

QLDC Council**27 August 2015****Report for Agenda Item: 11****Department: Infrastructure****Proposed Amendments to Council Delegations****Purpose**

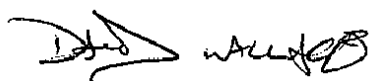
To enable the efficient and effective conduct of Council's affairs, by updating and amending the delegations relating to Full Council, Property Subcommittee, the Wanaka Community Board and Council Officers.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Amend** as from 28 August 2015, the existing delegations to Property Subcommittee, the Wanaka Community Board, the Chief Executive and other Officers in the manner set out in Attachment (A).
3. **Authorise** amendments to the Council's Delegation Register to give effect to the proposed changes.
4. **Authorise** the General Manager Infrastructure to seek delegation of the Minister of Conservation Consent under the Reserves Act 1977 to the Property Subcommittee and the Wanaka Community Board.
5. **Authorise** amendments to the Property Subcommittee terms of reference to give effect to the proposed changes.

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12/08/2015

Reviewed and Authorised by:



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12/08/2015

Background

- 1 This report considers an amendment to the delegations from Council to the Property Subcommittee (PSC), the Wanaka Community Board (WCB), the Chief Executive and other officers.
- 2 A result of the proposed changes is that amendments to the Delegations Register to clarify the assignment of decision making and administrative functions will also be necessary.

Comment

- 3 Currently there are a several issues (as outlined in Attachment A) of limited significance that, under current delegations, are required to be reported to and decided on by either Full Council or the PSC.
- 4 It is considered there is scope for amending the delegations that control responsibility for these decisions and to delegate responsibility in a different way to provide a more effective and efficient public service without creating significant risk to Council.
- 5 The changes proposed should result in a more efficient system of determining land and other related matters of limited significance without the need to report directly on all issues to Full Council or the PSC. In some cases it is proposed that Council Officers make decisions on less complex matters and retain PSC, WCB and Full Council involvement for more complex matters of higher significance.
- 6 The proposed amendments include delegation of decision making to the WCB for decisions relating to the Wanaka area where a similar delegation is proposed for the PSC that relates to decisions affecting other areas of the District.
- 7 Where delegations are proposed to be amended to allow decisions by Council officers, what is actually proposed is delegation to the Chief Executive to further sub-delegate at his discretion to appropriate officers within the Council department responsible for administering the land affected or the officer in the best position to make an informed decision. Further, and importantly, this delegation amendment does not negate the requirement for Council officers to exercise good judgement and appropriate political acumen to ensure items of high significance to Council and the community are referred to Full Council or the PSC for decisions.
- 8 Overall it is considered the proposed changes will reduce the level of reporting being undertaken for, and reviewed by, Councillors, freeing up our Property Managers, the PSC and Council time and resources to tackle more significant issues.
- 9 There will be efficiencies gained in terms of more efficient public service ensuring people in the community do not have to wait for extended periods for decisions relating to matters of limited significance outlined in Attachment A.
- 10 The delegation changes relate to decisions that are required to go to Full Council or PSC where Council or the PSC generally take on board staff advice and grant the approvals, or not, dependent on that advice.

- 11 It is also proposed to authorise the General Manager Infrastructure to seek delegation of Minister of Conservation Consent under the Reserves Act 1977 to the Property Subcommittee and the Wanaka Community Board. The delegation to issue Minister's consent would remain with Full Council but is also proposed to apply to the PSC and WCB to facilitate the delegation changes outlined in Attachment A. This would primarily affect the granting of leases of 5 years or less and the granting of easements.
- 12 Overall the proposed amendments are considered to support effective and efficient local government in accordance with S10 of the LGA.

Delegations Outside Council

- 13 It should be noted that, at Council's request, it is proposed that three delegations (Numbers 3, 13 and 14 in Appendix A) are made directly to Council property managers APL Ltd. Clause 32 of Schedule 7 of the Local Government Act does not permit Council to delegate statutory functions outside of Council committees or Council officers, other than certain regulatory matters (i.e. bylaws; regulations; or other subordinate legislation). In some instances, the powers exercised under the delegations referred to are exercised under statutory powers (e.g. as administering body under s.54 of the Reserves Act) and in other instances are done as landowner or other non-statutory authorities. Accordingly, Council may choose to directly delegate these authorities directly to APL, but only to the extent that it is within the scope of cl.32, Schedule 7.

Options

- 14 Option 1: To amend current delegations as proposed and to amend financial delegations only where necessary to give effect to the delegation changes.

Advantages:

- 15 This option will support effective and efficient local government in accordance with S10 of the LGA.
- 16 This option will reduce the level of reporting being undertaken and reviewed by Councillors freeing up our Property Managers, the PSC and Council time and resources to tackle more significant issues.

Disadvantages:

- 17 The delegations changes will reduce the level of control Council has over decisions relating to the matters/delegations proposed to be amended.
- 18 Option 2: To approve selected amendments from those proposed.

