

# Committee and Rural Community Board Register of Delegations

2019-2022

# Schedule of Amendments, Additions and Deletions

Date	Page	Amendment/Addition/Deletion and Name/s of Relevant Committee/Subcommittee	Authorisation
3 April 2020	11	Risk and Assurance Committee – 7 total members (increased from 6); 3 external independent members (increased from 2); Quorum now 4 (increased from 3)	Council meeting on 19 March 2020
28 July 2020	10	Terms of Reference amended for Hearings Committee (now also includes HDC Class 4 Gambling Venue Policy)	Council meeting on 14 July 2020
29 July 2020	20, 21 & 22	2 Youth Council appointees plus 1 Youth Council alternate appointed to each of District Development, Eco District & Great Communities Subcommittees (NON VOTING)	Council meeting on 14 July 2020

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# Part 1 Introduction

## 1. Role of the Committee & Rural Community Board Register of Delegations

This Committee & Rural Community Board Register of Delegations (the **Register**) has been adopted by the Hastings District Council (**Council**) to define its governance relationships and responsibilities.

## 2. Philosophy of Council Regarding Delegations

Council believes it is essential, in the interests of good management and effective administration, to encourage the delegation of decision making to the most appropriate level of competence. This should ensure best use of the abilities of elected representatives, minimise the cost of material, technical and financial resources and enable efficient/effective consideration and decision-making.

Authority and responsibility go together. Those with 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 will not remove from the Council and management the ultimate accountability for the affairs of Council.

It is the statutory function of Council to lead and guide the good management of Hastings District. Council achieves this by determining primary goals and objectives and setting strategies and policies for the achievement of these objectives through the considered use of committees and the appointment of a Chief Executive.

Officers through delegation from the Chief Executive contribute to strategy and policy formulation, implementation and administration to provide and manage the infrastructures and services on which Hastings District is based.

In accordance with Section 39(c) of the Local Government Act 2002, the Council must maintain a clear separation between regulatory and service delivery functions. The management structure must also reflect this separation. The delegations to both committees and staff have been written to coincide with this statutory imperative.

A power to hear evidence or consider a proposal is not a delegation and is not therefore generally included in this Register. This Register has been prepared on the basis that all committees and subcommittees have authority to hear any matter within their jurisdiction and decide the matter or submit a report or recommendation to a higher authority unless that is prohibited by law.

## 3. Characteristics of Delegations

Council does not lose the function, power or duty by delegation and may exercise this concurrently with those to whom it has granted a delegation (the **Delegate**).

The Delegate, while having the authority to make a decision under delegation, has the right not to exercise that delegation and therefore not make a decision. In such instances, the Delegate should refer the matter to the delegator.

Schedule 7, clause 30(6) of the Local Government Act 2002 makes clear that a local authority or committee is not able to rescind or amend a decision made under a delegation. The Council would be bound by the decision to the extent that the decision had already become binding on the Council by the operation of law and could not be reversed.

The delegations contained in this Register are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation including (but not limited to) the Resource Management Act 1991, Building Act 2004, Dog Control Act 1996 and Reserves Act 1977.

#### **4. Functions that Council Cannot Delegate**

Under the Local Government Act, Council can delegate all statutory powers other than the following:

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

#### **5. Delegation to Officers**

Council can only delegate certain powers to officers. Delegations to the Chief Executive are contained in a separate Register (Register of Delegations to the Chief Executive). Staff members receive their delegations from the Chief Executive. These delegations are contained in separate delegations registers including the Statutory Delegations Register.

#### **6. Sub-delegation**

Every committee may further delegate any power granted to them in this Register or otherwise by the Council either generally or specifically, and may impose any term or condition upon that sub-delegation.

#### **7. Reporting Decisions**

A Delegate need not generally report decisions to the person or body that granted the delegation, except that all tenders accepted under delegated authority are to be reported by the Delegate (in this case either a Department Manager, the Management Team, or a Standing Committee) to the next higher level of authority (either the Chief Executive via the Management Team, Standing Committee or Council) at the earliest opportunity.

#### **8. Term of Delegation**

Unless any delegation is expressed to be for a definable term, it shall continue until revoked by the delegator or Council, or withdrawn in any way by operation of law.

#### **9. Policy and Delegated Decision Making**

In reaching a decision under delegated authority full regard must be had to both:

- a) any Council policy applying to an issue; and
- b) all relevant facts applying to the case.

Should any Delegate, having considered all the facts of the case, be unable to make a decision which complies with Council policy on any matter, the correct action is then to refer the matter to Council.

## 10. Amendments to this Register

This Register shall be maintained by the Manager, Democracy and Governance Services who shall amend it in accordance with:

- a) Any instruction to that effect given by the Council; or
- b) Any need for typographical, grammatical or other minor amendment where the intention of the Council in the matter of a delegation is not altered.

This Register will be revised after each Triennial Election. This process will be initiated by the Manager, Democracy and Governance Services.

## 11. Council Committee Principles

Council Committees will be assigned responsibility and operate in a way that reinforces the wholeness of the Council's function and does not interfere with the delegation from the Council to the Chief Executive.

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

## 12. Committees

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

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

A Committee may delegate any of its functions, duties, or powers to a Subcommittee, subject to any conditions, limitations, or prohibitions imposed by Council or the Committee.

A Subcommittee may comprise Elected Members or staff (Clause 31(4)(b)) or other persons but the minimum number of members of the subcommittee is two (Clause 31(6)(b)).

### 13. Role of the Mayor

The role of the Mayor is to provide leadership to the other elected members of Council and the Hastings District Community. The Mayor leads the development of our Long Term Plan and Annual Plan, policies and budgets.

The Mayor is a member of all committees of Council, may establish committees and may appoint chairs of committees.

### 14. Hastings District Rural Community Board

The Rural Community Board is a separate entity to Council and is not a committee of Council.

