
Agenda for an extraordinary meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 23 AUGUST 2016** commencing at **8.30am**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

- 1. APOLOGIES AND LEAVE OF ABSENCE**
- 2. CONFIRMATION OF STATUS OF AGENDA**
- 3. DISCLOSURES OF INTEREST**
- 4. COMMITTEE AND DEPARTMENTAL REPORTS**
 - 4.1 Discretionary & Funding/Creative Communities Scheme Committees**
 - 4.1.1 Amendment to Delegations Register 2

GJ Ion
CHIEF EXECUTIVE
Agenda2016\CCL\160823 CCL OP.docx

Open Meeting

To	Waikato District Council
From	Gavin Ion Chief Executive
Date	16 August 2016
Prepared by	Lianne van den Bemd Community Development Advisor
Chief Executive Approved	Y
DWS Document Set #	1585779
Report Title	Amendment to Delegations Register

I. EXECUTIVE SUMMARY

The Council delegates responsibility to Committees, Community Boards and Officers to assist in the effective and efficient implementation of its functions, duties and powers. There are three types of delegations: Statutory, Discretionary Statutory and Operational. Operational delegations are made to staff by the Chief Executive to facilitate and enable the efficient and effective operation of the organisation. Examples include acting on matters relating to various legislation and acts.

Currently the Discretionary & Funding Committee has the delegation to appoint members to the Creative Communities Scheme Assessment Committee; however the delegation is not consistent with the agreement between Council and Creative New Zealand. Therefore an amendment to the Delegations Register is required to reflect the changes.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT the Council amends the Discretionary & Funding Committee & the Creative Communities Scheme Assessment Committee delegations noting that the amendments have been made to reflect the agreement between Council and Creative New Zealand.

3. BACKGROUND

The Council's power, functions and duties are all prescribed either expressly or implied by various Acts and Regulations, with the most significant being the Local Government Act

2002. Collectively, this legislation sets the framework within which the Council and its staff must operate.

The Council delegates responsibilities to Committees, Community Boards and Officers to assist in the effective and efficient implementation of its functions, duties and powers. There are three types of delegations:

1 Statutory – These delegations relate to the positions held by Officers where the powers, duties and functions of those positions are specifically referenced in legislation. Examples of this include the Chief Executive Officer, Animal Control Officer and Enforcement Officer.

2 Discretionary Statutory – These delegations relate to the functions, duties and powers of the Council that may be lawfully delegated, and the Council chooses to do so. Examples include delegating to a Committee the authority to hear and consider submissions, or the authority granted to Community Boards to disburse community grants.

3 Operational – These delegations are generally made to staff by the Chief Executive to facilitate the efficient and effective operation of the organisation. Examples include the authority to purchase goods and services within certain fields as part of approved budgets, and the authority to recruit staff.

The Local Government Act 2002 (Clause 32 of Schedule 7) permits an officer to sub-delegate to any other officer of the Council one or more of his or her powers under the Local Government Act except the power to delegate any power where either the statute prohibits delegation or the Council prohibits delegation. The Council and the Chief Executive have, through the provisions of this Register, delegated the appropriate powers, functions and duties (being discretionary statutory and/or operational delegations) to the most appropriate competent level of decision-making. This approach is consistent with the provisions of the Local Government Act 2002.

Where the Chief Executive or any other officer receives a discretionary statutory delegation from the Council, that officer may not sub-delegate that power, duty or function unless specifically authorised to do so by the Council.

Where any operational delegation has been authorised by the Chief Executive, the officer holding that delegation may not sub-delegate that authority to any other staff member unless authorised by the Chief Executive to do so.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The agreement between Creative New Zealand and Council for the period 1 July 2016 to 30 June 2019 has highlighted some inconsistencies with the existing delegations given to the Discretionary & Funding Committee and the Creative Communities Assessment Scheme Committee. The key issue being that the authorisation to delegate the powers to the Discretionary & Funding Committee to appoint members to the Creative Communities Scheme is no longer valid.

The Delegations Register has consequently been amended to give effect to the agreement.

These amendments are reflected as tracked changes in the attached document (which is the relevant section of the Delegations Register).

4.2 OPTIONS

Nil. The change to the delegations is made to ensure consistency with the agreement between Council and Creative New Zealand.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

The Council is authorised to make the above delegation pursuant to Schedule 7, Clause 32 of the Local Government Act 2002.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The change to the delegations is made to ensure consistency with the agreement between Council and Creative New Zealand

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

N/A

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	✓		Internal
		N/A	Community Boards/Community Committees
✓			Waikato-Tainui/Local iwi
✓			Raglan Community Arts Councils
		N/A	Business
		N/A	Other Please Specify

The matter has been discussed with relevant staff.

