



Grey District Council

Delegations Manual

Part One: Council and Finance

First adopted by Council on 16 December 2021
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RECORD OF AMENDMENTS

Date	Changes	By
1 August 2023	Updated to align with December 2022 Phase 2 Restructure	Chief Executive
13 May 2024	Delegation levels for senior roles increased	GM Support
13 May 2024	Policy list updated	GM Support
13 May 2024	Communication & Engagement Manager (new role)	Chief Executive
<u>27 January 2025</u>	<u>Addition of new GM Roles (Community; Economic Development & Regulatory)</u>	<u>Chief Executive</u>
<u>27 January 2025</u>	<u>Update Council Committee Structure</u>	<u>Chief Executive</u>

PART A

1 INTRODUCTION

1.1 How this Delegations Manual Works

The Delegations Manual sets out the delegations made by the Grey District Council (Council).

Delegation in this Manual means the assignment of a power, function or duty to another, together with the authority to carry out that duty or complete the action assigned with responsibility for the outcome.

The Manual is split into two documents:

- Part One – Council and Finance, and
- Part Two – Chief Executive.

Council supports the principle of delegating decision-making to the lowest level of accountability, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated. This makes the best use of the abilities of elected members, ensures the cost-effective use of resources and promotes the development of efficient and effective management. This principle has been applied to the preparation of this Delegations Manual.

1.2 Background

Council is made up of:

- Elected Members – the Mayor and Councillors, who have overall responsibilities for Council decisions and activities; and
- The Chief Executive – who is the sole employee of the Elected Members; and
- Council officers – who are employed by the Chief Executive.

It is important there is a clear distinction between governance and management activities for effective operations. Governance activities are the remit of Elected Members. Management activities are the remit of the Chief Executive, which includes the provision of policy advice as well as implementing governance decisions made by Elected Members.

For a Council to operate efficiently and effectively, the Chief Executive delegates provision of policy advice and implementation of decisions to Council officers.

1.3 Purpose

The purpose of the Delegations Manual is to define and authorise the scope of:

- The division between governance and management activities
- Council's delegations of governance activities to Council committees
- Council delegations of management activities to the Chief Executive
- the Chief Executive's delegations to Council officers, including the Executive Leadership Team.

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

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

1.4 Structure

This document, *Delegations Manual Part One – Council and Finance*, is structured as follows:

Introduction and The Legal Framework

These sections outline Council's guiding principles for delegating authority and establish the legal power for making these delegations. They set out the framework through which the delegations are made and structured.

Governance Delegations

This section sets out the delegation of governance powers from Council to its Standing Subcommittees, Joint Committees and other Committees.

Financial Delegations

The delegation of financial powers enables the achievement of Council's objectives and work programme, as adopted in the Long Term Plan and Annual Plan. This section sets the limits of financial delegations to Council staff.

Statutory Delegations

The Chief Executive has delegated authority for all powers, duties and responsibilities conferred by Acts and Regulations, and a list of those is provided in this section.

A separate document, *Delegations Manual Part Two – Chief Executive*, sets out:

- *Statutory delegations*
This section outlines how the Chief Executive delegates enforcement, inspection, licencing and administration related to bylaws and other regulatory matters to any other local authority, organisation, or person.
- *Non-statutory delegations*
This section sets out how the Chief Executive delegates management powers and responsibilities to facilitate the effective operation and administration of Council business.

1.5 Operative Date

This document, *Delegations Manual Part One – Council and Finance*, came into effect on 16 December 2021 and will continue in force until revoked by the Council.

All earlier delegations which conflict with or duplicate any provision in this document, *Delegations Manual Part One – Council and Finance*, are revoked as at 16 December 2021 (Council resolution of 16 December 2021).

2 THE LEGAL FRAMEWORK

2.1 Legal Authority

The powers, functions and duties of a Council are prescribed through various central government Acts and Regulations. The main Acts that impact on Council include, but are not limited to, the:

- Local Government Act 2002
- Resource Management Act 1991
- Building Act 2004
- Reserves Act 1977
- Local Authorities (Members' Interests) Act 1968.

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

Council cannot delegate the power to:

- set a rate
- adopt a bylaw
- borrow money, purchase or dispose of assets, outside of the Long Term Plan
- adopt a Long Term Plan, Annual Plan or Annual Report
- appoint the Chief Executive
- adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Local Governance Statement
- approve, adopt and set operative dates for changes and/or variations to resource management plans and policies under the Resource Management Act 1991
- adopt a remuneration or employment policy
- to determine not to follow a recommendation of the Ombudsman following an investigation
- approve or amend Council's Standing Orders
- approve and amend the Code of Conduct for Elected Members
- establish and determine the structure, terms of reference, and delegated authorities of Committees
- appoint and discharge members of Committees
- establish a joint Committee with another local authority or public body.

