

CARTERTON DISTRICT COUNCIL



DELEGATIONS MANUAL

(Adopted by Council on 19 November 2003)

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1. INTRODUCTION

This manual sets out the Council's delegations to Council Standing Committees, the Chief Executive Officer and sub-delegations to other staff.

It's purpose is to clearly define the parameters under-which Standing Committees and staff are able to act and provides a mechanism to give effective management of Council's affairs.

Council's authority to delegate to Officers comes from Schedule 7 Clause 32 of the Local Government Act 2002. The matters that Council cannot delegate are also listed in Clause 32 as follows:

“Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business a local authority may delegate to a committee or other sub-ordinate decision-making body, a community board, or member or officer of the local authority any of its responsibilities, duties, or powers except:

- a. the power to make a rate; or*
- b. the power to make a bylaw; or*
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term community plan; or*
- d. the power to adopt a long-term community plan, or annual report; or*
- e. the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan council community plan or developed for the purpose of the local governance statement; or*
- g. the power to warrant enforcement officers.*

It should also be noted that Clause 32(7) states:

“To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.”

2. GOVERNANCE

2.1 Delegation to Affix Common Seal of Council

In accordance with Schedule 7 Clause 32 Local Government Act 2002 delegated authority be granted to the Mayor and Chief Executive to authorise, sign and affix the Common Seal of Council to documents requiring same.

That this delegation extend to the Deputy Mayor and Finance Manager or Planning & Regulatory Manager in the Mayor's or Chief Executive Officer's absence.

That a list of documents executed under this delegation be placed before the Ordinary Meeting of Council each month for information and to be received.

2.2 Carterton Community Arts Council

That the Carterton Community Arts Council be granted delegated authority to allocate Creative Communities Funding in accordance with the criteria established by Creative New Zealand.

2.3 World War II Memorial Trust

That the World War II Memorial Trust Committee be granted delegated authority to allocate available funds in accordance with the World War II Trust Deed.

2.4 Community Grants

That the Operations Committee be delegated authority to allocate Community Grant Funding in accordance with the Community Grants Policy.

2.5 Hearings Committee

That the Hearings Committee be granted delegated authority to conduct hearings, make decisions on all forms of applications coming before Council under the Resource Management Act, to grant Certificate of Compliance under Section 139 of the Resource Management Act 1991 other than those included in the Planning & Regulatory Manager's delegation.

3. FINANCIAL DELEGATIONS

That in exercise of the power vested in Council pursuant to Schedule 7(32) Local Government Act 2002 and all other powers enabling it in that behalf, the delegations listed in the schedule hereunder are hereby approved with immediate effect and are subject to the following limitations:

- Council approval is required for any actions exceeding the limits delegated to the Chief Executive Officer.
- No employee shall approve timesheets, leave, expenditure or a benefit which relates to themselves or for the purpose of personal gain. In all such instances the individual's Manager must give approval. The Mayor shall approve the Chief Executive Officer's expenses. The Chief Executive Officer to approve Managers' expenses and leave.
- Any contract exceeding \$50,000 will be subject to public tender. This will apply to all contracts involving the Carterton District Council including contracts let by any agent, consultant or other person acting on Council's behalf.
- Contracts of a value between \$10,000 and \$49,999 will be tendered unless exempted by the Chief Executive Officer. Approval of any exemption must be recorded in writing by the Chief Executive Officer.
- Purchases for goods and services valued between \$1,000 and \$9,999 will be made after receipt of prices from three relevant suppliers. The pricing information will be recorded and available for review and approval by the relevant Manager.
- Purchases for goods and services valued under \$1,000 will be from the best priced source.

