

Item 1: Community Board Empowerment

SESSION TYPE: Workshop

PURPOSE/DESIRED OUTCOME:

One workstream of the Local Government Commission decision on the Wānaka-Upper Clutha reorganisation initiative is (ref 85(c)) to “*work with the Community Board to explore options for further empowerment of the community board, including consideration of increased delegated decision-making power and provision of a budget for projects or activities in Wānaka-Upper Clutha*”.

This workshop is to provide members an opportunity to discuss with staff potential options for addressing this within the action plan, such as (but not limited to):

- > increasing empowerment through existing terms of reference and what support or resources might be required to enable that; and
- > consideration of existing delegated decision-making power (noting delegations were reviewed and amended in February 2023¹).

Note, the budget for projects or activities is out of scope for this workshop and is being considered via the executive leadership team.

DATE/START TIME:

Thursday, 18 April 2024 at the end of the earlier Wānaka-Upper Clutha Community Board meeting

TIME BREAKDOWN:

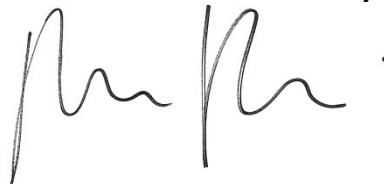
Debate/Discussion/Questions: 30 minutes

Prepared by:



Name: Naell Crosby-Roe
Title: Governance & Stakeholder Services
Manager
8 April 2024

Reviewed and Authorised by:



Name: Meaghan Miller
Title: General Manager Corporate Services
9 April 2024

¹ See full report here: https://www.qldc.govt.nz/media/zqpgsk00/iitem-1_-_proposed-amendment-to-w%C4%81naka-upper-clutha-community-board-delegations-and-terms-of-reference.pdf

ATTACHMENTS:

A	Existing Terms of Reference and Delegations
B	Presentation slides To be presented on the day

Wānaka-Upper Clutha Community Board

Terms of Reference

Membership

The Wānaka-Upper Clutha Community Board shall have 4 elected members, Chris Hadfield, Linda Joll, Simon Telfer and John Wellington, and three appointed members, Councillors Barry, Cocks and Tucker

Quorum

The quorum for every meeting shall be four members.

Chair

The Chair of the Wānaka-Upper Clutha Community Board is Simon Telfer, and the Deputy Chair is Chris Hadfield

Frequency of Meetings

The Wānaka-Upper Clutha Community Board will meet every six weeks.

Parent Body

The Wānaka-Upper Clutha Community Board reports to the Queenstown Lakes District Council.

Objectives of the Wānaka Community Board

To carry out its role as set out in in Section 52 of the Local Government Act 2002 to give effect to the purpose of local government in Section 10 of the Local Government Act 2002.

Terms of Reference:

Responsibilities and Key Projects

- > Represent and act as an advocate for, the interests of its community.
- > Consider and report on all matters referred to it by the Council, or any matters of interest or concern to the Wānaka-Upper Clutha Community Board.
- > Maintain an overview of services provided by the Council within the community.
- > Prepare an annual submission to the Council for expenditure within the community.
- > Communicate with community organisations and special interest groups within the community.
- > Encourage and integrated strategic approach to long term issues and opportunities to inform board decision-making and key Council processes and documents.
- > Undertake any other responsibilities that are delegated to it by the Council.

Delegated Authority

The Wānaka-Upper Clutha Community Board will have authority to carry out activities within its Terms of Reference (excluding all powers reserved to the Council by law, or by resolution of the Council).

Power to Act

The Wānaka-Upper Clutha Community Board will:

- > Prepare submissions to the draft Ten Year Plan or Annual Plan relating to the Wānaka-Upper Clutha Ward (including the prioritisation of proposals from community groups);
- > Lodge and present submissions to external bodies on policies and legislation relevant to the Board's Terms of Reference; and
- > Make decisions, subject to such general policies as are determined by the Council and having regard to the duties and powers set out in these Terms of Reference, on the following Council activities within the Wānaka-Upper Clutha Ward:
 - > parking;
 - > cemetery;
 - > Council owned buildings and property;
 - > footpaths, walkways, shared pathways, and tracks;
 - > roads;
 - > temporary road closures for non-arterial roads, over 4 hours duration in the Wānaka-Upper Clutha Ward;
 - > legislation relating to:
 - > street names, parades, collections, and special issues; and
 - > waterways and waterfront special cases and concessions except for formal regulatory functions.
 - > public toilets;
 - > recreation and reserve areas;
 - > sports fields;
 - > swimming pool;
 - > public information signage;
 - > street lighting;
 - > trees on Council owned land;
 - > elderly persons housing; and
 - > other items not specified above that fall within the same general local interest category of Council activities within the Wānaka-Upper Clutha Ward.

