

Schedule 1

HASTINGS DISTRICT COUNCIL



COMMITTEES AND RURAL COMMUNITY BOARD DELEGATIONS REGISTER FROM 1 JUNE 2018- OCTOBER 2019

(Adopted by Council Resolution on 24 May 2018)

Schedule of Amendments, Additions and Deletions

*(NB: If changes are made, please update the date in the footer with the date that the change is made, i.e. "... incorporating subsequent corrections, amendments and additions up to **"Date"**")*

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INTRODUCTION

General Principles of Delegation

The following matters cannot legally be delegated to Committees, Subcommittees, Community Boards, officers or any other subordinate decision-making body (Clause 32(1) of Schedule 7 of the Local Government Act 2002).

- (a) The power to make a rate.
- (b) The power to make a bylaw.
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Council Community Plan.
- (d) The power to adopt a Long Term Council Community Plan, Annual Plan, or Annual Report.
- (e) The power to appoint a Chief Executive Officer.
- (f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Council Community Plan or developed for the purpose of the Local Governance Statement.
- (h) The power to adopt a remuneration and employment policy.

When an Act or Regulation empowers the "Council" to carry out a decision-making function, that decision must be made by way of a resolution of the full Council unless the Act or Regulation permits delegation to a Committee, Subcommittee or Officer.

Without delegation the operation of the Council and its administration would not be efficient, effective and timely in delivering services. The business to be transacted by a Council and its administration is large and wide-ranging, dealing with the details of many Acts and Regulations, the Council's District Plan, Bylaws, and a range of Council functions and activities.

It is impossible for the elected Council to deal with everything itself. The principle of subsidiarity should therefore apply; that is, decisions should be made at the lowest possible level commensurate with efficiency and effectiveness. Generally, the legislation which the Council uses on a day-to-day basis provides for delegations. The fields of activity and delegations in this Register are intended to reflect the principle of subsidiarity to allow the Council to delegate its powers and functions to the most efficient and effective levels.

The body or person to whom powers are delegated will usually exercise the delegated power, but is not obliged to do so. The most common circumstances where the body or person with the delegation might choose not to exercise it are when the matter has become a matter of public notoriety, or the issues are contentious and finely balanced.

Council Committee Principles

Council Committees, when used, will be assigned responsibility in a way that reinforces the wholeness of the Council's job and does not interfere with the delegation from the Council to the Chief Executive Officer.

1. *Council Committees will ordinarily assist the Council to carry out its governance job by preparing policy alternatives and implications for Council deliberation. They should not extend their work into operational areas helping or advising the Chief Executive Officer and staff. Unless specifically delegated authority to do so, Council Committees may not instruct the Chief Executive Officer and staff beyond reasonable requests for information and advice. If, in the Chief Executive Officer'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 Officer should refer the request to the Council.*
2. *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 Officer.*
3. *Because the Chief Executive Officer 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 chairman or member of a Committee has or may exercise any executive power unless expressly delegated such power by the Council.*
4. *Council Committees are to avoid over-identification with Council parts rather than the whole. Therefore a Council Committee that has helped the Council create policy on some topic will not be used to monitor Council performance on that same subject.*
5. *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.*
6. *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 Officer.*

COMMITTEES

The law relating to Committees is generally to be 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 the Council or Committee. A Subcommittee may comprise Elected Members or staff (Clause 31(4) (b)) or other persons but the minimum number of members is two (Clause 31(6)(b)).

A decision made by a Committee under delegated powers which decides, prescribes or affects the rights, powers, privileges, immunities, duties or liabilities of a person, or that person's eligibility to receive or continue to receive a benefit or licence, cannot be rescinded or amended by the Council unless there is specific empowering statutory authority. The Council may however review policy matters falling outside of the foregoing categories from time to time.

Revocation or alteration of decisions may only be dealt with in accordance with the Council's Standing Orders and the requirements of the Local Government Act 2002.

The Council can also delegate certain powers to officers. Delegations to the Chief Executive Officer are contained in a separate Register. Staff members receive their delegations from the Chief Executive Officer.

HASTINGS DISTRICT RURAL COMMUNITY BOARD

A community board is a separate entity to the Council. It is not a committee of the 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 a 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 the Council to community boards is provided for in Clause 32.

THE ROLE OF COMMITTEES AND SUBCOMMITTEES

Clause 30(1)(a) enables the Council to appoint such Committees, Subcommittees and other subordinate decision-making bodies, as it considers appropriate.

A Council Committee may appoint the Subcommittees that it considers appropriate unless it is prohibited from doing so by the terms of its delegation from the Council (Clause 30). Every subcommittee is subject to the control of the Council, or Committee that appointed it. A Committee can only set up a subcommittee within its field of activity and delegated powers, and it may delegate any of its functions, duties and powers to the subcommittee.

APPOINTMENT OF COMMITTEES

Section 41A of the Local Government Act 2002 gives the Mayor the authority to establish committees of the territorial authority and to appoint the chairperson of each of those 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.

The 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 the 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).

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 Committee’s or Subcommittee’s 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 the 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 the [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.

PRINCIPLES OF COUNCIL'S COMMITTEE STRUCTURE

The Council's Committee structures (as laid out in these delegations) have been 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
 - Its 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.

AMBIGUITY AND CONFLICT

In the event of ambiguity or conflict between any of the provisions contained in the Delegations Register, with the result that there is uncertainty or dispute as to which Committee, Subcommittee or Community Board has the delegated authority to act in respect of a particular matter, then the Chief Executive Officer 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 Officer will be final and binding.

PORTFOLIO LEADERSHIP

Within the Governance structure, councillors have been appointed as "Portfolio Leaders", to focus on development of policy and oversight of particular areas of operations and (fields of activity), from a governance perspective.

Parent Committee	Portfolio	Fields of Activity
Community Development	Ambassador for Hastings	Ambassador, Citizenship, Civic Honours, historic Commemorations, Hastings Proud, Local and community events and celebrations, Community Liaison
Community Development	Community Engagement	Marketing and Promotion, Community Engagement Events, Culture and Heritage including the Hastings City Art Gallery, Tourism
Community Development	Our Places	Opera House and Art Precinct, Housing for the elderly, Cemeteries (including physical works), Library operations, Recreation Facilities other than Parks & Reserves, Landmark Activities
Community Development	Our People	Social Development and Wellbeing programmes, Youth Liaison and Engagements, Youth Development and Employment, Positive Ageing, Community Plans
Community Development	Our Economy	Economic & Business Development Programmes, Economic