6. CONCLUSION

Amending the Discretionary & Funding Committee & the Creative Communities Scheme Assessment Committee delegations as per the Delegations Register will ensure the Scheme is administered according to the guidelines of the agreement between Creative New Zealand and Waikato District Council.

7. ATTACHMENTS

Discretionary & Funding Committee & the Creative Communities Scheme Assessment Committee delegation register.

Pages 15 -16 of the Creative Communities Scheme Guidelines.

DISCRETIONARY & FUNDING COMMITTEE

The authority to:

Consider and decide on applications before it and distribute, in accordance with the criteria for funding included in Policy WDC1208/06/1/4, those funds allocated by the Council on an annual basis for district wide discretionary expenditure in that part of the district not covered by community boards or committees.

~~Approve the appointment of non-elected members to the Creative Communities Assessment Scheme Committee. (For clarity it is stated that this Committee had the authority to appoint sub-committees to meet Government set guidelines to distribute these fund.)~~

Formatted: Font color: Red

Prioritise and approve projects funded from the Events Fund budget.

Appointments confirmed 29 October 2013: Cr Lynch - Chairperson; Cr McGuire - Deputy Chairperson; Cr Church; Cr Solomon; Cr Hayes; Cr Costar; Mayor Sanson – ex officio

CREATIVE COMMUNITIES ~~ASSESSMENT~~ SCHEME ~~ASSESSMENT~~ COMMITTEE

Pursuant to Clause 30 of Schedule 7 of the Local Government Act 2002 the Waikato District Council appoints the Creative Communities Assessment Scheme Committee.

Council delegates the ~~The~~ authority to the Creative Communities Scheme Assessment Committee to:

- I Consider and decide on applications before it and distribute in accordance with the criteria for funding, the funds allocated from the Creative Communities New Zealand Scheme.

~~Terms of Reference for the Creative Communities Assessment Scheme Committee~~

~~Pursuant to Clause 30 of Schedule 7 of the Local Government Act 2002 the Waikato District Council appoints the Creative Communities Assessment Scheme Committee.~~

2. Membership of the Committee shall comprise of:

- Two elected Councillors
- ~~Two~~ Iwi representative
- ~~Two~~ One Arts Council representatives and
- Four community representatives

~~with~~ The appointments are to be made as follows:

- + I) The Council shall appoint two members (i.e. elected councillors) of the Discretionary & Funding Committee to the Creative Communities Assessment Scheme Committee as part of the normal appointments process following each triennial general election.
 - i) In the December immediately following each triennial general election, ~~half~~ the Committee shall retire, with ~~new~~ representatives being sought and appointed on the following rotational basis:
 - (a) The Iwi representatives shall retire and Waikato-Tainui shall be asked to appoint ~~a new one~~ two replacements. These could be the previously appointed members provided they have not served for more than two terms.
 - (b) One Raglan Arts Council representative shall retire and the Arts Council shall appoint a new one representative. This could be the previously nominated member
 - (c) ~~Two~~ All community representatives shall retire and ~~two new ones~~ replacements shall be sought and appointed nominated. These could be the previously nominated members provided they have not served for more than two terms.

The newly -elected councillors and the newly-appointed Iwi and Arts Council representatives will be appointed automatically to the Creative Communities Scheme Assessment Committee.

The newly-elected Creative Communities Scheme Assessment Committee representatives shall receive the nominations for the four community representatives. The Creative Communities Scheme Assessment Committee shall ~~formally approve~~ appoint the four community representatives from the nominations received.

The Creative Communities Scheme Assessment Committee shall provide a report to the Discretionary & Funding Committee to advise of the four community representative appointments.

Formatted: Font color: Red, Strikethrough

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Formatted: Font color: Red, Strikethrough

Formatted: Font color: Red

Formatted: Font color: Custom Color(RGB(51,51,255))

The Creative Communities Scheme Assessment Committee shall provide an update to the Discretionary & Funding Committee after each meeting.

The Discretionary & Funding Committee shall formally approve the appointments.