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

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

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

### 15. Appointment of Committees

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

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

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

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

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

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

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

### 16. Principles of Council's Committee Structure

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

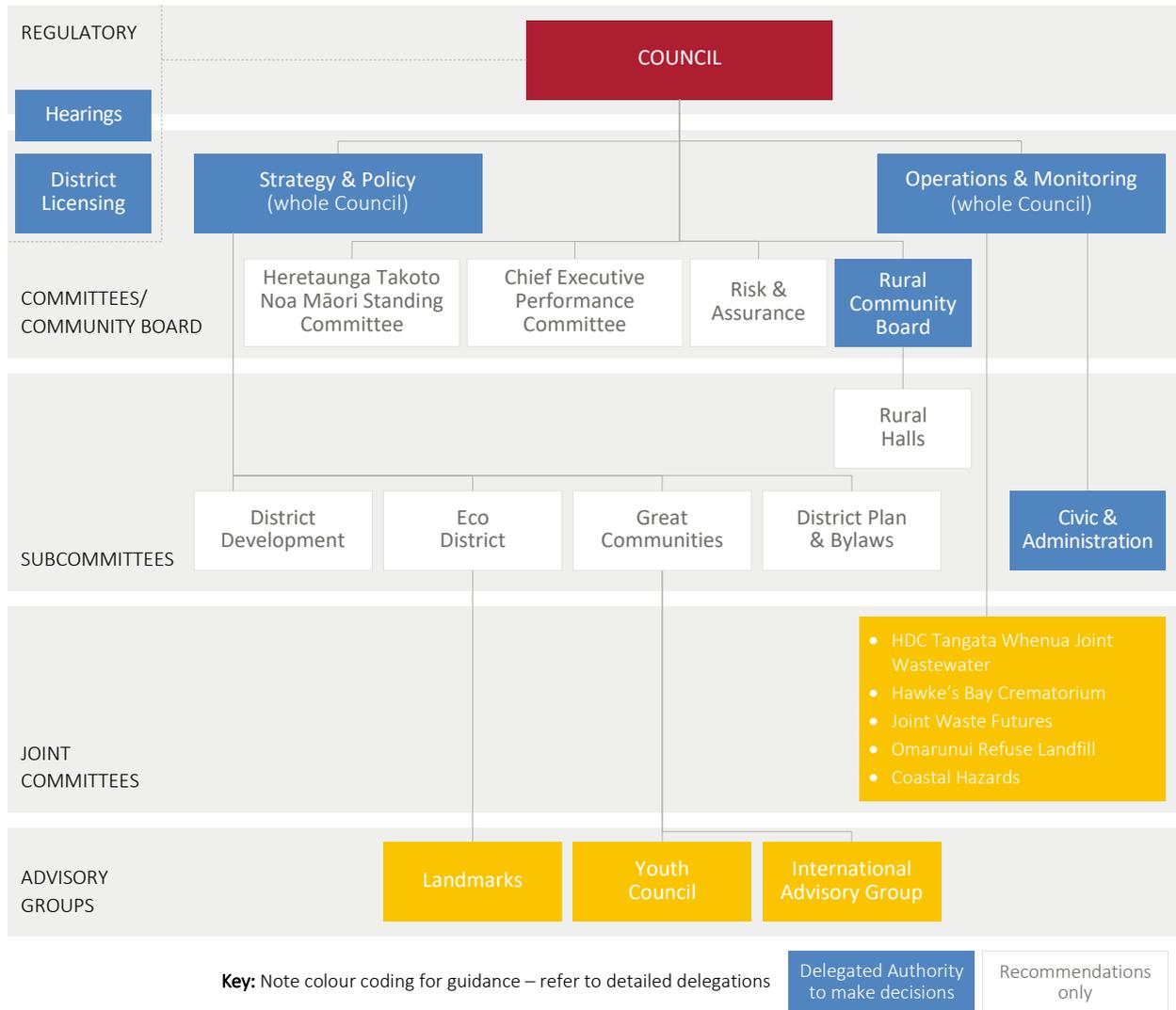
- 1) There should be appropriate separation between the Council's
  - Strategy and policy development functions,
  - Monitoring of finances and operational performance, and
  - Role in regulatory matters (see 39(c) of the Local Government Act 2002).
- 2) Other Committees and Subcommittees (to support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

## 17. Ambiguity and Conflict

In the event of ambiguity or conflict between any of the provisions contained in the Delegations Register, resulting in uncertainty or dispute as to where the authority is held to act in respect of a particular matter, the Chief Executive will prepare a written report in respect of that uncertainty or dispute and submit the same to the Mayor (or the Deputy Mayor in the absence of the Mayor) for consideration and determination. The decision of the Mayor (or Deputy Mayor in the absence of the Mayor) will be final and binding.

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

For guidance the committee structure is shown graphically below.



# Part 2 Standing Committees

## 1. Strategy and Policy Committee

### Fields of Activity

The purpose of the Strategy and Policy Committee is to develop all strategic, policy and planning frameworks for approval by Council.

### Membership (Mayor and 14 Councillors)

- Chair appointed by Council.
- Deputy Chair appointed by Council.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- Chair of the Rural Community Board appointed by Council.

### Quorum – 8 members

#### DELEGATED POWERS

- 1) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law or otherwise delegated to another committee) in relation to all matters detailed in this delegation.
- 2) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law) at any time when the Chief Executive certifies in a report that;
  - a) the matter is of such urgency that it requires to be dealt with, or
  - b) the matter is required to be dealt with, prior to the next ordinary meeting of the Council.
- 3) Establish strategic direction to deliver Council Objectives and District Vision.
- 4) Establish policies and guidelines for decision making to assist in achieving strategic outcomes.
- 5) Establish levels of service across Council services in line with strategic goals and priorities.
- 6) Receive and consider reports from Subcommittees.
- 7) Develop draft bylaws for adoption by Council.
- 8) Develop and recommend the financial and infrastructure strategies and budgets for the Long-Term Plan, Annual Plan and Annual Report.
- 9) Consider and approve constitutions and any shareholder agreements for Council Controlled Organisations and other organisations that Council has an interest in.
- 10) Develop the Rating Policy for recommendation to Council for adoption.
- 11) Develop Funding Policies for recommendation to Council for adoption.
- 12) Delegations of powers to sub-committee(s) if so established.
- 13) Approve the purchase of and disposal of land (If included in the Long Term Plan).
- 14) Making submissions on behalf of Council to proposals by other organisations/authorities (Local and Regional).
- 15) Conversion of terminating leases to renewable leases and the settlement of terms except in the case of leases under the Reserves Act.

## 2. Operations and Monitoring Committee

### Fields of Activity

The purpose of the Operations and Monitoring Committee is to ensure consolidated and complete reporting and monitoring of all financial and non-financial information and performance measures against the Annual Plan, Long-Term Plan and Council Strategies, Goals and Priorities.

### Membership

- (Mayor and 14 Councillors).
- Chair appointed by Council.
- Deputy Chair appointed by Council.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.

### Quorum – 8 members

#### DELEGATED POWERS

- 1) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law or otherwise delegated to another committee) in relation to all matters detailed in the Fields of Activity.
- 2) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law) at any time when the Chief Executive certifies in a report that;
  - the matter is of such urgency that it requires to be dealt with
  - the matter is required to be dealt with, prior to the next ordinary meeting of the Council.
- 3) Monitor the performance of Council in terms of the organisational targets set in the Long Term Plan and Annual Plan – both financial and nonfinancial.
- 4) Monitor operational performance and benchmarking.
- 5) Undertake quarterly financial performance reviews.
- 6) Develop the Draft Annual Report and carry forwards.
- 7) Monitor and review the performance of Council Controlled Organisations and other organisations that Council has an interest in.
- 8) Monitor and review tender and procurement processes.
- 9) Monitor major capital projects.
- 10) Recommend to Council on matters concerning project decisions where these are identified as a result of the committee's project monitoring responsibilities.
- 11) Writing off outstanding accounts for amounts exceeding \$6,000 and the remission of fees and charges of a similar sum.
- 12) Settlement of uninsured claims for compensation or damages where the amount exceeds the amounts delegated to the Chief Executive.
- 13) Guarantee loans for third parties such as local recreational organisations provided such guarantees are within the terms of Council policy.
- 14) Authority to exercise the Powers and Remedies of the General Conditions of Contract in respect of the Principal taking possession of, determining, or carrying out urgent repairs to works covered by the contract.
- 15) Grant of easement or right of way over Council property.
- 16) Approve insurance – if significant change to Council's current policy of insuring all its assets.

