, time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) Resolution of the council, or
- (b) A requisition in writing delivered to the chief executive which is signed by:
 - i. The Mayor; or
 - ii. Not less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

The chief executive must give notice, in writing, of the time and place of an extraordinary meeting called under standing order 8.3, as well as the general nature of business to be considered to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Mayor; or
- (b) If the Mayor is unavailable, the chief executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- That the meeting occurred without proper notification;
- The general nature of the business transacted; and
- The reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless:

- (a) The resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) The extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) It is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) The member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 13.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 12.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting, as described in its terms of reference.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) Must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) Must be accompanied by either:
 - i. The associated reports; or
 - ii. A notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA.

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

10. Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau.

Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

11. Quorum

11.1 Council meetings

The quorum for a meeting of the council is:

- (a) Half of the members physically present, where the number of members (including vacancies) is even; and
- (b) A majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

11.2 Committees and subcommittee meetings

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members. (See also 7.4).

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

11.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 11.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

11.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

11.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

Should a quorum be lost the meeting will lapse if the quorum is not present within 15 minutes.

11.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

12. Public access and recording

12.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

12.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

12.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

12.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

13. Attendance

13.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

13.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

13.3 Leave of absence

A council may grant a member leave of absence following an application from that member. The council may delegate the power to grant a leave of absence to the Mayor in order to protect a members' privacy.

The Mayor may approve a members' application, and the Council may approve an application from the Mayor. The Mayor will advise all members of the council whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

13.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Mayor (or acting chair) must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies. Members may be recorded as absent on council business where their absence is a result of a commitment made on behalf of the council.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

13.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

13.6 Absent without leave

Where a member is absent from four consecutive meetings of the council, local board or community board without leave of absence or an apology being accepted (not including extraordinary or emergency meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

13.7 Right to attend by audio or audio visual link

Provided the conditions in standing orders 13.11 and 13.12 are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the Chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

13.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002.

13.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

13.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

13.11 Conditions for attending by audio or audio visual link

Noting standing order 13.7, the Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) Where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) Where a member is unwell; and
- (c) Where a member is unable to attend due to an emergency.

13.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

13.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) Use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) The behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) It is distracting to the members who are physically present at the meeting; and
- (d) The quality of the link is no longer suitable.

13.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) Transmitting it electronically;
- (b) Using the audio visual link; or
- (c) Any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

13.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

13.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

14. Chairperson's role in meetings

14.1 Council meetings

The Mayor must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Mayor is absent from a meeting or vacates the chair, the deputy Mayor must act as chairperson. If the deputy Mayor is also absent the local authority members who are present must elect a member to be the Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor for that meeting.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

14.2 Other meetings

In the case of committees, subcommittees and subordinate decision-making bodies, the appointed Chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson. This person may exercise the meeting responsibilities, duties and powers of the Chairperson.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

14.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

14.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

14.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down (if required to stand to address the meeting) and be silent so that they can hear the Chairperson without interruption.

14.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

14.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) Raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) Move a motion to terminate or adjourn the debate; and/or
- (c) Make a point of explanation; and/or
- (d) Request the chair to permit the member a special request.

15. Public Forums

Public forums are a defined period of time, usually at the start of an ordinary meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must fall within the terms of reference of that body.

15.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the chief executive (or their delegate) at least one clear day before the meeting; however this

requirement may be waived by the Chairperson. Requests should also outline the matters that will be addressed by the speaker(s).

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

15.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- A speaker is repeating views presented by an earlier speaker at the same public forum;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

15.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda. (See the 2019 Guide to Standing Orders for suggestions of good practice in dealing with issues raised during a forum).

16. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered.

16.1 Time limits

Speakers can speak for up to 5 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation.

16.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- A speaker is repeating views presented by an earlier speaker at the meeting;
- The speaker is criticising elected members and/or staff;
- The speaker is being repetitious, disrespectful or offensive;
- The speaker has previously spoken on the same issue;
- The matter is subject to legal proceedings; and
- The matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

16.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of any speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

16.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda and once a motion has been moved and seconded.

17. Petitions

17.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards, as long as the subject matter falls within the terms of reference of the intended meeting.

Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to present their petition in te reo or sign language should advise the chief executive in time to allow translation services to be arranged.

17.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

17.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) The petition;
- (b) The petitioners' statement; and
- (c) The number of signatures.

18. Exclusion of public

18.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) The general subject of each matter to be excluded;
- (b) The reason for passing the resolution in relation to that matter; and
- (c) The grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

18.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

18.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

18.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) There are no grounds under LGOIMA for withholding the information; and
- (b) The information is no longer confidential.

18.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

19. Voting

19.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

19.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

19.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

19.4 Method of voting

The method of voting must be as follows:

- (a) The Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) The Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) Where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices, or division, and the result publicly displayed and notified to the Chairperson who must declare the result.

19.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

19.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention. Recording any other matters e.g. reason for the vote or abstention is not permitted.

19.7 Members may abstain

Any member may abstain from voting.

20. Conduct

20.1 Calling to order

When the Chairperson calls members to order they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

20.2 Behaviour consistent with Code of Conduct

No member, at any meeting, may act inconsistently with their Code of Conduct or speak or act in a manner which is disrespectful of other members, staff or the public.

20.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

20.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

20.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

20.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

20.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

20.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

20.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

20.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

20.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

21. General rules of debate

21.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak or when a chair can accept a procedural motion to close or adjourn a debate, is subject to the discretion of the Chairperson.

21.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) Movers of motions when speaking to the motion – not more than 5 minutes;
- (b) Movers of motions when exercising their right of reply – not more than 5 minutes; and
- (c) Other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

21.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

21.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

21.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of the council, except with permission of the Chairperson. Members can speak more than once to a motion at a committee or subcommittee meeting with the chairperson's permission.

21.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of, or opposition to, a motion.

21.7 Seconders may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

21.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

21.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

21.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

21.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

21.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

21.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) After the mover has started their reply;
- (b) After the mover has indicated that they want to forego this right; and
- (c) Where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

21.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

21.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

22. General procedures for speaking and moving motions

22.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

22.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.4 Option C

- The mover and seconder of a motion can move or second an amendment.
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

22.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

23. Motions and amendments

23.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not valid and are not entered in the minutes.

23.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

23.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

23.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

23.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

23.6 Chairperson may recommend amendment

A Chairperson, when moving the adoption of a recommendation from a committee or sub-committee to the council can include in the motion an amendment to the committee or sub-committee's recommendation.

