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Committee Council
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Delegation for use of the common seal

1. Purpose

To seek delegated authority to affix the common seal of the Council to documents in instances where 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. Significance

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

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

- When authorising an officer under section 174(1) of the Local Government Act 2002 (LGA 2002) to enter private land on behalf of the Council
- When issuing a permit pursuant to section 417(1)(b) of the Resource Management Act 1991 (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 strategy under section 79(f) of the Biosecurity Act 1973.

In 2004 the Council delegated authority to each of the Chief Executive and the Council Secretary to affix the common seal of the Council when it is required to be affixed by law and when it is in the interests of good local government to affix the seal to a document. Since the management reorganisation in 2005 the delegation to the Council Secretary has been exercised by the Divisional Manager, Corporate and Strategy.

4. Comment

In light of the recent management reorganisation officers have reviewed the delegations and propose that the Council delegates to the Chief Executive and Chief Financial Officer its authority to affix the seal in all situations when required by law and when it is in the interests of good local government.

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.

5. Communication

The change proposed in this paper will be communicated to Council officers and other people who prepare documentation to be sealed by the Council.

6. Recommendations

That the Council:

1. ***Delegates*** authority to each of the Chief Executive and the Chief Financial Officer to affix the common seal of the Council when it is required to be fixed by law, including:
 - a. *When issuing a warrant under seal 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 effecting any policy statement or plan (other than a regional coastal plan) under clause 17(3) of the first schedule to the RMA*
 - d. *When effecting the adoption of any regional coastal plan under clause 18(2) of the first schedule to the RMA*
 - e. *When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002, and*
 - f. *When adopting a regional pest management strategy under section 79(f) of the Biosecurity Act 1973*

and when it is prudent and in the interests of the good local government to affix the seal to a document.

2. ***Revokes*** all previous delegations relating to the affixing of the common seal of the Council.

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