### 3. Hearings Committee

#### Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991.
- Building Act 2004.
- Health Act 1956.
- Dog Control Act 1996.
- Litter Act 1979.
- Hastings District Council Bylaws.
- Local Government Act 1974.
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership 10 Hearings Commissioners (comprising at least 7 seven elected members of Council and up to 3 externally appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including externally appointed members.
- Deputy Chair appointed by the Council from the membership including externally appointed members.
- Under section 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
  - Applications for Resource Consents.
  - Notice of Requirements given under section 168 or 189.
  - Requests under clause 21(1) of Schedule 1 for a change to be made to a Plan.
  - Reviews of Resource Consents.
  - Applications to change or cancel Resource Consent Conditions.
  - Proposed Policy Statements and plans that have been notified.
  - Any hearing of an objection under section 357C.

#### Quorum

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioner.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

## 4. Risk and Assurance Committee

### Fields of Activity

The Risk and Assurance Committee is responsible for assisting Council in its general overview of financial management, risk management and internal control systems that provide;

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

### Membership

- Membership (7 including 4 Councillors).
- Independent Chair appointed by Council.
- Deputy Chair appointed by Council.
- 3 external independent members appointed by Council.

### Quorum – 4 members

#### DELEGATED POWERS

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

## 5. Heretaunga Takoto Noa Māori Standing Committee

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

### Context

The Heretaunga Takoto Noa Māori Standing Committee has been established by Council to continue the development of strategic and sustainable relationships with Māori. Council shall meet the intent and spirit of the Council's obligations set out in the legislation more particularly the obligations of the Local Government Act 2002;

Towards establishing and maintaining processes that provide opportunities for Māori to contribute to the decision processes of Council.

Fostering the development of Māori capacity to contribute to these processes.

The provision of information to assist Māori contribution to Council's activities.

The Council wishes the Committee to reflect a spirit of partnership between the Council and the community and to contribute effectively to the Council's activities. To enable this to occur the Fields of Activity and Delegated Powers are framed with the widest scope possible.

The Council wishes the Committee to assist with the development of an integrated policy framework (based on Treaty of Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Māori Communities.

### Fields of Activity

- To provide policy advice with respect to the District Plan, regarding provisions for Wāhi Tapu, Papakainga, and where relevant to Tangata Whenua, any other amendments to the Plan.
- To provide input to the Long Term Plan and Annual Plan with particular reference to those issues of importance to Māori from within the District.
- To host Council Hui and Hapu events.
- To provide insight into Māori and other strategic community issues with particular reference to the Long Term Plan, the effectiveness of the District Plan and the delivery of the Annual Plan.
- To consider and recommend Māori capacity building activities within budget and resource constraints of Council.
- To assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community including advice on governance arrangements.
- To make decisions as to the allocation of Marae Development Fund grants within the allocated budget.
- To assist Council with the development of an integrated policy framework and work programme to enable effective governance, engagement and service delivery for Council's Māori Communities.
- To nominate from among its members people whom it considers appropriate for the Council to appoint as members of its other Committees and Subcommittees.

### Membership (12 Members)

- Chair – to be elected at the first meeting of the Committee at the beginning of each triennium; and from among the appointed Tangata Whenua members of the committee.
- Deputy Chair – to be elected at the first meeting of the Committee at the beginning of each triennium from among the elected members of the committee.
- The Mayor.
- 5 Councillors.
- 6 members from Tangata Whenua to be appointed by the Council and Kaumatua, taking into account the *“post settlement environment”* and Mataawaka.

Quorum – at least 3 Councillor Members and 3 Tangata Whenua Appointees

#### DELEGATED POWERS

- 1) Authority to exercise all Council powers, functions and authorities in relation to the matters detailed in the Fields of Activity such as to enable recommendations to the Council on those matters.
- 2) Authority to make decisions on the allocation of Marae Development Fund grants within the allocated budget.
- 3) Authority to develop procedures and protocols that assist the Committee in its operation provided that such procedures and protocols meet the statutory requirements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 and Council's Standing Orders.

The Chair shall not have a casting vote.

**Note:** The Terms of Reference for the Heretaunga Takoto Noa Māori Standing Committee are subject to review by the Committee at its first meeting in the 2019 Triennium.

## 6. Hastings District Licensing Committee

A statutory Committee under the Sale and Supply of Alcohol Act 2012.

### Fields of Activity

- To consider and determine applications for Licences and Manager's Certificates.
- To consider and determine applications for renewal of licences and manager's certificates.
- To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Sale and Supply of Alcohol Act 2012.
- To consider and determine applications for the variation, suspension, or cancellation of special licences.
- To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Sale and Supply of Alcohol Act 2012.
- With the leave of the Chair for the Licensing Authority, to refer applications to the Alcohol Regulatory Licensing Authority.
- To conduct inquiries and to make reports as may be required of it by the Licensing Authority under section 175 of the Sale and Supply of Alcohol Act 2012.
- Any other functions conferred on licensing committees by or under this Act or any other enactment.

### Membership

- Chair appointed by Council.
- Deputy Chair appointed by Council.
- 2 members selected by the Chair from a list developed and maintained by Council.

### Quorum

For uncontested applications only the Chair, or Deputy Chair in the Chair's absence, is required.

For contested applications 3 list members including the Chair or the Deputy Chair in the Chair's absence.

#### STATUTORY POWERS

A licensing committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

### Committee Secretary

The Chief Executive is the Secretary of the Hastings Licensing Committee.

## 7. Chief Executive Performance Committee

### Context

The Chief Executive Performance Committee enables an effective and constructive approach to managing the employment relationship with Council's sole employee, the Chief Executive (CE). The Committee is predominantly responsible for leading and managing processes in relation to performance review and planning, remuneration, employment relations issues should they arise, and leading the process for CE appointments. The clear direction of the Mayor is that the full Council will be appropriately involved throughout aspects of these various processes, however to effectively administer the employment relationship, a Committee is the most appropriate body and strongly recommended as best practice by the local government sector.

The work of the CE Performance Committee provides a formal process of considering the employment relationship between the Council and the CE, to ensure there is common understanding of desired outcomes, to foster the relationship and communication between the CE and employer, and to provide feedback on performance to the CE.