Financial (GST Exclusive)	Council	CEO	Manager	Team Leader	Other	Comments
Operating Expenditure						
Expenditure within Annual Plan						
Up to \$1,000		✓	✓	✓	Mechanic Librarian	
\$1,000 - \$20,000		✓	✓		Librarian \$5,000	
\$20,000 - \$200,000		✓	Finance \$50,000			
Signing Authority						
For payment of expenditure and payroll by cheque or electronic transfers. Any two.		✓	Finance/Support Services/Planning & Regulatory			
For electronic payments – Direct Debits. Any two.		✓	Finance/Support Services/Planning & Regulatory		Revenue Officer	
Payroll Transactions						
Timesheet Authorisation			✓	✓		

Alteration of Pay Rates		✓				
Temporary/Short Term Staff Employment		✓				
Transfund Expenditure – Subject to CPP						
Contract – Road Mtce	✓					
Capital expenditure within Annual Plan		✓	Finance \$50,000			
Payments made by regular automatic payments		\$5000	\$1000			Set-up by Finance staff and copy retained by Finance
Capital Expenditure						
Approved within Annual Plan	✓	\$200,000	\$20,000 Finance \$50,000			
Unplanned Capital Expenditure – Emergency Works		\$20,000				
Unplanned Other up to \$10,000		✓				
Unplanned Other Greater than \$10,000	✓					
Council Credit Card						
For Council expenses only - no personal expenditure permitted. Limit \$6,000.	Mayor	✓				
Revenue						
Authorise the issuing of an invoice to an external party – except Transfund NZ		✓	✓	✓		
Authorise the issuing of a credit note to an external party.		\$10,000	\$1,000 Finance \$2,500			
Write of Debts – Excluding Rates Up to \$5,000 \$5,000 - \$10,000 Greater than \$10,000	✓	✓ ✓	Finance			
Transfund NZ Claims						
Preparation and electronic transmission of claims.		✓	Finance			

Reserve Funds						
Transfer and payments – approved within Annual Plan		✓	Finance			
Transfers not within Annual Plan	✓					With Council Approval
Disposals Approved in Annual Plan						
Sale/disposal of obsolete, surplus or non-repairable fixed assets						
Land & Buildings	✓					
Vehicles		✓	✓			In consultation with Finance Manager
Plant & Equipment/ Office Equipment						In consultation with Finance Manager
Up to \$2,000 Net Book Value		✓	✓			
From \$2,001 to \$50,000		✓				
Computer Equipment		✓	✓			As Above
Stock						
Sale of surplus/obsolete or damaged stock		✓	✓			As Above
Write Off Stock		✓	✓			As above

4. DELEGATIONS WITHIN THE LOCAL GOVERNMENT (RATING) ACT 2002

Section	Details of Power	Reasons	Delegations
27(5)	The decision on whether to divide rating units and the methodology for division.	A division may be required where a single rating unit falls into a number of differential categories.	CEO Finance Manager Revenue Officer
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	The Rating Information Data base (RID) may not contain the name of any person unless this is necessary to identify the particular property.	CEO Finance Manager Revenue Officer
29	Authority to determine objections to the Rating Information Database.	An owner has the right to object to any entry in the RID on a number of grounds. Council determines whether the objection is valid and any actions required correcting it.	CEO Finance Manager Revenue Officer
35	Authority to remove a name from the RID.	A person's name may be removed from the RID in circumstances outlined in Section 35. Generally this is as a result of a sale or disposal of the property.	CEO Finance Manager Revenue Officer
39	Authority to determine objections to rates records.	A ratepayer may object to information contained in the rates records on the ground that the rates are calculated incorrectly or that the rates balance is incorrect.	CEO Finance Manager Revenue Officer
40	Authority to correct errors in the RID and Rate Records.	Errors in the RID or rate records may be corrected even if there was no objection.	CEO Finance Manager Revenue Officer
52	Authority to agreed methods of payments for rates.	The Act allows rates to be paid by any method that is agreed by the local authority.	CEO Finance Manager Revenue Officer
54	Authority not to collect small amounts.	The Act recognises that there is a basic cost to the collection of rates and allows that the authority may decide not to collect these where, in its opinion, it is uneconomic to do so. The power not to collect amounts up to \$20 is to be delegated. Any requests for amounts in excess of that are to be determined by Council. <i>Note: It is envisaged that this will only occur where the cost to collect a debt is likely to exceed the amount</i>	CEO Finance Manager