Parent Committee	Portfolio	Fields of Activity
		Development, Growth Management and Urban Development; Hastings City Centre Development, Regional Development, Urban Design and Development (including CBD planning)
Finance and Risk	Safeguarding Our Money	Audit and Accountability Requirements, Business Units/ CCO/CCTO Ownership Overview, Monitoring and Compliance with LTP/AP and Budget Implementation, Performance Management, Taxation, Tenders and Procurement
Finance and Risk	Long Term Financial Planning	Establishing the Strategic Direction of the Council's Business Units Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations, Rating matters including Rating Sale proceedings, Overview of Financial Risk Management Policies required under legislation, Risk Management Strategy
Strategy Planning and Partnerships	Protecting Our Communities	District Plan, Alcohol, Animal and pest control, Building Control including the Building Act 2004 and the New Zealand Building Code, Bylaws, Parking Control, Public Health and Safety, Hearings, Miscellaneous RMA and other Regulatory Acts
Strategy Planning and Partnerships	Partnerships and uplifting our communities	District Development and Land Use Planning (high level strategy), Strategic Planning, Māori/Multi cultural relationships, Rural Communities, Regional Relationships
Works and Services	Our Water	Water, wastewater and stormwater (including public drainage and watercourses), Three Waters Infrastructure (Water, Wastewater, Stormwater), Drinking Water Safety.
Works and Services	Planning Our Assets for Tomorrow	Transport Strategy (including, public transport, cars, walking and bridges), Regional Transport, Coastal Hazards, Parks and Reserves Strategic Planning (Reserve Management Plans).

Parent Committee	Portfolio	Fields of Activity
Works and Services	Moving Around and Operations	CBD Upgrades physical works, Infrastructure service provision, Model Communities Project (i-way), Property Ownership, Management, Renewals, Upgrades, Developments, Roading and Transport Operations, Parks and Reserves maintenance
Works and Services	Our Environment	Sustainability Programmes and Projects, Climate Change projects and Partnerships for the delivery of and measuring sustainability, Solid Waste Operations (including refuse, landfill, recycling disposal and recycled materials), Havelock North Streams

Portfolio Leaders work alongside the Mayor who leads the process of coordinating the Council's overall governance approach and is the Council's principal media and public spokesperson.

The Portfolio Leader will assist where applicable in the following areas in relation to the fields of activity within their portfolio:

Work Oversight and Officer Liaison: to act as the key liaison with staff, via the appropriate Group Manager, in respect of work programmes within the portfolio. To provide feedback from the community and elected members where appropriate for staff to consider in policy development work. To monitor work programme progress and discuss issues with the Group Manager or Chief Executive. To act as a sounding board for staff on issues of political interest and importance.

Note: Portfolio leader is a governance level role. Governance is exercised collectively. Portfolio leaders have no delegated responsibility and do not have authority to issue instructions to staff.

Policy Leadership: in respect to any policy and strategy matters within the portfolio to provide guidance to councillor colleagues on issues and reports from within a particular portfolio. To play an advocacy role in their area of responsibility assisting the Council to meet its strategic objectives. Portfolio Leaders will move reports from their area of responsibility, advocate for them, explain and clarify matters to colleagues, and, where necessary/appropriate introduce reports at Council. Portfolio Leaders will also facilitate informal policy discussions between elected members, and elected members and officers, on matters within their area of responsibility.

External Representation and Relationships: to represent the Council at meetings of working groups, and other external organisations and groups, and contribute to the work carried out by such organisations and groups. Attend official functions within their areas of responsibility, and represent the Mayor on those occasions when the Mayor and Deputy Mayor are unable to attend. To seek to enhance relationships with key stakeholders. Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities.

Communication: to act as the principal spokesperson in communicating to the media and public the official policy of Council (or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction) on items relating to their respective area of activity (noting that the Mayor has the right of refusal as Council's principal spokesperson). Collaborate with other Portfolio Leaders where objectives are shared. Keep the Mayor/Deputy Mayor informed of emerging issues related to the portfolio.

Meeting Preparation and Follow-up: liaise with officers if needed regarding presentations being prepared, ensure media issues have been addressed, and following a meeting make sure key issues and decisions are clearly communicated to the media and public.

STANDING COMMITTEES

Community Development Committee

Fields of Activity

The development of policy and the oversight of operations in the area of the social, economic, cultural and environmental wellbeing and development of the District, including (but not limited to) the following activities:

Economic Development

- Development of the Council's overarching strategies for Environmental Management, Economic Development, Growth Management and Urban Development;
- District development and land use planning (high level strategy)
- Urban design and development (including CBD planning)
- Hastings City Centre Development
- Landmarks Activities
- Parks and Reserves
- Economic & Business Development programmes
- Regional development

Social Development

- Development of the Council's overarching strategies for Social and Cultural activities
- Housing for the elderly
- Cemeteries (including physical works)
- Youth
- Arts, Culture and Heritage including the Hastings City Art Gallery
- Democracy, civil society, community engagement and partnership
- Social Development and wellbeing programmes
- Guilin Sister City Relationship
- Local and community events and celebrations
- Historic commemorations
- Citizenship activities
- Civic Honours Awards
- Grants, Funding and allocations
- Library operations
- Hawkes Bay Opera House
- Recreation Facilities other than Parks & Reserves
- Recreation activities

Other roles of a strategic overview nature including:

- Other policy development not otherwise provided for

Membership (Mayor and 14 Councillors)

Chairman appointed by Council

Deputy Chairman appointed by Council

The Mayor

All other Councillors

Quorum – 8 members

DELEGATED POWERS:

General Delegations

1. Authority to exercise all of Council 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 re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.

3. Authority to develop and adopt goals, strategies and policies on behalf of the Council for matters within the Fields of Activity.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.
5. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
6. Authority to develop and adopt goals, strategies and policies on behalf of the Council for matters within the Fields of Activity.
7. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Cemeteries

- 8 Authority to exercise all of the Council's powers, functions, and duties under the Burial and Cremation Act 1964 and any other statute or regulation relating to the control and management of the burial or cremation of the dead within Hastings District (other than the review of bylaws, which is the responsibility of the Strategy Planning and Partnerships Committee).

Parks, Reserves and Walkways

9. Authority to exercise all of the Council's powers and functions under the Reserves Act 1977 in respect of parks and reserves other than the review of bylaws.
10. Authority to hear submissions under s120 (1)(c) of the Reserves Act 1977 in relation to all reserves or to appoint a commissioner or commissioners to hear submissions and to make a recommendation in respect of those objections or submissions to the Committee.
11. Authority to determine names for or to change the name of, parks and reserves owned or administered by the Council.
12. Where the Council is appointed as the controlling authority of a walkway under the New Zealand Walkways Act 1990, authority to exercise the powers of the controlling authority.

Bylaws

13. Authority to monitor any Council bylaws relating to matters within the Fields of Activity and to recommend any amendments or additions to those bylaws to the Strategy Planning and Partnerships Committee for review and consideration.

Finance and Risk Committee

Fields of Activity

Oversight of all the Council's financial management policy and operations (including assets, cash, investment and debt management) including (but not limited to):

- Monitoring compliance with the Long Term Plan/Annual Plan and budget implementation.
- Finance and Ownership
- Audit and other accountability requirements;
- Business units/CCO/CCTO ownership overview;
- Rating matters including rating sale proceedings;
- Taxation.
- Establishing the strategic direction of Council's business units (if any), Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations
- Other matters including:
 - Performance Management
 - Other matters not otherwise within the scope of other Committees

Monitoring compliance with the Long Term Plan/Annual Plan and budget implementation.