A key function of the Committee will be to lead the process of CE Performance Review & Planning. In setting performance indicators and conducting performance reviews, the parties must take into account the requirements of the Local Government Act 2002, as follows;

### *Part 4 Section 42 Chief Executive*

- (2) *A chief executive appointed under subsection (1) is responsible to his or her local authority for:-*
- (a) *implementing the decisions of the local authority; and*
  - (b) *providing advice to members of the local authority and to its community boards, if any; and*
  - (c) *ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an act, regulation, or bylaw, are properly performed or exercised; and*
  - (d) *ensuring the effective and efficient management of the activities of the local authority; and*
    - (d)(a) *facilitating and fostering representative and substantial elector particularly in elections and polls held under the Local Electoral Act 2001; and*
  - (e) *maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and*
  - (f) *providing leadership for the staff of the local authority; and*
  - (g) *employing, on behalf of the local authority, the staff of the local authority 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.*
- (3) *A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority –*
- (a) *reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and*
  - (b) *is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.*
- (4) *For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.*

And

### **Terms of employment of Chief Executive**

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

The CE Performance Review & Planning process commences with an agreement between the CE and their employer on the Performance Plan for the coming financial year. This Performance Plan includes overarching performance expectation information as well as specific Key Performance Indicators. The Key Performance Indicators detail the performance area, the specific goals and objectives, and the targets or measures.

It is the Mayor's intention to gather input from all Councillors and other stakeholders, when undertaking the process to determine performance expectations, Key Performance Indicators and desired behaviours/competencies, as well as when reviewing achievement of those during the review phase.

An experienced consultant will be retained to facilitate the process for performance review and planning. The role of the consultant is not one of decision maker, appraiser or evaluator, but is to assist and guide the Committee.

### Membership

- Mayor is the Chair
- Deputy Mayor
- External Consultant

### Quorum – 3 members

**Note:** attendance at any meetings of the Chief Executive Performance Committee is restricted to those members specifically appointed. The Chair may remove this restriction at her discretion, and given the intentions documented above, this is likely to occur.

### **DELEGATED POWERS**

- 1) Review the Chief Executive's performance at least annually on the results achieved against:
  - Overarching Performance Expectations.
  - Key Performance Indicators.
  - Competencies/Behaviours
- 2) Assess the Chief Executive's performance.
- 3) Set new objectives for subsequent years.
- 4) Report to Council at the completion of performance review processes.
- 5) Recommend to Council remuneration changes for the Chief Executive in line with employment agreement requirements.
- 6) As required, lead the appointment process for a Chief Executive and make appropriate recommendations to Council.
- 7) Manage any employment relations issues that may arise.
- 8) Engage external advisors as required.

# Part 3 Community Board

## 1. Hastings District Rural Community Board

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

Membership (6 members)

- Chair (elected by the Board).
- Deputy Chair (elected by the Board).
- 4 Elected Community Board Members.
- 1 Mohaka Ward Councillor.
- 1 Kahuranaki Ward Councillor.

Quorum – 4 members

### DELEGATED POWERS

#### General

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

Long Term Plan/Annual Plan/Policy Issues

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

## Roading and Traffic

Authority to exercise the Council's powers and functions in relation to roads within the Board's area under the following sections of the Local Government Act 1974:

- Section 335 (vehicle crossings);
- Section 344 (gates and cattle stops);
- Section 355 (overhanging trees).

Authority to exercise the Council's statutory powers (including any relevant powers conferred by bylaw) over roads within the Board's area in respect of;

- Road user behaviour at intersections.
- Controls on stopping or overtaking.
- Controls on turning.
- Pedestrian safety.
- Footpath maintenance and improvements.
- Accident investigation studies, lighting and other safety works.

For the avoidance of doubt, nothing in this delegation authorises a Community Board to deal with a matter, in the exercise of delegated authority, in a manner which is in conflict with any policy or decision of Council or any standing committee of Council in relation to the same matter.

## 2. Rural Halls Subcommittee

A subcommittee of Council.

### Fields of Activity

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

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

### Membership (8 Members)

- The Chair is also the Chair of the Rural Community Board.
- 6 Rural Community Board Members (including 1 Mohaka Ward Councillor and 1 Kahuranaki Ward Councillor).
- 2 Heretaunga Ward Councillors.

Quorum – 4 members

#### DELEGATED POWERS

- 1) Review Applications for Grants from Rural Halls Maintenance Fund.
- 2) Recommending the allocation of grants within the allocated funding.
- 3) Recommending changes in criteria for grants from the Rural Halls Maintenance Fund.

# Part 4 Subcommittees

## 1. District Development Subcommittee

A Subcommittee of the Strategy and Policy Committee.

### Fields of Activity

The District Development Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council Officers in respect of the drafting of Council's District Development Strategies and providing oversight of community engagement through the Special Consultative Procedures.
- Providing oversight of the development of Council's District Development Strategy.
- Providing oversight of the implementation of Council's Housing Development, Transport Development, Economic Development, Urban Zone Development and City Centre Revitalisation and Central Business Districts Development Strategies.
- Providing oversight of the development of the Council's 3 Waters strategy.
- Providing guidance to Council Officers relating to development of rating policies and the reviews of existing rating policy.

### Membership

- 8 Councillors.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- 2 Youth Council Members appointed by Council (non voting)
- 1 Youth Council Member (Alternate) appointed by Council (non voting)
- Chair appointed by Council.
- Deputy Chair appointed by Council.

### Quorum – 4 members

#### DELEGATED POWERS

- 1) To review and provide comment on draft District Development Strategies, and to recommend to the Strategy and Policy Committee the adoption of draft Strategies for consultation.
- 2) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed District Development Strategy for adoption by the Committee or Council.
- 3) To recommend to the Strategy and Policy Committee changes to rating policy for consideration for inclusion in the Long Term Plan and Annual Plan.

## 2. Eco District Subcommittee

A Subcommittee of the Strategy and Policy Committee.

### Context

The Eco District Strategy works in tandem with the District Development and Great Communities Strategies. This forms the environmental lens to our business, recognising that the other strategies have a more primary focus on both the Economic, and Social/Cultural wellbeing dimensions of the Local Government Act 2002.

It recognises that for real success environmental wellbeing cannot be traded for economic gain and that we want a future-focused district that plans and cares about the future, enhancing its natural and built environment. We need to rise to the challenges of the future and realise the benefits to society from creating clean energy, lowering carbon emissions and reducing our ecological footprint. Our response to changes in our economy, society and climate must leave our environment in a better place. A key role for Council is to grow our district in a sustainable way.

### Fields of Activity

The Eco District Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council officers in respect of the drafting of Council's ECO District Strategies and providing oversight of any relevant Special Consultative Procedures.
- Providing oversight of the implementation of the Council's ECO District Strategies.
- Providing oversight of the implementation of Councils Green Corridor, Reserve Management Plans, Climate Change, Coastal Hazards, Sustainability and Biodiversity strategies.

