

Mayor and Councillors
COUNCIL

7 MARCH 2013

Meeting Status: **Public**

Purpose of Report: For Decision

AMENDMENTS TO THE GOVERNANCE STRUCTURE AND DELEGATIONS (29 NOVEMBER 2012 VERSION)

PURPOSE OF REPORT

- 1 Council's approval is sought for a number of amendments to the Governance Structure and Delegations document (29 November 2012 version).

SIGNIFICANCE OF DECISION

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

BACKGROUND

- 3 The proposed amendments have been triggered by a number of developments:
 - The Local Government Act 2002 has been significantly amended, and these amendments need to be reflected in the text of the Governance document.
 - In June 2012 Council approved the appointment of Māori representatives to each of the three major Standing Committees. Interviews for the roles are still to be completed but in the meantime the amendment will signal Council's intent to allow for a Māori representative on each of the major Standing Committees.

CONSIDERATIONS

Issues

- 4 Appendix 1 shows the proposed amendments to the text as tracked changes.

Proposed Amendment 1 – new Local Government Act

- 5 One of the most significant changes in the Local Government Act 2002 Amendment Act 2012 was the change to the purpose of local government. In the new Act the purpose of local government no longer refers to the four wellbeings, but instead is:

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

(2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are-

(a) efficient; and

(b) effective; and

(c) appropriate to present and anticipated future circumstances.

6 The change to clause 14 is also noteworthy where the word 'wellbeing' has been replaced with 'interests' (see Appendix 2 for a complete extract).

7 Accordingly, where the wellbeings are referenced in the Governance Structure these need to be deleted and/or appropriately replaced. A number of other amendments have been proposed through the text in keeping with the new Act's purpose and principles. The Amendment Act did not contain any transitional provisions so the new purpose provision is in effect now.

Proposed Amendment 2 – Māori representatives on Standing Committees

8 The relevant sections in the Governance Structure need to be amended to enable the presence of one Māori representative on each Standing Committee.

Financial Considerations

9 There are no financial considerations.

Legal Considerations

10 There are no legal considerations other than those mentioned above.

Delegation

11 Only Council can make this decision.

Consultation

12 There are no consultation implications.

Policy Implications

13 There are no policy implications.

Tāngata Whenua Considerations

14 There are no tāngata whenua considerations.

Publicity Considerations

15 There are no publicity considerations.

RECOMMENDATIONS

16 That Council approves the amendments to the Governance Structure and Delegations for the 2010-2013 Triennium as detailed in Appendix 1 of report Corp-13-808 and instructs the Chief Executive to publish an updated Governance Statement.

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Appendices

Appendix 1 – extract from the Governance Structure and Delegations for the 2010-2013 Triennium (29 November 2012 version) showing proposed amendments as tracked changes

Appendix 2 – clause 14 of the Local Government Act 2002 ‘Principles relating to local authorities’