



ORDINARY MEETING OF COUNCIL

Open Attachments (Under separate cover)

Meeting Date: Thursday 2 February 2023

Time: 9.30am

Venue: Council Chambers
Hawke's Bay Regional Council
159 Dalton Street
Napier

TABLE OF CONTENTS

Item 3	Council and Committees of Council Terms of Reference and Delegations	
Attachment 1	2022-2025 Proposed Council and Committees of Council Terms of Reference and Delegations (Doc Id 1629578).....	2
Item 4	2022-2025 Standing Orders	
Attachment 2	2022-2025 DRAFT Standing Orders (1627887)	51



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

Napier City Council Governance Structure

**Terms of Reference, Council and Committees of
Council Delegations**

2022-2025

Adopted by Napier City Council on ____ 2023

Updated 24 January 2023

Doc Id 1610027

Contents

INTRODUCTION	2
Purpose	2
Council Delegations	2
Governance, Management and Operational Activities	2
POWERS DELEGATED TO STANDING COMMITTEES	3
Common Delegations	3
Ambiguity and Conflict	4
COUNCIL	5
Proposed 2022-2025 Terms of Reference - Council	5
STANDING COMMITTEES	7
Proposed 2022-2025 Terms of Reference - Napier People and Places Committee	7
Proposed 2022-2025 Terms of Reference – Prosperous Napier Committee	9
Proposed 2022-2025 Terms of Reference - Sustainable Napier Committee	11
Proposed 2022-2025 Terms of Reference - Future Napier Committee	13
SPECIALIST COMMITTEES	14
Proposed Terms of Reference 2022-2025 - Ngā Mānukanuka o te Iwi (Māori Committee)	14
Hearings Committee – Terms of Reference	17
Audit and Risk Committee – Terms of Reference	20
Audit and Risk Committee Charter	21
Chief Executive Contract Committee – Terms Of Reference	27
District Licensing Committee - Terms of Reference	28
SUBCOMMITTEES and ADVISORY PANELS	30
Community Services Grants Subcommittee – Terms of Reference	30
Arts Advisory Panel – Terms of Reference	31
JOINT COMMITTEE (Administered by Napier City Council)	32
Ngā whakataunga mō ngā whakapuakitanga / Ahuriri Regional Park Joint Committee - Terms of Reference	32

INTRODUCTION

Purpose

This document sets out the Governance Structure by which Napier City Council:

- carries out its governance functions; and
- formally delegates its powers and responsibilities.

The Governance Structure is developed in accordance with the provisions and requirements of the Local Government Act 2002, and is intended to sit alongside Council's Standing Orders.

The terms of reference and delegations in this document are intended to facilitate the most efficient and effective application of Council's functions and powers, and to ensure the business of Council is transacted transparently and inclusively, whenever possible.

Council Delegations

A delegation is the transfer of a responsibility, duty, function or power from Council to another Council decision-making body or to the Chief Executive, to a member, or to officers. It is the authority to make decisions under delegated authority on behalf of Council.

Council has many responsibilities, duties, functions and powers. These may be specifically prescribed by legislation or may come from Council's general power in section 12 of the Local Government Act 2002. In either case, the responsibilities, duties, functions and powers are usually conferred on the local authority itself (with a few exceptions, such as where a power is specifically given to a particular officer, such as an enforcement officer). However, much of Council's work cannot be done solely by full Council and many of Council's responsibilities, duties, functions and powers must be delegated to ensure Council services and decisions are delivered in an effective, efficient and timely manner.

This allows elected members sitting as Council to focus on strategic issues and the long term needs of the Napier area, while detailed consideration and decision making can be carried out by other Council decision-making bodies, and the implementation of those decisions and the operation or administration of services or functions can be carried out by officers.

Governance, Management and Operational Activities

The nature of local government activities rests on a division between governance activities and management activities. Governance activities are exercised by elected members sitting as Council, or as delegated to committees, sub-committees and subordinate decision-making bodies. The governance role includes (but is not limited to) setting the strategic and overall direction of Council, including supporting the Mayor in the development of the Long Term Plan, Annual Plan, and other planning documents as required by law, and the development of policy to achieve Council's goals.

