

Council Briefing Meeting Minutes

Date: Tuesday, 6 November, 2018
Time: 1:00 p.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Tricia Cutforth
Cr Sue Glen
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Not in Attendance Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Shelley Deeming
Cr Phil Halse

Scribe Sue Reid (Democracy Advisor)

1. **Apologies** - Crs Gavin Benney; Crichton Christie; Vince Cocurullo; Shelley Deeming; Phil Halse

2. **Reports**

- 2.1 **Delegations Briefing**

The last delegations register was adopted in 2014 and, although this one has been updated, not a lot has changed. A new administration system and changes as to how we delegate have been incorporated in the policy. The register has been migrated into SharePoint.

Emily Thompson (Audit and Risk Analyst) and Kathryn Candy (Senior Legal Adviser) led the presentation.

Background:

The project was started early 2017 and includes:

- Delegations of legislative powers – the proposed model has come from a review of councils across the country.
- Mapping of previous delegations to new roles under the restructure.
- Review of all delegations against current legislation.
- Updating the approach to delegations.
- Review of administrative tools used for monitoring delegations.
- Creation of a delegation policy for Council.

Emily advised that the Chief Executive can delegate to staff to manage delegations efficiently and effectively. Changes to delegations will be approved by the Chief Executive rather than coming to Council. All proposed delegations have been mapped from 2014 to roles in the organisation. The 2014 manual was a Word document which has been moved into the SharePoint platform to help with the administration. This change will particularly help staff who have delegations so that they can search on the SharePoint site for delegations given to their role.

The proposed changes are largely mechanical, providing for the operational management of delegations from Council. They do not transfer any additional powers to staff at an organisational level.

Committee delegations and delegations within Council Adopted Policies have not yet been fully migrated into the new delegations register. It is planned that the Committee Delegations will be put in at the beginning of the next triennium. The full list of Delegations should be reviewed every three years

Policy Overview:

There are two types of delegations used in Council:

- Statutory Delegations - delegations from legislation, regulation or bylaw
- Non-Statutory Delegations - non-legislative delegations, such as financial delegations.

Content of the proposed Delegations Policy:

- The definition of delegations
- Purpose of delegations
- General and specific delegations
- Policy statements
 - The power of the delegating authority
 - Liability and legal responsibility

- The authority of the delegated person or entity to make a decision or not
- Staff in acting capacities.

Process Overview:

- If there is a proposed change to delegations, for any reason, then a request for change will be submitted to the delegating authority.
- Under the new proposed approach this will be the CE for most minor alterations, including role changes.
- Any delegation directly from Council that requires change will be presented to Council for adoption, this includes financial delegations.

Administration Overview:

The Delegations register maps delegations to new roles under the current structure of Council.

Delegation Categories:

To manage the delegations the following categories have been identified:

- Council direct to Staff
- Council to CE
- CE to Staff
- Council to Committee or elected member
- Council to Hearings Commissioner
- CE Direct Authority

Discussion and feedback

Resource Management Act

Robust discussion was undertaken with Murray McDonald (Manager – RMA Consents) and Melissa McGrath (Manager – District Plan) regarding sites of significant interest and protection and whether the application is publicly noted or not. It was noted that this is covered in Page 31 of the register and that Page 32 covers whether adverse effects are likely to be minor or not which would put them into a different category. A lot of the sites have not changed and that is how the RMA functions have been structured in the past. New delegations have been put in after changes to legislation and have been reviewed. These have been kept relatively high.

Process for Delegations

If the Chief Executive is away, his Deputy stands in and, if both are away, an Acting CE is appointed to stand in.

When a decision is made under delegation, this is taken from the delegated persons role in Council. It takes delegation down to the lowest competent level regarding what they do in Council. The person who takes the ultimate responsibility depends on their task within Council.

Each department has a process whereby they check the skill levels of delegated staff. The policy states that if a staff member is acting on behalf of Council they need to make sure the policy and procedures meet the delegation. If a staff member is not certain about it, we encourage them to have the conversation with their manager so it goes up the chain and might come back up to Council.

It was pointed out that these delegations are already in operation and it's nothing new. The staff make the decision on behalf of Council as an organisation and they are accountable for that decision.

Updates to the Delegations Register

Tracey Schiebli (Manager – Democracy and Assurance), Emily Thompson (Audit and Risk Analyst) and Kathryn Candy (Senior Legal Advisor) are responsible for updating the register and it will have to go through a formal process to make any changes. The register will be maintained on a rolling basis and every three years Council will adopt the full register. In addition, if the Government changes a clause or an act, it will be updated at the time.

Next steps

It was confirmed that there would be no changes to the register and it would be distributed as soon as possible before the Council meeting.

Dominic Kula (General Manager – Strategy and Democracy) advised that the full delegations register and associated policy would be brought before Council in November for adoption.

3. Closure of Meeting

The meeting concluded at 1.38 pm.