Membership (Mayor and 14 Councillors)

Chairman appointed by Council

Deputy Chairman appointed by Council

The Mayor

All other Councillors

Quorum – 8 members

DELEGATED POWERS:

General Delegations

1. Authority to exercise all of Council 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 re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.

Fees and Charges

4. Except where otherwise provided by law, or where delegated to another Committee, the authority to fix fees and charges in respect of Council activities or services.

Strategy Planning and Partnerships Committee

Fields of Activity

Oversight of all matters relating to the Council's Strategic Planning and Partnerships functions and the development of policies and strategies in relation to those functions. The matters within this committee's responsibilities include (but are not limited to):

- Resource Management Act 1991
- Building Control including the Building Act 2004 and the New Zealand Building Code
- Bylaws
- Health Act 1956
- District Plan
- Historic Places Act 1993
- Security Patrol
- Maritime Planning Schemes

Other regulatory matters including:

- Animal and pest control,
- Dangerous goods and Hazardous substance,
- Fencing of swimming pools,
- Litter,
- Alcohol,
- Noise abatement,
- Public health and safety,
- Prostitution,
- Gambling,
- Parking control.
- Responsibility for all matters related to the District's environment including the environment of neighbouring districts and water bodies
- Other Regulatory matters not otherwise defined.

Membership (Mayor and 14 Councillors)

Chairman appointed by the Council

Deputy Chairman appointed by the Council

The Mayor

All other Councillors

Quorum – 8 members

DELEGATED POWERS:

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where delegation is prohibited by law or the matter is delegated to another committee) in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.
3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Bylaws

5. Authority to review bylaws and to recommend to the Council that new or amended bylaws be made including but not limited to the review of bylaws made pursuant to rules under the Land Transport Act 1998, (primarily relating to speed limits) and bylaws relating to parking.

Legal proceedings

6. Authority to commence, compromise and discontinue mediations, legal proceedings, prosecutions and other proceedings within the Fields of Activity.

Fees and Charges

7. Except where otherwise provided by law, authority to fix fees and charges in relation to all matters within the Fields of Activities.

Resource Management/Environmental issues

8. Authority to make submissions on behalf of the Council in respect of any proposals by another authority under any legislation, or any proposed statute which might affect the District's environment or the well being of its residents including such matters as adjacent local authorities' district plans, any regional policy statement, and Regional Plans.

Works and Services Committee

Fields of Activity

The development of operational policy and the oversight of operations in the area of infrastructure works, tenders, procurement, including (but not limited to) the following activities:

- Three-Waters Infrastructure (Water, Wastewater, Stormwater)
- Property ownership, management, renewals, upgrades and developments
- CBD upgrades physical works
- Roading and transport operations (including Capital infrastructure development for bridges, roads and footpaths including cycleways)
- Solid waste operations (including refuse and recycling disposal and recycled materials)
- Water, wastewater and stormwater (including public drainage and watercourses)
- Infrastructure service provision
- Emergency Management
- Tenders
- Transport Strategy (including, public transport, cycling, cars, walking and other modes)
- Oversight of sustainability and climate change projects and partnerships for the delivery of and measuring sustainability performance (including the State of the Environment Reporting jointly with the Strategy Planning and Partnerships Committee)
- Overview of the implementation of major projects including:-
 - Model Communities Project
 - Havelock North Streams
- And other projects as delegated by Council from time to time

Membership (Mayor and 14 Councillors)

Chairman appointed by the Council

Deputy Chairman appointed by the Council

The Mayor

All other Councillors

Quorum – 8 members

DELEGATED POWERS:

General Delegations

1. Authority to exercise all of Council powers, functions and authorities (except where delegation is prohibited by law or the matter is delegated to another committee) in relation to all matters detailed in the Fields of Activity.
2. Authority to re-allocate funding already approved by the Council as part of the Long Term Plan/Annual Plan process, for matters within the Fields of Activity provided that the re-allocation of

funds does not increase the overall amount of money committed to the Fields of Activity in the Long Term Plan/Annual Plan.

3. Responsibility to develop policies, and provide financial oversight, for matters within the Fields of Activity to provide assurance that funds are managed efficiently, effectively and with due regard to risk.
4. Responsibility to monitor Long Term Plan/Annual Plan implementation within the Fields of Activity set out above.

Public Drainage and Watercourses

5. Authority to exercise the functions, duties and powers of the Council under Sections 446, 447, 451, 461, 467, and 468 of the Local Government Act 1974 (Sewerage and Storm Water Drainage).
6. Authority to exercise the functions, duties and powers of the Council under Part 29 (Land Drainage and Rivers Clearance) and Part 29A (Divestment of Land drainage schemes and water race schemes) of the Local Government Act 1974.
7. Authority to hear and determine submissions concerning the Council's requirements for owners of private land to do works associated with private drains (Section 459 Local Government Act 1974).
8. Authority to hear and determine objections to the construction, by Council, of a private drain (Section 460 Local Government Act 1974).
9. Authority to make declarations of private drains to be public drains (Section 462 Local Government Act 1974).
10. Authority to exercise the functions, duties and powers of the Council under Sections 195 and 196 of the Local Government Act 2002 (Discharge of sewage and trade wastes).

Water Supply

11. Authority to exercise the functions, duties and powers of the Council under Subpart 1 (assessments of water and sanitary services) and Subpart 2 (obligations and restrictions relating to provision of water services) of Part 7 of the Local Government Act 2002.

Waste Management

12. Authority to exercise the functions, duties and powers of the Council in relation to waste management, including power to adopt waste management and waste minimisation plans under the Waste Minimisation Act 2008.

Roading

13. Authority to exercise all of the Council's powers under the Local Government Act 1974 the Transport Act 1962, the Land Transport Act 1998 and the Land Transport Management Act 2003 in relation to roads.
14. Authority to approve policy guidelines for the initial naming of roads, and for the alteration of the name of any road, within the District.
15. Authority to recommend to the Council, after consultation with the Hastings District Rural Community Board (where appropriate), that the name of a road or part of a road be changed.
16. Authority to exercise the functions, duties and powers of construction, maintenance and control of roads delegated to the Council under Sections 62 and 63 of the Government Roding Powers Act 1989.
17. Power to resolve that land held as a road reserve be dedicated as road (Section 111 Reserves Act 1977).

Bylaws

18. Authority to monitor any Council bylaws relating to matters within the Fields of Activity and to recommend any amendments or additions to those bylaws to the Strategy Planning and Partnerships Committee for review and consideration.

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 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
- Gambling Act 2003

Membership (6 including 5 Councillors)

Chairman appointed by the Council

Deputy Chairman appointed by the Council

3 other Councillors

1 member appointed by the Council from the Hastings District Rural Community Board

Quorum* –

- a) All members including the Chair (or Deputy Chair, in the Chair's absence) sitting on a hearing must be accredited (as of 12 September 2014).
- b) A maximum of three members including the Chairperson (or Deputy Chair, in the Chair's absence) to meet for any one hearing, except for Council Initiated Plan Change hearings where all members may attend and take part in the decision making process.
- 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.

