

Report No:	RCN12-06-01
File No:	
Date:	1 June 2012
Decision Required	

REPORT SUMMARY

Report to: Full Council
Meeting Date: 21 June 2012
Report Author Lindsay McKenzie, Chief Executive
Subject: **Amendments to Delegations Register**

EXECUTIVE SUMMARY

The Council's Delegations Register records all delegations from the Tasman District Council to Standing Committees, Subcommittees, Members and Staff. The delegations are deemed to have been made under Clause 32, Section 7 of the Local Government Act 2002 (LGA) (see Appendix One). The Delegations register sets out the policies, procedures and delegations relating to decision making when giving effect to the Council's statutory duties, responsibilities and powers.

The Delegations Register is a 'living document' in that amendments may be made from time to time, as deemed necessary to amend the assignment of responsibilities, or definitions of responsibilities within the Register.

This report makes recommendations on changes to the Delegations Register as a result of a change in staff, a change in staff authorised expenditure levels, a resolution made by the Environment and Planning Committee, and other minor wording changes as recommended by Departmental Managers. A different approach to appointing an Acting Chief Executive is recommended.

RECOMMENDATION

That the Council accepts the recommendations of the staff, and approves the amendments to the Delegations register to reflect these recommendations.

DRAFT RESOLUTION

See draft resolution within this report.

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1. Purpose

- 1.1 To make changes as required to the Tasman District Council Delegations Register.

2. Background

- 2.1 The Council's Delegations Register records all delegations from the Tasman District Council to Standing Committees, Subcommittees, Members and Staff. The delegations are deemed to have been made under Clause 32, Section 7 of the Local Government Act 2002 (LGA) (see Appendix One). The Delegations register sets out the policies, procedures and delegations relating to decision making when giving effect to the Council's statutory duties, responsibilities and powers.
- 2.2 The Delegations Register is a 'living document' in that amendments may be made from time to time, as deemed necessary to amend the assignment of responsibilities, or definitions of responsibilities within the Register.

3. Present Situation/Matters to be Considered

- 3.1 The Delegations Register was last amended by the Council in December 2011. Since that time, several changes have taken place that have initiated a review of the Register:
- a new Chief Executive has been appointed by Council
 - there have been changes in staff and changes to staff expenditure authorisation that needs to be reflected in the Register, as per section 7.
 - the Environment and Planning Committee approved a change to general delegations of staff under Section 12 of the Register

- d. The Senior Management Team has reviewed the document for minor wording changes

4. Financial/Budgetary Considerations

- 4.1 The proposed changes to the Delegations Register have no effect on existing or proposed budgets. Changes to expenditure authorisations to staff have no financial implications.

5. Proposed Changes

5.1 Section 2.1 The Chief Executive.

- a. The Chief Executive is currently responsible for the employment of all staff including casual and temporary staff. For efficiency and in line with budgetary authority, it is recommended that the responsibility for employing casual and temporary staff be delegated to the Community Services Manager, Corporate Services Manager, Engineering Manager, Environment & Planning Manager, and Strategic Development Manager, in relation to their area of responsibility and in accordance with relevant Council policy.
- b. It is recommended that, for clarity, that one of the provisio for staff taking up or engaging in any employment outside of the Council role be removed i.e.:
“Such employment being consistent with the staff member’s status as a Council employee” and be replaced with
“There being no conflict of interest arising from the other employment”
- c. Acting Chief Executive
Under Section 42 of the LGA (see Appendix Two), it is the local authority (the Council) which is responsible for appointing a Chief Executive. From time to time, due to temporary absence, it is necessary for an Acting Chief Executive to be appointed. Clause 2.1 of the current Delegations Register states that the Chief Executive may appoint in writing any person to be acting Chief Executive during periods of temporary absence. It is recommended that, in line with the LGA, the Council appoints, for the term of one year, specific persons to the Acting Chief Executive position, to have and exercise all of the powers of the Chief Executive when the Chief Executive is on leave or out of the district on Council business. There is a separate report on this matter in the agenda.

The authorisation of the appointment for the period that the Chief Executive is absent shall be made in writing by the Chief Executive prior to his or her departure.

