

Invercargill City Council

# Delegations Register -

Council and Finance  
Version 3

2023

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# Delegations Register – Council and Finance

## Version 3 – October 2023

### Part A

#### 1. Introduction

The Delegations Register sets out the delegations made by the Invercargill City Council (Council).

Invercargill City Council relies on a clear distinction between governance and management activities for effective operations. Council is comprised of:

- **Elected Members** – including Councillors, Bluff Community Board members who have overall responsibilities for Council decisions and activities; and
- **Mana Whenua Representatives** - who are appointed by Council to represent the two Runaka on the Infrastructure and Community Well Being Committees with full voting rights; and an advisory role on Council, the other Committees (other than the Chief Executive Performance Appraisal Committee) and the Bluff Community Board; and
- **The Chief Executive** – who is the sole employee of the Elected Members; and
- **Council Officers** – who are employed by the Chief Executive.

Governance activities are the remit of Elected Members. Management activities are the remit of the Chief Executive, which includes the provisions of the policy advice, as well as implementing the governance decisions made by Elected Members.

In order for a Council to operate efficiently and effectively, the Chief Executive delegates provision of policy advice and decision implementation to Council Officers.

##### 1.1 Purpose

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

1. The division between governance and management activities.
2. Council's delegations of governance activities to Council Committees and Bluff Community Board.
3. Council delegations of management activities to the Chief Executive.
4. The Chief Executive's delegations to Council Officers, including the Executive Leadership Team, with these being recorded in the Delegations Register – Chief Executive.

Other aspects of Council's work programmes can be delegated by Council resolution. Separate delegations are not required for Council Officers to undertake any work included in these documents, which are adopted by Council.

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

## **1.2 Structure of the Document**

The Delegations Register is structured as follows:

### **1. Part A**

#### **Delegations Framework**

This section outlines Council's guiding principles for delegating authority and establishes the legal power for making these delegations. It then establishes the framework through which the delegations are made and structured.

### **2. Part B**

#### **Governance Delegations**

This section sets out the delegation of governance powers from Council to Committees and the Bluff Community Board.

#### **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 Subcommittees and Council Officers.

#### **Statutory Delegations**

This section sets out the delegation of the statutory responsibilities to committees, Council officers and external service providers.

#### **Resource Management Delegations to Staff**

Council delegates the powers under the Resource Management Act 1991 to Council officers.

## **2. Statutory Framework**

### **2.1 Legal Authority**

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

- Local Government Act 2002 and 1974
- Resource Management Act 1991
- Building Act 2004
- Reserves Act 1977
- Local Authorities (Members' Interests) Act 1968

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



Council cannot delegate the power to:

- set a rate
- adopt a bylaw
- borrow money, purchase or dispose of assets, outside of the long-term plan
- adopt a long-term plan, annual plan or annual report
- appoint the Chief Executive
- adopt policies with consultation requirements prescribed by the Local Government Act 2002, including those associated with the long-term plan or developed for the purpose of the 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 and 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**

In making decisions about delegated authority, Council and the Chief Executive will take into account the following principles, to enable Council to:

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

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

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

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

### **2.3 Council's Principle Responsibilities**

The purpose of the 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 are 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 applications 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 or commissioners 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 to the Hearing Panel 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 Delegation Register – Chief Executive records all delegations from the Chief Executive to Council Officers.

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.

## **3. Authority**

All previous delegations were revoked by the resolution, and the delegation made in the governance section of the Delegations Register and other delegations of statutory and finance powers to Committees and Subcommittees and all the delegations made to the Chief Executive and Executive Leadership Team were adopted by Council at its meeting on 31 October 2023.

## **4. Conduct of Affairs**

All Elected Members, Bluff Community Board, Committees, Subcommittees and Joint Committees shall conduct their affairs in accordance with the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 (LGOIMA), Local Authorities (Member's Interest) Act 1968, Council Code of Conduct (with respect to all Elected Members) and Standing Orders.

## Part B

### 5. Governance Delegations

#### 5.1 Introduction

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

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

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

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

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

#### 5.2 Expectations of Committees

Within the areas of jurisdiction, each Committee is expected to:

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

All Committees will operate within:

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

### 5.3 Committees

Council has established four Committees:

- Infrastructure Committee
- Community Wellbeing Committee
- Risk and Assurance Committee
- Finance and Projects Committee

#### Legislative Basis for the Committees:

|                          |  |
|--------------------------|--|
| <b>Legislative Basis</b> | <p>Committee constituted by Council as per Clause 30 (1) (a) Schedule 7 of the Local Government Act 2002</p> <p>Committee delegated powers by Council as per Clause 32 Schedule 7 of the Local Government Act 2002</p> |
|--------------------------|--|

Legislative basis for all Committees are the same as set above unless it stated otherwise in the following pages.

#### 5.3.1 Infrastructure Committee

|                              |   |
|------------------------------|---|
| <b>Type of Committee</b>     | Committee   |
| <b>Responsible to</b>        | Council   |
| <b>Membership</b>            | Eleven Elected Members and two appointed Mana Whenua representatives  |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd  |
| <b>Frequency of Meetings</b> | Week 1 of each month  |
| <b>Scope of Activities</b>   | <ul style="list-style-type: none"> <li>▪ Community facilities including public toilets</li> <li>▪ Transport networks including passenger transport</li> <li>▪ Street lighting</li> <li>▪ Traffic control and parking (excluding enforcement)</li> <li>▪ Regional Transport Committee</li> <li>▪ Water</li> <li>▪ Wastewater</li> <li>▪ Stormwater</li> <li>▪ Solid Waste Management including transfer stations and waste minimisation</li> <li>▪ WasteNet Joint Committee</li> <li>▪ Recycling</li> <li>▪ Property portfolio, including Investment Property and Housing Care</li> <li>▪ Development of bylaws within the areas of responsibility, for recommending to Council</li> <li>▪ Policies and strategies relating to items within Infrastructure Terms of Reference</li> <li>▪ Road stopping and closures, and street naming</li> <li>▪ Excludes capital programme reports – that reports to finance</li> <li>▪ Performance monitoring of non-financial Key Performance Indicators within the scope of activities</li> </ul> |

|  |  |
|--|--|
| <b>Delegations</b>                     | The Committee has the delegated authority to make decisions only for the purposes of road stopping and closing.                    |
| <b>Relationship with Other Parties</b> | The Committee is also responsible for liaising with key stakeholders/partners and Joint Committees within the field of references. |
| <b>Contact with Media</b>              | Responsibility of Chair unless otherwise determined  |