### Membership

- 6 Councillors.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- 2 Youth Council Members appointed by Council (non voting)
- 1 Youth Council Member (Alternate) appointed by Council (non voting)
- Chair appointed by Council.
- Deputy Chair appointed by Council.

Quorum – 3 members

#### DELEGATED POWERS

- 1) To review and provide comment on draft new or revised ECO District Strategies and to recommend to the Strategy and Policy Committee the adoption of draft Strategies for consultation.
- 2) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed ECO District Strategy for adoption by the Committee or Council.
- 3) To review and provide comment on new or revised Reserve Management Plans and to recommend to the Strategy and Policy Committee the adoption of draft Reserve Management Plans for consultation.

### 3. Great Communities Subcommittee

A Subcommittee of the Strategy and Policy Committee.

#### Fields of Activity

The Great Communities Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council officers in respect of the drafting of Council's Community Strategies, and providing oversight of any relevant Special Consultative Procedures.
- Providing oversight of the implementation of Council's Community Strategies.
- Providing oversight of the implementation of Councils Community Plans, Fabulous Flaxmere, Safer Hastings, Civic Pride and Events, Youth Pathways, Keep Hastings Beautiful Strategies, Health, Cultural, Education, Sports, Arts and Heritage strategies.

#### Membership

- 8 Councillors.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- 2 Youth Council Members appointed by Council (non voting)
- 1 Youth Council Member (Alternate) appointed by Council (non voting)
- Chair appointed by Council.
- Deputy Chair appointed by Council.

Quorum – 4 members

#### DELEGATED POWERS

- 1) To review and provide comment on draft new or revised Community Strategies and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation.
- 2) To hear and consider all submissions received in respect of any Community Strategy proposal and to recommend responses to the Strategy and Policy Committee.
- 3) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed Community Strategy for adoption by the Committee or Council.

## 4. District Planning and Bylaws Subcommittee

A Subcommittee of the Strategy and Policy Committee.

### Fields of Activity

The District Plan Subcommittee is responsible for advising the Strategy and Policy Committee by;

- Providing guidance to Council officers with regard to the drafting of the District Plan (or sections thereof) and consultation on discussion documents and drafts.
- Providing guidance to Council officers in respect of the drafting of Council's new or revised bylaws, and providing oversight of the Special Consultative Procedures.
- Te Tira Toitū te Whenua – Hastings District Plan Cultural Values to consider and advise Council how the cultural values of Waahi Taonga and Waahi Tapu are to be integrated within the District Plan.

### Membership

- 6 Councillors.
- 3 Heretaunga Takoto Noa Māori Standing Committee Members appointed by Council.
- 1 externally appointed member with relevant qualifications and experience.
- Chair appointed by Council.
- Deputy Chair appointed by Council.

Quorum – 5 members including 3 Councillors

#### DELEGATED POWERS

- 1) To review and provide comment on draft new or received District Plan provisions and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation.
- 2) To hear and consider all submissions reviewed in respect of any District Plan proposal and to recommend responses to the Strategy and Policy Committee.
- 3) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed District Plan provisions for adoption by Council.
- 4) To review and provide comment on draft new or reviewed bylaws, and to recommend to the Strategy and Policy Committee the adoption of drafts for consultation for onward recommendation to Council to hear submissions and formal adoption.
- 5) To recommend to the Strategy and Policy Committee the final wording of any new or reviewed bylaw for adoption by the Council.

## 5. Civic and Administration Subcommittee

A Subcommittee of the Operations and Monitoring Committee.

### Fields of Activity

The Civic and Administration Subcommittee is responsible for making delegated decisions and advising the Operations and Monitoring Committee by;

- Assisting Council in the allocation of Community Grants by;
  - Reviewing applications for Community Grants.
  - Setting appropriate performance measures to assist in the measurement of delivery of activities funded from Grants.
  - Allocation of grant funding within the budget allocation.
- Assisting Council in its general overview of procurement and tender activity by accepting tenders which exceed the Chief Executive's delegated authority to approve, for projects previously approved by Council or a Standing Committee within the delegated authority.
- Assisting Council by reviewing and considering submissions and deciding applications for temporary closure of roads.
- Recommending to Council the appointment of trustees to Te Mata Park Trust Board.
- Recommending to Council the appointment of directors to Hastings District Holdings Limited.
- Recommending to Council the appointment of List Members to the District Licencing Committee.
- Assisting Council by reviewing, considering nominations and recommending recipients of Civic Awards.

### Membership

- 8 Councillors.
- 1 Heretaunga Takoto Noa: Maori Standing Committee Member appointed by Council.
- Group Manager Planning and Regulatory Services to be a member only when the Subcommittee is recommending the appointment of List Members to The Hastings District Licencing Committee.
- The Chief Executive to be a member only when the Committee is making a decision on tendering and procurement matters.
- The Group Manager: Asset Management to be a member only when the Subcommittee is making a decision on tendering and procurement matters.
- The Transportation Manager to be a member only when the Committee is making a decision on applications for temporary closure of roads.
- The Environmental Consents Manager to be a member only when the Committee is making a decision on applications for temporary closure of roads.
- The Chair of the Te Mata Park Trust Board to be a member only when the Committee is making a decision on appointments to the Te Mata Park Trust Board.
- The Chief Financial Officer to be a member only when the Committee is making a decision on appointments to the boards of any Council Controlled Organisations.
- Chair appointed by Council.
- Deputy Chair appointed by Council.

### Quorum

- a) A minimum of three members.

## DELEGATED POWERS

- 1) Authority to exercise all Council's powers, functions and authorities (except where prohibited by law or otherwise delegated) in relation to the allocation of grant funding within the budget allocation.
- 2) Authority to accept tenders for individual projects previously approved by the Council or a Standing Committee of the Council up to a value of \$10,000,000.
- 3) Responsibility to provide oversight and direction on tendering processes in general and/or specific issues relating to a particular project.
- 4) All the Council's powers and functions in respect to temporary prohibition of traffic under Section 342(1)(b) and clause 11(e) of Schedule 10 of the Local Government Act 1974.
- 5) Recommend to Council the appointment of Trustees to Te Mata Park Trust Board in accordance with the policy on Appointment of Trustees for Te Mata Park Trust Board, and the provisions of section 57 of the Local Government Act 2002.
- 6) Recommend to Council the appointment of director positions for Hastings District Holdings Limited in accordance with the Council's Policy on Appointment and Remuneration of Directors for Council Organisations.
- 7) Recommend to Council the recipients of Civic Awards.
- 8) Recommend to Council the appointment of List Members to the Hastings District Licensing Committee in accordance with the policy on the appointment of members for the District Licensing Committee, and the provisions of Sections 192 – 194 of the Sale and Supply of Alcohol Act 2012.