* In the case of hearings under the provisions of the Resource Management Act 1991 the quorum is to meet the obligations contained in section 39B of the Act.

Delegated Powers

HEARINGS COMMITTEE

1. RESOURCE MANAGEMENT ACT 1991

Pursuant to Section 34(1) of the Resource Management Act 1991 the Hearings Committee of Council is delegated power to:

- 1) Hear, consider and decide upon any Resource Consent application or any other application made to Council under the Act (including private plan change requests). For the avoidance of doubt, this includes the use or exercise of any powers vested in the Council under the Act to process, hear and decide upon any such application. Decide on Applications and Private Plan Change requests.
- 2) Hear, consider and recommend to the Strategy Planning and Partnerships Committee or Council as it considers appropriate, on submissions made on any proposed plan or any Council initiated change to the District Plan or variations to the Proposed Plan. Submission on Council Plan Changes.

- | | | |
|------|---|--|
| 3) | Appoint a Commissioner or Commissioners to hear, consider and decide on any Resource Consent application or any other application made to Council under the Act. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Resource Consents. |
| 4) | Appoint a Commissioner or Commissioners to hear, consider and recommend to the Strategy Planning and Partnerships Committee or Council as it considers appropriate, on any submissions made on any proposed plan or any Council or privately initiated change to the District Plan. This delegation is subject to the requirement that any Hearings Commissioner(s) appointed shall hold a valid certificate of accreditation under section 39A of the Act. | Appoint Commissioner for Proposed District Plan and Council or Private Plan Changes. |
| 5) | Extend any time limits or waive compliance with any requirement specified in the Act or Regulations in respect of any matter before it under the Act and pursuant to the above delegations pursuant to Section 37 of the Act. | Extend Time Limits and Waive Compliance. |
| 6) | Hear and determine any objection made pursuant to Section 357, 357A, 357B, 357C and 357D of the Act | Review of Decisions made under Delegation. |
| 7) | Make an order, pursuant to Section 42 of the Act, relating to the protection of sensitive information in respect of any matter before it. | Protection of Sensitive Information. |
| 8) | Waive, pursuant to Section 42A(4) of the Act, compliance with Section 42A(3) of the Act relating to the receiving of officers reports in respect of any matter before it. | Waive Time for Receipt of Officers' Reports. |
| 9) | Determine, pursuant to Section 91 of the Act, not to proceed with a hearing of an application for Resource Consent where it considers additional consents under the Act are required in respect of any application before it. | Defer Application Where Other Consents Required. |
| 10) | Require, pursuant to Section 92 of the Act, further information relating to any application before it and postpone notification, hearing or determination of the application. | Require Further Information. |
| 11) | The above delegations shall apply with all necessary modifications to: | |
| i) | Any notice of review of Consent conditions issued by Council pursuant to Section 128 of the Act or by any committee or officer or the Council having delegated authority to do so. | Review of Consent Conditions. |
| ii) | Any submissions on any requirement for a designation or alteration to a designation made pursuant to Sections 168, 168A or 181 of the Act. | Hear Submissions on Designations. |
| iii) | Any submissions on any requirement for a Heritage Order made pursuant to Section 189 and 189A of the Act. | Hear Submissions on Heritage Orders. |
| 12) | Consider and make recommendations on any requirement for a designation or alteration to a designation pursuant to Section 171 of the Act. | Recommendations and Designations. |
| 13) | Consider and decide on any amendments to Council's District Plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors pursuant to Clause 16(2) or 20A of Part 1 of the First Schedule to the Act. | Amend District Plan. |

2. HEALTH ACT 1956

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002 and Section 23 of the Health Act 1956 the Hearings Committee is delegated authority to:

- | | | | |
|-----|--|---|-------------------|
| i) | Hear explanations against a notice to revoke registration issued pursuant to Clause 9 of the Health (Registration of Premises) Regulations 1966. | Explanations
Registration Should
Not be Revoked. | Why |
| ii) | Hear and determine any appeal against a direction or decision of any officer acting under delegated authority and any application or objection made pursuant to Clause 22 of the Housing Improvement Regulations 1974. | Determine
Applications or Objections
to Requirements Under
Housing Improvement
Regulations. | Appeals,
Under |

3. DOG CONTROL ACT 1996

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and determine any objections lodged against any decision of an officer acting under delegated authority or any notice issued by a Dog Control Officer pursuant to the following Sections.

Decide on objections under the Dog Control Act 1996

- | | |
|----------------------|---|
| Section 22 | Objection to the classification as a probationary owner. |
| Section 26 | Objection to disqualification from being an owner of a dog |
| Section 31 | Objection to the classification of a dog as a dangerous dog |
| Section 33B | Objection to the classification of a dog as a menacing dog under section 33A. |
| Section 33D | Objection to the classification of a dog as a menacing dog under section 33C as it is believed to belong to 1 or more classified breeds. |
| Section 55 | Objection to the issue of an abatement notice for a barking dog. |
| Section 70 | An application for the return of a barking dog seized under section 56 for causing distress. |
| Section 71 | An application for the release of a dog that is being held in custody under section 71(1) and (2) for threatening public safety. |
| Section 71(1)(a) | To be satisfied that a dog seized under section 15(1)(c) because the dog was without access to proper and sufficient food, water or shelter, will be given access to proper and sufficient food, water, or shelter if returned to the land or premises from which it was removed. |
| Section 71A(2)(a)(i) | To be satisfied that the owner of a dog seized under section 33EC (because the owner failed to comply with his obligations in respect of a dog classified as menacing), or of a dog classified as a menacing dog seized under section 33EB (because the owner failed to have the dog neutered), has demonstrated a willingness to comply with the relevant requirements”. |

4. LITTER ACT 1979

Pursuant to Clause 32 of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to hear and decide on any objection lodged pursuant to Section 10 of the Litter Act 1979 against a notice issued under that section.

Decide on Objections to Notices Issued by a Litter Control Officer.

5. Building Act 2004

Pursuant to Section 67A of the Building Act 2004 the Hearings Committee is delegated authority to grant a waiver or modification to section 162C(1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) the requirements of the Act (with or without conditions) in the case of any particular pool.

Grant Exemptions to Pool Fencing Requirements.

6. HASTINGS DISTRICT COUNCIL BYLAWS

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

- i) Hear and determine any application for a review of any decision of a duly authorised officer pursuant to any part or provision of the Hastings District Council Bylaws.
- ii) Consider and determine any application under Clause 1.5 of Chapter 1 of the Hastings District Council Consolidated Bylaw for a dispensation from full compliance with any provision of the Bylaws.

Review of Delegated Decisions.

Dispensations from Bylaws Requirements.