23.7 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

23.8 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

23.9 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

23.10 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

23.11 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

23.12 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) The mover has started their right of reply in relation to the motion; and
- (b) The Chairperson has started putting the motion.

24. Revocation or alteration of resolutions

24.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

24.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 30 (6) Schedule 7, LGA 2002.

24.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

24.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with.

Exceptions apply where, in the opinion of the Chairperson:

- (a) The practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) By reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

24.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

24.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

25. Procedural motions

25.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate. A procedural motion to close or adjourn debate can be taken after two speakers have spoken for the motion and two against or, in the chairperson's opinion, it is reasonable to accept the closure motion.

25.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) That the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) That the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) That the item of business being discussed should lie on the table and not be further discussed at this meeting; (items lying on the table at the end of the triennium will be deemed to have expired); and
- (e) That the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

25.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

25.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

25.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

25.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

25.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

26. Points of order

26.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

26.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) Disorder – to bring disorder to the attention of the Chairperson;
- (b) Language – to highlight use of disrespectful, offensive or malicious language;
- (c) Irrelevance – to inform the chair that the topic being discussed is not the matter currently before the meeting;
- (d) Misrepresentation – to alert the chair of a misrepresentation in a statement made by a member, an officer or a council employee;
- (e) Breach of standing order – to highlight a possible breach of a standing order while also specifying which standing order is subject to the breach; and
- (f) Recording of words – to request that the minutes record any words that have been the subject of an objection.

26.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

26.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

26.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

27. Notices of motion

27.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover].

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

27.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not related to the role or functions of the local authority or meeting concerned; or
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) Fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) Concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

27.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

27.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

27.5 When notices of motion lapse

Notices of motion that are not moved when called for by the Chairperson must lapse.

27.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

27.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

28. Minutes

28.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard or electronic copy, authorised by a Chairperson's manual or electronic signature once confirmed by resolution at a subsequent meeting. Once authorised the minutes are the *prima facie* evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

28.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) The date, time and venue of the meeting;
- (b) The names of the members present;
- (c) The Chairperson;
- (d) Any apologies or leaves of absences;
- (e) The arrival and departure times of members;
- (f) Any failure of a quorum;
- (g) A list of any external speakers and the topics they addressed;
- (h) A list of the items considered;
- (i) The resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) The names of all movers, and seconders;
- (k) Any objections made to words used;
- (l) All divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that their vote or abstention be recorded;
- (n) Any declarations of financial or non-financial conflicts of interest;
- (o) The contempt, censure and removal of any members;
- (p) Any resolutions to exclude members of the public;
- (q) The time at which the meeting concludes or adjourns; and
- (r) The names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

28.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

28.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority and any local and community boards before the next election of members.

29. Keeping a record

29.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

s. 17 Public Records Act 2005.

29.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically the repository in which they are kept must meet the following requirements:

- (a) The provision of a reliable means of assuring the integrity of the information is maintained; and
- (b) The information is readily accessible so as to be usable for subsequent reference.

s. 229(1) of the Contract and Commercial Law Act 2017.

29.3 Inspection

Whether held in hard copy or in electronic form minutes must be available for inspection by the public.

s. 51 LGOIMA.

29.4 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Crimes Act 1961
- Contract and Law Act 2017
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Public Records Act 2005
- Resource Management Act 1991 (RMA)
- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) To endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. Disclose a trade secret; or
 - ii. Be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
 - (ba) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of waahi tapu; or
 - (c) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. Be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. Be likely otherwise to damage the public interest.
 - (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (g) Maintain legal professional privilege; or
 - (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
 - (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

Where A2 of this Appendix applies the public may be excluded unless, in the circumstances of a particular case, the exclusion of the public is outweighed by other considerations which render it desirable and in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
- (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
- (a) Any proceedings before a Council where:
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings;
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

Appendix 2: Sample resolution to exclude the public

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be), it is **moved**:

1 that the public is excluded from:

- The whole of the proceedings of this meeting; *(deleted if not applicable)*
- The following parts of the proceedings of this meeting, namely; *(delete if not applicable)*

The general subject of the matters to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds for excluding the public, as specified by s 48(1) of the Local Government Official Information and Meetings Act 1987, are set out below:

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To prevent the disclosure of information which would— <ul style="list-style-type: none"> i. be contrary to the provisions of a specified enactment; or ii. constitute contempt of court or of the House of Representatives (s.48(1)(b)).
		To consider a recommendation made by an Ombudsman (s. 48(1)(c)).
		To deliberate on matters relating to proceedings where: <ul style="list-style-type: none"> i. a right of appeal lies to a court or tribunal against the final decision of the councils in those proceedings; or ii. the council is required, by an enactment, to make a recommendation in respect of the matter that is the subject of those proceedings (s.48(1)(d)).
		To deliberate on proceedings in relation to an application or objection under the Marine Farming Act 1971 (s.48(1)(d)).

Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s 7(2)(i)).
		To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
		To maintain legal professional privilege (s 7(2)(g)).
		To prevent the disclosure or use of official information for improper gain or advantage (s. 7(2)(j)).
		To protect information which if public would; i. disclose a trade secret; or ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information (s 7(2)(b)).
		To avoid serious offence to Tikanga Māori, or the disclosure of the location of waahi tapu in relation to an application under the RMA 1991 for; <ul style="list-style-type: none"> • a resource consent, or • a water conservation order, or • a requirement for a designation or • an heritage order, (s 7(2)(ba)).
		To protect information which is subject to an obligation of confidence where the making available of the information would be likely to: i. prejudice the supply of similar information, or information from the same source, where it is in the public interest that such information should continue to be supplied; or ii. would be likely otherwise to damage the public interest (s 7(2)(c)).

