

Strategic Capability Committee AGENDA

Notice of Meeting:

An ordinary meeting of the Strategic Capability Committee will be held on:

Date: Thursday 8 June 2017
Time: 3pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Membership

Chairperson	Mayor Lianne Dalziel
Deputy Chairperson	Deputy Mayor Andrew Turner
Members	Councillor Vicki Buck
	Councillor Phil Clearwater
	Councillor Pauline Cotter
	Councillor David East
	Councillor Raf Manji

2 June 2017

Principal Advisor

Brendan Anstiss
General Manager Strategy &
Transformation
Tel: 941 8472

Christopher Turner-Bullock
Committee Advisor
941 8233
Christopher.Turner@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.
If you require further information relating to any reports, please contact the person named on the report.

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STRATEGIC CAPABILITY COMMITTEE - TERMS OF REFERENCE

Chair	Mayor Dalziel
Membership	<p>Deputy Mayor Turner (Deputy Chair)</p> <p>The Chairpersons of the following committees:</p> <ul style="list-style-type: none">• Finance and Performance Committee• Innovation and Sustainable Development Committee• Social and Community Development Committee• Infrastructure, Transport and Environment Committee• Regulatory Performance Committee <p>Independent Member to be appointed by the Council</p>
Quorum	Half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
Meeting Cycle	Monthly.
Reports To	Council

Responsibilities

The focus of the Strategic Capability Committee is to ensure alignment across Council committees, the organisation and Crown partners

The Strategic Capability Committee is responsible for:

- Advising and supporting the Mayor to lead the development of the Long Term Plan and Annual Plan, including setting the overall parameters, strategic direction and priorities, and the development of a consultation document.
- Leading and overseeing the Council's strategic relationship with the Crown.
- Leading and overseeing specific strategic projects of shared interest and interface with the Crown, including the Cost Share Agreement and matters under the Greater Christchurch Regeneration Act.
- Matters relating to the performance of the Chief Executive, including appointment and succession planning as may be necessary from time to time.
- Organisational capability, workforce planning and development
- Council remuneration and employment policy.

Part A	Matters Requiring a Council Decision
Part B	Reports for Information
Part C	Decisions Under Delegation

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1. Apologies

An apology for absence from the Mayor.

2. Declarations of Interest

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. Confirmation of Previous Minutes

That the minutes of the Strategic Capability Committee meeting held on [Thursday, 11 May 2017](#) be confirmed (refer page 5).

4. Deputations by Appointment

There were no deputations by appointment at the time the agenda was prepared.

5. Presentation of Petitions

There were no petitions received at the time the agenda was prepared.

Strategic Capability Committee OPEN MINUTES

Date: Thursday 11 May 2017
Time: 3.02pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present

Chairperson	Mayor Lianne Dalziel
Deputy Chairperson	Deputy Mayor Andrew Turner
Members	Councillor Vicki Buck
	Councillor Phil Clearwater
	Councillor Pauline Cotter
	Councillor David East
	Councillor Raf Manji

11 May 2017

Principal Advisor

Brendan Anstiss
General Manager Strategy &
Transformation
Tel: 941 8472

Christopher Turner-Bullock
Committee Advisor

941 8233
christopher.turner@ccc.govt.nz
www.ccc.govt.nz

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- Part A** **Matters Requiring a Council Decision**
Part B **Reports for Information**
Part C **Decisions Under Delegation**
-

The agenda was dealt with in the following order.

1. Apologies

That the apology for lateness from Councillor East be received.

Councillor Manji/Deputy Mayor

Carried

2. Declarations of Interest

Part B

There were no declarations of interest recorded.

3. Deputations by Appointment

Part B

There were no deputations by appointment.

4. Presentation of Petitions

Part B

There was no presentation of petitions.

5. Christchurch Economic Development Strategy

Committee Comment

1. Anna Elphick, Strategy and Performance Manager of Canterbury Development Corporation, joined staff at the table to present the report to the Committee.
2. During the discussion of the Strategy, the Committee requested staff present an updated attachment, to take into account the changes requested regarding education and young people in the city. This attachment will be included in the Part A report to Council on 1 June 2017

Committee Decided SCCM/2017/00001

Part A

That the Strategic Capability Committee recommends that the Council:

1. Approves the Christchurch Economic Development Strategy for implementation.
2. Approves that the Strategic Capability Committee receive progress reports on implementation of the Christchurch Economic Development Strategy.
3. Agrees that further detailed progress reporting be undertaken annually through the Council's Strategy Progress Report.

4. Notes that Council officers are already working with ChristchurchNZ to establish an appropriate senior officials steering group to oversee the implementation of the Strategy.

