

**SECTION A.1 PARTNERSHIP FRAMEWORK**

1. This document describes the governance structure and delegations for the decision-making bodies within that structure for the the 2010-2013 Triennium.
2. These delegations are for the Standing Committees, Subcommittees and Community Boards and Hearing Commissioners established by the Kāpiti Coast District Council for the 2010-2013 Triennium.
3. They establish a governance partnership base and associated delegations for the achievement of the Long Term Plan (LTP).
4. The partnership approach reflects the following principles of delegation:
  - 4.1 Delegated authorities should focus on specific work streams, or in respect of Community Boards, on local matters;
  - 4.2 Local decisions are best made closest to local people and by local people in response to local needs;
  - 4.3 Wherever possible Committees of Council should refer matters of local significance to the respective Community Board(s);
  - 4.4 Community Boards should exercise the delegations to the fullest extent;
  - 4.5 Unless otherwise delegated, Committees and Community Boards in exercising their delegated authorities must operate within the constraints imposed by the Council's LTP/Annual Plan and any existing Council policy.
5. The Committee, Subcommittee and Community Board advice and recommendations will reference the LTP and in particular the framework established around the community's vision, Council's leadership, priorities for investment and service delivery, and the 14 sustainable development principles in the LTP.
6. Central to this Delegations Framework is the partnership between the Elected Members and the tāngata whenua of the District – namely, the iwi and hapū of Te Āti Awa ki Whakarongotai, Ngā Hapū o Ōtāki (Ngāti Raukawa) and Ngāti toa Rangatira (together forming the A.R.T Confederation). Te Whakaminenga o Kāpiti is the advisory forum for this partnership. To strengthen Māori participation in decision-making Council may appoint a Māori representative to each of the three major Standing Committees. Council and Te Whakaminenga o Kāpiti will also engage with mātā waka (other resident Māori) over the 2010-2013 Triennium.
7. The Chair of Te Whakaminenga o Kāpiti or their nominated alternate is able to attend meetings of Council ~~and/or Committees~~ and is able to contribute to the debate but not to vote. Where Te Whakaminenga o Kāpiti has submitted on an issue, or has spoken during Public Speaking Time on an issue they shall not participate in discussion of debate. (Note: consideration will be given on a case-by-case basis by ~~the Committee~~ of Council on whether the Chair of

Te Whakaminenga o Kāpiti, or their alternate, stays in attendance for any public-excluded session.)

8. The partnership approach is also reflected in the Council's commitment to a sustainable development approach, taking into account the ~~the four areas of wellbeing of the community~~ social, cultural, economic and environmental interests of the community, now and in the future, as referenced in the Local Government Act 2002.
9. ~~The partners to this Delegations Policy will develop local authority / central Government / iwi / community partnerships in accordance with any LTP projects adopted by the Council.~~ The Council will collaborate and cooperate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources, as provided for in the Local Government Act 2002.
10. A Framework of this type requires some statements around good work practices. The following comments describe how the Governance function of Council will be supported:
  - 10.1 The Chief Executive is responsible for providing advice to the Council, Standing Committees, Subcommittees and Community Boards.
  - 10.2 These delegations will align with, but stand separately from, the delegations from the Council to the Chief Executive.
  - 10.3 In the event that a Committee or Community Board recommendation is not accepted by the Council the issue will be returned via the Chief Executive to the Committee or Community Board for further review. In the event that a Subcommittee recommendation is not accepted by the Committee, the issue will be returned via the Chief Executive to the Subcommittee for further review.
  - 10.4 The Chief Executive is responsible for servicing and providing support to the Committees, Subcommittees and Community Boards in the completion of its duties and responsibilities. The Chief Executive will appoint a senior ('Group') manager to each Committee, Subcommittee and Community Board and they shall:
    - Meet with the Chairperson and the Deputy Chairperson of that Committee, Subcommittee or Community Board prior to any scheduled meeting;
    - Attend meetings of each Committee, Subcommittee and Community Board;
    - Followup on any matters referred back to the Council or staff.
  - 10.5 The Chief Executive will, in conjunction with the Group Managers provide administrative and strategic support to assist the Elected Members in their work.

## COUNCIL'S POWERS

11 This Framework recognises the provisions of Clause 32, Schedule 7 of the Local Government Act 2002 which states:

32. *Delegations—*
- (1) *Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—*
- (a) *the power to make a rate; or*
  - (b) *the power to make a bylaw; or*
  - (c) *the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
  - (d) *the power to adopt a long-term plan, annual plan, or annual report; or*
  - (e) *the power to appoint a chief executive; or*
  - (f) *the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
  - (g) *[Repealed]*
  - (h) *the power to adopt a remuneration and employment policy.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
- (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.*

- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) *To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*
- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment."*

12 Meetings of Council and/or Committees may be attended by Community Board Chairs (or their alternates). The Chair of Te Whakaminenga o Kāpiti (or their alternate) may attend meetings of Council. They may contribute to discussion and debate, but not vote. Where they have submitted on an issue or have spoken during Public Speaking Time on an issue they shall not participate in discussion or debate.