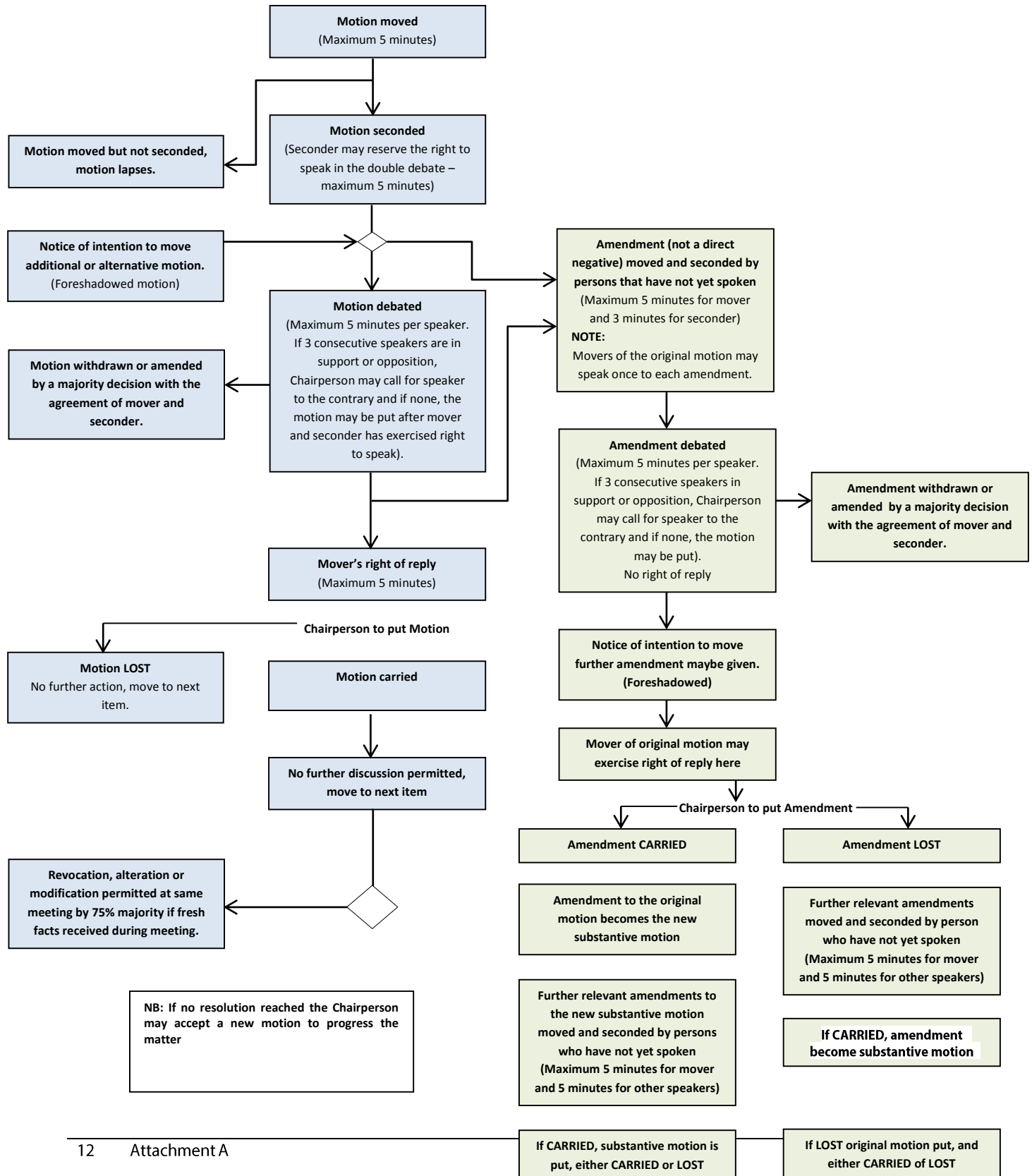
Meeting Item No. and subject	Reason for excluding the public	Grounds for excluding the public
		To avoid prejudice to measures protecting the health or safety of members of the public (s 7(2)(d)).
		To avoid prejudice to measures that prevent or mitigate material loss to members of the public (s 7(2)(e)).
		To maintain the effective conduct of public affairs by protecting members or employees of the Council in the course of their duty, from improper pressure or harassment (s 7(2)(f)(ii)).
		To enable the council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).

2. That *(name of person(s))* is permitted to remain at this meeting after the public has been excluded because of their knowledge of *(specify topic under discussion)*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *(specify)*. *(Delete if inapplicable.)*

Appendix 3: Motions and amendments (Option A)