		<i>of the debt due.</i>	
61	Authority to collect unpaid rates from the owner.	Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.	CEO Finance Manager Revenue Officer
62	Authority to collect unpaid rates from persons other than the owner.	Where the owner is in default of their rates, the local authority may recover the rates from a mortgagee.	CEO Finance Manager Revenue Officer
63	Ability to commence legal proceedings for the recovery of rates that are in default.	Where rates are in default, the local authority may commence legal proceedings against the owner for recovery of the rates.	CEO Finance Manager
67	Commencement of rating sales or lease provisions.	Once a local authority has received judgement and payment had not been received within the prescribed period, the authority may commence the process to carry out a rating sale or lease of the land to satisfy the level of the debt. <i>Note: This process is carried out by the District Court Registrar and does not apply to Maori Freehold Land.</i>	CEO Finance Manager
72	Authority to sell land by private treaty.	If land that was the subject of a rating rate does not sell above the reserve set by the Registrar, the Registrar may, with the consent of the local authority, sell the land by private treaty for any consideration that the Registrar thinks reasonable. <i>Note: This does not apply to Maori Freehold Land.</i>	CEO Finance Manager
77-83	Authority to sell abandoned land.	A local authority has the power to commence the process to have land declared 'abandoned' of rates have not been paid on it for three years, and the ratepayer: <ul style="list-style-type: none"> • Is unknown, or • Cannot be found after due enquiry, or • Is deceased and has no personal representative, or • Has given notice of the intention to abandon or has abandoned the land. The process is carried out through the District Court	CEO Finance Manager

		and the Court has to be satisfied the appropriate endeavours have been made to discover the owner. <i>Note: This does not apply to Maori Freehold Land.</i>	
85	Authority to administer rate remission and postponement policies.	As defined within the remission and postponement policies.	CEO Finance Manager
99	Authority to apply for charging orders.	The Act provides that where it has proved impossible to obtain rate on Maori Freehold Land, a local authority may apply to the Maori Land Court for a charging order on the land.	CEO Finance Manager
135	Authority to sign documents for Court proceedings.	The Act authorises a local authority to commence legal proceedings in a number of instances. The authority to sign such documents needs to be delegated to appropriate officers.	CEO Finance Manager

5. WARRANTS OF APPOINTMENT

The Council must approve all warrants for Enforcement Officers pursuant to Sections 171, 172, 174, & 177 Local Government Act 2002 and Schedule 7 Clause 32(1)(g).

“Enforcement Officer” means a person appointed to exercise powers of an Enforcement Officer in relation to offences against, and infringement offences under the Local Government Act including enforcement of bylaws of the local authority.

The Warrant of Appointment shall state the statutory authority able to be exercised by the appointee named in the warrant.

The appointee does not necessary have to be an employee of Council.

Schedule

Appointee	Authority Delegated
Planning & Regulatory Manager Milan Hautler	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333
Environmental Health Officer John Conroy	<u>Health Act 1956</u> Sections 28, 81, 82, 83 <u>Food Act 1981</u> Sections 13, 15, 18, 20 <u>Sale of Liquor Act 1989</u> Sections 103, 131 <u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Building Act 1991</u> Sections 12, 24, 74, 76, 77 <u>Dangerous Goods Act 1974</u> Sections 17, 19, 20, 21, 22, 23, 24 <u>Hazardous Substances & New Organisms Act 1976</u> Sections 97(h), 98, 103, 104 <u>Noise Control Act 1998</u> Section 4
Roading Assets Inspector George Rink	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Litter Act 1979</u> Sections 5, 7, 13 <u>Forest & Rural Fires Act 1977</u> Sections 13, 19, 20, 21, 23, 24, 27, 36, 38, 39, 58, 63
Reticulated Assets Team Leader Peter Leighton	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Litter Act 1979</u> Sections 5, 7, 13
Water Race Overseer Melvin Pike	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Dog Control Act 1996</u> Sections 11, 14, 15, 17, 19, 20, 52, 55, 56, 57, 59, 60, 66 <u>Impounding Act 1955</u> Section 8
Dog Control Officer Robert Millar	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Litter Act 1979</u> Sections 5, 7, 13 <u>Dog Control Act 1996</u> Sections 11, 14, 15, 17, 19, 20, 52, 55, 56, 57, 59, 60, 66 <u>Impounding Act 1955</u> Section 8 <u>Noise Control Act 1982</u> Section 4