# Part 5 Joint Committees

## 1. Hastings District Council: Tangata Whenua Wastewater Joint Committee

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

### Fields of Activity

To be actively involved in developing and monitoring Council's;

- Wastewater treatment and disposal system policies.
- Receiving, reviewing and recommending action on reports concerning the operation and performance of the Council's wastewater disposal system.
- Ocean discharge including alternative treatment and disposal options.
- Provision of advice in regard to the Trends, Technology, Discharge, Environmental and Monitoring Nine Yearly Review, in accordance with the Resource Management Act 1991 and Policies and Plans under the Act.
- To recognise and respect the role of Tangata Whenua as Kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Council actions on wastewater issues including;

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

To co-ordinate and oversee education of the community on wastewater issues.

### Membership (10 Members)

- Chair appointed annually by the Joint Committee from its members. The Chair position is to alternate annually between the Council and Tangata Whenua representatives.
- 5 Councillors.
- 5 Tangata Whenua representatives, appointed by Council.

Quorum – 6 members including not less than 3 Councillor representatives

#### DELEGATED POWERS

Recommendation to Operations & Monitoring Committee on matters within the Fields of Activity.

The Chair shall not have a casting vote.

## 2. Hawke's Bay Crematorium Committee

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

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

### Membership (5 Councillors)

- Chair appointed by the Committee.
- Appointed in accordance with the Reorganisation Order:
  - 2 HDC Councillors.
  - 2 NCC Councillors.
  - 1 CHB Councillor.

Quorum – 3 members

### DELEGATED POWERS

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

### 3. Joint Waste Futures Projects Steering Committee

#### Background

Section 43 of the Waste Minimisation Act 2008 states that a territorial authority must adopt a Waste Management and Minimisation Plan (WMMP) which provides:

- Objectives, policies and methods for effective and efficient waste management and minimisation.
- Collection, recovery, recycling, treatment and disposal services.
- Facilities for waste management.
- Waste minimisation activities including education and public awareness; and
- A framework for funding implementation, grants and advances of money.

In 2014 the Joint Council Waste Futures Project Steering Committee was established to oversee and manage a range of programmes and interventions to achieve effective and efficient waste management and minimisation within the Omarunui Landfill catchment.

The WMMP must be reviewed every 5 years. Council adopted the WMMP in 2019.

#### Purpose

- To be responsible for overseeing, supporting, monitoring and reporting progress toward achieving the intent of WMMP.
- To represent the interests of Council in the WMMP.
- To review the Joint Waste Management and Minimisation Plan at least every six years to meet the requirements of the Waste Management Act 2008.

#### Members (6 Councillors)

- Chair – Councillor from one Council elected by Group.
- Deputy Chair – Councillor from the other Council elected by Group.
- 2 other HDC Councillors.
- 2 other NCC Councillors.

#### Status

By agreement of the local authority member, the Joint Waste Futures Joint Project Steering Committee has been established as a Joint Committee under clause 30A of Schedule 7 of the Local Government Act 2002.

#### DELEGATED AUTHORITY

The Joint Committee will have responsibility and authority to:

- 1) Accept and hear submissions on the joint Waste Management and Minimisation Plan 2017-2023, and report back to the individual Council on an as required basis.
- 2) To make recommendations to each participant Council on the Waste Management and Minimisation Plan.
- 3) To monitor performance and progress to give effect to the purpose of the WMMP and to make recommendations to the constituent Councils accordingly.

#### Administering Authority and Servicing

Hastings District Council shall administer the Joint Committee meetings.

## Meetings

The Hastings District Council's Standing Orders will be used to conduct the Joint Committee meetings.

The Joint Committee shall meet as and when required as agreed for the achievement of the purpose of the joint committee.

## Quorum

The quorum at any meeting shall be not less than four (4) including not less than two representatives of each of the member bodies.

## Voting

- The members shall strive at all times to reach a consensus.
- Each representative shall be entitled to one vote at any meeting.
- There shall be no casting vote.

## Variations

Any member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.

Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

## Term of Office

The primary purpose of this Joint Committee is the approval and adoption, by both Councils, of the Waste Management and Minimisation Plan 2018. However the Joint Committee will continue to meet as and when required to oversee performance of the WMMP in operation.

## 4. Omarunui Refuse Landfill Joint Committee

The Heads of Agreement for the Omarunui Refuse Landfill Joint Committee have been adopted by Council for the 2019-2022 Triennium and are incorporated into the Committee & Rural Community Board Register of Delegations.

1.	Parties	Hastings District Council and Napier City Council (the Councils)
2.	Nature of Relationship	A Joint Committee between the Councils who already own a property at Omarunui as tenants in common in the following shareholding percentages for refuse disposal purposes: Hastings District Council: <b>63.68%</b> Napier City Council: <b>36.32%</b>
3.	Objectives	To jointly develop and operate generally for the benefit of the Councils a refuse disposal facility (including any ancillary activities) in compliance with resource and regulatory consents.
4.	Participation of each Council	Each Council shall participate on the basis of the following shareholding percentage: Hastings District Council: <b>63.68%</b> Napier City Council: <b>36.32%</b> (subject to any specific provisions following)
5.	Joint Committee	
5.1	Omarunui Refuse Landfill Joint Committee (Joint Committee):	This Committee shall comprise four elected members of the Hastings District Council and two elected members of the Napier City Council or the alternates of those elected members and an alternate when acting in the place of an elected member shall be deemed to be an elected member. The functions of this Joint Committee shall be to determine policies to ensure the objectives are achieved and to monitor the implementation of those policies by obtaining reports from the Facility Manager or any other persons involved in the refuse disposal operation.
5.2	Administering Authority	The Hastings District Council shall be the Administering Authority. It shall provide technical, financial and secretarial services and shall be the employing authority for staff required in the administration and conduct of the refuse disposal operation. The Administering Authority shall make any information required by the Joint Committee available to that Committee.
6.	Joint Committee General Powers	<p>1.1 Subject to Clause 6.2 the general powers of the Joint Committee shall be:</p> <ol style="list-style-type: none"> <li>a) Except as provided in Clause 6.3 all such powers as shall be necessary to develop and operate the refuse disposal facility in compliance with the resource and regulatory consents already obtained including, if necessary, the power to seek further resource and regulatory consents.</li> <li>b) To construct buildings, purchase and dispose of plant, equipment and materials.</li> <li>c) Arrange insurance cover to ensure that there is comprehensive insurance in respect of the establishment and operation of the refuse disposal facility.</li> <li>d) To indemnify any Council or Council representative acting on behalf of the Councils pursuant to this agreement in connection with the development or operation of the refuse disposal operation after the execution hereof.</li> <li>e) To fix and recover fees and charges payable by landfill users.</li> <li>f) The licensing of users.</li> <li>g) To recommend to the Councils the raising of loans. For the purpose of loan raising the 'Administering Authority' shall undertake all loan raising on behalf of the Councils.</li> <li>h) To enter into contracts within the estimates it being acknowledged by each of the Councils for the purposes of the Local Government Act 2002 that the Joint Committee shall be delegated power to enter into any contract limited to such an amount as may be fixed by the Councils from time to time unless the prior written approval of each Council shall have been obtained.</li> <li>i) To use any part of the Omarunui property not required for refuse disposal for any lawful purpose including leasing thereof.</li> <li>j) Such further specific powers as may be delegated to it as agreed by the Councils.</li> </ol> <p>1.2 The Joint Committee shall operate within budgets approved by the Councils. In the event that over expenditure is anticipated or incurred the Joint Committee shall immediately report that fact to the Councils.</p> <p>1.3 The powers delegated to the Joint Committee shall not entitle that Committee to sell or otherwise dispose of on behalf of any Council any asset owned by that individual Council or to sell the Omarunui land or any other land administered by the Joint Committee for refuse disposal purposes.</p> <p>1.4 Subject to Clause 6.2 and 6.3 all decisions made by the Joint Committee pursuant to its delegated powers shall without confirmation of the Councils bind each of the Councils as if it had been done in the name of each Council.</p>
7.	Joint Committee Procedural Matters	<p>7.1 Each elected member or the alternate of such member shall have one vote.</p> <p>7.2 The elected members shall elect a Chair and Deputy Chair.</p>