Motions without amendments

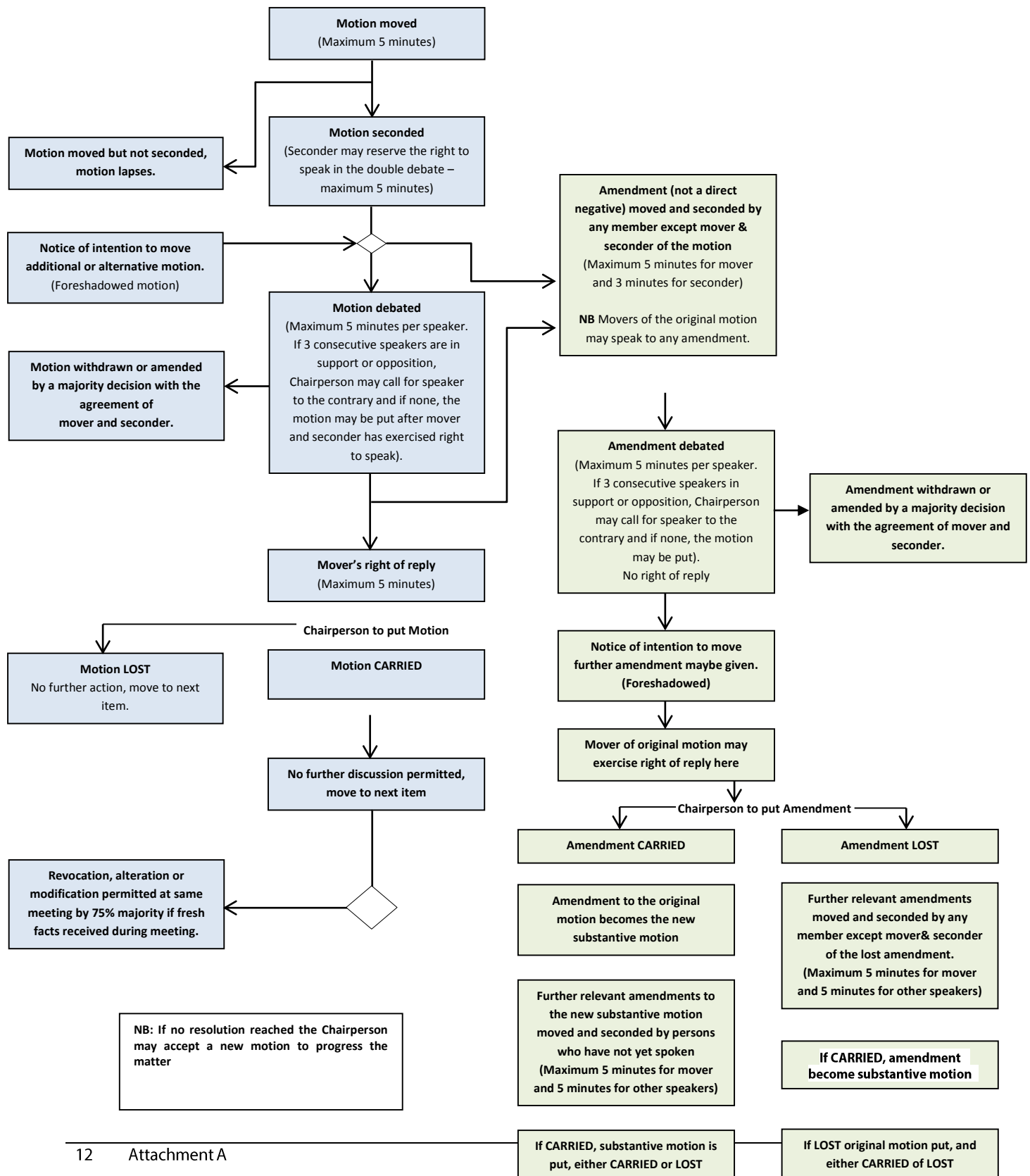
Motions with amendments



Appendix 4: Motions and amendments (Option B)

Motions without amendments

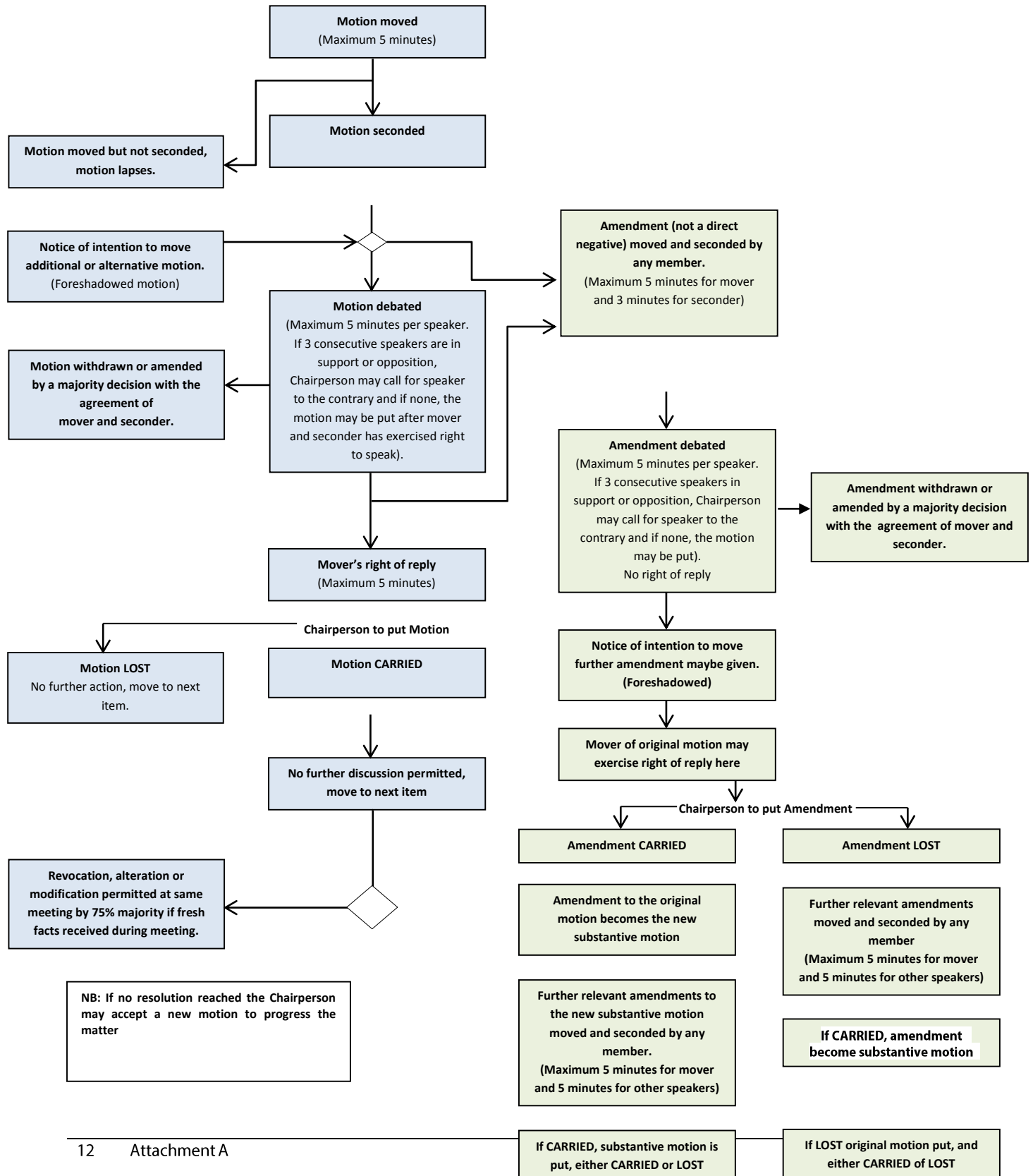
Motions with amendments



Appendix 5: Motions and amendments (Option C)

Motions without amendments

Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting; and
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) The technology for the link is available and of suitable quality; and
- (b) Procedures for using the technology in the meeting will ensure that:
 - i. Everyone participating in the meeting can hear each other;
 - ii. The member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting;
 - iii. The requirements of Part 7 of LGOIMA are met; and
 - iv. The requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present.

Appendix 9: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) To provide leadership to councillors and the people of the city or district.
- (b) To lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 10: Process for removing a Chairperson or deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) A resolution of the territorial authority or regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 11: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) A resolution of the local authority or its committees
- (b) The Mayor,
- (c) A committee Chairperson or
- (d) The chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) State that the meeting is a workshop;
- (b) Advise the date, time and place; and
- (c) Confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Record of workshop

A written record of the workshop should be kept and include:

- Time, date, location and duration of workshop;
- Person present; and
- General subject matter covered.

Appendix 12: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 13: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- Report of chief executive;
- Report of a Chairperson;
- Report of a committee;
- Report of a community and/or local board; or
- Notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- Report of chief executive; or
- Report of Chairperson.

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

Elected Member's Remuneration

Record No: R/19/7/12223
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☐ Decision ☒ Recommendation ☐ Information

Purpose

- 1 The purpose of the report is to provide information on the process for the setting of elected member remuneration and make a recommendation to the Remuneration Authority on the levels of remuneration for positions of responsibility (Deputy Mayor and Committee Chairpersons) and elected members (Councillors).