Building Control Officer Jim Edge	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Building Act 1991</u> Sections 12, 24, 74, 76, 77 <u>Dangerous Goods Act 1974</u> Sections 17, 19, 20, 21, 22, 23, 24 <u>Hazardous Substances & New Organisms Act 1996</u> Sections 97(h), 98, 103, 104, 112, 136, 137
Part-Time Dog Ranger Murray Clark	<u>Dog Control Act 1996</u> Sections 11, 14, 15, 17, 19, 20, 52, 55, 56, 57, 59, 60, 66 <u>Impounding Act 1955</u> Section 8
Operations Manager Tony Pritchard	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Litter Act 1979</u> Sections 5, 7, 13 <u>Forest & Rural Fires Act 1977</u> Sections 13, 19, 20, 21, 23, 24, 27, 36, 38, 39, 58, 63
Reticulated Services Team Leader Ian Baumber	<u>Resource Management Act 1991</u> Sections 38, 322, 327, 328, 330, 332, 333 <u>Litter Act 1979</u> Sections 5, 7, 13
Amourguard Security -Noise Control Officers Marc Casey Tony Collins Duane Irvine Barry Langdon	<u>Noise Control Act 1982</u> Section 4a

6. RESOURCE MANAGEMENT

Pursuant to Section 34 of the Resource Management Act 1991, delegation is granted to the Planning & Regulatory Manager to carry out the following Council functions, powers and duties.

6.1 Administration of Resource Consents

- The giving of notice of any public documents or applications for resource consent as required under the Resource Management Act 1991.
- The determination of what persons or bodies, notice or documents should be served under the Resource Management Act 1991.
- Preparation and service of any documents or submissions on Tribunals, persons or bodies under the Resource Management Act 1991.
- To take enforcement action for offences against the provisions of the District Plan, Bylaws or the Resource Management Act 1991.
- The determination of whether or not an application for resource consent should be publicly notified, and the persons who should give their written consent to the application.
- To consult with the District Land Registrar re: amalgamation conditions for subdivision.
- The powers included in Section 38 of the Resource Management Act 1991

6.2 General

- The granting of Certificates of Compliance pursuant to Section 139 of the Resource Management Act.
- The signing of certificates pursuant to Section 224(c) and approving plans under Sections 223 and 226 of the Resource Management Act 1991.
- The granting of subdivision consent for controlled activities complying with the provisions of the District Plan. A schedule of approved applications to be made available to Council on a monthly basis.
- The approval of a scheme plan for an allotment without frontage to a road where access is to be provided pursuant to Section 321(3)(c) of the Local Government Act 1974.
- Authorisation and warranting of Enforcement Officers under the Resource Management Act 1991.

7. PLANNING & REGULATORY GENERAL

7.1 Signing of Documents

- To sign documents under the Resource Management Act 1991, and under Schedule 7 Clause 32 Local Government Act 2002. A schedule of documents signed to be included in the Planning & Regulatory Manager's monthly report to Council.

7.2 Relocated and Reconstructed Dwellings

- The Planning & Regulatory Manager approve routine straightforward, non-notified applications for dwelling relocation/reconstruction either not requiring deposit or bond or requiring maximum deposit or bond up to \$15,000.00.