5.2 Section 5.3 News Media and Web Site

The current clause limits the placement of information on to the Council's website to those positions specified and is limited to the Chief Executive, Department Managers, the Communications Manager, the Regional On-Scene Commander and the Civil Defence Emergency Management Group Controller.

Due to editing processes now in place for the control of publication to the website, a much broader range of council staff have access to upload information to the website.

It is recommended that references to the website in this section be removed.

5.3 Section 7.1 Authorisation of Operating and Capital Expenditure within Approved Budgets

The authority to approve operating and capital expenditure within Council-authorized budgets is delegated to officers identified by both designation and name.

- a. It is recommended that a disclaimer be added to the introductory paragraph to note that the officer's name is current at the time of publication of the Delegations Register, and the name of the officer within that designation may be subject to change.
- b. Table 2 within this clause outlines the designation, officer name and expenditure level approved. This table has been updated within the resolution to reflect current names and positions.

5.4 Section 9.2 Scope of Subcommittees

Communications Subcommittee

The role of the Communications Subcommittee is broader than just the Communications Strategy. The Subcommittee monitors delivery of Council's policies relating to community consultation and engagement. It is recommended that this broader scope is defined in the Register.

5.5 Section 12 Delegations to Officers

12.5 Environment and Planning Staff

Clause 171

This clause relates to the staff's powers for initiating prosecution or injunctions under particular Acts or Bylaws. The purpose of this clause is to allow staff the freedom to take this action when deemed necessary, in consultation with the Chair or Deputy Chair of the Environment and Planning Committee. The

change to this clause was discussed and agreed at an Environment and Planning Committee meeting of 17 May 2012.

6. Significance

6.1 This is not a significant decision according to the Council's Significance Policy

7. Next Steps

7.1 If the changes are approved, the revised Delegations Register will be published to Council staff and made available to the public on the Tasman District Council website.

8. Draft Resolution

THAT the Tasman District Council receives the Report RCN12-06-01 and; amends the following clauses of the Delegations Register to read as below:

Clause 2.1

“The Chief Executive has absolute control over all employment-related matters concerning staff, and retains authority to:

- (a) *Approve the employment of all staff. The Chief Executive has authorised the employment of casual and temporary staff to the Community Services Manager, Corporate Services Manager, Engineering Manager, Environment & Planning Manager, and Strategic Development Manager, in relation to their area of responsibility and in accordance with relevant Council policy.***
- (b) *Approve staff members taking up or engaging in other employment, in addition to their Council employment, subject to the following provisos:***
- *Council duties having priority;***
 - *The other employment is not to interfere with or impair the due and proper discharge of their normal duties;***
 - *The other employment will not be carried out during the staff member's Council working hours; and***
 - *There being no conflict of interest arising from the other employment.***

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

The Chief Executive may request any person appointed by the Council to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive’s powers as he or she considers appropriate.”

Clause 5.3

News Media

“The authority to make statements to the news media relating to Council’s business is delegated to:

Chief Executive

Community Services Manager

Corporate Services Manager

Engineering Manager

Environment & Planning Manager

Strategic Development Manager

Communications Manager

Regional On-Scene Commander (in the event of an oil spill)

Civil Defence Emergency Management Group Controller (in relation to civil defence matters)

The Chief Executive or a Department Manager may delegate to an appropriate staff member a specific media task (e.g. hydrological reports issued by the Coordinator, Environmental Monitoring).

Delegations are exercised in accordance with Council’s media and advertising policies.”

Clause 7.1

Authorisation of Operating and Capital Expenditure within Approved Budgets

“The authority to approve operating and capital expenditure within Council-authorized budgets is delegated to the officers identified in Table 2 and in accordance with the reporting thresholds identified below.

The designated position and the officer (as at time of publication¹) identified in Table 2 are also authorised to enter into specified contracts for services commensurate with their authorised expenditure limits provided that any contracts which contain professional indemnity insurance, termination with notice, and intellectual property clauses shall be signed by a Third Tier

¹ note that the officer’s name is current at the time of publication of the Delegations Register, and the name of the officer within that designation may be subject to change.