2.2 Key Principles of Delegations

To enable Council to:

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

the Council and the Chief Executive will take into account the following principles in making decisions about delegated authority:

- Council supports the principle of delegating decision-making to the lowest level of accountability, commensurate with the degree of responsibility and difficulty involved in the undertaking of the task delegated
- the act of delegating involves mutual trust and respect without which the efficiency and effectiveness of the Council would be at risk
- delegations will be made to positions, not people
- delegations will be recorded in the Delegations Manual
- delegations will commit Council to decisions made by staff with delegated authority
- delegations will be reviewed and amended as required.

Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.

2.3 Council's Governance Responsibilities

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

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

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

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

2.4 Responsibilities of the Chief Executive

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

The Chief Executive is responsible to the elected Council for:

- implementing the decisions of the local authority
- providing advice to members of the local authority and to its community boards, if any
- 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
- ensuring the effective and efficient management of the activities of the local authority
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority

- employing, on behalf of the local authority, the staff of the local authority,(in accordance with any remuneration and employment policy)
- negotiating the terms of employment of the staff of the local authority(in accordance with any remuneration and employment policy).

The Chief Executive is responsible for:

- ensuring, as far as practicable, that the management structure of the local authority:
 - reflects and reinforces the separation of regulatory responsibilities and decision making processes from other responsibilities and decision making processes
 - is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives
- appointment of independent commissioner(s) to hear, consider and determine all contested resource consent application in respect of which Council, or a Council Controlled Organisation (CCO), is or could be perceived to be an interested party.
- delegating to the Hearing Panel all of Council's regulatory powers in respect of hearing, considering and determining all matters relating to resource consents under the Resource Management Act 1991; and action under the Dog Control Act 1996.
- delegating to appropriate staff Council's powers to undertake compliance inspection and enforcement in accordance with Council's approved procedures.

The Chief Executive is able to delegate any of these powers other than the power to delegate.

2.5 Delegation of Powers to any Other Officer

The *Delegations Manual Part Two – Chief Executive* records all delegations from the Chief Executive to Council staff.

Clause 32B of Schedule 7 of the Local Government Act 2002 provides further delegations of power (with some restrictions) to another Officer of the Council.

PART B

3 GOVERNANCE DELEGATIONS

The Local Government Act 2002 (Schedule 7) provides for committees and subcommittees as subordinate structures to Council.

3.1 Standing Committees and Subcommittees

The Council operates the following Committees:

- ~~Finance, Regulatory and Business Support Committee~~
- ~~Operations and Capital Programme Delivery Committee~~
- Animal Control Committee
- Chief Executive Employment Committee
- Civic Awards Committee
- ~~Commercial and Economic Development Committee~~
- Creative Communities Committee
- Members Code of Conduct Committee
- Sports New Zealand Rural Travel Fund Committee
- ~~Grey District Resilience Subcommittee~~
- Risk and Assurance Subcommittee
- Tenders Subcommittee

Their Terms of Reference, including any delegated authority, are set out below.

3.1.1 ~~Finance, Regulatory and Business Support Committee~~

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	Animal Control Risk and Assurance
Legislative Basis	Committee established by the Council as per Schedule 7, Section 30 (1) (A), LGA 2002. Committee delegated powers by the Council as per Schedule 7, Section 32, LGA 2002
Members	Mayor Eight Councillors (8) Independent Iwi representative (1)
Quorum	Five members (5)
Meeting frequency	Six weekly or as and when required.
Terms of Reference	The purpose of the Committee is to: Finance a) Advise and support the Mayor on the development of the Long Term Plan (LTP) and Annual Plan (AP). b) Monitor the overall financial management and performance of the Council including appropriate financial forecasting and cashflow monitoring. c) Make financial decisions required outside of the annual budgeting processes. The committee will establish an annual work programme outlining key focus areas in line with its responsibilities, which include:

	<ul style="list-style-type: none"> • Advising and supporting the Mayor on the development of the LTP and AP for consideration by the Council. • Financial policy related to LTP and AP. • Setting of rates. • Preparation of the consultation document and supporting information, and the consultation process, for the LTP and AP. • Establishing and managing a structured approach to the approval of non-budgeted expenditure (including grants, loans or guarantees) that reinforces value for money and expectation of tight expenditure control. • Performance measures and monitoring. • Write-offs. • Acquisition of property in accordance with the LTP. • Disposal in accordance with the LTP.
Powers	<p>I. All powers necessary to perform the committee's responsibilities, including:</p> <p style="margin-left: 20px;">(a) Approval of submission to an external body.</p> <p style="margin-left: 20px;">(b) Establishment of working parties or steering groups.</p> <p>II. The Committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.</p> <p>III. If a decision is a budgetary or financial decision that relates primarily to the Finance and Regulatory and Business Support Committee responsibilities, the Committee has the powers to make associated decisions on matters that would otherwise be decided by other committees. For the avoidance of doubt, this means that matters do not need to be taken to multiple committees for decisions.</p> <p>IV. The Committee does not have:</p> <p style="margin-left: 20px;">(a) The power to establish subcommittees.</p> <p style="margin-left: 20px;">(b) Powers that the Council cannot delegate or has retained to itself.</p>
	<p>Regulatory</p> <ul style="list-style-type: none"> • To develop and approve Council's regulatory policies, and review as appropriate as necessary. • To develop district bylaws and recommend them for Council approval, and review as appropriate and necessary. • To consider any reports relating to any regulatory function to the Council. • To ensure that Council meets all compliance requirements relating to its regulatory responsibilities. • To approve contracts relating to the responsibilities of the Committee. • Review of changes to central government policy or laws affecting Council's regulatory and policy functions; review of regulatory functions or planning documents and policies of external agencies (including Regional Policy Statements and Plans), and lodgement of responses / submissions as necessary. • Regulatory policy and administration of regulatory functions.

