

**Mayor and Councillors**  
COUNCIL

18 APRIL 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **AMENDMENTS TO THE RESOURCE MANAGEMENT ACT DELEGATIONS**

### **PURPOSE OF REPORT**

- 1 This report seeks Council's consideration and approval of amendments to the delegations to staff who work under the Resource Management Act 1991.

### **SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

### **BACKGROUND**

- 3 The Council has certain statutory powers it can exercise and duties it must fulfil. Legislation recognises that it is not efficient or practical for Elected Members to have to deal with every aspect of their functions, duties and powers. On that basis, councils are authorised by various statutes to delegate some of those activities to committees and officers.
- 4 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 Schedule 7 Clause 32 of the Local Government Act 2002. The matters that it cannot delegate as contained in Clause 32, are 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."*

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

## **CONSIDERATIONS**

### **Issues**

- 7 The Council 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.
- 8 Delegations are also open to be reviewed on request by Council.
- 9 An amendment is recommended to the Resource Management Act 1991 Delegations (Appendix A refers) in order to include additional job titles for positions found to require delegations as well as some additional delegations for an existing position.
- 10 The above amendments are identified by background shading in the Appendix A to this report.

### **Financial Considerations**

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

### **Legal Considerations**

- 12 This paper meets 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.
- 13 It also meets the requirements of Section 10 of the Act which prescribes the purpose of local government.
- 14 The delegations will be available to be audited by Council's auditor's Ernst and Young during their scheduled audits.

### **Delegation**

- 15 Only Council has the authority to make these decisions.

## Consultation

- 16 There are no consultation considerations with what is essentially a procedural process to make appropriate provision for the Chief Executive and staff to perform their roles.

## Policy Implications

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

## RECOMMENDATIONS

- 18 That the Council adopts the amendments shown in Appendix A of Report SP-13-851 to the Resource Management Act 1991 Delegations to include the further position titles that require delegation along with additional delegations for an existing position.
- 19 That the Council notes that once approved, these amendments will be included in the existing 29 November 2012 Resource Management Act 1991 Delegations.

**Report prepared by:**

**Approved for submission by:**

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## ATTACHMENTS:

- Appendix A Amendment to the Council RMA 1991 Delegations to Staff  
Appendix B Glossary of RMA Sections Delegated to Staff