### 5.3.2 Community Wellbeing Committee

|  |   |
|--|---|
| <b>Type of Committee</b>               | Committee   |
| <b>Responsible to</b>                  | Council   |
| <b>Membership</b>                      | Ten Elected Members and two appointed Mana Whenua representatives   |
| <b>Quorum</b>                          | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd.   |
| <b>Frequency of Meetings</b>           | Week 2 of each month  |
| <b>Scope of Activities</b>             | <ul style="list-style-type: none"> <li>▪ Arts, Culture and Heritage, including SMAG, IPAG, Bluff Maritime Museum, Regional Heritage Committee</li> <li>▪ Parks and Reserves, including sports fields</li> <li>▪ Swimming pools</li> <li>▪ Libraries</li> <li>▪ Venues (includes Civic Theatre / Scottish Hall)</li> <li>▪ Cemetery and Crematorium</li> <li>▪ Festivals and Events</li> <li>▪ Community Development / External Relationships</li> <li>▪ Communications and engagement</li> <li>▪ Business, economic development, tourism including Great South</li> <li>▪ Environmental regulatory matters including alcohol licensing</li> <li>▪ Environmental policy including District Plan</li> <li>▪ Policies and strategies related to compliance, monitoring and enforcement</li> <li>▪ Development of bylaws within the areas of responsibility, for recommendation to Council</li> <li>▪ Youth Council</li> <li>▪ Community Wellbeing Fund Committee is a subcommittee and reports to this committee</li> <li>▪ Temporary alcohol bans</li> <li>▪ Performance monitoring of non-financial Key Performance Indicators within scope of activity</li> </ul> |
| <b>Delegations</b>                     | The Committee has the delegated authority to make decisions only for the purposes of alcohol temporary bans.  |
| <b>Relationship with Other Parties</b> | The Committee also responsible for liaising with key stakeholders/partners and Joint Committees with in the field of references   |
| <b>Contact with Media</b>              | Responsibility of Chair unless otherwise determined   |

### 5.3.3 Risk and Assurance Committee

|                              |  |
|------------------------------|--|
| <b>Type of Committee</b>     | Committee  |
| <b>Responsible to</b>        | Council  |
| <b>Membership</b>            | Eight members, or such other number of members as the Council may determine, of which at least five are a member of the Council. In all cases, the Committee's total membership will be a minimum of two external independent appointees<br><br>The Chair of the Committee shall be an external independent appointee  |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have at least one external independent appointee   |
| <b>Frequency of Meetings</b> | Bi-monthly, Week 3 of the month – alternate month to Finance and Projects Committee  |
| <b>Scope of Activities</b>   | The Committee has authority to recommend to Council for decision. <ul style="list-style-type: none"> <li>▪ Council's treasury policies and functions</li> <li>▪ Council's Annual Report</li> <li>▪ Audit processes and management of financial risk, including fraud</li> <li>▪ Organisational Risk Management, including business continuity</li> <li>▪ External Audit</li> <li>▪ Internal controls and internal audit (where necessary)</li> <li>▪ Health and Safety</li> <li>▪ Statutory compliance</li> <li>▪ Related party transactions and executive/elected representative expenditure</li> </ul> |

### 5.3.4 Finance and Projects Committee

|                              |  |
|------------------------------|--|
| <b>Type of Committee</b>     | Committee  |
| <b>Responsible to</b>        | Council  |
| <b>Membership</b>            | Seven Elected Members  |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd   |
| <b>Frequency of Meetings</b> | Bi-monthly, Week 3 of the month – alternate month to Risk and Assurance Committee  |
| <b>Delegations</b>           | <ul style="list-style-type: none"> <li>▪ Council's financial performance</li> <li>▪ Capital programme reporting</li> <li>▪ Performance of investment property</li> <li>▪ Related party transactions and sensitive expenditure</li> <li>▪ Statement of Intent, including ICHL</li> <li>▪ Strategic projects</li> <li>▪ Review the business plan, budget assumptions and budget prior to Council approval</li> <li>▪ Review management accounts, with senior management, during the course of the year to ensure the Council financial situation is being adequately managed and reported to the Council as appropriate.</li> <li>▪ Review and approve the Council accounting policies.</li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>▪ Review and approve the Council financial policies, including the authority to commit expenditure.</li> <li>▪ Review forecasts and the underlying methodology during the year to ensure appropriate financial control of the year-end result is in place.</li> <li>▪ Review of final year position in conjunction with budget.</li> <li>▪ Performance monitoring of non-financial Key Performance Indicators within scope of activity</li> </ul> |
|--|--|

### 5.3.4 Chief Executive Performance Appraisal Committee

|                              |   |
|------------------------------|---|
| <b>Type of Committee</b>     | Committee   |
| <b>Responsible to</b>        | Council   |
| <b>Membership</b>            | Three Elected Members including the Mayor   |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd  |
| <b>Frequency of Meetings</b> | Four times per year, as needed.   |
| <b>Purpose</b>               | The purpose of the Committee is to enable Council to meet its good employer obligations to its Chief Executive. These obligations, as well as those of the Chief Executive, are set out in the Local Government Act 2002, in employment law generally and in the Chief Executive's employment agreement.  |
| <b>Scope of Activities</b>   | Effective monitoring of the Chief Executive Officer's performance and has the authority to undertake the annual remuneration review.  |
| <b>Delegations</b>           | <p>The Committee has the power to:</p> <ol style="list-style-type: none"> <li>1. Agree the annual performance objectives with the Chief Executive.</li> <li>2. Conduct the performance review required in the employment agreement between Invercargill City Council and the Chief Executive.</li> <li>3. Provide feedback and support to the Chief Executive and undertake performance reviews, all consistent with the process and timeline in the relevant performance agreement</li> <li>4. Report the outcome of the annual review of the Chief Executive's performance and make recommendations to Council on the outcome of that review for approval</li> <li>5. Review the Chief Executive's remuneration and package in accordance with the employment agreement and make recommendations to Council for approval</li> <li>6. Agree with the Chief Executive on how the administration needs of the Committee will be met</li> </ol> |
| <b>Limitations</b>           | The power to adopt a remuneration and employment policy cannot be delegated by Council (Local Government Act 2002, Schedule 7, clause 32(1(h))).  |



## 5.4 Other Committees

### 5.4.1 Hearing Panel

|                              |  |
|------------------------------|--|
| <b>Type of Committee</b>     | Committee  |
| <b>Membership</b>            | Four (4) Councillors<br>(Chair and three members)  |
| <b>Quorum</b>                | The quorum for each Hearing Panel is three (3) members including a qualified Chairman.   |
| <b>Frequency of Meetings</b> | As required  |
| <b>Scope of Activities</b>   | The hearing panel is responsible for hearing, considering and deciding applications under the Resource Management Act 1991, Dog Control Act 1996 and Gambling Act 2003   |
| <b>Delegations</b>           | <ul style="list-style-type: none"> <li>▪ Pursuant to Section 34 of the Resource Management Act 1991, the authority to hear and determine any applications for resource consent within the Council's jurisdiction in the Invercargill City District which require a Committee decision or a hearing except where Council resolves to appoint an independent commissioner or Commissioners to hear and determine an individual consent application</li> <li>▪ Pursuant to the Dog Control Act 1996 and Section 22 (Probationary Owners); Section 25 and 26 (Disqualify Owners); Section 31 (Dangerous Dogs); Section 33B, 33C and 33D (Menacing Dogs); Section 71 (Retention of Dogs Threatening Public Safety); Section 55 (Barking Dogs) of that Act, the authority to hear and determine objections under the above sections; and</li> <li>▪ Pursuant to the Gambling Act 2003 and the Council's "Board Venues" and "Class 4 Gambling Venues" policies, the authority to hear and determine applications for territorial authority consent</li> </ul> |