	<ul style="list-style-type: none"> • Animal control and dog control. • Responsible camping. • Parking control. • Building Control
Limits to Delegation	<p>Matters that cannot be delegated by Council include:</p> <ul style="list-style-type: none"> • The power to make a rate. • The power to make a bylaw. • The power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan. • The power to adopt a long term plan, annual plan, annual report. • The power to appoint a Chief Executive. • The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement. • The power to adopt a remuneration and employment policy.

3.1.2— Operations and Capital Programme Delivery Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committees	Tenders Subcommittee
Legislative Basis	Committee established by the Council as per Schedule 7, Section 30 (1) (A), LGA 2002. Committee delegated powers by the Council as per Schedule 7, Section 32, LGA 2002
Membership	Mayor Eight Councillors (8) Independent Iwi representative (1)
Quorum	Five members (5)
Meeting frequency	Six weekly or as and when required.
Terms of Reference	<p>The Council delegates to the Committee responsibility for governance and decision making in the following areas:</p> <ul style="list-style-type: none"> • Roading. • 3 Waters. • Amenities. • Capital Programme and Contracts. <p>Governance in the above areas will include:</p> <ul style="list-style-type: none"> • Monitoring activities. • Review and establish levels of service in all areas of operations. • Review of Activity Management Plans or those plans to establish the Long Term operation of services. • Variations to budgeted costs within the Long Term Plan provisions. • Approval of long standing maintenance contracts. • Waiver of fees and charges outside delegated authorities, where considered less than high significance according to the Significance and Engagement Policy.

	<ul style="list-style-type: none"> • Matters which are determined to be of high significance by the Committee may be recommended to Council for a decision.
Limits to Delegation	<p>Matters that cannot be delegated by Council include:</p> <ul style="list-style-type: none"> • The power to make a rate. • The power to make a bylaw. • The power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan. • The power to adopt a long term plan, annual plan, annual report. • The power to appoint a Chief Executive. • The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement. • The power to adopt a remuneration and employment policy.

3.1.3 Animal Control Committee

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Created by Council pursuant to the Dog Control Act
Membership	Three Councillors (3)
Quorum	Two members (2)
Meeting frequency	As and when required.
Terms of Reference	<ul style="list-style-type: none"> • To hear and determine appeals to classifications of dogs. • To determine cases of dog destruction as per Council policy.
Limits to Delegation	The principles of natural justice must be adhered to and be applied.
Power to Act.	Full delegation.
Referral to Council	The minutes of the Committee serve before Council for information.
Management responsibility	Group Manager Support Economic Development & Regulatory Services

3.1.4 Chief Executive Employment Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committee	None
Legislative basis	Committee reconstituted by the Council as per Schedule 7, Section 30 (1) (A), LGA 2002. Committee delegated powers by the Council as per Schedule 7, Section 32, LGA 2002.
Membership	The Mayor (Chair) One Councillor (1)
Quorum	Two members
Meeting frequency	As and when required.

Terms of Reference	<ul style="list-style-type: none"> To review the Chief Executive's Officer's performance and make recommendations to Council. Undertake regular assessments of the wellbeing of the Chief Executive and to make recommendations to Council in relation to actions to ensure wellbeing. To manage the process of recruitment of a Chief Executive from time to time. To recommend to Council the annual salary level for the next financial year.
Limits to Delegation	<p>Matters that cannot be delegated by the Council include:</p> <ul style="list-style-type: none"> Remuneration payment for coming year. Performance objectives for coming year.

3.1.5 Civic Awards Committee

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Committee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Committee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	Chair: Independent Member: Councillor (1); Her Worship the Mayor Member: Three independent members with a Queen / King's honour.
Quorum	Three members one of which must be an elected member.
Meeting frequency	Annually as and when required.
Terms of Reference	To determine nominations for Civic Awards against Council's Policy.
Limits to Delegation	Council's Policy must be complied with.
Power to Act.	Full delegation.
Referral to Council	The minutes of the Committee serve before Council for information.
Management responsibility	Group Manager Strategy, Policy and Corporate Support <u>services</u>

3.1.6 ~~Commercial and Economic Development Committee~~

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Committee constituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Committee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	Independent Chair The Mayor (Deputy Chair) Four Councillors (4)
Quorum	Three members (3)
Chair	The Chair will be an independent appointment.
Meeting frequency	The Commercial and Economic Development Committee will meet on a quarterly basis or as required.

