TO: Council
FROM: Manager Governance
MEETING DATE: 17 September 2012
SUBJECT: MODIFICATIONS TO THE COMMITTEE STRUCTURE AND DELEGATIONS MANUAL

SUMMARY
The following updates are required to the Committee Structure and Delegations Manual:
- Clarification of the role of the Planning and Environment Committee in regard to "legal action"
- Update of the Toitū Otago Settlers Museum Board delegation
- Change to the Community Development Committee delegation for certain matters associated with reserves.

IMPLICATIONS FOR:
(i) Policy: No
(ii) Approved Annual Budget: No
(iii) LTP/Funding Policy: No
(iv) Activity Management Plans: No
(v) Community Boards: No
(vi) Sustainability: No

RECOMMENDATIONS
That the changes to the delegations of the Community Development Committee, Toitū Otago Settlers Museum, Planning and Environment Committee and the Chief Executive (as per the attachments) be approved.
INTRODUCTION

The Committee and Delegations Manual is currently under review but as this work has yet to be completed, a number of minor matters require alteration now.

The alterations are attached (with tracked changes shown) and can be summarised as follows:

Community Development Committee change in "reserves" matters

This change is to improve operational efficiency by removing the requirement that certain leases need Committee approval. The change provides for the Chief Executive (or delegated officers) to approve simple leases. The Chief Executive's delegations (exert attached) have been amended and, if approved, the consequential amendments will be made to the appropriate officer delegations.

Note that Community Boards will be advised of any leases in their areas by way of the Governance Support Officer's report to the Board.

Planning and Environment Committee change re "legal matters"

Following a recent court case we reviewed the Chief Executive's delegations with particular regard to the power to initiate a prosecution. There were no issues with the delegations of the Chief Executive but it was felt that the manual could be improved by clarifying the role of the Planning and Environment Committee in regard to legal action that is not delegated to the Chief Executive.

The attached changes provide that clarification.

Toitū Otago Settlers Museum Board

The delegations of the Board have been updated to reflect the change in name, the change in general manager and to clarify the advisory nature of the Board.

CONCLUSION

If these changes are approved, an updated version of the Committee Structure and Delegations Manual will be re-issued to all elected members and on the Council website.

Prepared by: Sandy Graham
Manager Governance

Approved by: Paul Orders
Chief Executive

Attachments

1. Changes to the Committee Structure and Delegations Manual
COMMUNITY DEVELOPMENT COMMITTEE

REPORTING TO: The Council

CHAIRPERSON: Cr Acklin

DEPUTY CHAIRPERSON: Cr Hudson

MEMBERS: Mayor and all Councillors

CONSTITUTION: The Mayor and all Councillors (Quorum eight)

MEETING FREQUENCY: Six weekly or as required

AREA OF RESPONSIBILITY:

- Arts and culture (including grants and facilities)
- Festivals and Events
- Community development in terms of Council's agreed Community Policy goals
- Cemeteries and crematoria
- Recreation and leisure, including:
  - Reserves
  - Parks
  - Sportsfields
  - Walkways
  - Swimming pool facilities
- Loan guarantees
- Adoption of management plans for reserves
- Leases: to grant or decline leases, licences or rights of way under the Reserves Act 1977
- Libraries
- Elderly persons and community housing policies and housing strategies
- Co-ordination of Council's Community Policy and the monitoring of social policy in relation to community housing and community care facilities
- Social impact issues
- Sister Cities
- Museums and art galleries including Olveston
- Chinese Garden
- Reserves
- Monitoring of health services

POWER TO DECIDE: PART A MATTERS

1. To exercise and perform the Council’s functions, powers and duties (excluding only those matters reserved to the Council by law, by resolution of the Council, by clause 54 above or those matters within the power to recommend below) relating to the fields of
activity listed above and in accordance with Council policy, conferred on the Council by
the following (and any other relevant) Acts and any amendments:

- Burial and Cremation Act 1964 and any other legislation relating to cemeteries
and burial of the dead
- NZ Walkways Act 1990
- Reserves Act 1977 or any other legislation relating to the acquisition, disposition,
management and control, maintenance and operation of any park or reserve not
otherwise delegated to officers.
- Local Government Act 1974 and in particular Part XXXVI (Recreation and
Community Development)

2 To approve property sales and purchases from $500,000 up to $5,000,000 for any park
or reserve or other purposes within the Community Development Committee’s area of
responsibility. The acquisition and negotiation process is to be handled by the Manager,
City Property.

Note: For all Property sales and purchases up to $500,000 and property developments
up to $1,000,000 refer to Chief Executive’s Delegations.

3 To adopt management plans for reserves.

4 To deal with reserve management issues where members of the public have requested
to be heard under Section 120 of the Reserves Act 1977 and to grant or decline leases,
licences or rights of way under the Reserves Act 1977.

5 To authorise loan guarantees up to $100,000.

POWER TO RECOMMEND: PART B MATTERS

1 Any matters relating to Council’s, Annual Plan, Long Term Council Community Plan,
Long Term Financial Strategy and Funding Policy (including the Borrowing and
Investment Policy) relevant to the Committee’s area of responsibility..

2 Submissions to Government, other local authorities or any other bodies on issues which
fall within the scope of activity of the Committee. Note: Where timing constraints
apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority
to lodge submissions and seek retrospective approval.