### 5.4.2 Invercargill District Licensing Committee

|                              |  |
|------------------------------|--|
| <b>Type of Committee</b>     | Committee  |
| <b>Responsible to</b>        | The Alcohol and Regulatory Licencing Authority/Reports to Council  |
| <b>Legislative Basis</b>     | Section 186 of Sales and Supply of Alcohol Act 2012<br>Committee constituted by Council as per Clause 30 (1) (a) and delegated powers  |
| <b>Membership</b>            | Four (4) Councillors<br>(Chair and three members)  |
| <b>Quorum</b>                | A quorum is one member, the Chair, for unopposed applications or applications for temporary authorities and a quorum is three members for opposed applications   |
| <b>Frequency of Meetings</b> | As required  |
| <b>Scope of Activities</b>   | The Invercargill District Licensing Committee is responsible for considering and determining license applications, renewals, variations, suspensions and cancellations in accordance with the Sale and Supply of Alcohol Act 2012. It is also responsible for considering and determining applications for temporary authority and conducting inquiries and making reports to the Alcohol Regulatory and Licensing Authority |
| <b>Delegations</b>           | To consider and determine applications made in accordance with the Sale and Supply of Alcohol Act 2012   |

### 5.4.3 Community Wellbeing Fund Subcommittee

|                              |  |
|------------------------------|--|
| <b>Type of Committee</b>     | Subcommittee   |
| <b>Responsible to</b>        | Community Wellbeing Committee  |
| <b>Legislative Basis</b>     | Committee constituted by Council as per Clause 30 (1) (a) Schedule 7 of the Local Government Act 2002<br>Committee delegated powers by Council as per Clause 32 Schedule 7 of the Local Government Act 2002  |
| <b>Membership</b>            | Five members to be elected representatives, with the Mayor also able to join in his role on all committees.<br>Up to four additional members to be nominated from the community, via recognised community groups, including a youth representative.<br>Chair to be an elected member of Invercargill City Council.<br>Membership will be determined in line with the Standing Orders of Council.                   |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd. In either case, a majority of members present must be Invercargill City Councillors.<br>In the event of an elected member being unable to attend, they may appoint another elected member to attend in their place in order to achieve quorum. |
| <b>Frequency of Meetings</b> | Every two months   |
| <b>Administration</b>        | The Strategy and Policy team will provide analysis of project applications and advice, and the Governance and Legal team will provide secretarial support.   |
| <b>Scope of Activities</b>   | <ul style="list-style-type: none"> <li>▪ Responsible for considering applications, determining and approving funding for projects promoting community wellbeing within the Invercargill City District.</li> <li>▪ Responsible for considering applications, determining and approving funding for the applications in line with Council's Community Wellbeing Fund Framework.</li> </ul>                           |
| <b>Delegation</b>            | The Committee to consider and approve applications for funding of projects promoting community wellbeing within the Invercargill City District in accordance with the Community Wellbeing Fund framework.  |

### 5.4.4 City Centre Heritage Steering Subcommittee

|                              |   |
|------------------------------|---|
| <b>Type of Committee</b>     | Subcommittee  |
| <b>Responsible to</b>        | Community Wellbeing Committee   |
| <b>Legislative Basis</b>     | Committee constituted by Council as per Clause 30 (1) (a) Schedule 7 of the Local Government Act 2002<br>Committee delegated powers by Council as per Clause 32 Schedule 7 of the Local Government Act 2002 |
| <b>Membership</b>            | Four (4) Councillors  |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd.   |
| <b>Frequency of Meetings</b> | Every two months  |

|                            |  |
|----------------------------|--|
| <b>Scope of Activities</b> | The purpose of the group is to provide a coordinated approach to the support, promotion and preservation of built heritage within Invercargill City Centre           |
| <b>Delegation</b>          | To determine and decide allocations of City Centre Heritage Strategy-related funding and repainting funding, with an authorisation limit of \$50,000 per application |

#### 5.4.5 Director Appointment Committee

|                              |   |
|------------------------------|---|
| <b>Type of Committee</b>     | Committee   |
| <b>Responsible to</b>        | Council   |
| <b>Membership</b>            | Four (4) members: <ul style="list-style-type: none"> <li>▪ The current chair of ICHL or his/her nominee, and /or</li> <li>▪ A member of the Institute of Chartered Accountants, and/or</li> <li>▪ An employment specialist (who is a member of Institute of Directors), and/or</li> <li>▪ A member of Institute of Directors</li> </ul> (Chair will be determined by the Committee) |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd  |
| <b>Frequency of Meetings</b> | As required   |
| <b>Scope of Activities</b>   | The Committee is responsible for recommending to Council candidates for directorships on the ICHL Board and the subsidiary companies of ICHL  |
| <b>Delegations</b>           | Nil   |

#### 5.5 Joint Committees

Council may unite with any one or more local authorities or other public bodies in appointing a joint committee in accordance with Clause 30A Schedule 7 of the Local Government Act 2002.

Invercargill City Council and other local authorities within the region have formed a number of joint committees, with terms of reference to address the specific subject matters.

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

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

### 5.5.1 Joint Waste Advisory Group (WasteNet)

|                                |   |
|--------------------------------|---|
| <b>Type of Committee</b>       | Joint Committee   |
| <b>Subordinate to</b>          | Council   |
| <b>Legislative Basis</b>       | Joint Committees delegated powers by Council as per Schedule 7, Clause 30A, Local Government Act 2002   |
| <b>Membership</b>              | Membership of the joint Committee shall comprise of the following: <ul style="list-style-type: none"> <li>▪ Two Councillors, Invercargill City Council</li> <li>▪ Two Councillors, Southland District Council</li> <li>▪ Two Councillors, Gore District Council</li> </ul>  |
| <b>Quorum</b>                  | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member from each local authority  |
| <b>Meetings</b>                | The Joint Committee will meet on an as required basis   |
| <b>Standing Orders</b>         | The current Standing Orders of the administering authority (Invercargill City Council) shall govern the conduct of the meetings   |
| <b>Administering Authority</b> | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint Committee   |
| <b>Reporting</b>               | The Committee will report to each member authority  |
| <b>Delegations</b>             | <p>The functions and responsibilities of the Waste Management Advisory Group are to:</p> <ol style="list-style-type: none"> <li>1. Be the high level decision making Committee for the implementation and carrying out of the WasteNet activities within the delegations from each of the WasteNet Councils</li> <li>2. Receive and approve financial monitoring reports as to the accounting between the WasteNet Councils in relation to the WasteNet activities</li> <li>3. Report to each constituent WasteNet Council as to the WasteNet activities outcomes</li> <li>4. Develop policies to ensure the smooth implementation and operation of the WasteNet activities</li> <li>5. Provide a forum for: <ol style="list-style-type: none"> <li>a) The exchange of views and information relevant to the management of waste for each of the WasteNet Council territories;</li> <li>b) Discussion as to the effectiveness of the services contracts including ways in which value can be added to the parties through the services contracts and the implementation of the WasteNet Southland Business Plan;</li> <li>c) The identification of opportunities for joint waste management and minimisation initiatives</li> <li>d) Identification and resolution of points of tension or difficulties between the WasteNet Councils as to their respective roles under the services contracts and this agreement</li> </ol> </li> <li>6. Receive reports and recommendations from the WMG and approve recommendations as permitted by each separate WasteNet Council's delegations</li> <li>7. Formulate recommendations in relation to the services contracts, waste disposal and minimisation strategies and the implementation of the WasteNet Southland Business Plan for consideration by the joint Committee and each of the WasteNet Councils as appropriate</li> <li>8. Make recommendations to the WasteNet Councils in relation to the</li> </ol> |