7.3 Revocation of Health Licence Registration

- The Chairman of the Policy & Finance Committee and Chief Executive Officer be the Council's nominated representatives for attending health licence revocation hearings. In their absence the Deputy Chairman and/or Planning & Regulatory Manager. In all cases with the power to act.

7.4 Approve Applications to Lay Pesticides

- Authority be granted to the Planning & Regulatory Manager to consider applications from Greater Wellington and the Department of Conservation for consent to lay pesticides for control of Bovine Tuberculosis subject to elected representatives being circulated with the application prior to

approval being granted by the Manager. That any approval be subject to the approval of the Medical Officer of Health.

7.5 Hawkers Licences

- That the Planning & Regulatory Manager be given delegated authority to issue Hawkers Licences and in his absence the Environmental Health Officer. That in any conditions pertaining to such licences are breached, approval be withdrawn immediately.

7.6 Removal of Dogs Due to Persistent & Load Barking: Sections 56 & 70 Dog Control Act 1996

- In accordance with Section 56, a Dog Control Officer may remove a dog to a pound where a notice has been served on the owner to abate the nuisance and this has not been complied with.
- In accordance with Section 70, the owner may apply to the territorial authority for the return of the dog. On being satisfied that the return of the dog will not result in a resumption of the nuisance and on payment of fees, the territorial authority shall return the dog. The fees are required to be paid within seven days. The owner will be notified to that effect.
- For practical purposes of adjudicating on the territorial authority being satisfied ... it is appropriate to put in place a delegation with power to act.
- The Planning & Regulatory Manager and Animal Control Officer be delegated authority to act for the purposes of being the territorial authority for the above purposes. In the absence of the Planning & Regulatory Manager, the Chief Executive.
- That the Chairman of the Policy & Finance Committee together with the Planning & Regulatory Manager be given delegated authority to consider infringement appeals.

8. ROADING

8.1 Road Closures Where Objections are Received

That a sub-committee comprising the Mayor, Chairman of the Policy & Finance Committee and Chairman of the Operations Committee be given delegated authority to deal with road closures in the event of objections being received

8.2 Reflectorised Street Numbering Systems

That the Chief Executive Officer be given delegated authority to deal with applications for reflectorised street numbering systems as outlined below.

Council accepts no liability whatsoever for any damage sustained to the street numbers by whatever cause including street, footpath and berm maintenance and this should be made patently clear to any person intending to install these numbers.

Council does not grant sole rights to any firm to operate within the Carterton district.

8.3 Removal of Overhanging Trees in the Rural Wards

That the Roading Services Manager be given delegated responsibility to inspect rural properties. Where in his opinion notices need to be issued, he is to inform the Planning & Regulatory Manager details for the issue of appropriate notices under Section 355 Local Government Act 1974.

The Chief Executive Officer or Planning & Regulatory Manager be authorised to sign the appropriate notice requiring the landowner or occupier to rectify the overhanging trees, etc and to follow-up in the event of non-compliance.

8.4 Stock on Roads with Inadequate Fences

That the following Officer delegation be put in place for administrative purposes:

Roading Services Manager/Stock Rangers – Determination of properties with substandard roadside fences. Details to be given to the Planning & Regulatory Manager.

Chief Executive/Planning & Regulatory Manager – Service and legal follow-up of notices to property owners where roadside fences have been determined to be substandard and notices not complied with.

8.5 Stock Grazing on Vacant Urban Residential Zoned Sections

That the bylaws pertaining to the grazing of stock on residential land be enforced as they read with a permit being required from Council to keep stock on such land.

That further the Chief Executive Officer be given delegated authority to grant such permits imposing such conditions as applicable to the application.

That the Chief Executive Officer be authorised to sub-delegate this authority to the Animal & Dog Control Officer.

9. WATER

9.1 Water Restrictions

That the Operations Manager, in consultation with the Chief Executive and Chairman of the Operations Committee or Mayor have delegated authority to impose water restrictions when and as required.