Manager or above, and except for contracts in excess of \$300,000 which must be approved by the tenders panel in accordance with Section 11.4.

Table 2: Delegated authority to approve operating expenditure within approved budgets

Level	Designation	Name
\$ 1,000,000	Chief Executive	L McKenzie
\$ 500,000	Corporate Services Manager	M Staite
	Community Services Manager	L Kennedy
	Environment & Planning Manager	D Bush-King
	Engineering Manager	P Thomson
	Manager Property Services	J Frater
	Strategic Development Manager	S Edwards
Note: The following comment applies to the above two delegation levels.		
In addition to the above levels, authority is given to approve contract progress payments for the supply of goods and services as have been approved by Council, appropriate sub-committee, or the Tenders Committee.		
\$ 300,000	Transportation Manager	G Clark
	Utilities Asset Manager	J Cuthbertson
\$ 50,000	Reserves Manager	B Wilkes
	Utilities Asset Engineer	K Arnold
	Utilities Asset Engineer	D Stephenson
	Roading Asset Engineer	S Elkington
	Road/Rivers Asset Engineer	P Drummond
	Development Engineer	D Ley
	Transportation Maintenance Engineer	S Steedman
	Transportation Assets Engineer	G Griffith
	Utilities Asset Engineer	R Workman
	Manager Regulatory	A Humphries
	Manager Policy	S Markham
	Manager Environmental Information	R Smith
	Manager Resource Consents	P Doole
	Information Services Manager	P Darlington
	Accounting Manager	R Holden
	Human Resources Manager	J Cranness
	Customer Services Manager	S Westley
\$ 20,000	Libraries Manager - Tasman District	G Coote
	Reserves Officer	G Thorn
	Community Services Administrator	F Wafer

	Property Services Officer	K Harcom
	Property Officer	S Mathieson
	Financial Accountant	B Grammer
	Community Recreation Advisor	M Tasman-Jones
	Information Services Co-ordinator	D Kearns
	Senior Property Officer	R Cant
	Communications Advisor	C Choat
\$ 10,000	Executive Officer Strategic Development	S Hartley
	Executive Assistant to CEO & Mayor	P White
	Horticultural Officer	K Tohill
	Assistant Accountant	G King
	Co-ordinator Biosecurity	L Vaughan
	Co-ordinator Regulatory	G Caradus
	Co-ordinator - Building Control	P Hilleard
	Co-ordinator Compliance Monitoring	C Cheeseman
	Co-ordinator Environmental Monitoring	M Doyle
	Co-ordinator Natural Resources Consents	L Pigott
	Co-ordinator Land Use Consents	J Andrew
	Co-ordinator Subdivision Consents	M Morris
	Database Information Administrator	P Inwood
	Co-ordinator GIS	P Frew
	Technical Services Librarian	N Allred
	Senior Customer Services Officer	N Heyes
\$ 10,000	Reserves Officer	S Richards
	Assistant Tech Services Librarian	A Westerbeek
	Snr Customer Services Officer - Motueka	L Quartly
	Business Information Analyst	S Anderson
	Resource Scientist - Water	J Thomas
	Collections Librarian	R Lawley
	IS Senior Administrator	A Fletcher
	Resource Scientist - Land	A Burton
	Asset Information Co-ordinator	J Komarovsky
	Strategic Projects Advisor	M Tregurtha
\$ 5,000	Resource Scientist - Contaminants	J Easton
	Resource Scientist - Rivers & Coast	E Verstappen
	Resource Scientist - Environmental	T James
	Resource Scientist	G Stevens
	Harbourmaster	S Hainstock
	Biosecurity Officer	R Van Zoelen
	Biosecurity Officer	L Grueber
	Biosecurity Officer	K Wright
	Branch Librarian - Motueka	H McCubbin