Terms of Reference	<p>The purpose of the Commercial and Economic Development Committee is to provide governance and oversight in the management of Council's commercial activities including its investments, real estate, Airport, tourism promotion and economic development and Port of Greymouth.</p> <ul style="list-style-type: none"> • Ensure that operational strategies, capital works programmes and activity management plans for Council's commercial, tourism and economic development portfolio as a whole support appropriate returns on investment after balancing risks, commercial return, community outcomes and community well-being. • Monitor and improve the performance of Council's commercial, tourism and economic development portfolio, including identifying further opportunities to increase the portfolio. • Receive and consider reports on strategies, and investments along with the identification and mitigation of financial and operational risk. • Make recommendations to the Council on new investments, disposals, business opportunities and other matters in relation to the commercial portfolio. • The Scope of this Committee includes: Commercial investments. Property managed on a commercial basis. Greymouth Airport. Tourism promotion. Economic development support. The Port of Greymouth
Limits to Delegation.	<p>Matters that cannot be delegated by the Council include:</p> <ul style="list-style-type: none"> • The power to make a rate. • The power to make a bylaw. • The power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan. • The power to adopt a long term plan, annual plan, annual report or strategic plan. • The power to appoint a Chief Executive. • The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement. • The power to adopt a remuneration and employment policy.

3.1.7 Creative Communities Committee

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Committee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Committee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	<u>One Independent Chair (appointed annually)</u> Two Councillors (2)

	Four Three independent members (3)
Quorum	Three members one of which must be an elected member
Meeting frequency	Annually as and when required.
Terms of Reference	To determine funding applications.
Limits to Delegation	Council's Policy and budget will apply
Power to Act.	Full delegation.
Referral to Council	The minutes of the Committee serve before Council for information.
Management responsibility	Group Manager Support Community

3.1.8 Members Code of Conduct Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committee	None
Legislative basis	Committee established by the Council as per Schedule 7, Section 30 (1) (A), LGA 2002. Committee delegated powers by the Council as per Schedule 7, Section 32, LGA 2002.
Membership	The Mayor The Deputy Mayor One Independent Member (1) – with relevant mediation skills (appointed by the Chief Executive Officer). <i>(If a member is required to withdraw due to a potential conflict of interest, the Chief Executive Officer will appoint a replacement Councillor at his / her discretion. Factors that may be considered include leadership roles, seniority of service and possibly ward representation).</i>
Meeting frequency	As and when required.
Terms of Reference	<ul style="list-style-type: none"> To hear allegations of breaches to the Code of Conduct. To receive a report from the Chief Executive Officer, Mayor or Independent Investigator regarding alleged breaches of the Code of Conduct. To consider if a complaint received in a report as above, warrants further investigation. To provide any member who may be the subject of a complaint, the opportunity to speak to their defence. Where there are statutory provisions dealing with the breach, the Committee may refer the breach to the relevant body. To assess and rule on any complaints following its investigations. Determination of sanctions for identified breaches of the Code of Conduct. The Committee will report breaches, the findings of its investigations and any sanctions imposed to the Council in accordance with the Code of Conduct provisions.
Limits to Delegation	<ul style="list-style-type: none"> The Committee has full delegations to hear, determine findings and impose sanctions with respect to breaches, in accordance with the Code of Conduct provisions. The Committee must provide a report to

	the Council for information only regarding its findings and decision on sanctions.
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3.1.9 Sports New Zealand Rural Travel Fund Committee

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Committee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Committee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	Three Councillors (one of who will be Chair) (3) Two independent members (2)
Quorum	Three members one of which must be an elected member
Meeting frequency	Annually as and when required.
Terms of Reference	To determine funding applications.
Limits to Delegation	Council's Policy and budget will apply
Power to Act.	Full delegation.
Referral to Council	The minutes of the Committee serve before Council for information.
Management responsibility	Group Manager SupportCommunity

3.1.10 Grey District Resilience Subcommittee

Type of Committee	Council Committee
Subordinate to:	Council
Subordinate Committee	None
Legislative Basis	Committee constituted by Council as per Schedule 7, Section 30 (1) (A) Local government Act 2002. Committee delegated powers by the Council as per Schedule 7 (Section 32) of the Local Government Act.
Membership	Chair: Mayor Two Councillors (2)
Quorum	Two members (2)
Principal Advisor	Group Manager Operations
Meeting Frequency	February, May, August, November or on an as required basis.
Terms of Reference	<ul style="list-style-type: none"> • To understand the resilience needs of Grey District communities. • Ensure alignment with the resilience and civil defence activities of the organisation with community needs. • To monitor civil defence preparedness activities, including reduction, readiness, response and recovery capability. • To consider response and recovery capability in the context of lessons learned from emergency events and shocks. • To make recommendations to Council on provision of civil defence resources and initiatives. • To develop the Grey District Councils awareness of resilience as a concept, increasing the organisations maturity in matters of resilience management, with a view to collaborating with key stakeholder agencies to develop resilience plans, leading to development of resilient places and communities capable of withstanding shocks.

