

Council statutory delegations

TO Council
FROM Cassandra Mankelow-Hancock - Solicitor
DATE 15 June 2018
SUBJECT **Council statutory delegations**

1 Purpose of Report

To consider for approval, the statutory delegations register and updated delegations from Council to the Chief Executive and Council to Officers.

2 Background

It is general practice for local authorities to have a statutory delegations register. A register is a centralised source of information covering matters including the principles of delegating and the legal framework. It also references all delegations:

- a) Council to Boards and Committees;
- b) Council to the Chief Executive;
- c) Council to Officers; and
- d) Sub-delegations from the Chief Executive to Officers.

Currently TCDC delegations do not sit in one central register. They are instead recorded in a number of different ways including statute based delegations (in the case of the Building Act 2004 and the Resource Management Act 1991), in bylaws or in ad hoc council decisions.

In order to ensure accuracy and consistency staff have created a delegations register which will centralise all current delegations. This report presents the delegations contained in a, b, and c. The delegations made from the Chief Executive to officers will form the bulk of the register.

The delegations register excludes financial delegations and does not form part of this report.

3 Issue

A delegations register will ensure that all Elected Members, the Chief Executive and Officers can identify and understand the responsibilities, duties and powers delegated to them in order to carry out their functions and responsibilities.

4 Discussion

Authority to delegate is provided for in clause 32, Schedule 7 of the Local Government Act 2002 (LGA2002).

Clause 32 provides that unless expressly provided for in the LGA2002 or in any other Act for the purpose of efficiency and effectiveness Council has the power, to delegate its statutory responsibilities, duties or powers to the Community Boards and Committees, Chief Executive and Officers.

The bulk of the proposed delegations are made to the Chief Executive. In turn where permitted the Chief Executive sub-delegates to Officers. There are certain delegations where Council delegates directly to Officers, generally sub-delegation of these delegations is not permitted.

Staff have developed a delegations register that will provide a framework for delegations. It includes an outline of principles and restrictions under which delegations can be made and acted upon. The register will be a centralised resource. The delegations register is a living document that will require updating on a regular basis to ensure and the delegations will be updated as approved by Council or the Chief Executive or to accommodate legislative changes.

The register will also contain sub-delegations from the Chief Executive to Officers.

5 Suggested Resolution(s)

That the Council:

1. Receives the 'Council Statutory Delegations' report, dated 14 June 2018.
2. Delegates to the positions specified the updated Resource Management Act 1991 delegations as outlined in Attachment B.
3. Delegates to the positions specified those responsibilities, duties and powers under the Local Government (Rating) Act 2002 as outlined in Attachment C.
4. Delegates to the Chief Executive (within statutory limits) those responsibilities, duties and powers in respect of the updated list of legislation and regulations contained in Attachment D and reconfirms the Chief Executives delegations and exercise of responsibilities, duties and powers to date.

References-Tabled/Agenda Attachments

- Attachment A** *Delegations Register*
Attachment B *Council delegations under s34 of the Resource Management Act 1991*
Attachment C *Council delegations under the Local Government (Rating) Act 2002*
Attachment D *Delegations from Council to the Chief Executive*

Attachment A
Attachment A Delegations Report Council 26 June 2018

Attachment B
Attachment B Delegations Report Council 26 June 2018

Attachment C
Attachment C Delegations Report Council 26 June 2018

Attachment D
Attachment D Delegation Report Council 26 June 2018