|  |   |
|--|---|
|  | <p>following:</p> <ol style="list-style-type: none"> <li>a) The exit by the WasteNet Council from any or all of the services contracts;</li> <li>b) The inclusion of other territorial authorities into any of the services contracts or into WasteNet Southland</li> </ol> <ol style="list-style-type: none"> <li>9. Make decisions generally (in accordance with each Council's delegations) in relation to the implementation of the WasteNet Southland Business Plan</li> <li>10. Make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Regional Landfill Contract as to the following: <ol style="list-style-type: none"> <li>a) The portion of funding of general waste management and waste minimisation costs to be recovered through landfill charges;</li> <li>b) Landfill pricing for authorised users and requests from the landfill operator for approval of major industrial users</li> </ol> </li> <li>11. Make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Recyclables Acceptance Contract as to the following: <ol style="list-style-type: none"> <li>a) The exercise of the WasteNet extension right pursuant to clause 2.5;</li> <li>b) The modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.5;</li> <li>c) The allocation of the contract price payable under the contract as between the WasteNet Councils;</li> <li>d) The apportionment of the revenue share payment received by the WasteNet Councils under the contract</li> </ol> </li> <li>12. Make recommendations to the WasteNet Councils and/or decisions (in accordance with each WasteNet Council's delegations) in relation to the Collection and Transfer Stations Contract as to the following: <ol style="list-style-type: none"> <li>a) The exercise of the WasteNet Extension Right pursuant to clause 2.3;</li> <li>b) The modification of the contract conditions in connection with exercise of the WasteNet extension right pursuant to clause 2.3</li> </ol> </li> <li>13. Exercise such powers or functions as shall be delegated to the WAG by the WasteNet Councils (either together or separately)</li> <li>14. Carry out such other functions and responsibilities as the WasteNet Councils shall agree shall be functions and responsibilities of the WAG</li> </ol> |
|--|---|

### 5.5.2 Regional Heritage and Museums Joint Committee (Southland Regional Heritage Committee)

|                          |   |
|--------------------------|---|
| <b>Type of Committee</b> | Joint Committee   |
| <b>Subordinate to</b>    | Council   |
| <b>Legislative Basis</b> | Joint Committees delegated powers by Council as per Schedule 7, Clause 30A, Local Government Act 2002   |
| <b>Membership</b>        | <p>Membership of the joint Committee shall comprise of the following:</p> <ul style="list-style-type: none"> <li>▪ Two Councillors, Invercargill City Council</li> <li>▪ Two Councillors, Southland District Council</li> <li>▪ Two Councillors, Gore District Council</li> </ul> |

|                                |  |
|--------------------------------|--|
|                                | <ul style="list-style-type: none"> <li>One iwi representative may be appointed by the Committee</li> </ul> <p>Other Committee members may be appointed by the Committee being persons who have the skills, attributes or knowledge that may assist the work of the Committee</p> |
| <b>Quorum</b>                  | A quorum shall be half of the members (including vacancies) if the number is even, and a majority (including vacancies) if odd and must at any time have an elected member from each local authority   |
| <b>Meetings</b>                | The Joint Committee will meet on an as required basis  |
| <b>Standing Orders</b>         | The current Standing Orders of the administering authority (Invercargill City Council) shall govern the conduct of the meetings  |
| <b>Administering Authority</b> | The administering authority will be Invercargill City Council and will provide administrative support and leadership of the Joint Committee  |
| <b>Reporting</b>               | The Committee will report to each member authority   |
| <b>Delegations</b>             | The Committee shall have such powers, functions and duties as are necessary to carry out the objects and goals set out in the Southland Regional Heritage Joint Committee Heads of Agreement 2017-24   |

## 5.6 Bluff Community Board

Pursuant to Clause 32 of Schedule 7 of the Local Government Act 2002, Council delegates the responsibilities, duties and powers listed below to community boards to exercise within their communities.

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

It is Council's intention that Bluff Community Board exercises their delegations in respect of local activities. For District activities which are the responsibility of Council, Community Board will have the power to review and make recommendations to Council on the levels of services on the understanding that Council will be operating on a district-wide minimum levels of service.

|                              |   |
|------------------------------|---|
| <b>Type of Committee</b>     | Community Board   |
| <b>Responsible to</b>        | Council   |
| <b>Membership</b>            | <p>Five (5) members elected by the local authority triennial elections and a member appointed by the Council.<br/>(Chair, Deputy Chair, three (3) members and a member appointed by Council)</p> <p>There is an advisory role to the Bluff Community Board for Te Rūnanga o Awarua.</p>   |
| <b>Quorum</b>                | A quorum shall be half of the members (including vacancies) if the number of members is even, and a majority (including vacancies) if the number of members is odd  |
| <b>Frequency of Meetings</b> | Every six weeks   |
| <b>Key Functions</b>         | <ul style="list-style-type: none"> <li>To promote the social, economic, environmental and cultural well-being of local communities and in doing so contribute to the realisation of Council's vision of one District offering endless opportunities</li> <li>To provide leadership to local communities on the strategic issues and opportunities that they face</li> </ul> |