	<ul style="list-style-type: none"> • To make recommendations to Council on matters of the district's resilience. • To consider the matters raised by the West Coast Emergency Management Joint Committee, in the context of activities required or undertaken by Grey District Council. • To maintain awareness of the activities of the Joint Floodwall Committee. • To build and maintain organisational awareness and collaborate with agencies implementing initiatives, policies and undertaking activities linked with resilience in the Grey District and the West Coast Region.
Limits of Delegation	Recommending Powers only
Conflicts of Interest	Will be declared by Council committee members in advance of attending meetings, in relation to participation as committee members and in relation to agenda items or at times of matters raised.
Reporting procedures	All meetings of this committee will be minuted and reported to the next meeting of full Council.

3.1.11 Risk and Assurance Subcommittee

Type of Committee	Council Subcommittee
Subordinate to:	Council Finance, Regulatory and Business Support
Subordinate Committee	None
Legislative Basis	Subcommittee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Subcommittee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	Chair: Independent appointment. Deputy Chair: Mayor Three Councillors (3)
Quorum	Three members
Meeting frequency	February, April, June, August and October.
Terms of Reference	<p>The purpose of the Risk and Assurance Committee is to assist the Council in discharging its responsibilities in relation to:</p> <ul style="list-style-type: none"> • The robustness of the internal control framework and financial management practices. • The integrity and appropriateness of external reporting and accountability arrangements. • The robustness of risk management system, processes, and practices. • Compliance with applicable laws and regulations. • Standards and best practice guidelines, and • The establishment and maintenance of controls to safeguard the Council's financial and non-financial assets. <p>Areas that broadly fall under the umbrella of this committee are:</p> <ul style="list-style-type: none"> • Risk management framework • Financial risk management • Health and safety risk management • Compliance with legislation • External audit or review of any Council activities, including but not limited to NZTA, Building Controls, Audits.

Assurance – other	<ul style="list-style-type: none"> • Review corporate risk assessment and internal work management practices. • Receive and review Health and Safety reports. • Oversight of the processes used to manage project risks. • Review insurance arrangement annually. • Overseeing Council’s systems, processes, and practices for risk management: <ul style="list-style-type: none"> a) Ensure that management has in place a current and comprehensive risk management framework and associated procedures for effective identification and management of the Council’s significant risks (including financial and non-financial risks). b) Consider whether appropriate action is being taken by management in its treatment of risk to either accept or mitigate Council’s significant risks. • Monitoring insurance claims. <p>It is anticipated that the Council will from time to time be required by third parties to undertake an audit process. They may include by not be limited to Waka Kotahi, Building Control, MBIE.</p> <p>The Risk and Assurance Committee will:</p> <ul style="list-style-type: none"> • Approve (if required) any other external audit proposal. • Liaising with the relevant external auditor: <ul style="list-style-type: none"> a) At the start of each audit, confirm the terms of engagement with the external auditor including the nature and scope of the audit, timetable and fees. b) Approve the external audit engagement letter and letter of undertaking and any additional services to be provided by the external auditor. c) Receive the external audit report (s) and review action to be taken by management on significant issues and audit recommendations raised within. d) Conduct a member only session (i.e. without any management present) with external audit to discuss any matters that the auditors wish to bring to the committee’s attention and / or any issues of independence.
Conflicts of Interest	Once per year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee.
Delegations	The Committee will in general make recommendations to Council on certain matters. Where the Committee is delegated to approve a matter this is considered a decision by the Committee.
Limits to Delegations	Matters that cannot be delegated by the Council include: <ul style="list-style-type: none"> • The power to make a rate. • The power to make a bylaw.