Formatted: Underline, Font color: Red, Strikethrough

Formatted: Font color: Red

Appointments confirmed 29 October 2013

Discretionary & Funding Chairperson	Cr Lynch
Ngaruawahia Ward Councillor	Cr Solomon
Community representatives	Mr Richard Gemmell; Mr Warren McGrath <u>Wanda Baker</u>
<u>and Rae Waterhouse</u>	
Raglan Arts Council	Vacant <u>Jodi Collins</u>
Iwi	<u>Mr Warren McGrath</u> Vacant
<u>Iwi</u>	<u>Delwyn Abraham</u>

6. Assessment committees: their functions and make-up

Role of assessment committees

Assessment committees are at the heart of the success of the Creative Communities Scheme. Their main role is assessing applications and allocating funding, in line with any specific local priorities that have been set by your council.

The assessors (the members of the assessment committee) should collectively have a broad knowledge of the arts activity in your local area.

Other functions of committee members include:

- discussing and making recommendations for promoting the scheme locally
- receiving reports on funded projects and discussing completed projects
- attending performances, exhibitions and other events funded by the Creative Communities Scheme
- attending meetings organised by Creative New Zealand
- contributing to the Annual Evaluation Report to Creative New Zealand
- electing new community representatives to the committee after a public nomination process (see page 16).

Membership and make-up of assessment committees

Council committee, sub-committee or community committee?

The CCS assessment committee can be established as a committee of council, a sub-committee or a

community committee. When considering which type of committee will best suit the circumstances of your council we recommend that you consult with your chief executive.

Decisions made by this committee do not need to be approved or confirmed by your council.

Please note, whatever form of committee is selected must meet the following guidelines regarding membership and decision-making processes.

Size of the committee

There is no specific requirement for the number of members an assessment committee must have. However, Creative New Zealand strongly recommends there be at least seven, and not more than 11 members. A committee of nine members works well; having an odd number also assists with voting.

Who sits on the committee

Each assessment committee consists of –

Representation from local councils and community arts councils

- Local councils may appoint up to two representatives to the assessment committee. These may be elected councillors or community board members with an arts and culture focus or knowledge. Elected councillors and local board members must not make up more than half of an assessment committee.
- Each community arts council in the local area has the right to have a representative on the assessment committee. Community arts councils are organisations that have been formally gazetted under the Arts Council of New Zealand Tei Aotearoa Act 2014 or previous versions of this Act.

Community representatives

Community representatives on the assessment committee must be familiar with the range and diversity of local arts activities. Ideally membership of

the committee should also reflect the make-up of the local community, eg young people, recent migrants, Asian residents, and local Māori and Pasifika peoples.

At least one member must be of Māori descent and have local knowledge of Māori arts activity. It is recommended that CCS administrators consult with local iwi regarding Māori appointments.

Youth councils, ethnic councils or other community groups do not have an automatic right to be represented on the committee, but they may nominate community representatives for election.

Community representatives can't include elected council members or community board members.

If council staff wish to stand as community representatives they must be there independently of their role in council.

Community representatives must be elected in a public and open way by the existing assessment committee after a public nomination process. Options for doing this include –

- calling for written nominations through newspapers, community noticeboards, direct mail-outs and websites with representatives being elected by the committee from these nominees
- convening a public meeting where nominations are received from the floor with community representatives then being elected by the committee.

However, if there's a limited response to a call for nominations or a public election process or the committee lacks specific knowledge, the committee (via the CCS administrator) may approach individuals directly and invite them to become members.

Having past members mentor new members can be a great way to support new or younger members as they join the committee.

Term of membership

Community representatives may be appointed or elected for a specified term of up to three years and can serve a maximum of two consecutive terms.

This term limitation does not apply to council or community arts council representatives.

It's a good idea to have a combination of new and experienced members. To keep this balance we recommend that committee members be replaced over time.

Chairperson

Each year the assessment committee should elect a chairperson.

A person may serve a maximum of three consecutive years as chair.

Management of committee meetings

To be able to make the best funding decisions, committee members must be free to discuss all aspects of an application. For this reason we recommend that assessment committees consider applications in accordance with the public excluded provisions of the Local Government Official Information and Meetings Act 1987, or, if they are a community committee, in private.

Individual councils are responsible for ensuring that meetings of the assessment committees operate in accordance with the relevant council standing orders, including the taking of minutes.

Dealing with conflicts of interest

To maintain the assessment committee's integrity and to guarantee that its decision-making is transparent and impartial, conflicts of interest must be declared and handled appropriately.

Three types of conflict of interest can arise - direct, indirect, and perceived.