7. LOCAL GOVERNMENT ACT 1974

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002 the Hearings Committee is authority to hear and recommend to Council on any objections to any proposal to stop any road pursuant to Section 342 and the Tenth Schedule to the Local Government Act 1974.

Hearing Objections to Road Stopping.

8. GAMBLING ACT 2003

Pursuant to Clause 32(1) of Part 1 of the Seventh Schedule to the Local Government Act 2002, the Hearings Committee is delegated authority to:

- i) Hear, consider and determine in accordance with section 100 of the Gambling Act 2003, applications for territorial authority consent required under section 98 of that Act, as required by the Hastings District Council Class 4 Gambling Venue Policy.

Hear and Decide on Applications for Territorial Authority Consent.

Hastings District Plan Review Committee

Fields of Activity

Providing direction to Council officers with regard to the drafting of the District Plan (or sections thereof) and consultation on discussion documents and drafts.

Membership

A core group of 8 members (including 6 Councillors - two who are the Chairs of the Hearings and Strategy, Planning & Partnership Committees – plus 4 other Councillors)
Chair of the Hastings District Rural Community Board; and
A member of the HDC : Māori Joint Committee.

That the Core Team have delegation to invite additional members to Subcommittee meetings with an interest in, or ward representation, relevant to the topic under discussion.

Quorum

4 Councillor Members.

Alternate Councillor Redstone

Members available to be co-opted by the Chair: Councillor Harvey and Dixon for urban issues.

Delegated Powers – District Plan Review Subcommittee

Recommendations to Council on matters within the Field of Activity for the Subcommittee.

Te Tira Toitū te Whenua - Hastings District Plan Cultural Values Subcommittee

A Subcommittee of the Hastings District Plan Review Committee

Fields of Activity

The purpose of the Subcommittee is to consider how the cultural values of Te Mata and other areas of cultural significance is to be integrated within the District Plan. This will include overseeing the formation of a project plan and timeframe, considering the options for any changes proposed to the Proposed District Plan, and the detail provisions of the preferred option. The Subcommittee will also provide guidance on the consultation that will be required and its purpose may also be extended to look at the same issue with the other cultural values and areas of cultural significance (including outstanding landscapes) within the district.

Membership (8 members)

4 Councillors from Hearings Committee

4 Members appointed by the Māori Joint Committee

Quorum

4 Members, at least 2 Councillors and 2 MJC Appointed Members

Delegated Powers

This subcommittee has no delegated powers and makes recommendations to the District Plan Review Committee

SUBCOMMITTEES

Bylaws Subcommittee

A subcommittee of the Strategy Planning and Partnerships Committee.

Fields of Activity

Providing direction to Council officers in respect of the drafting of Council's new revised bylaws, and providing oversight of the Special Consultative Procedures.

Membership (4 Councillors)

Chairman appointed by Council

3 other Councillors

Quorum

3 members

Delegated Powers

- To review and provide comment on draft new or reviewed bylaws, and to recommend to the Strategy Planning and Partnerships Committee the adoption of drafts for consultation.
- To hear and consider all submissions reviewed in respect of any bylaw proposal and to recommend responses to the Strategy Planning and Partnerships Committee.
- To recommend to the Strategy Planning and Partnerships Committee the final wording of any new or reviewed bylaw for adopted by the Council.

Civic Honours Award Subcommittee

A Subcommittee of Council

Fields of Activity

The Civic Honours Award Subcommittee is responsible for assisting Council by:

- Reviewing, considering nominations and recommending recipients of Civic Awards.

Membership (3 Councillors)

Chairman appointed by the Council

2 other Councillors

Quorum – any 2 members

Delegated Powers

Authority to exercise all Council powers, functions and authorisation in matters within the fields of activity such as to enable recommendations to the Social & Cultural Development Committee on those.

The subcommittee reports to Council.

Community Grants Subcommittee

A Subcommittee of the Community Development Committee

Fields of Activity

The Community Grants Subcommittee is responsible for 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
- Marketing Responsibility

Membership (6 Councillors)

Chairman appointed by Council
5 other Councillors

Quorum – any 3 members

Delegated Powers

All matters not specifically delegated to any other Committee and Council Officers concerning or involving the following:

Authority to exercise all Council's powers, functions and authorities (except where prohibited by law or otherwise delegated) in relation to all matters within the Field of Activity including:

- The allocation of grant funding within the budget allocation.

The subcommittee reports to the Community Development Committee.

Earthquake-Prone Building Subcommittee

Fields of Activity

Providing input and direction to Council officers implementing the requirements of the Earthquake-prone Buildings Policy 2016 (*the Policy*). This may include input and direction on public consultation processes and preparation of discussion documents relevant to the implementation of the Policy.

To initiate and complete reviews of the Policy, and inform Council on proposed legislative and national policy changes as may be appropriate or required from time to time.

Membership (4 Councillors)

4 Councillors
Chairman appointed by the members of the Subcommittee

Quorum

3 Members

Delegated Powers

To make recommendations to Council, or the Strategy Planning and Partnerships Committee, on matters related to the Field of Activity for the Subcommittee.

To update Council's Strategy Planning and Partnerships Committee as appropriate on matters within the Field of Activity.

Opera House & Arts Precinct Subcommittee

Fields of activity

The Opera House and Arts Precinct Subcommittee is responsible for assisting Council by providing an overview of the development of strategies, programmes and initiatives aimed at community engagement and fundraising with respect to the redevelopment of the Hawke's Bay Opera House and development of an Arts precinct in Hastings.

Membership (5 Elected Members)

Chairman appointed by Council who is the Portfolio Leader for Our Places

Deputy Chairman appointed by the Council

3 Councillors

Quorum – 3 members

DELEGATED POWERS:

General Delegations

1. Authority to facilitate and oversee Community engagement and fundraising activity in relation to matters within the fields of activity and within the financial framework established by the Community Development Committee.
2. Authority to make recommendations to the Community Development Committee where resolutions of the Council are required.

The Subcommittee reports to the Community Development Committee

Rating Review Subcommittee

Fields of Activity

The Rating Review Subcommittee is responsible for assisting the Council in activities relating to rating policy and the reviews of rating policy.

Membership (7 members)

Chairman appointed by the Council

5 other Councillors

1 member appointed from the Rural Community Board

Quorum

4 members

Delegated Powers

- Oversight of the implementation of all matters related to the rating reviews and such other projects delegated by the Council from time to time.
- Recommend to Council changes to rating policy for consideration for inclusion in the Long Term Plan and Annual Plan.
- The Subcommittee reports to Council.

Reserve Management Plan Subcommittee

Fields of Activity

The Reserve Management Plan Subcommittee is responsible for advising the Community Development Committee by:

- Reviewing and considering submissions to Draft Reserve Management Plans
- Recommending Reserve Management Plans for adoption

Membership (4 Councillors)

Chairman appointed by the Council
3 other Councillors

Quorum – 3 members at least one of whom represents the Ward in which a reserve under consideration is located.