|                              |   |
|------------------------------|---|
|                              | <ul style="list-style-type: none"> <li>▪ To be advocates and representatives for their local community and in doing so ensure that Council and other agencies have a clear understanding of local needs and aspirations</li> <li>▪ To be decision-makers on issues that are delegated to the Board by Invercargill City Council</li> <li>▪ To develop relationships and communicate with key community organisations, special interest groups, residents and business within the community organisations, special interest groups, residents and business within the community</li> <li>▪ To maintain an overview of the services Council delivers to its communities and assess the extent to which these services meet community needs</li> <li>▪ To recommend the settings of levels and budgets for local activities</li> </ul> |
| <b>Delegations</b>           | <p>The Bluff Community Board has the authority to exercise any of the powers granted to the Council, with the exceptions of:</p> <ul style="list-style-type: none"> <li>▪ Those powers specially excluded by the law</li> <li>▪ Those powers delegated to Officers by Council</li> <li>▪ Those powers which would by the exercise of those powers, have an effect beyond the community of the Community Board Involved</li> <li>▪ Resource consent applications</li> <li>▪ Those matters specifically delegated to the Standing Committees of Council</li> </ul>  |
| <b>Limits to Delegations</b> | <ul style="list-style-type: none"> <li>▪ No financial or decision making delegations other than those specifically delegated by Council</li> <li>▪ The Community Board shall not expand funding on purposes for which that funding was originally raised and in accordance with the budgets approved by Council through its Long Term Plan / Annual Plan</li> <li>▪ In accordance with the provisions with section 39(2) of Schedule 7 of the Local Government Act the Board may not incur expenditure in excess of the approved budget</li> </ul>  |
| <b>Contact with Media</b>    | Responsibility of Chair only  |

## **6. Financial Delegations**

### **6.1 Introduction**

This policy applies to all procurement and expenditure of Invercargill City Council.

#### **6.1.1 Delegation Process**

Ultimate authority for the conduct of business by and within Invercargill City Council rests with the Council. The Council delegated authority, within certain prescribed parameters to the Chief Executive so as to facilitate and encourage effective and efficient management of the Council. In turn, the Chief Executive delegated aspects of his authority to the members of Senior Management.

#### **6.1.2 Delegation to Others**

Delegated authority cannot be passed on to others or changed in any way, unless it is able to be authorised as noted under the "Delegation Possible?" column in the tables within sections 6.2 to 6.5 of this policy. Authority delegated to others must be temporary and must specify the period for which the delegation is to apply. The delegation must be recorded on the purpose of audit.

This delegation of authority does not amount to the delegation of responsibility.

#### **6.1.3 Consultation with Others**

Even if an employee has apparent authority, it is often prudent to consult with your manager to ensure the best decision is made.

#### **6.1.4 Conflict**

If there is any possible conflict with Council policy, dispute, appearance of impropriety or conflict of interest, it is also necessary to consult with your manager prior to action being taken. Behaviour is governed by the Employee Handbook and Code of Conduct found on the intranet.

#### **6.1.5 Fiscal Prudence**

A manager must operate within the constraints of the budget and managers must be prepared to account for and explain any expenditure incurred.

#### **6.1.6 Variations**

Where any final invoice from a creditor varies by more than 10% of the approved commitment, the invoice must be authorised by a staff member with appropriate authority to approve the new total value of the invoice.

#### **6.1.7 Policy Review**

This policy will be reviewed on an annual basis by the Group Manager - Finance and Assurance.

#### **6.1.8. Related Documents**

The delegations will be subject to a range of policies which cover how staff can procure services, which are currently under development.



### **6.1.9 GST**

All figures in the tables below are GST exclusive.

## **6.2 Expenditure**

Expenditure commitment is the point where staff will incur a liability on the company, for example, the issue of a Purchase Order to a supplier. Where a Purchase Order has not been issued, the approval will be given prior to payment of the invoice. Staff have the authority to incur all necessary expenditure for achieving business goals provided they have pre-approval (refer Section 6.2), consideration has been given to the budget, and is within the limits shown below. Refer to Purchasing Policy for methods of purchase (expenditure commitment).

### **6.2.1 Capital Expenditure**

Capital expenditure is for an item that is not an operating expense. It includes renewals, level of service capital and growth capital work. Capital work is included in the LTP and Annual Plans and all capital expenses must reference back to the Annual Plan adopted by Council. It is important to note that the adoption of the Annual Plan, or the LTP does not authorise the expenditure to be incurred. The Plan makes funding provision for the work and authorisation for spending is within delegations.

This policy includes a concept of 'pre-approval'. Pre-approval is authorisation from the appropriate delegation level for the spending to be committed. Pre-approval needs to be obtained prior to the procurement process commencing.

## Financial Delegation of the Committees

| ITEM  | CHIEF EXECUTIVE   | GROUP MANAGERS   | OTHER CE DIRECT REPORTS | TIER3 MANAGER/ COST CENTRE MANAGERS | COST CENTRE MANAGER REPORTS | DELEGATION POSSIBLE?            | NOTES  |
|---|---|--|-------------------------|-------------------------------------|-----------------------------|---------------------------------|--|
| <b>PRE-APPROVAL</b>   |   |  |                         |                                     |                             |                                 |  |
| Budget and amp expenditure  | \$2,000,000   | \$500,000  | \$10,000                | No authority                        | No authority                | No                              | Approvals over \$500,000 and are not budgeted are to be detailed in the quarterly management report to Community Wellbeing Committee                       |
| IT software and hardware, mobile phones and motor vehicles <sup>1</sup> |   | Information services standard issue only (like for like basis) | No authority            | No authority                        | No authority                | No                              |  |
| Expenditure not in budget and amp                                       | \$200,000   | \$10,000   | \$2,000                 | No authority                        | No authority                | No                              |  |
| <b>COMMITMENT AND PAYMENT</b>   |   |  |                         |                                     |                             |                                 |  |
| Contract Acceptance for Approved Capital projects                       | Unlimited<br>All items over \$500,000 reported to the council | \$500,000  | \$100,000               | No authority                        | No authority                | No                              | Pre-approval required. Refer purchasing policy. Approvals reported in quarterly management report  |
| Capital expenditure <sup>2</sup> including Purchase orders              | \$2,000,000   | \$100,000  | \$50,000                | \$20,000                            | \$10,000                    | Yes with written approval by CE |  |
| Progress Payments for Approved contracts                                | Unlimited   | Unlimited  | \$1,000,000             | Up to \$500,000                     | No authority                | Yes with written approval by CE | Authority to approve payments subject to the contract terms where satisfied that the services have been delivered. Dual signature requirements will remain |
| Contract Variations for Approved Projects <sup>3</sup>                  | \$500,000   | \$200,000  | \$20,000                | No authority                        | No authority                | No                              |  |

<sup>1</sup> This applies to all NEW requirements for Information Services & Phone equipment. Replacement equipment for existing roles is to be approved by the GM.

<sup>2</sup> The Delegated Authority for individual staff members is managed within the Purchasing Requisition System (PRS).

<sup>3</sup> Contract variations that exceed the original contract approval require re-approval. Contract variations that exceed the original capex request by the lesser of 10% of the project value or \$100,000 requires further approval by the original approver and therefore section 6.1 applies.