Councillor Manji/Deputy Mayor

Carried

6 Resolution to Exclude the Public

Committee Resolved SCCM/2017/00002

Part C

That at 3.46pm the resolution to exclude the public set out on pages 43 to 44 of the agenda be adopted.

Mayor/Councillor East

Carried

The public were re-admitted to the meeting at 4.32pm and which time the meeting concluded.

CONFIRMED THIS 8TH DAY OF JUNE 2017

MAYOR LIANNE DALZIEL
CHAIRPERSON

6. Amendments to Delegations

Reference: 17/364345

Contact: Vivienne Wilson vivienne.wilson@ccc.govt.nz

941 8963

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is for the Strategic Capability Committee to recommend to Council that it make the changes to delegations to staff as outlined in this report.

Origin of Report

- 1.2 This report is staff generated.

2. Significance

- 2.1 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy.

3. Staff Recommendations

That the Strategic Capability Committee recommend that the Council:

1. Relying on clause 32 of Schedule 7 of the Local Government Act 2002 and for the purposes of the efficiency and effectiveness in the conduct of the Council's business, and relying on sections 34 and 34A of the Resource Management Act 1991, and any other applicable statutory authority,
 - a. delegate to the persons set out in Attachment A (as so highlighted) the responsibilities, duties and powers as shown; and
 - b. amend the delegations as set out in Attachment A (as so shown).

4. Key Points

- 4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):

4.1.1 Activity: Housing

- Level of Service: 18.0.1 Provide a portfolio of Social Housing rental units that are fit for purpose

4.1.2 Activity: Resource Consenting

- Level of Service: 9.2.6 Ensure resource consent decision-making is robust and legally defensible

4.1.3 Activity: Road Operations

- Level of Service: 10.0.22 The temporary traffic management system supports the city rebuild whilst minimising impact on the transport network

- 4.2 The following feasible options have been considered:

- Option 1 – Amend the delegations to staff as outlined in this report (preferred option)
- Option 2 – Do not amend the delegations to staff as outlined in this report.

4.3 Option Summary - Advantages and Disadvantages (Preferred Option)

4.3.1 The advantages of this option include:

- Staff have the necessary delegations in place to act on any matter before the Council (except for those matters specifically reserved to the Council). This reduces legal risk to the Council that staff members may be acting without the necessary and appropriate delegated authority.
- Some new delegations to staff provide the efficiency and effectiveness of the organisation.

4.3.2 The disadvantages of this option include:

- There are no identified disadvantages. Given that the Council has already determined to delegate most of these matters in the past, this changes will keep the Delegations Register current and fit for purpose.

5. Context/Background

5.1 The Legal Services undertook a comprehensive review of the Delegations Register in 2014-2015. On 10 December 2015, the Council resolved to make a new suite of delegations to the Chief Executive and other staff, and also resolved to adopt a new Delegations Register.

5.2 The register is set out as follows:

- Contents
- How this delegation register works
- Delegations policy
- Part A – Statutory and Other Delegations to the Chief Executive
- Part B – Statutory and Other Delegations to Staff
- Part C – Statutory and Other Delegations from the Chief Executive to Staff
- Part D – Council to Community Boards, Committees, Sub-Committees, and Other Subordinate Decision-making Bodies

5.3 Part A contains the principal delegation to the Chief Executive. The Chief Executive has, for the purpose of performing her duties, all of the Council's responsibilities, duties, and powers to act on any matter, subject to specific restrictions set out in the tables in Part A. The Chief Executive may then sub-delegate a large number of matters to staff. These sub-delegations are set out in Part C of the register, and are updated regularly.

5.4 Part B of the register provides for delegations directly to staff because the law does not allow for sub-delegations of these matters, or it has been determined to delegate these matters directly to staff. For example, delegations under the Resource Management Act 1991 (RMA) or the Local Government (Rating) Act 2002.

5.5 Part D of the Register contains the delegations to Community Boards, Council Committees, Officer Subcommittees, Hearings Panels and other subordinate decision-making bodies of the Council.

5.6 Staff have identified a number of changes that need to be made to the register in Parts B and D. These changes largely relate to changes in legislation or changes in position titles.

5.7 The Local Government Act 2002 (LGA) emphasises that delegations are made for the purposes of efficiency and effectiveness of the organisation. The Council's Delegations Policy states that the Council supports the principle of delegating decision-making to the lowest competent level.

6. Option 1 – Amend the delegations to staff (preferred)

Option Description

- 6.1 Amend the delegations to staff as outlined in this report and shown in Attachment A.

Significance

- 6.2 The level of significance of this option is low consistent with section 2 of this report.

Impact on Mana Whenua

- 6.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

- 6.4 The community views are not specifically affected by this option because it relates to internal Council processes.

Alignment with Council Plans and Policies

- 6.5 This option is consistent with Council's Plans and Policies

Financial Implications

- 6.6 Cost of Implementation – there is minimal staff costs to implement this change in delegations.

