

Report 14.229
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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. 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, Council is entitled to seal documents if it considers this to be prudent and in the interests of good local government.

In 2009, the Council delegated authority to each of the Chief Executive and the Chief Financial Officer to affix the common seal of the Council to a document when it is required to be affixed by law or when it is in the interests of good local government.

3. Comment

In light of the recent realignment of certain management functions between the Chief Financial Officer and the General Manager, People and Capability, officers have reviewed the delegations and propose that the Council delegates to the Chief Executive and the General Manager, People and Capability its authority to affix the seal in all situations when required by law or 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.

4. Communication

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.

6. Recommendations

That the Council:

- 1. Delegates authority to each of the Chief Executive and the General Manager, People and Capability to affix 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, and*
- 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.

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

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