

Policy:	Delegations Policy
Department:	Corporate Services
Approved by:	Council
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1. Purpose

- 1.1 The purpose of this Delegations Policy is to establish a clear framework and hierarchy for identifying, confirming, and recording all delegations of authority within Stratford District Council.

2. Scope

- 2.1 This Delegations Policy sets out:

- The guiding objectives behind the policies
- The principles for achieving those objectives
- The legal basis for delegations and sub-delegations
- The location of the Delegations Register

In doing so, this Delegations Policy provides a reference for each of the delegations and sub-delegations within Council and the legal basis for each delegation and sub-delegation.

3. Objectives

- 3.1 Ensure delegations are assigned to the lowest appropriate level to promote efficiency and accountability, while maintaining the ability for managers in the direct line of authority to exercise the delegated powers when necessary.
- 3.2 Maintain a clear separation of governance and management roles by reserving strategic, policy, and significant financial decisions for elected representatives, and delegating day-to-day operational responsibilities to staff.
- 3.3 Provide a structured delegation framework where greater powers and responsibilities are progressively assigned to more senior levels, reflecting organisational lines of responsibility.
- 3.4 Ensure delegations are defined broadly enough to allow flexibility, while providing sufficient detail to clearly outline the scope and limits of authority.
- 3.5 Delegations should be interpreted in a manner consistent with these objectives.

4. Principles

- 4.1 All delegations must be documented in writing to ensure clarity and accountability. The Delegations Policy provides the Council's delegations framework, while the Delegations Register serves as a comprehensive record of delegations in place and provides a reference to the relevant decision establishing each delegation. The Delegations Register records all delegations and sub-delegations made by the Council, its Committees, and the Chief Executive.
- 4.2 Delegations shall be assigned to defined positions rather than named individuals. This ensures delegations remain current and allows any person acting in the position to exercise the delegated authority.
- 4.3 Delegations should be standardised across comparable positions and bodies wherever possible. For example, all Department Directors should have consistent financial signing limits and human resources authorities to ensure fairness and clarity.
- 4.4 Officer delegations are granted by Council to the Chief Executive (except for the legislation described in clause 4.5) and may be sub-delegated by the Chief Executive to the lowest appropriate position to promote efficient and accountable decision-making. Delegations may be exercised by officers in the direct line of authority above the delegated position, but cannot be exercised by an officer further up the line of authority if the delegated power has already been exercised in relation to a matter. The Chief Executive retains responsibility for the management of staff delegations, subject to legislative requirements. Direct delegations are provided for where appropriate.
- 4.5 Officers, other than the Chief Executive, do not have the authority to sub-delegate. clause 32B, schedule 7 of the Local Government Act 2002 prohibits delegating the power to delegate, which means any authority sub-delegated by the Chief Executive cannot be further delegated by an officer. The Resource Management Act 1991 and the Local Government (Rating) Act 2002, also prevent sub-delegation by officers, which means delegations must be made directly by the Council to the relevant officers and not via a Chief Executive's sub-delegation.
- 4.6 As provided in clause 32(2) of schedule 76 of the Local Government Act 2002, the Council can delegate to a committee, member, or officer the power to do anything prior to the exercise by the local authority of any non-delegable power or duty specified in clause 32(1). Such actions must be undertaken after appropriate consultation with the relevant committee, body, or person.
- 4.7 An entity or person holding delegated authority may seek advice when exercising that the delegated power but remains responsible for the decision. An officer may choose not to exercise the delegation and instead refer the matter back to an appropriate manager or the Council. The person making the delegation retains liability or legal responsibility to perform or ensure performance of the function or duty being delegated.
- 4.8 For clarity and consistency, functions should generally be exercised by the position/person to whom they have been specifically delegated, unless circumstances make it more appropriate for the delegator or a more senior position (holding the relevant delegation) to act.
- 4.9 Certain legislation, such as the Resource Management Act, and Council bylaws allow for appeals of specific decisions. Council may also provide appeal rights through delegations or policy. Unless an appeal process is expressly provided, a decision cannot be overturned by a person or body senior to the delegate. However, if new information is received, a fresh decision may be made, but only by those with delegated authority.
- 4.10 Delegated authority must not be exercised where a conflict of interest or a perceived conflict of interest exists. Any person with a personal or prejudicial interest in a matter—or where such an interest could reasonably be perceived—must not participate in decisions relating to that matter.

- 4.11 A delegate may exercise any ancillary powers necessary to give effect to a delegated authority. For example, a delegation to undertake financial transactions up to a specified limit includes the ability to negotiate price, terms, and conditions; authorise the contract; and sign the contract.
- 4.12 Where a matter has not been delegated, the decision must be made by Council. The Chief Executive is responsible for determining whether a matter is covered by an existing delegation.

A matter must be referred to the Chief Executive where:

- there is an apparent conflict of delegations;
- the delegation is not clearly defined or does not appear to exist for the matter; or
- clarification of a delegate's ancillary powers is required.

For clarity and consistency, interpretation of delegations should rest with a single point of authority. In the absence of judicial consideration, the Chief Executive is the appropriate position to provide this interpretation within Council.

- 4.13 Unless specifically time-limited, a delegation remains in effect until it is revoked, altered, or varied by the delegator or Council. Certain delegations may apply only to specific matters, such as a project or contract, where no broad delegation exists. Individual delegations do not need to be explicitly revoked when a subsequent delegation modifies or replaces the previous one.
- 4.14 A recommendation to make, revoke, alter or vary any delegations made by Council must be set out in a Delegations report to the Policy and Services Committee, with a final decision made by the Council.
- 4.15 Where the description of a delegated legislative function is ambiguous or appears to conflict with the wording of the legislation, the legislation prevails. The description of a delegated function serves only as a guide and does not limit or expand the scope of the authority provided by law.
- 4.16 Where a delegation is made to one or more officers, unless it is specified that the power must be exercised jointly (i.e. two or more officers acting together), the presumption is that the delegation can be exercised severally (i.e. the delegation can be exercised by one officer acting alone).

5. Legal Basis

- 5.1 The delegations in this policy are made in accordance with the Local Government Act 2002 and any other legislation permitting delegation.
- 5.2 Under the Local Government Act 2002 Council cannot delegate the power to:
- a. Make a rate; or
 - b. Make a bylaw; or
 - c. Borrow money, or purchase or dispose of assets other than in accordance with the long-term plan; or
 - d. Adopt a long-term plan, annual plan or annual report; or
 - e. Appoint a Chief Executive
 - f. 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 purposes of the local governance statement; or
 - g. Adopt a remuneration and employment policy

Under the Resource Management Act 1991 Council cannot delegate the power to adopt a District Plan or any change to a District Plan.

6. Delegations Register

- 6.1 The official record of Council's delegations is maintained in the Delegations Register within LocoDelegations. This register defines and authorises the scope of delegations made by Council to committees, the Chief Executive, and other officers, as well as sub-delegations from the Chief Executive to members of the leadership team and designated staff positions.
- 6.2 This Delegations Register will record most delegations, but may not include specific delegations given by the Council that apply for a limited purpose and time
- 6.3 Further information is available on the Introduction page and the FAQ page within LocoDelegations. Although inherently linked to this Policy and governed by the same general principles, the Delegations Register is a separate document, and the delegations may be changed or updated at any time following the process required by Council.