Legal Implications

- 6.7 Clause 32(1) of Schedule 7 of the LGA provides a general power of delegation as follows:

Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except—

- (a) the power to make a rate; or*
- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
- (g) [Repealed]*
- (h) the power to adopt a remuneration and employment policy.*

- 6.8 Sections 34 and 34A of the RMA set out the powers of the Council to make delegations of functions, powers and duties under the Act. Section 34A provides as follows:

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:*
 - (a) the approval of a proposed policy statement or plan under clause 17 of Schedule 1:*
 - (b) this power of delegation.*
- (2) A local authority may delegate to any other person any functions, powers, or duties under this Act except the following:*
 - (a) the powers in subsection (1)(a) and (b):*
 - (b) the decision on an application for a resource consent:*
 - (c) the making of a recommendation on a requirement for a designation.*

6.9 The proposed changes to the delegations do not infringe the restrictions in the LGA or the RMA.

Risks and Mitigations

6.10 Risk – there are no identified risks caused by this option.

Implementation

6.11 Implementation timeframe - the amended delegations will be recorded in the Council's Delegations Register by the Legal Services Unit as soon as possible. The amended delegations will be exercised as and when required.

Option Summary - Advantages and Disadvantages

6.12 The advantages of this option include:

- Staff have the necessary delegations in place to act on any matter before the Council (except for those matters specifically reserved to the Council). This reduces legal risk to the Council that staff members may be acting without the necessary and appropriate delegated authority.

6.13 The disadvantages of this option include:

- There are no identified disadvantages. Given that the Council has already determined to delegate these matters in the past, this changes will keep the Delegations Register current and fit for purpose.

7. Option 2 – Do not amend the delegations to staff

Option Description

7.1 Do not amend the delegations to staff as outlined in this report.

Significance

7.2 The level of significance of this option is low consistent with section 2 of this report.

Impact on Mana Whenua

7.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

7.4 The community views are not specifically affected by this option because it relates to internal Council processes.

Alignment with Council Plans and Policies

7.5 This option is consistent with Council's Plans and Policies

Financial Implications

7.6 Cost of Implementation - there are no implementation costs with this option

7.7 Maintenance / Ongoing Costs – as above.

7.8 Funding source – as above.

Legal Implications

7.9 If the Council does not amend the delegations as indicated in Attachment A, there is a risk that staff will be acting without delegated authority.

Risks and Mitigations

- 7.10 As noted above, if the Council does not amend the delegations as indicated in Attachment A, there is a risk that staff will be acting without delegated authority. This increases the legal risk for the Council.

Implementation

- 7.11 Implementation dependencies - as above.

Option Summary - Advantages and Disadvantages

- 7.12 The advantages of this option include:

- There are no identified advantages of this option.

- 7.13 The disadvantages of this option include:

- Staff could act without the appropriate delegated authority.

Attachments

No.	Title	Page
A ↓	Amendments to Delegations	14

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

Author	Vivienne Wilson - Senior Solicitor
Approved By	John Higgins - Head of Resource Consents Bruce Rendall - Head of Facilities, Property and Planning Rob Goldsbury - Head of Legal Services Anne Columbus - General Manager Corporate Services

ATTACHMENT A

AMENDMENTS TO DELEGATIONS AS SET OUT BELOW

Page 48, Part B, Sub-part 1

2. Local Government (Rating) Act 2002

General Manager Finance and Commercial / Chief Financial Officer	CFO
Head of Financial Management	HFM
Manager Funds and Financial Policy	MFFP
Manager Transaction Services	MTR
Team Leader Rates	TLR
Senior Rates Officer	SRO
Rates Officer	RO
Team Leader Corporate Data	TLD
Team Leader Corporate Data Management and Maintenance	
Senior Data Analyst	SDA

Page 52, Part B, Sub-part 1

4. Resource Management Act 1991

Hearings Panel	HP
Commissioner	C
General Manager Consenting and Compliance	GMCN
Head of Resource Consents	HRC
Planning Administration Manager	PAM
Subdivisions Advisory Manager	SAM
Planning Team Leader	PTL
Principal Adviser – Resource Consents	PAR
Senior Planner	SP
Planner or any person who is engaged as a consultant planner to the Council	P
Subdivisions Officer	SO

General Manager Strategy and Transformation	GMST
Head of Planning and Strategic Transport	HPST
Team Leader City Planning	CPT
Principal Adviser, Planning	PAP
General Manager Corporate Services	GMCP
Head of Regulatory Compliance	HRCP
Manager Property Consultancy	MPC
General Manager City Services	GMCS
General Manager Customer and Community	GMCC
Head of Transport	HOT
Head of Parks	HOP

