

Report 13.123
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File E/11/01/04

Committee Council
Author Emily Gilmore, Democratic Services Officer

Recent amendments to the Local Government Act 2002

1. Purpose

To advise of an updated decision-making process and of a review of powers retained by Council in light of the recent amendments to the Local Government Act 2002.

2. The decision-making process and significance

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

2.1 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.

3. Background

3.1 The Local Government Act 2002 Amendment Act 2012

On 5 December 2012 the Local Government Act 2002 Amendment Act 2012 came into force. This Act made a number of changes to the Local Government Act 2002 (LGA).

These changes have an impact on Council decision-making as the amended purpose of local government sets limits on lawful activity that local authorities may undertake.

4. Comment

4.1 Decision-making process and guidelines

As a result of the recent changes to the LGA, Greater Wellington Regional Council's decision-making process and guidelines (adopted in 2004 and amended in 2011), have been reviewed and updated to ensure that they are aligned with the revised decision-making requirements and the change in the purpose of Local Government.

Councillors have been provided with a copy of the updated Guidelines.

4.2.1 Review of powers retained by Council and delegations given to officers

Officers have undertaken a review of powers retained by Council in consideration of the changes to the LGA.

4.2.2 Schedule 3 of the LGA

Council has previously retained its powers in relation to the reorganisation provisions of Schedule 3 of the LGA.

As Schedule 3 has been replaced in its entirety, it would be appropriate for the Council to resolve to retain its powers under the new Schedule 3 provisions (e.g. the power to initiate a reorganisation proposal, the power to make a submission on a draft reorganisation proposal).

4.2.3 Responding to Ministerial interventions

The Council has also previously retained its powers under clause 2(3) of Schedule 15 of the LGA to respond to a notice from the Minister advising of a ministerial review of that local authority.

Schedule 15 has been repealed in its entirety, and replaced with a new Part 10, which sets out a broadened range of Ministerial interventions. It is proposed that the Council should retain the power under section 258Q to respond to a notice from the Minister regarding the need for the appointment of a Ministerial body and the steps the local authority is taking to effectively address the problem.

4.2.4 Delegations to officers

There are no officer delegations requiring amendment due to the LGA changes.

5. Communication

Staff have been informed of the changes to the decision-making process and guidelines.

6. Recommendations

That the Council:

- 1. Receives the report.*

2. *Notes the content of the report.*
3. *Notes that the Council's decision-making process and guidelines have been reviewed and updated to align with the December 2012 changes to the Local Government Act 2002.*
4. *Agrees to retain its powers in relation to the reorganisation provisions of Schedule 3 of the Local Government Act 2002.*
5. *Agrees to retain its powers under section 258Q of the Local Government Act 2002 in relation to the powers of the Minister to intervene.*

Report prepared by:

Report approved by:

Report approved by:

Emily Gilmore
Democratic Services Officer

Francis Ryan
Manager, Democratic
Services

Leigh-Anne Buxton
General Manager, People and
Capability