	<ul style="list-style-type: none"> • The power to borrow money, or purchase or dispose of assets, other than in accordance with the long term plan. • The power to adopt a long term plan, annual plan, annual report or strategic plan. • The power to appoint a Chief Executive. • The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement. • The power to adopt a remuneration and employment policy.
Reporting Procedures	<ul style="list-style-type: none"> • After each meeting the Chair will report the committee's recommendations and findings to the Council. • The minutes of all meetings of the Committee will be presented to Council and to such other persons as the Council directs. • The Chair will present an annual report to the Council summarising the Committees activities during the year and any significant results and findings.
Power to Act:	Generally recommending powers only, but certain decisions can be taken by the committee.
Referral to Council	The minutes of the subcommittee serve before Council as a recommendation.
Management responsibility	Chief Executive

3.1.12 Tenders Subcommittee

Type of Committee	Council Subcommittee
Subordinate to:	Council Operations and Capital Programme Delivery Committee
Subordinate Committee	None
Legislative Basis	Subcommittee reconstituted by Council as per Schedule 7, Section 30 (1) (A) Local Government Act 2002. Subcommittee delegated by powers by the Council as per Schedule 7 (Section 32) of the Local Government Act)
Membership	The Mayor One Councillor (Chair) Two Councillors (2)
Quorum	Three members (3)
Meeting frequency	Fortnightly and as and when required.
Terms of Reference	<p>To determine all tenders with a value in excess of the limit set by Council from time to time. This includes a decision on reasonable grounds to not accept any tender and to re-tender the contract.</p> <p>To extend existing contracts for no longer than 12 months where the subcommittee is of the opinion that:</p> <ul style="list-style-type: none"> • it is in Council's best interest to do so • The performance of the Contractor warrants such extension • The extension will not cause controversy or • The extension will not have legal implications for Council <p>To recommend measures to the Operations and Capital Delivery Programme Committee on how to improve</p>

	Council's oversight over the Council's staff's performance in managing contractors and contracts
Limits to Delegation.	Tenders must be awarded within available budgets. Council's Procurement Policy must be adhered to Where any tender award (or otherwise) may have legal implications or where a non-conforming tender is accepted, the reasons for decisions must be recorded.

3.2 Joint Committees

3.2.1 Joint Floodwall Committee

Type of Committee	Joint Committee
Subordinate to:	West Coast Regional Council Grey District Council
Subordinate Committee	None
Legislative Basis	A Joint Committee under the Local Government Act for purposes of coordinated management of Greymouth area Floodwalls (incl. Saltwater Creek). An existing Memorandum of understanding forms the basis of coordination.
Membership	Mayor Two Councillors (2)
Meeting frequency	Annually or as and when required.
Terms of Reference	<ul style="list-style-type: none"> To agree on the annual capital/maintenance programme for the floodwalls to maintain structural and functional competence. To formulate a recommendation to WCRC for a rate strike to fund the maintenance programme noting that the actual rate strike and rating district created is an exclusive WCRC function. To advise both Councils on measures aimed at maintaining a 1:50 year plus 600 mm freeboard river inundation capacity
Limits to Delegation	Recommendation capability
Power to Act.	N/A.
Referral to Council	The minutes of the Joint Committee serve before Council as a recommendation.
Management responsibility	Group Manager Operations

3.2.2 Te Tai Poutini One Plan (TTPP)

Type of Committee	Joint Committee
Subordinate to:	West Coast Regional Council
Subordinate Committee	None
Legislative Basis	Created in terms of Local Government Reorganisation Scheme (West Coast Region) Order 2019.
Membership	Mayor Member: One Councillor (1)
Meeting frequency	As required by Independent Chair.
Terms of Reference	Ref. Cl. 8 of the Reorganisation Order.
Limits to Delegation	Refer Order.
Power to Act.	Refer Order.

Referral to Council	For information only.
Management responsibility	Chief Executive

3.3 Other Committees

3.3.1 District Licensing Committee

Type of Committee	Council Committee
Subordinate to	Council
Subordinate Committee	None
Legislative basis	Sale and Supply of Alcohol Act 2012. Part 2, s 187 – 211.
Membership	Chair Independent Independent Members (2) Deputy Chair and Council Member (1)
Meeting frequency	As and when required.
Terms of Reference	<p>Functions of licensing committees (Sale and Supply of Alcohol Act s187)</p> <ul style="list-style-type: none"> 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; 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; 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; and Any other functions conferred on licensing committees by or under this Act or any other enactment. <p>Powers of licensing committees (Sale and Supply of Alcohol Act s188)</p> <ul style="list-style-type: none"> A licensing committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.
Limits to Delegation	<ul style="list-style-type: none"> The Committee has full delegations to hear, determine findings and impose sanctions with respect to breaches, in accordance with the Code of Conduct provisions. The Committee must provide a report to the Council for information only regarding its findings and decision on sanctions.

3.4 Miscellaneous

3.4.1 Appointment to Development West Coast

The Mayor has the delegated authority to, in consultation with the Mayors of BDC and WDC and the Chairperson, Development West Coast, appoint one person to the WCDT as Trustee. The appointment must be in line with the MoU between the parties.

3.4.2 Authority to affix Council's Common Seal

The Chief Executive has delegated authority to affix the Council's Common Seal to all relevant documents.