## 6.2.2 Operational Expenditure (OPEX)

| ITEM   | CHIEF EXECUTIVE                    | GROUP MANAGERS   | OTHER CE DIRECT REPORTS  | TIER3 MANAGER/ COST CENTRE MANAGERS   | COST CENTRE MANAGER REPORTS | DELEGATION POSSIBLE? | NOTES   |
|--|------------------------------------|--|--|---|-----------------------------|----------------------|---|
| <b>PRE-APPROVAL</b>                          |                                    |  |  |   |                             |                      |   |
| Hiring of Professional Advisors/ Consultants | Unlimited within the annual budget | \$50,000   | \$10,000   | No authority  | No authority                | No                   |   |
| Training, Conferences and Courses            | Unlimited within the annual budget | 3 day, single attendance in New Zealand up to a value of \$5,000 <sup>4</sup> . No employee to authorise their own | 3 day, single attendance in New Zealand up to a value of \$2,500. No employee to authorise their own | 1 day, single attendance up to a value of \$1,000. No employee to authorise their own | No authority                | No                   | Papers to be published or given at a Conference must be approved by the CE. All attendees must be notified to People and Capability |
| Travel - Domestic <sup>5</sup>               | Unlimited within the annual budget | Within budget limits. No employee to authorise their own.  | Within budget limits. No employee to authorise their own.  | Within budget limits. No employee to authorise their own travel                       | No authority                | No                   |   |
| - Overseas                                   | Unlimited within the annual budget | No authority   | No authority   | No authority  | No authority                | No                   | All requests by memorandum justification to the CE  |

<sup>4</sup> Includes travel, accommodation and related expenses.

<sup>5</sup> This applies to external booking of travel services only.

| ITEM   | CHIEF EXECUTIVE                    | GROUP MANAGERS  | OTHER CE DIRECT REPORTS             | TIER3 MANAGER/ COST CENTRE MANAGERS | COST CENTRE MANAGER REPORTS         | DELEGATION POSSIBLE?                 | NOTES   |
|--|------------------------------------|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|---|
| <b>COMMITMENT AND PAYMENT</b>                                |                                    |   |                                     |                                     |                                     |                                      |   |
| Operating Expenditure <sup>4</sup> including Purchase Orders | Unlimited within the annual budget | \$100,000 Refer 6.3.1 for exceptions                  | \$50,000 Refer 6.3.1 for exceptions | \$20,000 Refer 6.3.1 for exceptions | \$10,000 Refer 6.3.1 for exceptions | Yes with written approval by CE      | Refer Purchasing Policy. Approvals reporting in Quarterly Management Report |
| Establishing Expenditure Construction & Supply Contracts     | Unlimited within the annual budget | Up to \$2,000,000 and 36 months duration per contract | \$200,000                           | No authority                        | No authority                        | Yes with written approval by CE only |   |
| Operating Leases or multi-year commitments                   | \$1,000,000                        | \$20,000 of annual value                              | \$10,000 of annual value            | No authority                        | No authority                        | Yes with written approval by CE only |   |

### 6.3 Commitment and Approvals for payment

#### 6.3.1 Exceptions to Standard Delegated Authorities

The table below describes approved exceptions to the above general policy for operating expenditure commitments of a specific nature. Only the Chief Executive may approve changes to these exceptions.

| Position Description            | Business Group         | Delegated Authority     | Commitment Type  |
|---------------------------------|------------------------|-------------------------|--|
| GM – Finance and Assurance      | Finance                | NB: value limit deleted | FBT, GST, Income tax, Insurance, Payment of Interest, and repayment of loans, Payroll, PAYE, ACC |
| Manager - People and Capability | Chief Executive Office | NB: value limit deleted | Payroll, PAYE, ACC   |

### 6.4 Other Financial Commitments

Other financial transactions and external agreements that impact the liabilities of the company.

#### 6.4.1 Capital Expenditure

| Item   | Chief Executive            | Group Managers | Other CE Direct Reports | Tier3 Manager/ Cost Centre Managers | Cost Centre Manager Reports | Delegation Possible? | Notes |
|--|----------------------------|----------------|-------------------------|-------------------------------------|-----------------------------|----------------------|-------|
| Single Item Asset Sales or Write-Off - if budgeted | \$100,000 NBV <sup>6</sup> | \$10,000 NBV   | \$5,000 NBV             | No authority                        | No authority                | No                   |       |

<sup>6</sup> NBV = Net Book Value.

## 6.4.2 Operating Expenditure

| Item  | Chief Executive                    | Group Managers                                     | Other CE Direct Reports                          | Tier3 Manager/ Cost Centre Managers        | Cost Centre Manager Reports | Delegation Possible? | Notes |
|---|------------------------------------|--|--|--|-----------------------------|----------------------|-------|
| Bad Debt Write-Off or Credit Notes to settle Claims | Unlimited within the annual budget | Up to \$5,000                                      | No authority                                     | No authority                               | No authority                | No                   |       |
| Employee Expense Claims                             | Unlimited within the annual budget | Up to \$1,000, no employee can authorise their own | Up to \$200, no employee can authorise their own | \$100, no employee can authorise their own | No authority                | No                   |       |

## 6.5 General Delegations

### 6.5.1 Staff Establishment, Employment, Compensation and Benefits

| Item  | Chief Executive                             | Group Managers   | Other CE Direct Reports   | Tier3 Manager/ Cost Centre Managers                               | Delegation Possible? | Notes   |
|---|---|--|---|---|----------------------|---|
| Employment of Temporary staff   | Unlimited within the overall annual budget. | Within budgeted limits<br>Report to the Chief Executive in monthly report<br>Jointly approved by People and Capability | Jointly approved by People and Capability                             |   | No                   | Details are to be included in the Quarterly Management Report |
| Temporary contractors from employment agencies or independent contractors | Unlimited within the overall annual budget  | Up to three months<br>Report to the Chief Executive in monthly report  | Up to three months<br>Report to the Chief Executive in monthly report | Up to one week<br>Report to the Chief Executive in monthly report | No                   | Appropriate documents to People and Capability                |
| Salary increases or other changes in benefits                             | Unlimited within the overall annual budget  | No authority   | No authority  | No authority  | No                   |   |
| Wage increases or other changes in benefits.                              | Unlimited within the overall annual budget  | No authority   | No authority  | No authority  | No                   |   |