Executive Summary

- 2 The Remuneration Authority (RA) is responsible for regulating and setting remuneration rates for select public officials, such as local and central government elected members and the judiciary.
- 3 The RA has determined the governance remuneration pool which covers remuneration payable to councillors from the beginning of the triennium. The pool set for Southland District Council is \$396,288. The pool includes the remuneration for the base councillor position and the remuneration for councillors who hold positions of additional responsibility (e.g. deputy mayor and chairperson of a committee).
- 4 Council must now consider its proposal to the RA on how the whole pool of funds is to be distributed amongst its elected members, excluding the Mayor. The Council's proposal must be submitted to the RA by 20 November 2019 for confirmation by the end of December 2019. Any increases will be backdated to the date the Council made the decision (1 November 2019). The entire pool must be allocated.
- 5 The Mayor's remuneration has been set separately by the RA. The remuneration for community boards does not come from the pool - that has been set by the RA.

Recommendation

That the Council:

- a) **Receives the report titled “Elected Member's Remuneration” dated 24 October 2019.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Recommend to the Remuneration Authority Option 1 of this report, for proposed elected member remuneration until 30 June 2020, allocate the pool for additional responsibilities as -**

Deputy Mayor	\$43,493
Committee Chairperson(2)	\$37,751
Councillor (9)	\$30,810

- e) **Requests that staff provide the necessary information to the Remuneration Authority.**

Background

- 6 The Remuneration Authority (RA) is responsible for regulating and setting remuneration rates for select public officials, such as local and central government elected members and the judiciary
- 7 The RA initiated a review of the way that local government elected members remuneration is set. After consultation with sector, the RA announced that it would only set the Mayor's remuneration and councils would have to decide and make a recommendation to the RA on how a whole pool of funds for remuneration would be allocated (excluding Auckland Council).
- 8 The RA is responsible for setting the pool of funds. The pool set for Southland district is \$396,288. This is an annualised figure. Council must allocate the entire pool. The pool does not apply to Community Boards – their remuneration is set by the RA separately. In comparison, the amount paid to councillors, committee chairpersons and the deputy mayor at the end of the in the 2016-2019 triennium was \$361,698.

Issues

- 9 The current determination is in force since 22 October 2019, following the public notice of the outcome of the election. It provides the minimum allowable remuneration rate payable to councillors on and from the day after the date on which the official result of the 2019 election was declared.

- 10 Until the remuneration rates are agreed to the RA has provided a minimum allowable remuneration rate for all councillors of \$25,874.
- 11 To give effect to the decisions made previously in the meeting regarding the governance structure and elected member appointments this forms the basis for the positions that hold additional responsibility and what the remuneration rate will be for councillor positions.
- 12 Council can either use a calculation based on a dollar figure or a ratio of a percentage of the size of a role e.g. Councillor 100 percent, Deputy Mayor 150 percent, committee chair 125 percent of a Councillor's salary etc. Staff have provided the recommendations based on a dollar figure. The resulting worksheet must be returned to the RA along with the council's proposal.
- 13 The following table shows the amounts paid in the previous triennium for the positions of responsibility and councillor remuneration. This was based on a decision to allocate 150% of the pool. If the Council had allocated the full pool of 200% that would have amounted to \$381,304. As noted in paragraph 8 of this report the Council is now obligated to allocate the entire pool.

Position	Total for position
Deputy Mayor	\$38,130
Committee Chairperson (4)	\$33,229
Councillor (7)	\$27,236
Total (12)	\$361,698

- 14 Based on the governance structure and elected member appointment decisions made earlier in the meeting if adopted, there will be three positions of additional responsibility – the Deputy Mayor, and two committee chairpersons. While there were four committee chairperson positions within the governance structure of the previous triennium, at the time of writing this report, the Councillor appointed to the position of Deputy Mayor is also proposed to be the Chairperson of the Services and Assets Committee.
- 15 Each of the councillors have been appointed to a variety of committees and organisations. In addition a councillor will be appointed to be a member of each of the nine community boards.
- 16 The position of Chairperson of the Finance and Assurance committee is proposed to be the independent member who is remunerated separately outside of the elected members and whose fee does not come from the pool for elected members.
- 17 It is recommended that Council apply the increase on a proportional basis between the figures allocated previously per position and the pool for the new triennium. Taking the number of positions into account the table below shows that outcome.

Recommended proposal to Remuneration Authority

Position	Remuneration	Total for position
Deputy Mayor	\$43,493	\$43,493

Committee Chairperson (2)	\$37,751	\$75,502
Councillor (9)	\$30,810	\$277,293
Total pool (12)		\$396,288

Factors to Consider

Legal and Statutory Requirements

- 18 This is a statutory requirement. Council is required to give effect to the requirements of the Remuneration Authority.

Community Views

- 19 This is a statutory requirement. No specific community views have been sought.

Costs and Funding

- 20 As the amount of the pool is approximately \$51,500 less than the amount budgeted in the Annual plan for elected member remuneration, once we have the approval from the RA staff will prepare an unbudgeted expenditure report to consider the difference.

Policy Implications

- 21 There are no policy implications for remuneration. The beginning of a new triennium does provide an opportunity for council to consider its policy on elected member expenses and allowances which staff will bring to council for consideration in 2020.

Analysis

Options Considered

- 22 Either recommend an increase on a proportional basis or a different basis yet to be identified

Analysis of Options

Option 1 – Recommend increase on a proportional basis

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Consistent salary increase across all elected members with additional responsibilities 	<ul style="list-style-type: none"> Allocation may not reflect the level of work

Option 2 – Allocate the increase on a different basis across the positions of additional responsibility

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> Elected members can propose what they think is appropriate 	<ul style="list-style-type: none"> May not be able to achieve an approach agreeable by all No evidence to support differentiation as it is a new structure

Assessment of Significance

- 23 This report is not considered significant.

Recommended Option

- 24 Option 1 – Recommend increase on a proportional basis.

Next Steps

- 25 If the Council adopts the recommendation, officers will advise the Remuneration Authority of the Council's proposal. Once the Authority has considered the proposal staff will advise Council and payroll so that the appropriate backdated payments can be made. This is likely to occur in January 2020.

Attachments

There are no attachments for this report.

Schedule of Meetings for remainder of 2019 and for 2020

Record No: R/19/8/20110
Author: Fiona Dunlop, Committee Advisor
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 The purpose of this report is to approve a schedule of meeting dates for the remainder of 2019 and for 2020 so that meetings can be publicly notified in accordance with the requirements set by the Local Government Official Information and Meetings Act 1987.