4 FINANCIAL DELEGATIONS

4.1 General Principles and Conditions

- In all cases financial delegations are made only to enable the commitment or expenditure of funds provided for in the Annual Plan or Long-Term Plan.
- Council staff must exercise fiscal prudence and operate within the constraints of the budget, and must be prepared to account for and explain any expenditure incurred.
- Where staff are aware that an activity is about to be or has been overspent, they should report that fact to the person to whom they are responsible as soon as practicable.
- All property purchases are required to be approved by Council.
- All payments presented for signing will be accompanied by an appropriately authorised invoice.
- For clarity, the financial delegation to staff includes the authority for both commitment and payment.
- All amounts in the delegations listed in this document are GST exclusive.

4.2 General Delegations from Council to the Chief Executive

For the purpose of implementing decisions made by Council and its standing subcommittees and committees, the Chief Executive has delegated authority for:

- All arrangements and contracts for the supply of goods, services, plant and labour
- The management of operations and maintenance
- Capital expenditure to the limits approved in the Annual Plan and/or the Long Term Plan, and subject to the limits of the Council's Procurement Policy.

4.3 Payment Signatory Delegations

The authority under this delegation is to execute documents on behalf of the Council (automatic payment schedules and electronic funds transfer payments) to enable payment of items that have been approved for payment by an authorised party. Authorised signatories do not have financial limits on their signing authority.

Delegation	Specific conditions	Position
Authority to approve expenditure from district funds	Two signatories	<ul style="list-style-type: none">• GM SupportCorporate Services• Finance Manager• GM Community• GM Economic Development & Regulatory Services• GM Operations• Management Accountant• Financial Accountant• Chief Executive
Authority to approve expenditure from Mayoral Relief Fund	One signatory only required	<ul style="list-style-type: none">• Executive Officer to Mayor and Chief Executive• Democracy Advisor <i>(no finance staff are to be signatories for the Fund)</i>

4.4 Contract and expenditure authorisation

The contractual authorities for staff are set out in the table below – “Level of Delegated Financial Authority”. The amounts stated are all maximums. Council delegates to staff the power to incur expenditure and enter into contracts as per the following table, subject to Council’s approved:

- Procurement Policy;
- Sensitive Expenditure Policy
- Treasury Management Policy
- Elected Members Expenses Policy
- Credit Card Policy and
- Sensitive Expenditure Policy

Table: Level of Delegated Financial Authority

Position	Level (excl GST)
Chief Executive	200,000
Tier 2	
GM-OperationsCommunity	100,000
GM Corporate Services	100,000
GM Economic Development & Regulatory Services	100,000
GM Operations	100,000
People & Capability Business Partner	40,000
Tier 3	
Finance Manager	40,000
Utilities & Infrastructure Manager	40,000
Transportation & Infrastructure Manager	40,000
Business & Contracts Manager	10,000
Community & Recreation Services Manager	10,000
Communication & Engagement Manager	10,000
Regulatory Manager	20,000
ICT Manager	10,000
Building Control Manager	10,000
Other	
Management Accountant	10,000
Financial Accountant	10,000
Assistant Accountant	5,000
Rating Property Officer	1,000
Port Manager	30,000
Senior Transportation & Infrastructure Engineer	10,000
Transportation & Infrastructure Engineer	10,000
Transportation & Infrastructure Officer	10,000
Solid Waste Officer	10,000
Senior Utilities & Infrastructure Engineer	10,000
Assistant Utilities Engineer	10,000
Utilities & Infrastructure Officer	10,000
Environmental Monitoring Officer	5,000
Senior Administration & Contracts Officer	5,000
Business & Contracts Administrator	1,000
Project Manager Operations & Infrastructure	20,000
Customer Services Supervisor	15,000
Customer Services Officer/Administration Officer	3,000
Library Supervisor	5,000
Deputy Librarian/Systems Librarian	3,000

Position	Level (excl GST)
Westland Recreation Centre Supervisor	5,000
Community & Events Facilitator	5,000
In-House Task Force Supervisor	5,000
Maintenance Officer	5,000
In-House Task Force Officer	5,000
Senior Communications Officer	5,000
Communications Officer	1,000
Engagement & Communication Officer	1,000
Senior System Administrator	3,000
Democracy Advisor/EA to ELT	5,000
Executive Officer	5,000
Lease and Land Advisor	5,000
People & Capability Advisor	5,000
Health & Safety Officer	1,000
Property Officer	5,000
Animal Control Officer	2,000
Building Control Administrator	1,000

4.5 Corporate Credit Cards

Grey District Council Corporate Credit Cards Policy sets out guidelines for use of credit cards. Holders and limits are as follows:

Cardholder	Authoriser	Credit Limit
Executive Officer	Group Manager SupportCorporate Services	\$5,000
ICT Manager	Group Manager SupportCorporate Services	\$5,000
Library and Museum Supervisor	Group Manager SupportCorporate Services	\$5,000
Community and Recreation Services Manager	Group Manager SupportCorporate Services	\$5,000

4.6 Authorisation to Consider Bad Debts

The authority to write off bad debts of up to \$20,000 is delegated to:

- ~~Chief Executive~~
- Group Manager ~~SupportCorporate Services~~
- Finance Manager

4.6 Authority to Settle Claims

The authority to settle any claims against Council to a limit of \$20,000 is delegated to the Chief Executive.