	Assistant Librarian - Motueka	S Boyd
	Branch Librarian - Takaka	T Potter
	Children & Young Adults Librarian	L Brunwin
	Customer Services Librarian	D Bowden
	Information Services Librarian	C Vaughan
	Health & Safety Advisor	B McDonald
\$ 2,000	Administration Officer - Consents	J Wallace
	Administration Officer - Consents	L Cross
	Administration Officer - Consents	M Harley
	Administration Officer - Regulatory	L Illing
	Administration Officer - Dog Control	R Connachie
	Administration Officer - Building	L Mitchell
	Administration Officer - Building	S Abrey
	Administration Officer - Building	L Marevich
	Administration Officer - Building	K Scott
	Supervisor & Librarian - Murchison SC	J Falkner
	Circulation Librarian Assistant	C McMahan
	Assistant Librarian - Cataloguing	A Holland
	Customer Services Officer - Takaka	A Hubbard
	Engineering Consents Officer	J Karatiana
	Contracts Coordinator	J Proctor
	Technical Engineer	M Jones
	Senior Building Consents Officer	K Van Hoppe
	Senior Customer Services Officer	E Brownlee
	Community Recreation Officer	P McConachie
	NCS Administrator	M Tomlinson
	Senior Rates Officer	J Seatter
	Executive Assistant - E & P	K Greer
	Executive Assistant - Corporate	V Gribble
	Executive Assistant - Engineering	R Scherer
	Customer Services Officer - Motueka	J Le Pine
	Environmental Education Officer	R Francis
	Road Safety Co-ordinator	K Hobday
	Water Billing Officer	J Best
	Water Billing Officer	S Gourdie
	Executive Assistant - Comm Services	T Cater
	Compliance Administrator	V Thorn
	Hydrologist	S Bowis
	Records Supervisor	J Moffatt
	Transportation Planning Officer	S Downs

The Chief Executive, and in relation to their departmental budgets, Department Managers are authorised to re-allocate operating expenditure between budgets provided it is necessary to achieve committed outputs and provided the end-

of-year budgeted surplus or deficit will be achieved, provided that any likely exceedance is reported to Council or the relevant Committee.”

Clause 9.2

Scope of Subcommittees

Communications Subcommittee (reporting to Corporate Services Committee)

“To oversee and monitor implementation of Council’s Communications Strategy.

To approve and monitor delivery of Council’s polices relating to community consultation and engagement.”

Clause 12

Delegations to Officers

12.5 Environment and Planning Staff

“In consultation with the Chairman or Deputy Chair of the Environment & Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw listed in the Delegations Register which involves the Summary Proceedings Act 1957, and to issue injunctions to restrain continuing breaches of the Building Act (under Section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under Section 162 of the Local Government Act 2002). Any proceedings will be reported to the first available Committee meeting.”

Appendices:

Appendix One - Schedule 7, Clause 32, Local Government Act 2002

Appendix Two – Section 42, Local Government Act 2002

Appendix One

Schedule 7, Clause 32, Local Government Act 2002

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]*

(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.

Appendix Two

Section 42 Local Government Act 2002

Chief executive

(1) A local authority must, in accordance with [clauses 33](#) and [34](#) of Schedule 7, appoint a chief executive.

(2) A chief executive appointed under subsection (1) is responsible to his or her local authority for—

- (a) implementing the decisions of the local authority; and
- (b) providing advice to members of the local authority and to its community boards, if any; and
- (c) ensuring that all responsibilities, duties, and powers delegated to him or her or to any person employed by the local authority, or imposed or conferred by an Act, regulation, or bylaw, are properly performed or exercised; and
- (d) ensuring the effective and efficient management of the activities of the local authority; and
- (e) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority; and
- (f) providing leadership for the staff of the local authority; and
- (g) employing, on behalf of the local authority, the staff of the local authority; and
- (h) negotiating the terms of employment of the staff of the local authority.

(3) A chief executive appointed under subsection (1) is responsible to his or her local authority for ensuring, so far as is practicable, that the management structure of the local authority—

- (a) reflects and reinforces the separation of regulatory responsibilities and decision-making processes from other responsibilities and decision-making processes; and
- (b) is capable of delivering adequate advice to the local authority to facilitate the explicit resolution of conflicting objectives.

(4) For the purposes of any other Act, a chief executive appointed under this section is the principal administrative officer of the local authority.

Compare: 1974 No 66 [ss 119C](#), [119D](#)