DELEGATED POWERS

Authority to exercise all Council's powers, functions and authorities in relation to all matters within the Field of Activity.

The subcommittee reports to the Community Development Committee.

The Officer responsible for the Committee is the Group Manager: Asset Management.

Risk and Audit Subcommittee

A subcommittee of the Finance and Risk Committee

Fields of Activity

The Risk and Audit Subcommittee 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; and
- Reasonable assurance as to the integrity and reliability of the financial reporting of Council; and
- Monitoring of the Council's requirements under the Treasury Policy

Membership (4 members)

Chairman appointed by the Council
Deputy Mayor
2 Councillors
An independent member appointed by the Council.

Quorum – 3 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 the Council or the Finance and Risk Committee

The subcommittee reports to the Finance and Risk Committee.

Temporary Road Closures Subcommittee

A subcommittee of the Works and Services Committee

Fields of Activity

The Road Closure Subcommittee is responsible for assisting Council by:

- Reviewing, considering submissions and deciding applications for temporary closure of roads.

Membership (4 Members)

Chairman appointed by the Council (who shall be an elected member)

Deputy Chairman appointed by the Council (who shall be an elected member)

Transportation Manager

Environmental Manager Consents

Quorum – 2 members of whom one shall be the Chairman or the Deputy Chairman.

DELEGATED POWERS

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.

The Subcommittee reports to the Works and Services Committee.

Tenders Subcommittee

A Subcommittee of Council

Fields of Activity

The Tenders Subcommittee is responsible for 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.

Membership (7 Members)

Chairman appointed by the Council

4 Councillors

Chief Executive

Group Manager: Asset Management

For the avoidance of doubt the references in this delegation to the 'Chief Executive' and 'Group Manager: Asset Management' extends to include any persons from time to time appointed in writing to those roles in an acting capacity.

Quorum – Any four members.

DELEGATED POWERS:

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

Responsibility to provide oversight and direction on tendering processes in general and/or specific issues relating to a particular project

The Committee reports to the Council.

OTHER COMMITTEES AND ADVISORY GROUPS

Appointments Committee

A Committee of the Council.

Fields of Activity

The Appointments Committee is responsible for assisting the Council with the appointment of directors for Hasting District Holdings Limited.

Membership (4 Councillors)

Chairman appointed by the Council

3 other Councillors

Up to 2 others co-opted by the Committee from time to time

Quorum – 3 Councillors

DELEGATED POWERS

Consideration of recommendations for appointment for director positions for Hastings District Holdings Limited in accordance with the Council's Policy on Appointment and Remuneration of Directors for Council Organisations.

The Committee reports to the Council.

Hastings District Licensing Appointments Committee

Fields of Activity

The Hastings District Licensing Appointments Committee is responsible for recommending the appointment of List Members to the District Licensing Committee.

Membership (3 Members)

Chair of Hastings District Licensing Committee

Group Manager: Planning and Regulatory Services

Democratic Support Manager

Quorum

Any two members

DELEGATED POWERS:

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.

HDC Animal Welfare Advisory Group

Introduction

- The purpose of this group is to provide a community perspective of the operations of the Animal Management Unit. To ensure the Animal Welfare Centre functions at an acceptable level to meet the requirements of MPI and aims to achieve best practice principles.
- To suggest general enhancements to the Animal Management operation.
- The group is not an appeal authority and as such does not have any authority to make comment on specific Animal control cases, nor to influence or attempt to influence the outcome of any particular case.

- Although there is a strong focus on welfare matters pertaining to animals in Council's care, it is not appropriate for Council to purport to regulate issues covered under the Animal Welfare Act 1999 which fall outside Council's statutory powers.

Fields of activity

1. To provide a community perspective on animal welfare pertaining to the day to day operations of the Animal Management unit.
2. To ensure the Animal Welfare Centre functions at a high level with respect to the welfare of impounded animals.

Membership (6 Members)

The group will be made up of a nominated representative from the following organisations:

- 1 Councillor
- Community Safety Manager
- Hastings and District SPCA
- Ministry for Primary Industries (MPI)
- WATCHDOG!
- Adoptadog

Members may appoint an alternative representative to attend should they be unable to attend.

The Group Manager: Planning and Regulatory Services will have the authority to make the final selection of the external representatives to the group.

Procedure

- The Council appointed representative will sit as the Group's Chairperson.
- The Group will meet on a scheduled basis as agreed.
- Council will provide secretarial services to the Group.
- Meetings will be held in Council's Administration building, Lyndon Road East.
- Items for the agenda (within the scope of the fields of activity) may be provided by any member organisation
- Agendas will be available to members at least three days prior to the meeting
- The agenda shall include an item for general business where matters may be raised for discussion
- Members will receive no remuneration or other payment from Council for their services on the group
- The group will regulate its own meeting procedure.
- The group will have no delegated authority, its decisions will be recommendations to the Group Manager: Planning and Regulatory Services, who will decide whether they should be implemented as administrative matters or referred to Council as policy changes.

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)

Chairman appointed by Council

4 other Councillors

The Landmarks Trust Chair

3 others nominated by the Landmarks Trust

Quorum – 5 members including not less than three 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.

Te Mata Park Trust Board Appointments Committee

Fields of Activity

Te Mata Park Trust Board Appointments Committee is responsible for recommending the appointment of trustees to Te Mata Park Trust Board

Membership (3 members)

Chairman appointed by Council

2 Councillors, one of whom is a Trustee of Te Mata Park Trust Board

One Councillor appointed by Council on the recommendation of Te Mata Park Trust Board

Quorum – any 2 members

DELEGATED POWERS:

All matters not specifically delegated to any other Committee and Council Officers concerning or involving the following:

- Authority to exercise all Council's powers, functions and authorities (except where prohibited by law or otherwise delegated) in relation to all matters within the Field of Activity being:
 - 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.

HASTINGS DISTRICT RURAL COMMUNITY BOARD

Hastings District Rural Community Board

The Community Board is a separate entity to the 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)

Chairman elected by the Board

4 Elected Community Board Members

1 Mohaka Ward Councillor

1 Kahuranaki Ward Councillors

Quorum – 4 members

DELEGATED POWERS:

General

1. To maintain an overview of services provided by the 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 the 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 the 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

7. 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

8. 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).

9. 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:
 - (i) Road user behaviour at intersections;
 - (ii) Controls on stopping or overtaking
 - (iii) Controls on turning
 - (iv) Pedestrian safety,
 - (v) Footpath maintenance and improvements.
 - (vi) Accident investigation studies, lighting and other safety works

10. 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 conflict with any policy or decision of the Council or any standing committee of the Council in relation to the same matter.

Rural Halls Subcommittee

A Subcommittee of the Rural Community Board.

Fields of Activity

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

- Reviewing applications for grants from the Rural Hall 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:

- Reviewing Application for Grants from the Rural Hall Maintenance Fund.
- Recommending the allocation of grants within the allocated funding.
- Recommending changes in criteria for grants from the Rural Hall Maintenance Fund.