The Chief Executive is responsible for management and operational activities. This includes (but is not limited to) providing advice to Council, its committees, sub-committees and subordinate decision-making bodies, to enable Council to carry out its governance role. The Chief Executive is also responsible for implementing the decisions of Council (as defined by the Long Term Plan or Annual Plan), its committees, sub-committees and subordinate decision-making bodies, as well as managing the administration, operations and service delivery of Council.

The Chief Executive is the sole employee of Council, and employs all other officers of the local authority. For a local authority to work efficiently and effectively, it is vital that the Chief Executive can also delegate his or her responsibilities, duties, functions and powers to officers.

POWERS DELEGATED TO STANDING COMMITTEES

The mayor has the power to establish committees and appoint chairpersons of the committees.

- Council retains the right to also act in any matter where delegated authority applies; it does not part with the function, duty or power being delegated. Council retains full responsibility for governance, statutory and financial powers, duties and responsibilities and contract specifications at all times.
- Any Committee may resolve to refer any matter to full Council with or without recommendation. A decision made by a committee under delegation from the Council has the same effect as if it were made by the Council itself.
- Each committee's powers are restricted to the areas of responsibility of that committee.
- Working groups or panels can be established as needed to address special or particular issues, and report directly to Council or the relevant committee. Working groups and panels have no decision-making powers.

Common Delegations

There are a number of common delegations from Council to the following standing committees of the whole: Napier People and Places Committee, Prosperous Napier Committee, Sustainable Napier Committee and Future Napier Committee. These common delegations are set out below and should be read in conjunction with the Terms of Reference for those committees.

General Principle

1. The work of the committees will be in accordance with the priorities and work programme agreed by the Council.
2. These committees have the powers necessary to perform the respective committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

Consultation and engagement

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement (including a special consultative procedure) required on issues before the committee, in accordance with Council's Significance and Engagement Policy, the Local Government Act 2002 or other applicable legislation.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations; making determinations on such matters unless they are reserved for Council to decide.
4. Receive and consider valid petitions, and make any recommendations or decisions (within the committee's delegations) in relation to such petitions.

Submissions and legislation

1. Approve submissions to external bodies/organisations or Central Government on legislation or proposals that impact Napier City.

NOTE: The following process can be used in the event that a submission is not presented to the relevant committee prior to the due date for submission:

- a) The opportunity to give feedback on Council Officer's submissions will be given to Elected Members as required.
- b) Officers will circulate the submission to the Elected Members for comment, providing at least 24 hours for the review of the submission.

- c) Where possible, a consensus of the Elected Members should be sought. If required, a majority view will prevail.
- d) Any submission approved via this process should be presented to the next relevant committee meeting for noting and public awareness.

Projects and programmes

1. Monitor and oversee strategic projects and programmes.
2. Monitor Council's Activity Management Plans.

Contracts

Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:

- a) Do not require the approval of Council; and
- b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

NOTE: The Chief Executive will present a quarterly report to the Council noting the contracts approved under their financial delegation.

Other

1. Consider and make decisions which are within the Chief Executive's delegations, and which the Chief Executive has referred to the committee for decision making.
2. Consider and make decisions on matters that fall within a committee's area of responsibility that are outside of delegations to the Chief Executive or other Council officers.
3. Commission new committee reports and work required to respond to significant or compliance issues, or to complete the agreed Council work programme.
4. Make recommendations to the Council or other committees (in relation to decisions that fall within their respective terms of reference).
5. Establish working groups or hearings panels and approve their terms of reference.

Ambiguity and Conflict

For clarity, matters that are not delegated by the Council to a committee or another subordinate decision-making body, or to the Chief Executive or other Council officer, are to be determined by the Council.

In the event of uncertainty or dispute as to which committee is authorised to act in respect of a particular matter, due to ambiguity or conflict between the provisions of the Terms of Reference, the Chief Executive will prepare a written report on the matter for Council's consideration. The decision of Council will be final and binding.