13 In these terms of reference and associated delegations for the purposes of interpretation, the following interpretations apply unless the context otherwise requires:

- Any singular reference includes the plural, and vice versa;
- Any reference to a statute, regulation or bylaw also refers to that statute, regulation or bylaw as amended or substituted;
- Any reference to a Committee of the Council includes a reference to any committee constituted to replace that Committee;
- Any reference to an officer means an officer of the Council.

14 For the avoidance of doubt:

- A reference in this document to an enactment, regulation, or bylaw includes any amendment to the relevant provisions of that enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
- A reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

## **SECTION A.2 COUNCIL STRATEGIC DIRECTIONS RESPONSIBILITY**

**The Council has the responsibility for setting the Council Strategic direction.**

This includes the:

1. **Development of the LTP and associated processes** including:
  - sustainable development framework;
  - community participation processes;
  - associated finance and revenue frameworks;
  - levels of service;
  - strategic policy and planning formulation consistent with the principles of sustainable development “quadruple bottom line” (economic, social, environmental and cultural) accountability;
  - high-level partnership frameworks, processes and relationships. The Council will develop frameworks for central Government / iwi / community partnerships in accordance with any LTP projects and processes;
2. **Overall strategic direction including planning and oversight of:**
  - setting council strategic direction;
  - advocacy on matters pertaining to strategic directions, including making submissions;
  - the Regional Strategic roles – including those associated with the Wellington Regional Strategy, Regional Settlement Strategy and the Regional Land Transport Strategy.
3. **Strategic Planning, Monitoring and Reporting**
  - develop and undertake long term planning processes, including developing goals and strategies for any other committees;
  - monitor LTP and Annual Plan implementation;
  - measuring sustainability performance (including the State of the District Monitoring jointly with the Environment and Community Development Committee) through quadruple bottom line reporting (i.e. reporting on economic, social, cultural and environmental impacts).
4. **Exercise any other Council powers, duties and functions of a strategic overview nature including:**
  - strategic direction for business units (including any Trusts);
  - coordination and prioritisation of infrastructure development;
  - dealing with any issues in a timely fashion that would normally be considered or have been referred to Council by any of its Standing Committees.

## **PART B – STANDING COMMITTEES**

### **SECTION B.1 ENVIRONMENT AND COMMUNITY DEVELOPMENT COMMITTEE**

Chairperson	Cr Gaylor
Deputy Chairperson	Cr Gurunathan
Membership	The Mayor and all Councillors One Māori representative

#### **PARTNERSHIP FRAMEWORK**

- 1 This Committee:
  - 1.1 reports to the Kāpiti Coast District Council;
  - 1.2 works alongside the other Committees and Community Boards of Council to achieve the LTP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document.
  - 1.4 is responsible for the Grants Allocation Subcommittee.

#### **CONSTITUTION**

- 2 The membership of this Committee comprises the Mayor, all Councillors and may include one Māori representative who would have speaking and voting rights.
- 3 Meetings of this Committee may be attended by Community Board Chairs (or their alternates). They may contribute to discussion and debate, but not vote. Where they have submitted on an issue or have spoken during Public Speaking Time on an issue they shall not participate in discussion or debate.

#### **MEETING FREQUENCY**

- 4 The Committee will meet every six weeks.

#### **OBJECTIVES**

- 5 This Committee will:
  - 5.1 Oversee the development (within any wider existing strategic framework) of Council policies other than finance and regulatory policies;
  - 5.2 Oversee the development (within any wider existing strategic framework) of social and economic community policies associated with promoting the social, economic, environmental and cultural interests of the District;
  - 5.3 Monitor the effectiveness of policies and projects over time.

## **DELEGATED AUTHORITY**

- 6 Generally this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee, as adopted by the Council from time to time, where financial provision has been made for the decision or activity in the LTP or Annual Plan, and where the action proposed is not contrary to established Council strategy and/or policy, or the power of delegation.
- 7 Without limiting the generality of this delegation, the committee has the following functions, duties and powers:

### **Policy Development**

7.1 Authority to develop (within any wider existing strategic framework) policies and work programmes that support the social, economic, environmental and cultural interests of the community. This authority encompasses the power to:

- establish partnerships with central Government, iwi and key community organisations to advance the LTP;
- recommend to the Council for adoption policies relating to District Image and Promotion and monitor public relations activities;
- review the Council's Land Transport Work Programme in relation to Council's strategic direction;
- undertake (within any wider sustainable Transport Strategy) all matters not specifically delegated to Council, Council officers or other committees concerning or involving transport and roading policy issues;
- have oversight of all matters related to the promotion of road safety;
- have oversight of all cultural, arts and heritage matters;
- undertake all matters not specifically delegated to Council officers or other committees concerning or involving community development and interests, including but not limited to the development, implementation, advocacy and monitoring of social policies (within any wider existing strategic framework) relating to:
  - health;
  - young people;
  - aging population;
  - people with disabilities;
  - housing;
  - education;
  - community facilities including halls and public toilets;
  - Assessment of Water and Sanitary Services (Authority to exercise the functions, duties and powers of the Council under Part 7, Subparts 1 and 2 of the Local Government Act 2002).

**Etc....**

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## Section B.2

## REGULATORY MANAGEMENT COMMITTEE

Chairperson	Cr Ammundsen
Deputy Chairperson	Cr Ellis
Membership	The Mayor and all Councillors One Māori representative

### PARTNERSHIP FRAMEWORK

- 1 This Committee:
  - 1.1 reports to the Kāpiti Coast District Council;
  - 1.2 works alongside the other Committees and Community Boards of Council to achieve the LTP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document.

### CONSTITUTION

- 2 The membership of the Committee shall comprise the Mayor, all Councillors and may include one Māori representative who would have speaking and voting rights.
- 3 Meetings of this Committee may be attended by Community Board Chairs (or their alternates) ~~and by the Chair of Te Whakaminenga o Kāpiti (or their alternate)~~. They may contribute to discussion and debate, but not vote. Where they have submitted on an issue or have spoken during Public Speaking Time on an issue they shall not participate in discussion or debate.

### MEETING FREQUENCY

- 4 The Committee will meet every six weeks.

### OBJECTIVES

- 5 This Committee will:
  - 5.1 undertake decisions based on existing provisions within the regulatory frameworks adopted by Council;
  - 5.2 review and approve adjustments to any existing regulatory provisions to ensure improved transparency, workability and efficiency, within the existing relevant policy and strategic framework;
  - 5.3 undertake the District Plan Review and District Plan changes in the context of relevant legislation and Council's strategy/policy framework.

Etc...

### Section B.3

### CORPORATE BUSINESS COMMITTEE

Chairperson	Cr Church
Deputy Chairperson	Cr Lester
Membership	The Mayor and all Councillors One Māori representative

#### PARTNERSHIP FRAMEWORK

- 1 This Committee:
  - 1.1 reports to the Kāpiti Coast District Council;
  - 1.2 works alongside the other Committees and Community Boards of Council to achieve the LTP;
  - 1.3 will undertake its delegations in accordance with the partnership framework outlined in Part A of this document; and
  - 1.4 is responsible for the following Subcommittees:
    - Property Purchase;
    - Campe Estate;
    - Audit and Risk.

#### CONSTITUTION:

- 2 The Committee membership shall comprise the Mayor, all Councillors and may include one Māori representative with speaking and voting rights.
- 3 Meetings of Council and/or Committees may be attended by Community Board Chairs (or their alternates) ~~and by the Chair of Te Whakaminenga o Kāpiti (or their alternate)~~. They may contribute to discussion and debate, but not vote. Where they have submitted on an issue or have spoken during Public Speaking Time on an issue they shall not participate in discussion or debate.

#### MEETING FREQUENCY:

- 4 The Committee will meet not less than seven times per calendar year.

#### OBJECTIVES:

- 5 This Committee will:
  - 5.1 Act on behalf of the Council as the “owner” of the Council’s assets;
  - 5.2 Overview and provide advice to Council on financial management, (including financial risk management issues within the overall long term financial programme and financial management parameters set out in the current LTP) and performance in relation to all strategic projects;

- 5.3 Exercise specific delegated powers for the Council for approval of contracts and procurement;
- 5.4 Undertake audit and other accountability requirements imposed by the Local Government Act 2002;
- 5.5 Take all reasonable and practicable steps to ensure prudent stewardship and the efficient and effective use of Council resources in the interests of the District.

**Etc...**

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## Appendix 2 - Extract from Local Government Act 2002

### 14 Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
- (a) a local authority should—
    - (i) conduct its business in an open, transparent, and democratically accountable manner; and
    - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner:
  - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
  - (c) when making a decision, a local authority should take account of—
    - (i) the diversity of the community, and the community's interests, within its district or region; and
    - (ii) the interests of future as well as current communities; and
    - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):
  - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:
  - (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
  - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
  - (fa) a local authority should periodically—
    - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
    - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
  - (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
  - (h) in taking a sustainable development approach, a local authority should take into account—
    - (i) the social, economic, and cultural interests of people and communities; and
    - (ii) the need to maintain and enhance the quality of the environment; and
    - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).