

Mayor and Councillors
COUNCIL

10 DECEMBER 2015

Meeting Status: **Public**

Purpose of Report: For Decision

AMENDMENTS TO THE COUNCIL DELEGATIONS TO CHIEF EXECUTIVE AND STAFF

PURPOSE OF REPORT

- 1 This report seeks Council's consideration and approval of amendments to the delegations to the Chief Executive and Staff.

DELEGATION

- 2 The delegations comply with the provisions of the Local Government Act 2002 (clause 32, schedule 7), which empowers the Council to consider an appropriate governance structure and associated delegations.
- 3 It also meets the requirements of section 10 of the Local Government Act 2002 which prescribes the purpose of local government.
- 4 The delegations will be available to be audited by Council's auditors Ernst and Young during their scheduled audits.

BACKGROUND

- 5 The Council has certain statutory powers it can exercise and duties it must fulfil. Various statutes recognise that it is not efficient or practical for Elected Members to have to deal with every aspect of their functions, duties and powers.
- 6 Various Acts of Parliament provide the Council with the legal authority to delegate to officers. In particular, Council has the authority to delegate to officers under clause 32 of Schedule 7 of the Local Government Act 2002. Clause 32 also sets out certain powers that cannot be delegated as follows:

32. Delegations—(1) 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 subordinate decision-making body, 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 plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement.*

(h) the power to adopt a remuneration and employment policy.

- 7 Delegated authority allows for administrative efficiency and ensures timeliness in the conduct of Council's daily business activities.
- 8 The majority of the Acts allow the Chief Executive the discretion to sub-delegate to council staff, provided he has the delegated power from the Council to further sub-delegate. However, some Acts prescribe the way delegations must be made. For example, the Resource Management Act 1991 (RMA 1991) does not allow the Chief Executive the power to sub-delegate.

ISSUES AND OPTIONS

Issues

- 9 The Council RMA 1991 delegations to the Chief Executive and staff are monitored on a regular basis and reported back to Council for amendment as required in response to changes in staff or legislation.
- 10 Delegations are also reviewed on request by Council.
- 11 With the completion of the position changes made in the open space team, it is recommended that the RMA 1991 delegations are updated to include the positions of Parks and Recreation Manager and Open Space Manager.
- 12 As staff will require delegations under the Food Act 2014 from March next year, it is recommended that the Food Act 2014 be added to the delegations made by Council to the Chief Executive to allow the Chief Executive to sub-delegate to the appropriate staff members when the relevant parts of this legislation come into force next year.

CONSIDERATIONS

Policy considerations

- 13 The proposed delegations support the Council's Governance Structure and Delegations.

Legal considerations

- 14 This paper has been reviewed by the Council's Legal Counsel.

Financial considerations

- 15 There are no financial considerations relating to the process of making these amendments.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 16 This decision has a low level of significance under the Council's Significance and Engagement policy. No engagement required.

Consultation already undertaken

- 17 This is a technical procedure to enable staff to perform their roles efficiently. No engagement and no consultation is necessary.

RECOMMENDATIONS

- 18 That the Council adopts the amendments to the Resource Management Act 1991 Delegations, shown in Appendix A of Report SP-15-1757 to include the new position titles of: Parks and Recreation Manager and Open Space Manager.
- 19 That the Council adopts the amendment to the Council Delegations to the Chief Executive and Staff as shown in Appendix B of Report SP-15-1757 to include the Food Act 2014.
- 20 That the Council notes that once approved, these amendments will be included in the existing 16 July 2015 Resource Management Act 1991 Delegations and the 16 July 2015 Delegations Made by Council to Chief Executive and Staff.

| Report prepared by | Approved for submission | Approved for submission |
|---------------------------|--------------------------------|--------------------------------|
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Linda Guerin
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ATTACHMENTS

- Appendix 1 Amendment to be included in the Council RMA 1991 Delegations to Staff
- Appendix 2 Amendment to be included in the Council to Chief Executive and Staff Delegations

Appendix 1 – Report SP-15-1757

| 10 December 2015 Amendments to Council delegations to Staff under the Resource Management Act 1991 | |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Positions | RMA Sections / Schedules to be added to the delegations to the position. |
| Open Space Manager | Section 333* |
| Parks and Recreation Manager | Section 333* |

* Section 333 – Enter and re-enter onto land and carry out surveys, investigations, tests or measurements and take samples for any purpose connected with preparation, change or review of a policy statement or plan.

Appendix 2 – Report SP-15-1757

| Legislation and Authority | Powers Delegated |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Food Act 2014 and any regulations made under that Act To the Chief Executive with power of sub-delegation to officers. | Delegation of authority to exercise and administer all responsibilities, duties and powers of the Council under the Act and any regulations made under the Act except those powers specified in section 34 of the Act (which relates to the power to grant an exemption). |