## 6.5.2 Public Relations, Legal Commitments and Donations

| Item  | Chief Executive                             | Group Managers   | Other CE Direct Reports                                | Tier3 Manager/ Cost Centre Managers  | Delegation Possible?             | Notes   |
|---|---|--|--|--|----------------------------------|---|
| Advertising   | Unlimited within the overall annual budget. | Yes, within the limit of \$10,000 per advertisement    | Yes, within the limit of \$5,000 per advertisement     | Yes, within the limit of \$1,000 per advertisement                             | Yes for recurrent advertisements |   |
| Expenditure for Media Releases, Press Interviews, or Comments   | Unlimited                                   | No authority   | Manager – Strategic Communications only                | No authority   | Yes by Chief Executive only      |   |
| Designations, Planning Requests, objections, submissions to Local, National or Regional Regulatory Agencies | Unlimited                                   | Group Manager – Customer and Environment               | No authority   | No authority except Manager - Planning and Building for local submissions only | Yes by Chief Executive only      | Details are to be included in the Quarterly Management Report |
| Court Action  | Unlimited                                   | No authority   | No authority   | No authority   | No                               | Details are to be included in the Quarterly Management Report |
| Settlement of Disputes whether by payment, credit, apology, carrying out work or otherwise                  | Unlimited within the overall annual budget. | \$10,000   | \$5,000  | No authority   | No                               | Details are to be included in the Quarterly Management Report |
| Loans to Employees  | As appropriate                              | No authority   | No authority   | No authority   | No                               | Details are to be included in the Quarterly Management Report |
| Donations/ Sponsorship  | Unlimited within the overall annual budget, | Contra Sponsorship allowed once valued and approval is | No authority except Manager – Strategic Communications | No authority   | No                               |   |

| Item | Chief Executive                          | Group Managers         | Other CE Direct Reports        | Tier3 Manager/ Cost Centre Managers | Delegation Possible? | Notes |
|------|--|------------------------|--------------------------------|-------------------------------------|----------------------|-------|
|      | except no donations to political parties | at Group Manager level | ons up to a value of \$10,000. |                                     |                      |       |



## 7. Statutory Delegations

### 7.1 Introduction

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

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

This section of the Delegation Register sets out the delegations of these statutory responsibilities to Committees, Council Officers and external service providers.

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

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

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

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

### 7.2 Delegations to Council Committees

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

### 7.3 Delegations to the Chief Executive

This section sets out the delegations to the Chief Executive.

#### 7.3.1 Legislation and Regulations

The Chief Executive has delegated authority for all powers, duties and responsibilities conferred by Acts and Regulations. This includes, but not limited to, the list contained in the Delegations Register - Chief Executive. This authority specifically excludes the power to adopt plans, strategies, policies or bylaw and any other powers reserved to Council.

#### 7.3.2 Bylaws

The Chief Executive has the delegated authority for all powers, duties and functions of all Council adopted bylaws. This includes the sub delegations of the Chief Executive to officers listed in the Delegations Register – Chief Executive.

#### 7.3.3 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.

## 8. Resource Management Delegations to Staff

Council delegates the following powers under the Resource Management Act 1991 to council officers.

The delegated Officer shown is the lowest rank delegated to exercise the power. It is implicit that all direct lines of reporting above this position can also exercise these powers.

### Resource Management Act 1991

| Section         | Summary of Function / Power Delegated  | Delegated Officer                          |
|-----------------|--|--|
| S. 10, 10A, 10B | Determination of whether existing rights in terms of section 10 of the RMA apply   | ▪ Team Leader - Planning                   |
| S. 27           | To provide information to the Minister for Environment   | ▪ Team Leader - Planning                   |
| S. 33, 34, 34A  | Appoint Commissioner   | ▪ Team Leader - Planning                   |
| S. 36(5)        | Power to require the payment of additional charges to cover processing costs in accordance with Council's approved       | ▪ Team Leader - Planning                   |
| S. 36(6)        | Power to provide on request an estimate of additional charges over and above the proceedings deposits                    | ▪ Team Leader - Planning                   |
| S. 36AAB(1)     | Power to remit the whole or any part of the charge under S. 36 that would otherwise be payable                           | ▪ Team Leader - Planning                   |
| S. 37, 37A      | Power to wave and/or extend time limits for functions under the Act  | ▪ Team Leader - Planning                   |
| S. 38           | Authorisation of Enforcement Officers  | ▪ Group Manager – Customer and Environment |
| S. 41B          | Direction to provide evidence with time limits   | ▪ Team Leader - Planning                   |
| S. 42           | Protection of sensitive information  | ▪ Team Leader - Planning                   |
| S. 42A          | Require the preparation of a report on information provided  | ▪ Team Leader - Planning                   |
| S. 42A (5)      | Waiving compliance regarding timeframes for distributing report, where there is no material prejudice                    | ▪ Team Leader - Planning                   |
| S. 87BA         | To issue a notice conforming a boundary activity is permitted  | ▪ Team Leader - Planning                   |
| S. 87BB         | To issue a notice confirming a marginal or temporary activity is permitted   | ▪ Team Leader - Planning                   |
| S. 87E          | Decision on request for application to go directly to Environment Court  | ▪ Manager - Planning and Building Services |
| S. 87F          | Preparation of report on application referred directly to Environment Court  | ▪ Planner<br>▪ Planning Technician         |
| S. 88(3)        | Determining an application incomplete and returning to the applicant   | ▪ Planner<br>▪ Planning Technician         |
| S. 91           | Determining not to proceed with notification or hearing of application pending lodging of further consents under the Act | ▪ Team Leader - Planning                   |
| S. 91A          | Requests by applicants to put notified applications on hold  | ▪ Planner<br>▪ Planning Technician         |

| Resource Management Act 1991 continued   |  |  |
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| Section                                  | Summary of Function / Power Delegated  | Delegated Officer  |
| S. 91C                                   | Returning application if suspended after certain period  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 91 D                                  | Requests by the applicants to put non-notified applications on hold  | <ul style="list-style-type: none"> <li>▪ Team Leader – Planning</li> <li>▪ Planner</li> <li>▪ Planning Technician</li> </ul>   |
| S. 92                                    | Request further information or agreement to commissioning of a report on resource consent application  | <ul style="list-style-type: none"> <li>▪ Planner</li> <li>▪ Planning Technician</li> </ul>                                     |
| S. 92A (2)                               | Set timeframe for provision of further information or commissioning of a report  | <ul style="list-style-type: none"> <li>▪ Planner</li> <li>▪ Planning Technician</li> </ul>                                     |
| S. 95A, 95B                              | Determination of public notification or limited notification   | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> <li>▪ Team Leader - Planning</li> </ul> |
| S. 95D                                   | Determination of adverse effects likely to be more than minor  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 95E                                   | Determination if person is an affected person  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> <li>▪ Planner</li> <li>▪ Planning Technician</li> </ul>   |
| S. 95F                                   | Determination if group is an affected customary rights group   | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 95G                                   | Determination if group is an affected customary marine little group  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 99                                    | Organise and convene pre-hearing meetings and prepare reports on these under S. 99(5)  | <ul style="list-style-type: none"> <li>▪ Planner</li> </ul>  |
| S. 99A                                   | Mediation  | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>                                   |
| S. 100                                   | Determine whether a formal Hearing is necessary  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 101                                   | Fix time and date for Hearings   | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 102                                   | To determine whether applications are required to be heard by Joint Hearing Committee  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 103                                   | To determine whether two or more applications to different authorities are sufficiently unrelated that a Joint Hearing is not appropriate  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 104, 104A, 104B, 104C, 104D, 108, 113 | Make and issue decisions and impose conditions for non-notified resource applications and limited notified resource applications where there are no submissions received or where all submissions received are in support and no party wishes to be heard, in accordance with the provisions of the Invercargill City Plan and the RMA | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 106                                   | Ability to refuse subdivision consent in certain circumstances   | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>                                   |
| S. 108A                                  | Determination of requirement for a bond  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |
| S. 110                                   | Refund of money and return of land where activity does not proceed (financial contributions)   | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>                                   |
| S. 114                                   | Notify decisions to applicant and other appropriate authorities  | <ul style="list-style-type: none"> <li>▪ Planner</li> <li>▪ Planning Technician</li> </ul>                                     |
| S. 123 (b)                               | Duration of consent  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>   |