Executive Summary

- 2 The Local Government Act 2002 outlines various issues that Council must do at its first meeting. One issue that must be done is to fix the date and time of the first meeting of the local authority or adopt a schedule of meetings. The adoption of a meeting schedule allows for reasonable public notice preparation and planning for meeting agendas. The Local Government Official Information and Meetings Act 1987 details the requirements for public notification of meetings.
- 3 The meeting schedule details dates for Council and the Community and Strategy, Services and Assets, Regulatory and Consents and the Finance and Assurance Committees for the remainder of 2019 and all of 2020. It also list dates for consideration of the Annual Plan.
- 4 The meeting scheduled dates are all subject to the Council/Mayor's decisions regarding the governance structure which will have been addressed earlier in the meeting.

Recommendation

That the Council:

- a) **Receives the report titled “Schedule of Meetings for remainder of 2019 and for 2020” dated 22 October 2019.**
- b) **Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Adopts the proposed schedule of Council and Committee meetings for the remainder of 2019 and for 2020 as follows subject to the decisions made earlier in the meeting on the governance structure:**

Date	Meeting
Tuesday 3 December 2019	9am – Services and Assets Committee 9am – Council 1pm – Community and Strategy Committee
Wednesday 4 December 2019	9am - Regulatory and Consents Committee
Wednesday 18 December 2019	9am - Council
Thursday 30 January 2020	9am – Council
Tuesday 11 February 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Wednesday 12 February 2020	9am - Regulatory and Consents Committee
Thursday 27 February 2020	9am – Council (Draft Annual Plan)
Wednesday 4 March 2020	9am – Council
Monday 23 March 2020	9am - Finance and Assurance Committee
Tuesday 24 March 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Wednesday 25 March 2020	9am - Regulatory and Consents Committee
Wednesday 22 April 2020 (Thursday 23 April 2020 reserve day)	9am – Council (Draft Annual Plan hearings)
Wednesday 6 May 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee

Thursday 7 May 2020	9am - Council
Wednesday 20 May 2020	9am - Council
Wednesday 10 June 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 11 June 2020	9am - Regulatory and Consents Committee
Monday 22 June 2020	9am – Finance and Assurance Committee
Tuesday 23 June 2020	9am – Council meeting
Wednesday 8 July 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 9 July 2020	9am – Regulatory and Consents Committee
Wednesday 22 July 2020	9am – Council
Wednesday 5 August 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 27 August 2020	9am – Finance and Assurance Committee
Thursday 27 August 2020	9am - Council
Wednesday 9 September 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 10 September 2020	9am – Regulatory and Consents Committee
Monday 28 September 2020	9am – Finance and Assurance Committee
Tuesday 29 September 2020	9am - Council
Wednesday 7 October 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 8 October 2020	9am – Regulatory and Consents Committee
Wednesday 21 October 2019	9am - Council
Wednesday 11 November 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 12 November 2020	9am - Regulatory and Consents Committee
Wednesday 18 November 2020	9am - Council
Wednesday 9 December 2020	9am – Services and Assets Committee 1pm – Community and Strategy Committee
Thursday 10 December 2020	9am – Regulatory and Consents Committee
Tuesday 15 December 2020	9am – Finance and Assurance Committee
Wednesday 16 December 2020	9am - Council

- e) **Agree that delegated authority be granted to the Chief Executive (for Council) and the relevant Group Manager (for Community and Strategy, Services and Assets, Regulatory and Consents and Finance and Assurance Committees) following consultation with the Mayor (Council) or relevant Committee chairs to amend the meeting dates when necessary or required.**

Background

- 5 An approved schedule of meeting dates is required so that meetings can be publicly notified in accordance with the Local Government Official Information and Meetings Act 1987.

Issues

- 6 2020 will be a busy year with “bedding in” the new Council. There will be the “business as usual” items which include the Annual plan and Annual report and also planning for the 2021-2031 Long Term Plan.

Factors to Consider

Legal and Statutory Requirements

- 7 The statutory requirements for meetings and their notification of Council, Committees and Community Boards are set out in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

Community Views

- 8 Having a meeting schedule adopted enables the community to be aware of Council meetings. These will be advertised the month prior to the meeting.

Costs and Funding

- 9 Costs for advertising are provided for in the Governance budget

Policy Implications

- 10 There are no policy implications.

Analysis

Options Considered

- 11 There are two possible options – adopt a meeting schedule or not.

Analysis of Options

Option 1 – Adopt meeting schedule

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Elected members and the public are aware of the meeting dates for the year to enable sufficient time to plan and for transparency purposes.• The meeting schedule can be amended at a future date if required.• Meeting schedules for community boards and Community Development Area	<ul style="list-style-type: none">• There are no disadvantages.

Subcommittees can be organised once the Council has adopted a schedule.	
---	--

Option 2 – Not adopt a meeting schedule

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• There are no advantages.	<ul style="list-style-type: none">• Council cannot meet its statutory responsibilities.• Does not provide for transparency.• The public would have no early indication of when meetings may be scheduled.

Assessment of Significance

- 12 Not significant as defined in the Significance and Engagement policy.

Recommended Option

- 13 Option one is the recommended option.

Next Steps

- 14 If the schedule of meetings is adopted staff will advertise the meetings on a monthly basis.

Attachments

There are no attachments for this report.

Elected Members Code of Conduct

Record No: R/19/7/14589
Author: Clare Sullivan, Governance and Democracy Manager
Approved by: Rex Capil, Group Manager Community and Futures

☒ Decision ☐ Recommendation ☐ Information

Purpose

- 1 To present the proposed Elected Members Code of Conduct (the Code) for adoption by the Council.

Executive Summary

- 2 The current code of conduct was adopted by Southland District Council at the meeting on 26 October 2016.
- 3 Council is required under Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) adopt a Code which applies to all elected members (Mayor and Councillors).
- 4 While section 54 of the Local Government Act excludes the Code from applying to Community Boards it is recommended that this Code apply to all Community Boards, while they are acting under Council delegations.
- 5 The Code will apply to Council, all Council Committees, Subcommittees and Community Boards.
- 6 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 7 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Recommendation

That the Council:

- a) Receives the report titled “Elected Members Code of Conduct” dated 10 October 2019.**
- b) Determines that this matter or decision be recognised not significant in terms of Section 76 of the Local Government Act 2002.**
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) Adopts the Elected Members Code of Conduct for the Mayor and Councillors and members of the Community Boards, all Committees and Subcommittees of the Southland District Council.**

Background

- 8 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members. While section 54 of the Act excludes the Code from applying to Community Boards it is recommended that this Code apply to all Community Boards, while they are acting under Council delegations. The Code will apply to Council, all Council Committees, Subcommittees and Community Boards.
- 9 The Code (Attachment A) acts as a guide to ensure a standard of behaviour that is expected from all Elected Members (both Councillors, members of committees and subcommittees and Community Board members) of the Southland District Council in their dealings with the Chief Executive and officers employed by Council and also the public.
- 10 Once the Code is adopted it continues to remain in force until further amended by Council. The Code can be amended by Council but cannot be revoked unless Council replaces it with another code. Any amendments to the Code must be approved by Council with a resolution supported by 75% or more of the members of Council present at a meeting.