Power to Recommend

The Wānaka-Upper Clutha Community Board will recommend:

- > rates and charges to be levied in the Wānaka-Upper Clutha Ward (in particular, those related to water, sewerage, roading, tourism promotion and parking);
- > other revenues to be collected in the Wānaka-Upper Clutha Ward which relate to the areas listed above;
- > any bylaws required for the safety or good governance of the Wānaka-Upper Clutha Ward;
- > the use of borrowing to fund works or facilities in the Wānaka-Upper Clutha Ward;

- > any decision involving the use of the Public Works Act 1991 within the Wānaka-Upper Clutha Ward;
- > setting policy on the leasing or licensing of use of Council property; and
- > the development of the district plan, long term financial strategy, funding policy, treasury policy and borrowing policies.

Delegation Limitations

These delegations MUST BE read subject to the following qualifications. The Wānaka-Upper Clutha Community Board’s jurisdiction and authority will be limited in regard to the following decisions:

- > Any decision delegated to an officer or contractor under Council delegations including sub-delegations to an officer or contractor from the Chief Executive;
- > Any services or facilities funded by any rate, charge or other revenue collected on a district wide basis;
- > Any contract entered in by the Council for the good of the district as a whole;
- > Any work, service, facility or payment that is not funded fully from revenue raised in the Ward;
- > The power to employ staff;
- > Any decision where the Council records concerns about the authority of the Wānaka-Upper Clutha Community Board to make that decision;
- > Any decisions involving the development of the Proposed District Plan which shall be in the hands of the Planning & Strategy Committee;
- > Financial contributions set in the District Plan or Long-Term Plan or imposed in any resource consent application; and
- > Any decision that is contrary to policy set by the Council. Where the Wānaka-Upper Clutha Community Board considers that a policy is wrong or requires amendment to provide for circumstances which are not catered for, the Board will submit a proposal for amendment to the policy to the Council.

Wānaka-Upper Clutha Community Board Delegation Schedule

This schedule is designed to clarify decision making power by subject matter. If there is any inconsistency between this schedule and the Terms of Reference and Delegations, the Terms of Reference and Delegations will prevail.

Ticks appear in each column where approval is required before the final decision is reached. The final decision is made by the body with the last tick (reading left to right along each row)

	Decision by:2			
	Officer	WUCCB	Committee	Council
Artwork				
> locations		✓		
Buildings and Property				
> sale and purchase		✓	✓	✓
> service and operation		✓		✓
> maintenance	✓			
Bylaws		✓	✓	✓
Council Policy		✓	✓	✓
Cemetery Plan				
> development and approval		✓		

> implementation	✓			
District Plan				
> development and approval		✓	✓	✓
> implementation	✓			
Elderly Persons Housing				
> policy		✓	✓	✓
> design		✓		
> location		✓	✓	✓
> purchase and sale				✓
> maintenance	✓	✓		
Footpaths and Walkways				
> locations/priorities		✓		
> specification / LoS		✓		✓
> maintenance	✓			
> tracks trust		✓		
Infrastructure				
<i>Capital</i>				
> scoping		✓		
> funding		✓	✓	✓
> planning		✓	✓	✓
<i>Operational</i>				
> location		✓		✓
> specifications/LoS		✓		✓
> maintenance	✓			
> design and build	✓			
Land Vesting as Reserve		✓		✓
Lagarosiphon Control				
> management plan		✓		
> implementation	✓			
Ten Year Plan				
> preparation		✓	✓	✓

	Decision by:2			
	Officer	WUCCB	Committee	Council
> adoption				✓
> implementation	✓			
Memorials				
> design		✓		
> location		✓		
Operational Matters				
> emergency works	✓			
Parking				
> strategic planning		✓		✓
> time restrictions		✓		
> no stopping areas		✓		
> location of areas		✓		
> enforcement	✓			
> implement payment		✓		
> fund payment option		✓		✓
Public Information Signage				
> location		✓		
> specification				✓
> installation	✓			
Public Toilets				
> locations		✓		
> specification/LoS		✓		✓
> maintenance and cleaning	✓			
Reserve and Recreation Areas				
> management plans		✓		✓
> locations		✓		✓
> specification / LoS		✓		✓
> LoS trade-offs		✓		
> maintenance	✓			
> conditions of hire	✓			
> concessions	✓♦			

