

Report No:	RCN12-09-02
File No:	
Date:	28 August 2012
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Full Council  
**Meeting Date:** 6 September 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). 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.

As a part of the approach of continually updating the Delegations Register to ensure it is current, this report recommends delegations on the power to issue trespass notices, the power to exercise a vote on behalf of Council, and considerations for engaging contractors.

### 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). 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 June 2012. Since that time, several matters have been brought to staff attention that require clarification or amendments within the Register:
- No staff member has the power to issue a trespass notice on behalf of Council.
  - The triennial elections of Network Tasman Board have taken place, with the Council entitled to cast votes as an electricity consumer on multiple sites.
  - Clarification is needed on the Health and Safety responsibilities when engaging contractors.

## **4. Financial/Budgetary Considerations**

- 4.1 The proposed changes to the Delegations Register have no effect on existing or proposed budgets.

## 5. Proposed Changes

### 5.1 Section 6.6 (new subsection) Authorisation to Issue a Trespass Notice.

There may be circumstances in which an unwanted person or persons are required to vacate Council owned or occupied land or place. The process with which a trespass notice may be issued is outlined by the New Zealand Police below<sup>1</sup>:

*The occupier of a property can use the Trespass Notice template form to serve a "Trespass Notice" (or "Trespass Order") on someone. Print two copies - one to serve on them, and the other to keep, with details about how you served the Trespass Notice on them.*

*"Occupier", means any person in lawful occupation of that place or land; and includes any employee or other person acting under the authority of any person in lawful occupation of that place or land.*

*The completed Trespass Notice can be served by the occupier or an agent of the occupier with the occupier's authority.*

The "Occupier" in this case would be the Council as an entity. It is therefore proposed that the Chief Executive be delegated the authorisation to issue a trespass notice on behalf of Council.

### 5.2 Section 6.7 (new subsection) Authorisation to Vote on behalf of Council

As an electricity consumer of Tasman Energy Limited, the Council is given the opportunity to vote at elections of Trustees for the Network Tasman Trust. Previously this vote has been cast by the Chief Executive under advice from the Mayor; however no specific delegation currently exists to allow the Chief Executive to vote.

It is therefore proposed that the Chief Executive be authorised to cast votes on behalf of Council where a resolution of Council is not a prerequisite.

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

**A change of wording is suggested from:**

The designated position and the officer (as at time of publication<sup>2</sup>) 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 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.

**to:**

The designated position and the officer (as at the time of publication) identified in Table 2 are also authorised to enter into specified contracts for services commensurate with their authorised expenditure limits, provided that any contracts **for Grade A and B 'Health**

<sup>1</sup> <http://www.police.govt.nz/safety/home.trespassnotice.html>

<sup>2</sup> 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.

**and Safety Approved**\* contractors, and/or any contracts that contain professional indemnity insurance, termination with notice, and intellectual property clauses shall be signed by a Third Tier 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.

**And adding a second footnote to the page:**

**\* - as prescribed in the Tasman District Council's Health and Safety Systems Manual and the Contractors Health and Safety Information Booklet.**

## **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**

- 1. receives the Report RCN12-09-02 and;**
- 2. amends the following clauses of the Delegations Register to read as below:**

### **Section 6.6 Authorisation to Issue a Trespass Notice**

**The authority to issue a trespass notice Council's behalf is delegated to:  
Chief Executive**

### **Section 6.7 Authorisation to Vote on behalf of Council**

**The authority to vote on behalf of Council, where a resolution of Council is not a prerequisite, is delegated to:  
Chief Executive**

### **Section 7.1 Authorisation of Operating and Capital Expenditure within Approved Budgets**

**The designated position and the officer (as at the time of publication) identified in Table 2 are also authorised to enter into specified contracts for services commensurate with their authorised expenditure limits, provided that any contracts for Grade A and B 'Health and Safety Approved'\* contractors, and/or any contracts that contain professional indemnity insurance, termination with notice, and intellectual property clauses shall be signed by a Third Tier 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.**

**\* - as prescribed in the Tasman District Council's Health and Safety Systems Manual and the Contractors Health and Safety Information Booklet.**