Issues

- 11 The Code has been revised and updated, to ensure that it reflects today’s expectations for a local authority Code of Conduct. It provides further options for dealing with an issue if there is a breach of the code.

Factors to Consider

Legal and Statutory Requirements

- 12 Clause 15 of Schedule 7 of the Local Government Act 2002 (the Act) requires a local authority to adopt a Code which applies to all elected members.

- 13 While section 54 of the Act excludes the Code from applying to Community Boards it is recommended that this Code apply to all Community Boards, while they are acting under Council delegations.

Community Views

- 14 This is a statutory requirement. No specific community views have been sought.

Costs and Funding

- 15 There are no costs of funding issues identified.

Policy Implications

- 16 There are no policy implications.

Analysis

Options Considered

- 17 There are two options.

Analysis of Options

Option 1 – Adopt the new Code of Conduct

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Updates the current code to make it more appropriate for the new triennium• Provides new options for dealing with issues that may arise	<ul style="list-style-type: none">• There are no disadvantages

Option 2 – retain the current Code of Conduct

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• There are no advantages	<ul style="list-style-type: none">• Council does not benefit from a code that is appropriate for the new triennium.

Assessment of Significance

- 18 This report is not considered significant.

Recommended Option

- 19 Option 1 - Adopt the new Code of Conduct.

Next Steps

- 20 If adopted the new Code of Conduct will be used if any issues arise.

Attachments

A Southland District Council - Code of Conduct - 2019/2022 Triennium - DRAFT [↓](#)



Code of Conduct – Council, all Committees and Community Boards

Draft – 1 November 2019

CONTENTS

Part One: Introduction.....	3
Part Two: Roles and Responsibilities	5
Mayor.....	5
Deputy Mayor	5
Committee Chairpersons	5
Councillors.....	6
Community Boards.....	6
Chief Executive.....	7
Meeting Attendance	7
Appointments to Other Bodies	7
Part Three: Relationships and Behaviours	8
Relationships with Other Elected Members.....	8
Relationships with Staff.....	9
Relationships with the Community.....	9
Contact with the Media.....	10
Meeting Decisions	10
Confidential Information.....	11
Information Received in Capacity as an Elected Member	11
Responding to Queries Involving Liability Issues	12
Training, Conferences and Induction.....	12
Conflicts of Interest.....	12
Standing Orders	13
Ethics.....	13
Disqualification of Members from Office	14
Part Four: Compliance and Review.....	14
Compliance	14
Responses to Breaches of the Code.....	15
Review	16
Appendix to the Code of Conduct.....	17
Legislation Bearing on the Role and Conduct of Elected Members.....	17
Local Government Official Information and Meetings Act 1987.....	17
Official Information.....	18
Requesting Information.....	18
Refusing Requests for Information.....	18
Crimes Act 1961	20
Securities Act 1978	20
Local Government Acts 1974 and 2002.....	20
Resource Management Act 1991	22
Privacy Act 1993	22
Health and Safety at Work Act 2015	22
Public Audit Act 2001	22

Part One: Introduction

Schedule 7 of the Local Government Act 2002 (the Act) requires Council to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

In the context of this report, the term “elected members” refers to the Mayor, Councillors, members of committees and Community Board members.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Southland District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, Subcommittees and Community Boards.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Southland District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

Elected members are primarily accountable to the electors of the district through the democratic process. However, elected members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members' Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward or community that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

Part Two: Roles and Responsibilities

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act 2002 have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions.

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Southland District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Southland District there are nine community boards:

- Ardlussa Community Board
- Fiordland Community Board
- Northern Community Board
- Oreti Community Board
- Oraka Aparima Community Board
- Stewart Island/Rakiura Community Board
- Tuatapere Te Waewae Community Board
- Waihopai Toetoe Community Board
- Wallace Takitimu Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Southland District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Southland District Council within the community
- prepare an annual submission to the Southland District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Southland District Council.

Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards.

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and Subcommittee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

Part Three: Relationships and Behaviours

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- treat people with courtesy and respect.

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members will create a supportive and inclusive environment by:

- Take all reasonable steps to participate in activities scheduled to promote a culture of mutual trust, respect and tolerance including attending post-election induction process
- Taking part in any assessment of council's overall performance and operating style during the triennium
- Taking all reasonable steps to ensure they possess the skills and knowledge to effectively fulfil their declaration of office and contribution to the good governance of the Council's district.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will make no allegations regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Executive Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Support who will enter the issue into our Request for Service system (RFS). This enables progress on these issues to be monitored.

Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. From time to time, individual elected members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of elected members when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson

- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a personal view in the media provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, or legislation e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory and Consents Committee, where this might compromise the statutory decision-making processes.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Confidential Information

In the course of their duties elected members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member. Decisions on whether confidential information is able to be released are to be made by the Chief Executive in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member is official information under the Local Government Official Information and Meetings Act 1987 (LGOIMA). As such the Council has a requirement to hold that information in accordance with the provisions of LGOIMA and the Public Records Act 2005. As such a copy of any such information should be provided to the Chief Executive so that it can be held in accordance with Council record management policies.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government New Zealand Conference, Local Government New Zealand Zone meetings and New Zealand Planning Institute Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

In the case of a Community Board elected member, an approach should be made to the Chairperson.

Costs incurred with attending training and conferences will be managed in accordance with the Elected Member Remuneration and Reimbursements Policy and the Sensitive Expenditure Policy.

Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Elected members therefore need to familiarise themselves with the provisions

of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary or other conflict of interest arise.

Elected members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the elected member or the elected member's spouse for profit or gain
- any company, trust, partnership etc for which the elected member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Southland District Council
- the address of any land where the landlord is the Southland District Council and:
- the elected member or their spouse is a tenant, or
- the land is tenanted by a firm in which the elected member or spouse is a partner, or a company of which the elected member or spouse is a director, or a trust of which the elected member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Standing Orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Southland District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$300 excluding GST or more is offered to an elected member, immediately disclose this to the Chief Executive for inclusion in the register of interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or are convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

Part Four: Compliance and Review

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is

made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

All alleged breaches of the code should be reported to the Mayor or Chief Executive. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

In response to a breach, the Executive Committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information, could impinge on the privacy of a member of staff or of the general public or other good reason, as defined in LGOIMA, exists for considering it in public excluded.

Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render elected members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the elected member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- censure
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.
- request an apology
- removal of certain council-funding privileges (such as attendance at conferences)
- restricted entry to Council offices such as no access to staff areas
- limitations on any dealings with council staff so that they are confined to the CE only

A decision to apply one or more of these actions requires a Council resolution to that effect.

Council may decide that a penalty will not be imposed where a respondent agrees to one or more of the following:

- Attend relevant training course and/or;
- Work with a mentor for a period of time and/or;
- Participate in voluntary mediation (if the complaint involves a conflict between two members) and/or;
- Tender an apology.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

Appendix to the Code of Conduct

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where an elected member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that elected member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another elected member is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

The Local Government Official Information and Meetings Act 1987 sets out the rules around provision of information. This is summarised as follows:

Official Information

The term “Official Information” refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with “due particularity” (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information
 - avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
 - protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
 - maintain free and frank discussion or protect officers and elected members from harassment
 - maintain legal professional privilege

- enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
- prevent the use of information for improper gain.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is:
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

In performing its role a local authority must have particular regard to the contribution that the following core services make to its communities

- (a) network infrastructure;
- (b) public transport services;
- (c) solid waste collection and disposal;
- (d) the avoidance or mitigation of natural hazards;
- (e) libraries, museums, reserves, recreational facilities and other community infrastructure

“(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:

- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.”

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

“(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and

omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:

- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
- (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
- (c) a liability has been unlawfully incurred by the local authority; or
- (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.”

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Health and Safety at Work Act 2015

Council has obligations to provide a safe working place for staff and members of the public. Attendance to health and safety concerns is part of the responsibility of each staff member and elected member.

Significant penalties exist where the provisions of the Health and Safety at Work Act 2015 are not adhered to.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

Unbudgeted expenditure approval for review of possible Luxmore development at Te Anau

Record No: R/19/10/22764

Author: Kevin McNaught, Manager Property Services

Approved by: Matt Russell, Group Manager Services and Assets

☒ Decision

☐ Recommendation

☐ Information

Purpose

- 1 To seek Council's approval for a recommendation from the Te Anau Community Board for unbudgeted expenditure of \$32,700 plus GST to undertake a review and options for a proposed further Luxmore development.

Executive Summary

- 2 The remaining area of the Luxmore subdivision, has yet to be developed and offered to the market. Earlier this year the Te Anau Community Board sought quotes to review the consented layout and to see what options there may be to improve on it due to the changing nature of the market since the subdivision was originally approved.
- 3 The work was not budgeted for in the Long Term Plan and an unbudgeted expenditure report and approval is therefore required for this review to be undertaken.

Recommendation

That the Council:

- a) **Receives the report titled "Unbudgeted expenditure approval for review of possible Luxmore development at Te Anau" dated 21 October 2019.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Approves unbudgeted expenditure of \$32,700 plus GST for a Luxmore development review to be funded from the Luxmore development reserve.**

Background

- 4 The remaining area of the Luxmore subdivision, has yet to be developed and offered to the market. Earlier this year, the Te Anau Community Board sought quotes to review the consented layout and to see what options there may be to improve on it due to the changing nature of the market since the sub-division was originally approved.
- 5 In particular the Board wanted to know whether there were alternatives that:
- provided opportunities for affordable housing options
 - allowed for blended housing solutions/mixed stock
 - ensured that the land was used effectively and efficiently
 - catered for reserves/open spaces to enhance wellbeing; and
 - was mindful of the existing residential activity and industrial zoning adjacent to Luxmore land.

Issues

- 6 In recent times there have been growing pressures in Te Anau in the housing and rental markets which mirror the national trends. As Te Anau and Milford Sound *Piopiota* get busier as visitor destinations the demand for short-term accommodation, staff accommodation, general residential rentals, and affordable housing also increases. A review of what to include in the next stage of the Luxmore subdivision is therefore timely.
- 7 There are not specific issues that Council needs to consider in relation to this unbudgeted expenditure report other than acknowledging by approving this report, that a review like this comes at a cost that needs to be funded.

Factors to Consider

Legal and Statutory Requirements

- 8 This report is seeking funding only to undertake the review and as such there are no legal and statutory requirements beyond the unbudgeted expenditure process. That process means that because the cost of the project is greater than the financial delegation for the Te Anau Community Board for unbudgeted expenditure, approval for it from Council is required.

Community Views

- 9 The Te Anau Community Board at its meeting on 25 September 2019 resolved to recommend to Council that this unbudgeted expenditure be approved.

Costs and Funding

- 10 This report is seeking funding only to undertake the review. That process means that because the cost of the project is greater than the financial delegation for the Board for unbudgeted expenditure, it must seek approval for it from Council.
- 11 The balance of the Luxmore development reserve is significant and therefore is able to fund this unbudgeted expenditure of \$32,700 plus GST.

Policy Implications

- 12 There are no policy implications related to this report as prices for the review have been sought.

Analysis

Options Considered

- 13 The options are to either fund the review or not.

Analysis of Options

Option 1 – Fund the review for the proposed Luxmore development

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• Council and the Te Anau Community Board will have more information on which to base its decisions on the development of the last stage of the Luxmore subdivision• there may be advantages to the community socially and/or financially to the community from reconsidering the current consented layout• the outcomes identified may help address some of the housing market issues being raised by some members of the community.	<ul style="list-style-type: none">• none identified.

Option 2 – Do not fund the review of the proposed Luxmore development

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none">• no costs incurred.	<ul style="list-style-type: none">• Council and the Board are likely to miss out on useful market intelligence and not have as much critical information to assist it in making decisions on what to do with the subdivision.

Assessment of Significance

- 14 This decision is not considered significant as it does not trigger any of the Council's significance criteria.

Recommended Option

- 15 Option 1, that the unbudgeted expenditure be approved for the review.

Next Steps

- 16 Have the review undertaken.

Attachments

There are no attachments for this report.

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Recommendation

That the public be excluded from the following part(s) of the proceedings of this meeting.

C17 Finance and Assurance Committee - Re-appointment of External Member

C18 Risk Management Update - September 2019 Quarter

C19 Proposed Land Acquisition Otautau

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Finance and Assurance Committee - Re-appointment of External Member	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Risk Management Update - September 2019 Quarter	s7(2)(e) - The withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate material loss to members of the public. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Proposed Land Acquisition Otautau	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.