

Mayor and Councillors
COUNCIL

6 JUNE 2013

Meeting Status: **Public**

Purpose of Report: For Decision

CONSIDERATION OF SUBMISSIONS TO THE DRAFT 2013-14 ANNUAL PLAN

PURPOSE OF REPORT

- 1 To allow the Council to consider how it wishes to respond to submissions, and decide whether it wishes to make any changes, to the Draft 2013/14 Annual Plan. Draft responses to submitters and recommendations on key issues have been prepared for consideration.

SIGNIFICANCE OF DECISION

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

BACKGROUND

- 3 The Draft 2013/14 Annual Plan was adopted for public consultation on 21 March 2013.
- 4 A total of 83 submissions were received on the Draft Annual Plan during the period of public consultation. Submissions have been recorded on a database with each issue raised by a submitter being given an issue number and code. 43 of these submitters were scheduled to present their submissions over two days 21 and 22 May 2013.

CONSIDERATIONS

Issues

- 5 A suggested draft response to the issues raised by each submitter is contained in Appendix 2 to this report. Where a submission includes a request for new funding, a response is drafted with the option to fund or not fund set out for Council consideration. The issues are presented in Submitter groupings and the Council is asked to consider and approve /amend those draft responses. Where relevant the text in the final Annual Plan will be changed in accordance with Council's decisions about the draft responses.

Financial Considerations

- 6 The financial impact of submissions requesting new expenditure is detailed in Appendix 1 to this report - Summary of Submitters Funding Requests.

Legal Considerations

- 7 The Draft Annual Plan meets the requirements of the Local Government Act 2002. Staff liaised with Council Auditors, Ernst & Young during this process in terms of compliance as required by the Local Government Act 2002.

Delegation

COUNCIL'S POWERS

- 8 This Framework recognises the provisions of Clause 32, Schedule 7 of the Local Government Act 2002 which states:

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; or*
 - (g) *[Repealed]*
 - (h) *the power to adopt a remuneration and employment policy.*
- (2) *Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).*
- (3) *A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.*
- (4) *A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like*

manner and with the same effect as the local authority could itself have exercised or performed them.

- (5) *A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.*
- (6) *A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.*
- (7) *To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.*
- (8) *The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment."*

Consultation

- 9 The consultation associated with adopting the draft Annual Plan was undertaken via a special consultative procedure over the period 28 March to 29 April 2013. The draft Annual Plan was delivered to key agencies that have traditionally received Council's draft corporate planning documents and was available from Council on request and via the website. In addition, a summary document of the draft Annual Plan appeared in the Kapiti Observer on Monday 28 March 2013.

Policy Implications

- 10 There may be policy implications arising from the decisions made in relation to the submissions.
- 11 In considering the draft response to submissions Elected Members should keep in mind that Annual Plans only allow Councils to make minor adjustments and adjust expenditure on an annual basis during the three year cycle. This applies to this Annual Plan being year two of the 2012 Long Term Plan.

Publicity Considerations

- 12 The outcomes of the Council's deliberations will be communicated to submitters and the wider community, and published as the 2013/ 14 Annual Plan.

RECOMMENDATIONS

- 13 That the Council consider each item submitted in Appendix 1 and either approve or amend the draft response.

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ATTACHMENTS:

Appendix 1: Summary of Submitters Funding Requests

Appendix 2: Draft Response to All Submitters