Advantages:

- 19 This option will support effective and efficient local government in accordance with S10 of the LGA, however to a lesser degree than option 1.
- 20 This option will reduce the level of reporting being undertaken and reviewed by Councillors, however to a lesser degree than option 1, freeing

up our Property Managers, the PSC and Council time and resources to tackle more significant issues.

Disadvantages:

- 21 The delegations changes will reduce the level of control Council has over decisions relating to the matters/delegations proposed to be amended.

22 Option 3: To decline to amend the delegations.

Advantages:

- 23 The level of control Council has over decisions relating to the matters/delegations proposed to be amended will not be altered.

Disadvantages:

- 24 This option will not support striving for more effective and efficient local government in accordance with S10 of the LGA.

- 25 This option will not reduce the level of reporting being undertaken and reviewed by Councillors and will not provide the advantage of freeing up our Property Managers, the PSC and Council time and resources to tackle more significant issues.

26 This report recommends Option 1 for addressing the matter.

Significance and Engagement

- 27 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it is a matter of administration of Council's statutory processes.

Risk

- 28 This matter related to the operational risk OR27, 'Deliver Levels of Service' as documented in the Council's risk register. The risk is classed as moderate. The matter relates to this risk because some of the options outlined to refrain from changing delegations may result in Council not meeting the levels of service outlined in the 10-Year Plan. One of the stated priorities in the 10-Year Plan is *improving the cost-effectiveness and efficiency of core services and processes*. The risk can be mitigated by confirming the recommended option and resolving to amend current delegations as proposed to result in more cost effective and efficient regulatory services.
- 29 This matter relates to the strategic risk SR2 'Business Capability and Planning', as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it concerns setting the appropriate delegations to carry out administrative functions of Council. The recommended option considered above mitigates the risk by ensuring that the appropriate level of authorisation is available to make decisions on a day to day basis without delay and in accordance with the 10-Year Plan.

- 30 A variety of operational risks (such as regulatory compliance and the health and safety risks associated with parties using land) could be triggered by decisions that could be made should the delegations be amended. This report recommends that the risks associated with this matter are acceptable as the decisions are of limited significance and conditions can be imposed, as they currently are, to mitigate the aforementioned risks.
- 31 Delegating activities outside Council does not absolve Council of legal liability for any actions arising or losses incurred as a result of the manner in which a delegation is exercised. Accordingly, any delegation made by Council in these circumstances should be carefully defined; should require the delegate to indemnify the Council for actions or losses arising; and ensure that the delegate carries appropriate professional indemnity insurance.

Financial Implications

- 32 There are no negative financial implications from the recommended option. There are significant positive financial implications as the time and expense spent on reporting on minor issues will be significantly reduced.

Council Policies, Strategies and Bylaws

- 33 The following Council policies, strategies and bylaws were considered:
- a. Significance & Engagement Policy 2014 – the proposal is a matter with low to medium significance in terms of this policy as it does not impact significantly Council's strategic assets or significantly adversely affect a large number of residents, ratepayers and the environment.
 - b. This matter is not specifically included in the 10-Year Plan/Annual Plan but will likely have an effect on income or expenditure due to processes being made more efficient. Further the proposal supports the focus in the 10-Year Plan to improve the cost-effectiveness and efficiency of core services and processes.
- 34 The recommended option is consistent with the principles set out in the named policy/policies

Local Government Act 2002 Purpose Provisions

- 35 The recommended option:
- Will help meet the current and future needs of communities for the performance of regulatory functions in a way that is most cost-effective and efficient for households and businesses by reducing the time for which the community has to wait for decisions and reducing the time and expense of reporting for those decisions;
 - Is consistent with the Council's plans and policies; and
 - Would not negatively alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

36 No consultation is envisaged or required by Council regarding this matter.

Attachments

A Table outlining delegation changes

ATTACHMENT A

TABLE OF ACTIVITIES, CURRENT PROCESSES AND PROPOSED CHANGES TO DELEGATIONS

TERMINOLOGY:

PSC	Property Sub Committee
WCB	Wanaka Community Board
COUNCIL OFFICER	Delegated to Chief Executive (CE) to sub-delegate at their discretion to appropriate officer within department responsible for administering the land affected. Discretion will be exercised by Officers to defer issue to PSC or Full Council dependent on significance.

Notes:

1. Activities with * cannot be sub-delegated outside of Council
2. The final column describes the proposed change to delegations if the Minister of Conservation agrees to sub-delegate Ministerial Consent to PSC and WCB. If the Minister declines to sub-delegate their consent there will be no change to the current delegation requiring Full Council to give Ministers consent.