	7.3	Quorum at meetings shall be four elected members including at least one elected member from each Council. The parties note that this conflicts with the provisions in clause 30 (9) (b) of schedule 7 of the Local Government Act 2002. To avoid any possible doubt the parties shall operate the committee based on the specific requirements in this agreement at all times.
	7.4	All meetings may be attended by officers of the Councils but officers shall not be entitled to vote.
	7.5	Meetings may be requisitioned by any two elected members who shall state the nature of the business and the Administering Authority shall convene a meeting (giving notice of the business) and Councils shall ensure that at least one of their elected members attends.
	7.6	Annual meetings shall be held within three months of the end of the financial year and the business of such meeting shall include the financial accounts for the previous year.
	7.7	Budget estimates for the following financial year shall be prepared and supplied to the Councils no later than 31 January in each year for their approval.
	7.8	Meeting procedures shall be in accordance with NZS 9202: 2003, or such other version of standing orders as mutually agreed between the parties, except to the extent that specific provision is contained herein and is not contrary to law.
<b>8. Joint Committee Financial Provisions</b>	8.1	The Joint Committee shall provide financial and management accounting records and reports which provide sufficient detail to enable the committee and the Councils to assess performance of each separate business activity within the Landfill.
	8.2	The administering authority shall circulate a draft budget prior to the meeting at which the Joint Committee is to consider the estimates for recommendation to the Councils.
	8.3	Surpluses and deficits shall be received and borne by the Councils in the following shareholding percentage: Hastings District Council: <b>63.68%</b> Napier City Council: <b>36.32%</b>
	8.4	All amounts payable by each Council shall be paid within one calendar month of notification of the amount payable. If any Council shall consistently fail to make payments as required by this clause the Joint Committee may impose a penalty on the defaulting Council which shall be met by such Council.
<b>9. Duties of the Individual Councils</b>	9.1	To comply with the resource and regulatory consents relating to the operation.
	9.2	The Councils shall make bylaws to ensure the efficient operation of the refuse disposal facility and set and adopt fees and charges and licensing procedures.
	9.3	To establish and operate transfer stations and to adopt charges in relation to such transfer stations.
<b>10. Changes in Participation</b>	1.1	The establishment and operating costs of the Councils up to the time of any Change in Participation shall be safeguarded as far as possible.
	1.2	The addition or withdrawal of any party shall require agreement of the Councils.
<b>11. Staff Appointments</b>	11.1	Where any Council is involved in the provision of staff or services, such Council shall be reimbursed for the cost of such persons or services.
	11.2	It is recognised that it will be desirable for the staff required to be employed by one of the Councils.
<b>12. Facility Manager</b>	12.1	The Facility Manager appointed by the Administering Authority shall be a suitably qualified person who shall report to the Joint Committee and attend its meetings and will be responsible for the day to day operations at the landfill site.
	12.2	During any further development the Facility Manager, as appointed by the Administering Authority, shall be considered to be the officer responsible for all development activities unless otherwise directed by the Joint Committee.
<b>13. Secretarial Services</b>	13.1	Secretarial and Accounting services shall be provided by the Administering Authority.
	13.2	The functions to be fulfilled shall include: a) Convening of meetings. b) Keeping of minutes. c) Preparation of estimates and accounts. d) Keeping the Joint Committee informed. e) The recovery of fees and charges. f) Such further specific powers as may be delegated by agreement of the Councils.
	13.3	All documents to be signed on behalf of the Joint Committee shall be signed by the Chair (or in his absence one elected member of that Committee) together with such other person authorised by the Administering Authority.
<b>14. Commencement and Duration</b>	14.1	This Joint Committee shall commence from the date of this agreement and shall continue thereafter until terminated by agreement of the Councils.
	14.2	On termination of this agreement the assets shall be applied, first, in the repayment of all debts, second, in the repayment of any capital contributions, advances or sums of money that may have been made or may be due to any of the Councils, third, the surplus, if any, shall be distributed between the Councils in the following shareholding percentage: Hastings District Council: <b>63.68%</b> Napier City Council: <b>36.32%</b>

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- 14.3 In the event of a short-fall on the termination of this agreement the Councils shall contribute in the following shareholding percentage:  
Hastings District Council: **63.68%**  
Napier City Council: **36.32%**  
To such short-fall, with any necessary adjustments being made to reflect any amounts due by or to any individual Council at termination.
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**15. Arbitration**

- 15.1 In the event of any dispute relating to this agreement the same shall be referred to arbitration pursuant to the Arbitration Act 1996 and each Council who is a party to the dispute shall be entitled to appoint an Arbitrator.
- 15.2 The Arbitrators before embarking on the Arbitration shall appoint an umpire whose decision shall be final in the event that the Arbitrators are unable to agree.
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## 5. Clifton to Tangoio Coastal Hazards Strategy Joint Committee

The Heads of Agreement for the Coastal Hazards Joint Committee have been adopted by Council for the 2019-2022 Triennium and are incorporated into the Committee & Rural Community Board Register of Delegations.

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### Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

As at 28 September 2018.

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*As adopted by resolution by:  
Hastings District Council 23 March 2017  
Napier City Council 31 May 2017  
Hawke's Bay Regional Council 28 June 2017*

#### 1. Definitions

For the purpose of these Terms of Reference:

- “**Act**” means the Local Government Act 2002.
- “**Administering Authority**” means Hawke's Bay Regional Council.
- “**Coastal Hazards Strategy**” means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>.
- “**Council Member**” means an elected representative appointed by a Partner Council.
- “**Hazards**” means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunamis; and includes any change in these hazards as a result of sea level rise.
- “**Joint Committee**” means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- “**Member**” in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- “**Partner Council**” means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- “**Tangata Whenua Appointer**” means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
  - He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea.
- “**Tangata Whenua Member**” means a member of the Joint Committee appointed by a Tangata Whenua Appointer

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<sup>1</sup> The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.