Delete the delegations to the Subdivisions Advisory Manager and the Subdivisions Officer in table 4 beginning on page 53

Section	Delegation	HP	C	GMST	GMCN	HRC	PAM	PTL	PAR	SP	P	HPST	CPT	PAP	HRCP	GMCP / GMCS / HOT/ MPC
221(2)	To be an "authorised person" to sign a consent notice.				✓	✓	✓	✓	✓	✓	✓					
223(3)	To be an "authorised officer" to certify that a survey plan has been approved.				✓	✓	✓	✓	✓	✓	✓					
224(c)	To be an "authorised officer" to certify compliance with the conditions of a subdivision consent, or, in respect of the conditions that have not been complied with, that a completion certificate, a consent notice has been issued or a bond has been entered into.				✓	✓	✓	✓	✓	✓	✓					
224(f)	To be an authorised person to provide the certificate under this section for a subdivision effected				✓	✓	✓	✓	✓	✓	✓					



Section	Delegation	HP	C	GMST	GMCN	HRC	PAM	PTL	PAR	SP	P	HPST	CPT	PAP	HRCP	GMCP / GMCS / HOT/ MPC
	by the grant of a cross lease or company lease or by the deposit of a unit plan.															
General	<u>To issue a Minimum Floor Level Certificate, Rockfall AIFR certificate, or Infrastructure Capacity Certificate under the District Plan.</u> <u>To issue a certificate under the certification provisions of the District Plan. (For example, and without limitation minimum floor level certificate, wastewater capacity certificate).</u>					✓	✓	✓	✓	✓	✓					

Page 78, Part B, Sub-part 1

7. Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol (Fees) Regulations 2013

Head of Regulatory Compliance	HRCP
Principal Adviser Regulatory Compliance	PARC
Team Leader Alcohol Licensing	TLA
<u>Alcohol Licensing Inspector</u>	<u>ALI</u>

Page 81, Part B, Sub-part 3

Mayor	M
Council Hearings Panel	HP
Chairperson of the Mayor's Welfare Fund Charitable Trust Committee (currently the Deputy Mayor)	Chair-MW
Mayor's Welfare Fund Charitable Trust Committee	Cttee-MW
Chief Executive Officer	CEO
General Manager Customer and Community	GMCC
General Manager City Services	GMCS
General Manager Consenting and Compliance	GMCN
General Manager Strategy and Transformation	GMST
General Manager Finance and Commercial / Chief Financial Officer	CFO
General Manager Corporate Services	GMCP
Head of Legal Services	HOL
Head of Financial Management	HFM
Council Secretary	CS
Head of Procurement and Contracts	HPC
Team Leader Hearings and Council Support	ECT TLH
Head of Community Support, Governance and Partnerships	HCSG
Team Leader Community Funding	TLC
Head of Transport	HOT
Head of Parks	HOP
Head of Resource Consents	HRC
Head of Housing	HOH
Manager Social Housing	MSH
Head of Asset Management	HAM
Team Leader Policy Approvals	TLP
Team Leader Development Support	TLDS
Business Unit Team Member	BUTM

Replace the reference to the Team Leader Policy Approvals with a reference to Team Leader Development Support in table 8, Part B, Sub-part 3.

Replace the reference to the Head of Housing with a reference to the Manager Social Housing in tables, 14 and 15, Part B, Sub-part 3.

Delete the reference to the Head of Housing in table 19, Part B, Sub-part 3.

Page 196, Part D, Sub-part 4

4. Insurance and Indemnity Officer Subcommittee

Members
Head of Financial Management
Head of Procurement and Contracts
Head of Legal Services
Co-ordinator Insurance
Senior Legal Adviser - Corporate
Quorum = 3 2 members

Page 198, Part D, Sub-part 4

7. Road Construction Zone Officer Subcommittee

Members
General Manager City Services
Head of Transport

Heavy Motor Vehicle Regulations 1974

Reg	Delegation
12	To exercise the power of the Council under regulation 12 of the Heavy Motor Vehicle Regulations 1974. Note: the Council has authorised the Transport and City Streets Unit Manager Head of Transport to sign any notices made by this Subcommittee under regulation 12.
	To appoint its own chairperson (if not already appointed by the Council).

7. Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items listed overleaf.

Reason for passing this resolution: good reason to withhold exists under section 7.

Specific grounds under section 48(1) for the passing of this resolution: Section 48(1)(a)

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM NO.	GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	SECTION	SUBCLAUSE AND REASON UNDER THE ACT	PLAIN ENGLISH REASON	WHEN REPORTS CAN BE RELEASED
8	COMMUNITY OUTCOMES AND STRATEGIC PRIORITIES	S7(2)(I)	CONDUCT NEGOTIATIONS	TO CONDUCT NEGOTIATIONS	When reported to the Council meeting on 6 July 2017