| Resource Management Act 1991 continued |   |  |
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| Section                                | Summary of Function / Power Delegated   | Delegated Officer  |
| S. 125 (1A)(B)                         | Fix longer period for lapsing of resource consent than is the norm under Section 125(1)   | ▪ Team Leader - Planning   |
| S. 126                                 | Cancel consent if not exercised   | ▪ Team Leader - Planning   |
| S. 127                                 | Determining whether application to change or cancel consent requires notification, or limited notification and changing or cancelling any condition on a resource consent | ▪ Manager - Planning and Building Services<br>▪ Team Leader - Planning |
| S. 128                                 | Service of notice of intention to review conditions of a resource consent   | ▪ Team Leader - Planning   |
| S. 129, 130                            | Formulation and public notification of notice to review conditions  | ▪ Planner  |
| S. 133A                                | Minor corrections of resource consent   | ▪ Team Leader - Planning   |
| S. 134(4)                              | Approval of transfer of resource consents – written notice  | ▪ Team Leader - Planning   |
| S. 138                                 | Surrender of consent  | ▪ Manager - Planning and Building Services<br>▪ Team Leader - Planning |
| S. 139                                 | Consider requests for and issue Certificate of Compliance for any activity which is a permitted activity under the District Plan  | ▪ Team Leader - Planning   |
| S. 139A                                | Consider request to issue existing Use Certificate  | ▪ Team Leader - Planning   |
| S. 169                                 | Request further information and process notice of requirement   | ▪ Team Leader - Planning   |
| S. 170                                 | Discretion to include notice of requirement in proposed plan  | ▪ Team Leader - Planning   |
| S. 171                                 | Consider notice of requirements and make submissions thereto, and make recommendation to the requiring authority  | ▪ Team Leader - Planning   |
| S. 174                                 | Lodge appeal against decisions of a requiring authority   | ▪ Manager - Planning and Building Services                             |
| S. 176A (2) (C)                        | Outline plan waivers  | ▪ Team Leader - Planning   |
| S. 181 (3)                             | Alteration of designation in plan at request of requiring authority, to a minor extent  | ▪ Team Leader - Planning   |
| S. 182                                 | Removal of designation at request of requiring authority  | ▪ Team Leader - Planning   |
| S. 184(2)                              | Waiver of lapsing designation   | ▪ Team Leader - Planning   |
| S. 220                                 | Issue certificate relating to requirements to comply on ongoing basis with consent conditions and endorsements on titles  | ▪ Team Leader - Planning   |
| S. 221                                 | Imposing and issuing consent notices on subdivision consent   | ▪ Team Leader - Planning   |
| S. 222                                 | Dealing with completion certificates on subdivision consent   | ▪ Team Leader - Planning   |
| S. 223                                 | Approval of survey plan – check compliance prior to sealing   | ▪ Team Leader - Planning   |
| S. 224                                 | Issue certificates indicating all or any of conditions on subdivision consent have been complied with   | ▪ Team Leader - Planning   |

| <b>Resource Management Act 1991 continued</b> |  |   |
|---|--|---|
| <b>Section</b>                                | <b>Summary of Function / Power Delegated</b>   | <b>Delegated Officer</b>  |
| S. 226  | Certifications of plans of subdivision that allotments on the plan meet the requirements of the district plan  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 229 – 237H                                 | Certification of esplanade reserves and strips and associated conditions   | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 240, 241                                   | Imposition and cancellation of amalgamation conditions and restrictive covenants   | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 243(E)                                     | Revoking a condition specifying easements  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 310, 311                                   | Application to Environment Court for a declaration   | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>  |
| S. 314, 316                                   | Seek and/or respond to an enforcement order  | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>  |
| S. 320  | Seek and/or respond to an interim enforcement order  | <ul style="list-style-type: none"> <li>▪ Manager - Planning and Building Services</li> </ul>  |
| S. 322  | Power to issue an abatement notice   | <ul style="list-style-type: none"> <li>▪ RMA Monitoring and Plan Effectiveness Officer</li> <li>▪ Environmental Compliance Officer</li> </ul> |
| S. 325A                                       | Power to cancel an abatement notice  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| Schedule 1, Clause 5A                         | To identify all affected parties for limited notification of a plan change or variation  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 327,328                                    | Issue excessive noise direction  | <ul style="list-style-type: none"> <li>▪ Warranted Officers</li> </ul>  |
| S. 332  | To carry out inspection of any premises of property (except a dwelling house) to determine whether the RMA, any regulation or rule of the District Plan or resource consent is being complied with   | <ul style="list-style-type: none"> <li>▪ Warranted Officers</li> </ul>  |
| S. 333  | Entry to land (except a dwelling house) for purpose connected with any preparation, change, or review of the District Plan   | <ul style="list-style-type: none"> <li>▪ Warranted Officers</li> </ul>  |
| S. 336  | Return of property seized under Section 323 and Section 328  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 338  | Offences against this Act  | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |
| S. 342  | The power to collect fines for an offence under Section 338  | <ul style="list-style-type: none"> <li>▪ Warranted Officers</li> </ul>  |
| S. 343C                                       | Issue Infringement Notices   | <ul style="list-style-type: none"> <li>▪ Warranted Officers</li> </ul>  |
| S. 357  | The power to consider and make decisions on application for objections for an application which does not require a hearing, except where the decision would result in a net payment of reserve contributions by Council less credits for land to vest exceeding the delegation for the role. The power to decide whether an objection requires a Hearing | <ul style="list-style-type: none"> <li>▪ Team Leader - Planning</li> </ul>  |

**Resource Management Act 1991 continued**

| <b>Section</b> | <b>Summary of Function / Power Delegated</b>   | <b>Delegated Officer</b>   |
|----------------|--|--|
| S. 357C-D      | The power to consider and decide upon objections made. To consider, dismiss or uphold (in whole or in part) any objection under Section 357, 357A or 357B of the Act provided that this delegation shall not be exercised in respect of obligations on resource consent applications which have been the subject of a hearing under Section 100 of the Act | <ul style="list-style-type: none"><li>▪ Manager - Planning and Building Services</li></ul> |
| S. 360F        | To set overall charges payable by the applicant for a plan change or resource consent  | <ul style="list-style-type: none"><li>▪ Team Leader - Planning</li></ul>                   |