## 2. Name and status of Joint Committee

- 2.1. The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
- 2.2. The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

## 3. Partner Council Members

- 3.1. Each Partner Council shall appoint three Council Members and alternates to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District Council and Napier City Council and the Chair of Hawke's Bay Regional Council are ex officio Council Members.
- 3.2. Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

## 4. Tangata Whenua Members

- 4.1. Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.
- 4.2. Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.
- 4.3. The Tangata Whenua Members so appointed shall be entitled to vote.
- 4.4. Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.

## 5. Purpose of Terms of Reference

- 5.1. The purpose of these Terms of Reference is to:
  - 5.1.1. Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.
  - 5.1.2. Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

## 6. Meetings

- 6.1. Members, or their confirmed alternates, will attend all Joint Committee meetings.

## 7. Delegated authority

The Joint Committee has the responsibility delegated by the Partner Councils for:

- 7.1. Guiding and providing oversight for the key components of the strategy including:
  - The identification of coastal hazards extents and risks as informed by technical assessments;
  - A framework for making decisions about how to respond to those risks;
  - A model for determining how those responses shall be funded; and
  - A plan for implementing those responses when confirmed.
- 7.2. Considering and recommending a draft strategy to each of the Partner Councils for public notification;
- 7.3. Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
- 7.4. Considering and recommending a final strategy to each of the Partner Councils for approval;

7.5. Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to:

- Council long term plans;
- Council annual plans;
- District and regional plan and policy changes;
- Reserve management plans;
- Asset management plans;
- Notified resource consent applications;
- Central Government policy and legislation.

7.6. Investigating and securing additional sources of funding to support strategy implementation.

## 8. Powers not delegated

The following powers are not delegated to the Joint Committee:

8.1. Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.

8.2. The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

## 9. Remuneration

9.1. Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.

9.2. The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

## 10. Meetings

10.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.

10.2. The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.

10.3. Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.

10.4. The quorum shall be 6 Members, provided that at least one Partner Council Member is present from each Partner Council.

## 11. Voting

11.1. In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.

11.2. Where voting is required, all Members of the Joint Committee have full speaking rights.

11.3. Each Member has one vote.

11.4. Best endeavours will be made to achieve decisions on a consensus basis.

11.5. As per HBRC Standing Order 18.3: The Chair at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

## 12. Election of Chair and Deputy Chair

- 12.1. On the formation of the Joint Committee the members shall elect a Joint Committee Chair and may elect up to two Deputy Chairs. The Chair is to be selected from the group of Council Members.
- 12.2. The mandate of the appointed Chair or Deputy Chair ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

## 13. Reporting

- 13.1. All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chair.
- 13.2. Following each meeting of the Joint Committee, the Project Manager shall prepare a brief summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.
- 13.3. The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.

## 14. Good faith

- 14.1. In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua Appointers and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and the Tangata Whenua Appointers collectively.

## 15. Variations to these Terms of Reference

- 15.1. Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 15.2. Amendments to the Terms of Reference may only be made with the approval of all Members.

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<sup>2</sup> A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

# Part 6 Advisory Groups

## 1. Landmarks Advisory Group

### Fields of Activity

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

### Membership (9 Members)

- Chair appointed by Council.
- 4 other Councillors.
- The Landmarks Trust Chair.
- 3 others nominated by the Landmarks Trust.

Quorum – 5 members including not less than 3 Councillor members.

### DELEGATED POWERS

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

The Landmarks Advisory Group reports to the Eco District Subcommittee.

## 2. Youth Council

### Fields of Activity

The Youth Council's role is to:

- Provide a youth perspective on issues.
- Make sure the views of young people are canvassed and passed on to Council.
- Give advice on planning and infrastructure, particularly relating to any direct impact on young people.
- Promote and encourage youth involvement in planning and developing Council services.
- Provide input on policy and strategic development.

### Membership (numbers decided by the Group Manager Communities and Facilities)

This membership should be representative of:

- Gender.
- Mixed abilities.
- Geographical location.
- Educational level.
- Employment/unemployment.
- Diverse Cultural Backgrounds.

Quorum – 50% of the current members

#### DELEGATED POWERS

- 1) To promote and oversee the matters within the Fields of Activity.
- 2) To report its work and progress to the Great Communities Subcommittee.

### Meetings

Youth Councillors are expected to attend fortnightly or monthly or meetings, help organise the Youth Potential awards, take part and attend events that have been confirmed by the Youth Council, and attend an overnight retreat.

The Youth Council reports to the Great Communities Subcommittee.

### 3. International Advisory Group

#### Fields of Activity

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

#### Membership (10 Members)

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

Quorum – 5 members including not less than 2 Councillor members

#### DELEGATED POWERS

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

#### Meetings

Meetings will be held a minimum of three times a year. These are to be advertised as public meetings, and will be fully serviced by the Council's Governance and Democracy Team.

The International Advisory Group reports to the Great Communities Subcommittee.

# Part 7 District Champions

## 1. Role of District Champions

- Ensure progress is made towards the Council's strategic priorities and projects within their area of interest.
- Play a strategic and policy leadership role in their areas of responsibility assisting the Council to meet its strategic objectives.
- Enhance relationships with key stakeholders.
- Collaborate with committee chairs where objectives are shared.
- Work effectively with Council officers.
- Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities.
- As far as possible attend Council launches of new activities and projects in their area of interest.
- Ensure Council's advisory groups have effective input into their areas of interest.
- Keep the Mayor informed of emerging issues.
- Maintain a no-surprises approach for elected members and staff.

The district Champions also facilitates informal policy discussion between elected members, public and officials on matters within their areas of interest.

## 2. Hastings District Ambassador

### Fields of Activity

The Hastings District Ambassador Champion is to promote Hastings District Civic Pride and ensure the celebration of Community cultural, economic, social and environmental successes and progress.

Working collaboratively with the Mayor, the Ambassador will be an advocate for Civic Pride and Hastings District promotional events (noting the Mayor is Council's principal spokesperson).

### DELEGATED POWERS

No delegated authority.

### 3. Hastings District Transport Development Champion

#### Fields of Activity

The Hastings District Transport Development Champion is to promote Hastings District transport initiatives and choices including;

- Public Transport.
- Regional Transport.
- Cars.
- Cycling and I Ways.
- Walking.
- Hawke's Bay Airport and Airline Choices.

Working collaboratively with the Mayor, the Transport Champion will be an advocate for transport improvements (noting the Mayor is Council's principal spokesperson).

#### DELEGATED POWERS

No delegated authority

### 4. Flaxmere Development Champion

The Flaxmere Development Champion is to promote the Council focus on Flaxmere and ensure the celebration of Flaxmere cultural, economic, social and environmental successes and progress.

Working collaboratively with the Mayor, the Flaxmere Development Champion will be an advocate for Flaxmere (noting the Mayor is Council's principal spokesperson).