3 Fees and charges within the Committee's fields of activity not otherwise delegated to
officers.

4 Loan guarantees over $100,000.

5 Any other matter within the fields of activity above.

6 Any other matter which falls outside the area of responsibility of all Standing
Committees, but where the Mayor in consultation with the Chief Executive considers it
desirable that the matter is considered by a Standing Committee in the first instance.
TOITŪ OTAGO SETTLERS MUSEUM BOARD

REPORTING TO: Community Development Committee
(Copies of reports to be given to Otago Settlers Association Committee)

CHAIRPERSON: As appointed by the Otago Settlers Association Board representatives

DEPUTY CHAIRPERSON: As appointed by the Otago Settlers Association Board representatives

CONSTITUTION: Three members of Otago Settlers Association
Three members appointed by Council
- Cr Bezett
- Cr Thomson
- Cr Vandervis
- Director of the Museums Business Unit
- General Manager Community Life City Strategy and Development (or alternate), Graeme Hall Sue Bidrose (or alternate)
(Quorum four)

MEETING FREQUENCY: Six weekly (to co-ordinate with Community Development Committee) or as required

AREA OF RESPONSIBILITY:
- To recognise the historic interest of the Otago Settlers Association and seek to encourage their interests in all reasonable ways to enhance their membership; the volunteer involvement; and satisfaction in the facility.
- To determine advise on policies which will ensure the highest standards of operation for the Toitū Otago Settlers Museum including but not limited to acquisitions and collections; strategic planning; activity development and general marketing strategies.
- To take all necessary initiatives to promote and develop the facility for the benefit of the City and district.
- To seek funds from any appropriate source to advance the facility.

POWER TO DECIDE: PART A MATTERS

To exercise and perform the Council’s functions, powers and duties (excluding only those matters reserved to the Council by law, by resolution of the Council, by clause 54 above or those matters within the power to recommend below) relating to the area of responsibility listed above and in accordance with Council policy.
POWER TO RECOMMEND: PART B MATTERS

1 To plan and recommend in consultation with the Otago Settlers Association the long term redevelopment of the Museum.

2 Any other matter within the area of responsibility above.
PLANNING AND ENVIRONMENT COMMITTEE

REPORTING TO: The Council

CHAIRPERSON: Cr Wilson

DEPUTY CHAIRPERSON: Cr Stevenson

MEMBERSHIP: The Mayor and all Councillors

CONSTITUTION: The Mayor and all Councillors
(Quorum Eight)

MEETING FREQUENCY: Six weekly or as required

AREA OF RESPONSIBILITY:

- City Planning/Development, including Resource Management and Spatial Planning
- Building Control
- Environmental Health
- Transportation Planning – Strategies and Policies
- Energy and Broadband infrastructure planning
- Citipark
- Parking enforcement, including parking charges and fines
- Animal Control
- Hazardous substances
- Litter control
- Liquor Licensing
- Amusement devices
- Council Bylaws
- Public accommodation – including camping grounds, motor camps and apartment buildings and places of public assembly
- Permits and licenses (where not delegated to another committee)
- Coastal and maritime planning matters and proposals for the development of Otago Harbour
- Heritage
- Architecture and Urban Design
- Civil Defence
- Rural Fires
- Brothels

POWER TO DECIDE: PART A MATTERS

General Powers:
1. To exercise and perform the Council’s functions, powers and duties (excluding only those matters reserved to the Council by law, by resolution of the Council, by clause 54 above or those matters within the power to recommend below) relating to the area of
responsibility listed above and in accordance with Council policy, conferred on the Council by the following (and any other relevant) Acts and any amendments:

- Biosecurity Act 1993
- Building Act 2004
- Bylaws Act 1910
- Civil Defence Emergency Management Act 2002
- Dangerous Goods Act 1974
- Dog Control Act 1996
- Fencing of Swimming Pools Act 1987
- Fire Service Act 1975
- Food Act 1981
- Forest and Rural Fires Act 1977
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Historic Places Act 1993
- Litter Act 1979
- Local Government Act 1974
- Local Government Act 2002
- Resource Management Act 1991
- Sale of Liquor Act 1989
- Transport Act 1962

2 To lodge objections or submissions to an application for an on-licence, off-licence or club licence under the Sale of Liquor Act 1989.

Reserved Delegations that are not Delegated to the Chief Executive

1 The Committee is to authorise the preparation, notification or withdrawal of any plan review, change or variation including dealing with requests for private plan changes under clause 25, First Schedule Resource Management Act 1991 (this does not include the notification of summary of submissions).

Note: for the purposes of the following delegations, the Councillors are deemed to be Commissioners.

2 The Chairperson, or in the absence of the Chairperson, the Deputy Chairperson of the Planning and Environment Committee to authorise:

a) lodging submissions in support or in opposition to a plan review, change or variation; or to an application for a resource consent relating to:
   - Council’s own plan
   - other local authorities and other bodies where the subject matter could impact on any strategic or planning issue/policy/objective of Council.

3——Legal Action—refer to Hearings Committee Delegations
POWER TO RECOMMEND: PART B MATTERS

1. Any matters in the Council’s, Annual Plan, Long Term Council Community Plan (Community Plan), Amendments to the Community Plan, Revenue and Financing Policy, Liability Management Policy and Investment Policy relevant to the Committee’s area of responsibility.

2. Submissions to Government, other local authorities or any other bodies on issues which fall within the area of responsibility of the Committee. **Note:** Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval.

3. Changes to bylaws and the adoptions of new bylaws.

4. Fees and charges within the Committee’s area of responsibility not otherwise delegated to officers, including parking charges and fines.

5. The appointment of key personnel under the Civil Defence Emergency Management Act 2002.

6. Any other matter within the area of responsibility above.

**Note:** Legal action - For specified Resource Management Act proceedings, the Hearings Committee has a reserved delegation. For other legal action refer to the Chief Executive’s delegation.
PART V - THE CHIEF EXECUTIVE

Reserves

The Chief Executive may:

a) Exercise all non reserved powers under Part II and Part V of the Reserves Act 1977;