#	Activity / Report Type and Examples	Process required under current delegations	Process required with proposed change to delegations	If Minister of Conservation Sub-delegates Ministerial Consent to PSC and WCB
1	LONG TERM LAND LEASES – LEASE PERIOD IN EXCESS OF 5 YEARS* Eg. Wanaka Yacht Club Land Lease, Queenstown Ice Arena	Decision to notify made by PSC. Full Council to make final decision.	Decision to notify made by PSC or WCB. Final Decision remains with Full Council.	N/A
2	LONG TERM LAND LEASES – LEASE PERIOD 5 YEARS OR LESS* Eg. Grazing Licences	Decision to notify made by PSC. Full Council to make final decision.	No Change without Sub-delegation of Ministerial Consent	Decision to notify and final decision on lease made by PSC or WCB.
3	EVENTS LESS THAN 6 DAYS* Eg. Fundraising BBQ, Marathon, School Sports Day	Decision made by PSC.	Decision delegated directly to APL Ltd; or Chief Executive (or Council Officer delegated by CE) depending on authority exercised	N/A
4	EVENTS IN EXCESS OF 6	Decision made by	Decision to notify	N/A

	DAYS* Eg. Winter Festival	PSC.	made by PSC or WCB. Final Decision remains with Full Council.	
5	AFFECTED PARTY APPROVAL (APA) - PRIVATE DEVELOPMENT ENCROACHING ON COUNCIL LAND (TEMPORARY ENCROACHMENT)	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
6	AFFECTED PARTY APPROVAL (APA) - PRIVATE DEVELOPMENT ENCROACHING ON COUNCIL LAND (PERMENANT ENCROACHMENT)	Decision made by Full Council.	Decision made by PSC.	N/A
7	AFFECTED PARTY APPROVAL (APA) - PRIVATE DEVELOPMENT ADJOINING COUNCIL RESERVE LAND Eg. Setback Breach adjoining Rose Douglas Park, Recession plane breach adjoining a Council Reserve	Decision made by PSC.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
8	GRANTING OF SUBLEASES* Eg. Arrowtown Bike Hire	Decision made by PSC.	Decision made by PSC or WCB.	N/A
9	ASSIGNMENT OF LEASES - NO CHANGE TO PERMITTED LEASE ACTIVITY* Eg. Wanaka Kayaks	Decision made by PSC.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
10	LESSORS APPROVAL FOR WORKS WITHIN LEASED AREA	Decision made by PSC.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A

	Eg. Skyline Glass Box, Queenstown Golf Course Earthworks			
11	LEASE RENEWAL WHERE COUNCIL HAS DISCRETION* Eg. Glenorchy Golf Club, Bike Wanaka	Decision made by Full Council.	Decision made by PSC or WCB.	N/A
12	LEASE RENEWAL WHERE COUNCIL HAS NO DISCRETION* Eg. Arrowtown Scouts	Decision made by PSC.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
13	GRANTING OF FILM PERMITS* Eg. Marathon, Car Adverts, Clothing Adverts	Decision made by Full Council.	Decision delegated directly to APL Ltd; or Chief Executive (or Council Officer delegated by CE) depending on authority exercised.	N/A
14	AFFECTED PARTY APPROVAL FOR FIREWORKS Eg. New Year's Eve, Winter festival	Decision made by Full Council.	Decision delegated directly to APL Ltd; or Chief Executive (or Council Officer delegated by CE) depending on authority exercised	N/A
15	TABLE AND CHAIR LICENCES* Eg. World Bar, Carib on the Mall	Decision made by PSC.	Decision made by PSC or WCB.	N/A
16	EASEMENTS (IN GROUND)* Eg. Stark Easement to go under trail for stormwater, Chorus	Decision made by Full Council.	No Change without Sub-delegation of Ministerial Consent	Decision made by Council Officer. Decision made by PSC or WCB if Ministers consent required.
17	VESTING OF LAND IN LIEU OF DEVELOPMENT CONTRIBUTIONS CASH PRE-APPROVED BY RESOURCE CONSENT*	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A

	Kirimoko, Lakes Edge, Shotover Country			
18	RESERVE LAND IMPROVEMENTS IN LIEU OF DEVELOPMENT CONTRIBUTIONS CASH* Lakes Edge, Shotover Country Playgrounds	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
19	COMMERCIAL ACTIVITY PERMIT FOR ACTIVITY FROM A JETTY (NEW PROCESS FROM JETTIES AND MOORINGS POLICY) * Eg. Brent Shears Wanaka	This is a new process.	Decision made by PSC or WCB.	N/A
20	RIGHT OF WAY (ROW) EASEMENT* Eg. Dunlop Easement over Reserve at Lake Hayes	Decision made by Full Council.	Decision to notify made by PSC or WCB. Final Decision remains with Full Council.	N/A
21	JETTY OR MOORING PERMITS*	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
22	AFFECTED PARTY/ LAND OWNER APPROVAL NOT RELATED TO RESOURCE CONSENT Eg. 50 Reece Crescent re Building Consent Issue (Firewall against a driveway)	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
23	RENT REVIEWS WHERE THEY DO COMPLY WITH POLICY*	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE).	N/A
24	NOTIFICATION OF INTENTION TO FORMULATE A RESERVE MANAGEMENT PLAN*	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE) provided Council	N/A

			workshop has been undertaken.	
25	NOTIFICATION OF INTENTION TO NOTIFY A DRAFT RESERVE MANAGEMENT PLAN*	Decision made by Full Council.	Decision made by Chief Executive (or Council Officer delegated by CE) provided Council workshop has been undertaken.	N/A