JOINT COMMITTEES AND OTHER DELEGATIONS

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; and
- to consider and determine applications for renewal of licences and manager's certificates; and
- 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; and
- to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- 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; and
- with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- 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; and
- any other functions conferred on licensing committees by or under this Act or any other enactment.

Membership

Chairman appointed by the Council

Deputy Chairman appointed by Council

2 members selected from a list developed and maintained by the Council

Quorum

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

For contested applications 3 list members including the Chairman

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

Hastings District Council: Māori Joint Committee

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

Context

- The Joint Committee has been established by the Council as a deliberate step taken to assist in the development of sustainable relationships with Māori. Further it is intended the Council 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 the Council and
 - fostering the development of Māori capacity to contribute to those processes and
 - the provision of information to assist Māori contribution to Council's activities.
- The Council wishes the Joint 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 Joint Committee to assist it 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 LTP and Annual Plan with particular reference to those issues of importance to Māori from within the District.
- To host Council hui a hapu events held twice a year.
- 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 initiatives within budget and resource constraints of the Council.
- To assist the 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 the 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.

Membership (12 members)

Chairman – 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 three Tangata Whenua Appointees

DELEGATED POWERS:

- 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.
- Authority to make decisions on the allocation of Marae Development Fund grants within the allocated budget.
- Authority to develop procedures and protocols that assist the joint 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 Chairman shall not have a casting vote.

Note: The Terms of Reference for the Hasting District Council: Māori Joint Committee are subject to review by the Joint Committee at its first meeting in the 2016 Triennium.

Hastings District Council : Tangata Whenua Wastewater Joint Committee

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

Fields of Activity

To be actively involved in developing the Hastings District 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 and ocean discharge including alternative treatment and disposal options, and, in particular, providing 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, and in particular, to recognise 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 Hastings District 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)

Chairman appointed annually by the Joint Committee from its members annually to alternate 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 Council on matters within the Committee Fields of Activity.

The chairperson shall not have a casting vote.

Hawke's Bay Crematorium Committee

The Hawke's Bay Crematorium Committee established by Order in Council 9 June 1989 as part of The Local Government (Hawke's Bay Region) Reorganisation Order 1989. (CFM-04-01-2-12-13, CG-02-08-08-39, Error! Unknown document property name.)

- 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; and
 - (b) Two members to be appointed by the Hastings District Council; and
 - (c) One member to be appointed by the Central Hawke's Bay District Council.
- 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)

Chairperson appointed by the Committee

Appointed in accordance with the Reorganisation Order:

2 HDC Councillors

2 NCC Councillors

1 CHB Councillors

Quorum – 3 members

DELEGATED POWERS:

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

International Advisory Group Delegations

Fields of Activity

The Hastings District International Advisory Group is established to advise the Council on the development of education, scientific research, migration and cultural relationships with cities within 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)

- Chairman – Councillor
- 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 two 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 Community Development Committee.

Meetings

Meetings will be held a minimum of 3 times a year. These are to be advertised as public meetings, and will be fully serviced by the Council's Democratic Support Team.

Joint Alcohol Strategy Advisory Group

Background

Joint Alcohol Strategy 2011

A Joint Alcohol Strategy for Hastings District Council and Napier City Council was first adopted by both Councils in 2011. This Strategy was developed in response to the high levels of hazardous drinking in Hawke's Bay and the effects relating to misuse including crime, hospital visits, injury abuse and domestic violence. The Strategy also closely aligns with local Safe Communities (Safer Hastings and Safer Napier) goal to reduce alcohol related harm.

Review of the Joint Alcohol Strategy

The Joint Alcohol Strategy has a five year review period. Accordingly the Joint Alcohol Strategy 2011 has been reviewed by Hastings District and Napier City Council officers and updated. The draft Strategy provides Napier City and Hastings District Councils with a framework to guide initiatives to be undertaken with other partners to reduce alcohol related harm in their respective communities. The draft Joint Alcohol Strategy does not govern the regulatory functions of Council these are determined by Local Alcohol Plans. The Strategy reflects current data and trends, and focuses on at-risk groups and Councils' areas of influence which includes: leadership; regulation; event and facility management; advocacy; promotion and collaboration.

Consultation on the Draft Alcohol Strategy

The Napier City Council and Hastings District Council have agreed to the release of a draft Joint Alcohol Strategy for stakeholder and public feedback. Both Councils have agreed to two nominated Councillors to form part of an Advisory Group with a nominated officer from each Council to review and consider any feedback received. This Terms of Reference sets out how this Advisory Group will be governed.

The purpose of the Joint Alcohol Strategy Advisory Group is to:

- Review and consider feedback arising from the engagement with stakeholders and the public on the draft Joint Alcohol Strategy
- Provide advice and recommendations to each Council on the draft Joint Alcohol Strategy

Members (6 Members)

Chairperson - Councillor from one Council elected by Group

Deputy Chair – Councillor from the other Council elected by Group

1 other Councillor from Hastings District Council

1 other Councillor from Napier City Council

1 Officer from the Hastings District Council (Social and Youth Development Team)

1 One officer from the Napier City Council (Community Strategies Team)

DELEGATED AUTHORITY:

The Advisory group will have responsibility and authority to:

1. To review and consider written feedback from stakeholders and members of the public arising from consultation on the draft Joint Alcohol Strategy
2. Provide advice and recommendations to both Councils on the draft Joint Alcohol Strategy.

Administering Authority and Servicing

The Advisory Group will undertake their own administration; through the officer members.

Meetings

The Hastings District Council's Standing Orders will be used to conduct the Advisory Group meetings. The Advisory Group shall meet as and when required as agreed for the achievement of the purpose of the Advisory Group.

Quorum

Not less than four comprising one member and one officer from each authority.

Voting

The members shall strive at all times to reach a consensus. If no consensus is reached this will be noted and reflected in the advice to Councillors.

Variations

Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Advisory Group. Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

Term of Office

The primary purpose of this Advisory Group is to review and consider any feedback received as a result of stakeholder and public feedback and provide advice and recommendations to both Councils. It is proposed that this Advisory Group will be disestablished once a revised Joint Alcohol Committee is adopted by both Councils.

Joint Waste Futures Project Steering Committee

Background

Section 43 of the Waste Minimisation Act 2008 states that a territorial authority must adopt a waste management and minimisation plan 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

The Solid Waste Management Committee which had been set up with Napier City Council, jointly prepared a Waste Minimisation Plan (WMMP) which was formally adopted in 2012. This committee was disestablished upon adoption of the WMMP. In early 2014 the Joint Council Waste Futures Project Steering Committee was established to meet 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. A Waste Assessment, which is the first step of the review has been undertaken and options are being developed for the WMMP. It is proposed that all submissions on the draft WMMP are heard by a joint committee of Napier City and Hastings District Council:

Purpose

- To approve the content of the Draft Waste Management and Minimisation Plan for public consultation.
- To hear submissions and make recommendations to the constituent Councils on the draft regional Waste Management and Minimisation Plan 2011-2017.
- To be responsible for overseeing, supporting, monitoring and reporting progress toward achieving the intent of WMMP. As well as representing the interests of participatory Councils in the WMMP.
- To review the Joint Waste Management and Minimisation Plan at least every six years to meet the requirements of the WMA 2008

Members (6 Councillors)

Chairperson - 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 members, 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 Councils 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.

