

Report 15.367
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File E/12/01/04

Committee Council
Author Aimee Sanders, Democratic Services Advisor

Delegation for use of the common seal

1. Purpose

To seek delegated authority to affix the common seal of the Council to documents where the Council is required by law to affix its seal or it is prudent to do so and in the interests of good local government.

2. Background

There are a number of circumstances when the common seal of the Council must be affixed to documents, including:

- When issuing a warrant to any officer authorised to enter private land on behalf of the Council in accordance with section 174(1) of the Local Government Act 2002
- When issuing a permit pursuant to section 417(1)(b) of the Resource Management Act 1991 (RMA)
- When approving a plan of survey of reclamation (as the consent authority) in accordance with section 245(5) of the RMA
- When effecting any policy statement or plan (other than a regional coastal plan) under clause 17(3) of the first schedule to the RMA
- When effecting the adoption any regional coastal plan under clause 18(2) of the first schedule to the RMA
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002
- When adopting a regional pest management plan under section 77 of the Biosecurity Act 1993
- When adopting a regional pathway management plan under section 97 of the Biosecurity Act 1993.

In addition, while there may be no legal requirement to do so, the Council is entitled to seal documents if it considers this to be prudent and in the interests of good local government.

3. Comment

The Council has previously delegated the authority to affix its seal to the Chief Executive and General Manager, People and Capability (see Report 14.229).

As a result of a management reorganisation, which takes effect from 31 August 2015, the role of General Manager, People and Capability will be disestablished and a new role, General Manager, People and Customer established.

In addition, a General Manager, Corporate Services/Chief Financial Officer has been appointed with effect from 27 July 2015.

Officers recommend that the Council delegates to the General Manager, People and Customer, and the General Manager, Corporate Services/Chief Financial Officer its authority to affix the seal in all situations when required by law or when it is in the interests of good local government.

The current delegation to the Chief Executive will remain in place.

It is worth noting that the purpose of affixing the seal to a document is to acknowledge that it is a formal document of the Council. In this context, the seal will only be affixed to a document in order to give effect to a decision of the Council or a decision validly made under delegated authority.

4. Communication

The Council's decision will be communicated to officers and other people who prepare documentation to be sealed by the Council.

5. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

5.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

5.2 Engagement

Due to its procedural nature, and low significance, no engagement on this matter has been undertaken.

6. Recommendations

That the Council:

1. **Revokes**, with effect from 31 August 2015, the delegation to affix the common seal made by Council on 21 May 2014 to the General Manager, People and Capability
2. **Delegates** authority to each of the General Manager, People and Customer, with effect from 31 August 2015, and to the General Manager, Corporate Services/Chief Financial Officer, with immediate effect, the affixing of the common seal of the Council when it is required to be fixed by law, including:
 - a. When issuing a warrant to any officer authorised to enter private land on behalf of the Council in accordance with section 174(1) of the Local Government Act 2002
 - b. When issuing a permit pursuant to section 417(1)(b) of the Resource Management Act 1991 (RMA)
 - c. When approving a plan of survey of reclamation (as the consent authority) in accordance with section 245(5) of the RMA
 - d. When effecting any policy statement or plan (other than a regional coastal plan) under clause 17(3) of the first schedule to the RMA
 - e. When effecting the adoption of any regional coastal plan under clause 18(2) of the first schedule to the RMA
 - f. When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002
 - g. When adopting a regional pest management plan under section 77 of the Biosecurity Act 1993
 - h. When adopting a regional pathway management plan under section 97 of the Biosecurity Act 1993

or when it is prudent and in the interests of good local government to affix the seal to a document.
3. **Confirms** that the delegation to the Chief Executive to affix the common seal made by Council on 21 May 2014 remains in effect.

Report prepared by

Aimee Sanders

Democratic Services Advisor

Report approved by:

Francis Ryan

Manager
Democratic Services