	Decision by:2			
	Officer	WUCCB	Committee	Council
> decision to notify long term land leases (lease period greater than 5 years)		✓		
> lease renewal where Council has discretion	✓♦			
> granting of subleases		✓		
> table and chair licenses	✓♦			
> decision to notify the intention to grant any approvals for events in excess of 6 days	✓♦			
> decision to notify right of way (ROW) easement		✓		
> Affected Party Approval for permanent private development	✓♦			
Rivers and Lakes				
> speed limits		✓		✓
> enforcement	✓			
> concessions		✓		
> charges		✓		
> navigation aids	✓			
> structure design and location		✓		
> commercial activity permit for activity from a jetty		✓		
Roads				
<i>Capital</i>				
> strategic planning		✓		✓
> funding		✓	✓	✓
> new seals		✓		
> re-seals	✓			
<i>Operational</i>				
> policy		✓		✓
> LoS trade-offs		✓		
> maintenance	✓			
> naming	✓			
> naming that does not comply with Road Naming Policy		✓		
> stopping		✓		✓
> temporary closure pursuant to policy		✓♦		

	Decision by:2			
	Officer	WUCCB	Committee	Council
<i>Minor safety works</i>				
> implement projects	✓			
> change priority of projects		✓		
> approve new projects		✓		
Service Delivery				
> specification / LoS		✓		✓
> delivery	✓			
> monitoring		✓		
Staff issues				
> employment	✓			
> performance	✓			
> dismissal	✓			
Street furniture and paving				
> policy and palette		✓		✓
> location		✓		
> purchase	✓			
> installation/removal	✓			
Street lighting				
> policy		✓	✓	✓
> location		✓		
> style		✓		
> purchase	✓			
> installation/removal	✓			
> under-grounding priorities		✓		
Swimming Pool				
> location		✓		
> design		✓		
> operation	✓			
> funding		✓	✓	✓
Trees on Council Land				
> appeals to applications under the Tree Policy in the ward		✓		

	Decision by:2			
	Officer	WUCCB	Committee	Council
> location		✓		
> species		✓		
> planting	✓			

- ♦ Delegation to be exercised by officers following prior consultation with the Community Board Chairperson, or other nominated representative(s) of the Community Board where practicable
- ♦ For temporary road closures over 4 hours. Under 4 hours – CEO

Schedule 1

General rules applying to all delegations – Queenstown Lakes District Council

Note: *The conferring of delegated authority means that the officer may exercise the responsibility, duty or power, but not that he or she should do so (either at all, or in a particular case). Whether or not it is appropriate for an officer to exercise a delegated authority which they have will depend on their job description and instructions in particular circumstances etc. Further, where a delegated responsibility, duty or power may be exercised by an officer in more than one department, those officers will be under the direction of the appropriate departmental managers who will work to minimise any potential conflicts in the exercise of that responsibility, power or duty.*

1. A responsibility, duty or power (other than a financial delegation) delegated to an officer holding a named position or level of authority is also delegated to all officers in a direct line of authority above that officer.
2. A responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or a substantially similar role or function, whatever the name of his or her position.
3. An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
4. Where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation, the wording of the legislation will prevail.
5. Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.
6. Responsibilities, duties or powers delegated to officers by the Chief Executive may not be sub-delegated. Nor may responsibilities, duties or powers delegated to officers (including the Chief Executive) by the Council under the Resource Management Act 1991 or the Local Government (Rating) Act 2002 be sub-delegated.
7. Unless specifically time-limited, a delegation continues in force until revoked, altered or varied by the delegator or the Council.
8. When an officer is exercising a delegation in an acting capacity, this should be expressly stated.
9. An officer must comply with any conditions (such as financial limits and reporting or other procedural requirements) relevant to the exercise of a delegated authority, and should also comply where required with all applicable Council policies.
10. The following matters cannot be delegated to an officer:
 - > the following powers:
 - > the power to make a rate;
 - > the power to make a bylaw;
 - > the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
 - > the power to adopt a long-term plan, annual plan, or annual report; or
 - > the power to appoint a chief executive;

- > the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement; and
- > any matter not permitted to be delegated by any other Act (for example the approval of a policy statement or plan under the Resource Management Act 1991 or the granting of special exemptions under s.6 of the Fencing of Swimming Pools Act 1987); and
- > any matter that can only be given effect to by a Council resolution.