4.7 Authorisation of Chief Executive Expenses

The Mayor approves operational expenditure incurred by the Chief Executive in carrying out their duties.

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5 STATUTORY DELEGATIONS

5.1 Introduction

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

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

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

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

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

5.2 Delegations to the Chief Executive

5.2.1 Legislation and Regulations

The Chief Executive has delegated authority for all powers, duties and responsibilities conferred by Acts and Regulations. This includes, but is not limited to, the list below. This authority specifically excludes the power to adopt plans, strategies, policies or bylaws.

- Amusement Device Regulations 1978
- Animal Welfare Act 1999
- Building Act 2004
- Building Research Levy Act 1969
- Burial and Cremation Act 1964
- Civil Defence Emergency Management Act 2002
- Camping Grounds Regulations Act 1985
- Dog Control Act 1996, Dog Control Amendment Act 2003 and 2006
- Draining and Plumbing Regulations 1978
- Food Act 2014
- Food Regulations 2015
- Freedom Camping Act 2011
- Gambling Act 2003
- Gas Act 1992
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Health (Burial) Regulations 1946
- Health (Drinking Water) Amendment Act 2007
- Health (Hairdressers) Regulations 1980
- Health (Registration of Premises) Regulations 1966
- Impounding Act 1955
- Infrastructure (Amendments Relating to Utilities Access) Act 2010
- Land Drainage Act 1908
- Land Transfer Act 2017
- Land Transport Act 1998
- Land Transport (Infringement and Reminder Notices) Regulations 2012

- Litter Act 1979
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Overseas Investments Act 2005
- Public Records Act 2005
- Racing Act 2003
- Rating Valuations Act 1998
- Resource Management Act 1991
- Sale and Supply of Alcohol (Fees) Regulations 2013
- Summary Proceedings Act 1957
- Transport (Vehicular Traffic Road Closure) Regulations 1965
- Waste Minimisation Act 2008.
- Local Government Act 1974
- Local Government Official Information and Meetings Act 1987
- New Zealand Library Association Act 1939
- Public Bodies Leases Act 1969
- Public Works Act 1981
- Rates Rebate Act 1973
- Reserves Act 1977
- Sale and Supply of Alcohol Act 2012
- Smoke Free Environments Act 1990
- Telecommunications Act 2001
- Utilities Access Act 2010

For the avoidance of doubt, if Council has powers, duties and functions under any other legislation or regulating that is not specified in the table above, that are of an enforcement, inspection, licencing and administration nature, then the Chief Executive Officer is delegated the powers, duties and functions as if the legislation or other regulation was specified in the above table.

Sub-delegation of any of these powers, duties and functions to Council staff is outlined in the *Delegations Manual Part Two – Chief Executive*.

5.2.2 Bylaws

The Chief Executive has the delegated authority for all powers, duties and functions of all Grey District Council adopted bylaws. This includes, but is not limited to, the following.

- Access to Walkways/Cycle Track Bylaw
- Banning of Alcohol in Public Places Bylaw
- Commercial Sex Premises Bylaw
- Grey District Council Hostels Bylaw
- Grey District Council Introductory Bylaw
- Grey District Council Public Places Bylaw
- Grey District Council Wastewater Drainage Bylaw
- Moana Glass Bylaw
- Signage Bylaw
- Speed Limits Bylaw
- Trading in Public Places Bylaw
- Amenity Protection Bylaw
- Cemeteries Bylaw
- Dog Control Bylaw
- Greymouth Fires in the Open Air Bylaw
- Greymouth Port Bylaw
- Greymouth The Keeping of Animals, Poultry and Bees Bylaw
- Grey District Council Water Supply Bylaw
- Responsible Freedom Camping Bylaw
- Solid Waste Bylaw
- Trade Waste Bylaw
- Traffic and Parking Bylaw

For the avoidance of doubt, if the Council has powers, duties and functions under any other bylaw that is not specified in the table above that are of an enforcement, inspection, licencing, and administration nature then the Chief Executive Officer is delegated the powers, duties and functions contained therein as if the bylaw was specified in the foregoing table.

Sub-delegation of any of these powers, duties and functions to Council staff is outlined in the *Delegations Manual Part Two – Chief Executive*

5.2.3 Warrants

The Chief Executive has been delegated authority to issue warrants to Council Officers under all relevant legislation, as per Schedule 7 Clause 32A of the Local Government Act 2002.

5.2.4 Signing of all contracts and other legal documentation on behalf of Council

The Chief Executive has authority to sign all documents that require signature on behalf of Council.

The Mayor is to countersign all contracts requiring a second signature.