APPENDIX ONE

Chief Executive's Performance Review and Planning Process

Performance Planning & Performance Review – Chief Executive of Hastings District Council

The Chief Executive (CE) Performance Planning & Performance Review process provides a formal process of regular performance planning and performance review with the Chief Executive (CE) and Council, to ensure that there is common understanding of desired outcomes, to foster the relationship and communication between the CE and Council and to provide feedback on performance to the CE.

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
 - (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; and
 - (h) negotiating the terms of employment of the staff of the local authority.
- (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

Schedule 7, Part 1, 34 (2)

Terms of employment of chief executive

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

The process commences with an agreement between the CE and Council 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.

An experienced consultant will be retained to facilitate the process for the annual review and planning process and, if desired, also for the midyear review. The role of the consultant is not one of decision maker, appraiser or evaluator, but is to guide the Mayor and Councillors through the performance planning and performance review process. It is not to determine on their behalf whether or not the Chief Executive is performing or to provide judgement, but to assist the Mayor and Councillors to understand the process and to work through it, ensuring a robust decision making process and outcome.

Reviews will occur at least twice each year with the full council (midyear review and annual review). The Chief Executive will provide to Council a Self Assessment Report and the previously agreed Performance Plan with commentary regarding the achievement of objectives. For the annual review, the Chief Executive will also provide a proposed draft Performance Plan for the coming year.

A workshop will then be held with the Chief Executive, Council, Chair of the HDC : Māori Joint Committee and the Chair of the Rural Community Board. This will be facilitated by the external consultant. The purpose of the workshop will be to review the performance of the Chief Executive, and (in the case of the annual review) to discuss areas of focus for the Chief Executive for the forthcoming year and related Key Performance Indicators.

If any Councillor is absent from the Workshop, they will not be able to participate or vote on the adoption of the Performance Plan. By absenting themselves from part of the process and discussion they have not been party to all the information on which to make a judgement.

For the annual review, the draft Performance Plan for the coming year will be updated as agreed based on the information gathered through workshop, and a final version will then be agreed by the Council and the CE.

The finalised Performance Plan will be adopted by resolution of Council.

Performance Reviews will be recorded by resolution of Council.

As part of the annual review, a 360 degree feedback survey must be undertaken. This may involve seeking feedback from:

- Mayor and Councillors (as the Employer)
- Chairs of the HDC : Māori Joint Committee and the Rural Community Board along with appropriate external stakeholders
- Staff who report to the Chief Executive
- The Chief Executive

On an annual basis, the CE's remuneration package will be reviewed. Any increase will take into account such things as external remuneration advice, market remuneration information, along with other relevant information (e.g. cost of living data). The Chief Executive will be given the opportunity to provide their view on the appropriate remuneration level. Following consultation with the Chief Executive, the Council will determine the appropriate remuneration level.

APENDIX TWO

Omarunui Refuse Landfill Joint Committee Heads of Agreement

Heads of Agreement dated the 4th day of October 2010

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: 63.68% Napier City Council: 36.32%
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 – 63.68% Napier City Council – 36.32% (subject to any specific provisions following)
5.0	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.
6.0	Joint Committee General Powers	6.1 Subject to Clause 6.2 the general powers of the Joint Committee shall be: <ul style="list-style-type: none"> 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. b. To construct buildings, purchase and dispose of plant, equipment and materials. c. Arrange insurance cover to ensure that there is comprehensive insurance in respect of the establishment and operation of the refuse disposal facility. d. To indemnify any Council or Council representative acting on behalf of the Councils pursuant to this agreement in connection with the development or

		<p>operation of the refuse disposal operation after the execution hereof.</p> <p>e. To fix and recover fees and charges payable by landfill users.</p> <p>f. The licensing of users.</p> <p>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.</p> <p>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.</p> <p>i. To use any part of the Omarunui property not required for refuse disposal for any lawful purpose including the leasing thereof.</p> <p>j. Such further specific powers as may be delegated to it as agreed by the Councils.</p> <p>6.2 The Joint Committee shall operate within budgets approved by the Councils. In the event that overexpenditure is anticipated or incurred the Joint Committee shall immediately report that fact to the Councils.</p> <p>6.3 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>6.4 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>
7.0	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 Chairman and Deputy Chairman.</p> <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.</p> <p>7.4 All meetings may be attended by officers of the Councils but officers shall not be entitled to vote.</p> <p>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.</p>

		<p>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.</p> <p>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.</p> <p>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.</p>
8.0	<i>Joint Committee Financial Provisions</i>	<p>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.</p> <p>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.</p> <p>8.3 Surpluses and deficits shall be received and borne by the Councils in the following shareholding percentage: Hastings District Council – 63.68% Napier City Council – 36.32%</p> <p>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.</p>
9.0	<i>Duties of the Individual Councils</i>	<p>9.1 To comply with the resource and regulatory consents relating to the operation.</p> <p>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.</p> <p>9.3 To establish and operate transfer stations and to adopt charges in relation to such transfer stations.</p>
10.0	<i>Changes in Participation</i>	<p>10.1 The establishment and operating costs of the Councils up to the time of any Change in Participation shall be safeguarded as far as possible.</p> <p>10.2 The addition or withdrawal of any party shall require agreement of the Councils.</p>
11.0	<i>Staff Appointments</i>	<p>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.</p> <p>11.2 It is recognised that it will be desirable for the staff required to be employed by one of the Councils.</p>
12.0	<i>Facility Manager</i>	<p>12.1 The Facility Manager appointed by the Administering Authority shall be a suitably qualified person who shall</p>

		<p>report to the Joint Committee and attend its meetings and will be responsible for the day to day operations at the landfill site.</p> <p>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.</p>
13.0	<i>Secretarial Services</i>	<p>13.1 Secretarial and Accounting services shall be provided by the Administering Authority.</p> <p>13.2 The functions to be fulfilled shall include:</p> <ol style="list-style-type: none"> 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. <p>13.3 All documents to be signed on behalf of the Joint Committee shall be signed by the Chairman (or in his absence one elected member of that Committee) together with such other person authorised by the Administering Authority.</p>
14.0	<i>Commencement and Duration</i>	<p>14.1 This Joint Committee shall commence from the date of this agreement and shall continue thereafter until terminated by agreement of the Councils.</p> <p>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 – 63.68% Napier City Council – 36.32%</p> <p>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.</p>
15.0	<i>Arbitration</i>	<p>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.</p> <p>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.</p>
16.0	<i>Substitution</i>	<p>16.1 It is agreed and acknowledged that this agreement shall take effect and be in substitution for the Heads of Agreement between the parties dated 18 February 1993.</p>