

Report No:	RCN11-06-18
File No:	
Date:	20 June 2011
<b><i>Decision required</i></b>	

## REPORT SUMMARY

**Report to:** Tasman District Council  
**Meeting Date:** 30 June 2011  
**Report Author:** Paul Wylie, Chief Executive  
**Subject:** **Community Board Delegations**

### EXECUTIVE SUMMARY

In August 2010 Council considered an extensive report on Community Boards and Community Associations. That report included 16 recommendations, some of which have been adopted and implemented while others 'lie on the table'. Amongst the matters that remain unresolved has been the question of delegations to Community Boards. This report notes that the recent Local Government Commission determination on the merger proposal for the Nelson and Tasman councils, which includes guidance on the delegations. This guidance provides a missing piece in the jigsaw, and the report recommends that Council move immediately to provide such delegations to the two current Community Boards.

### RECOMMENDATION/S

That the report be received and the proposed resolutions be adopted.

### DRAFT RESOLUTIONS

**THAT Tasman District Council receives the Community Board Delegations report RCN11-06-018; and**

- 8.1 THAT the Council approve in principle the delegations proposed by the Local Government Commission, with the addition of the further delegations suggested by Council staff; and**
- 8.2 THAT the proposal for delegations be immediately referred to the two Community Boards with a request that they consider the proposal urgently and provide advice to the Council in time for this to be included in the next Council meeting which is scheduled for the 11 August; and**

- 8.3 THAT Council staff be directed to complete further evaluation of the Commission's proposed delegations and that a formal report be made available to the next Council's meeting in order that the delegations can be brought into effect as soon as is practically possible; and**
- 8.4 NOTE that any unspent surplus on the Community Board targeted rates closed account accrued during the 2011/2012 year will be carried forward as a reduction in next year's targeted rate, unless the Board wishes to apply the surplus to some other function within its delegated authority.**

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## 1. Purpose

- 1.1 This report suggests immediate action to further implement some of the suggestions considered in August 2010 as part of the review of the current arrangements for Community Boards.

## 2. Background

- 2.1 The Tasman District Council has always had two community boards in two of its five wards. Community Boards exist for the Golden Bay Ward, the Motueka Ward, but do not exist for the Richmond Ward, the Lakes Murchison Ward and the Waimea Moutere Ward. Over the years there has been tension between the full Council and the two Community Boards. In particular, there has been considerable debate about the role the Community Boards should pursue and what delegations should be given to Community Boards by the full Council. More recently the costs of operating Community Boards have been a matter of debate.
- 2.2 In the past, Council has relied on the wording in the Local Government Act. Unfortunately this wording is only of limited assistance, especially as it gives no detailed indication of what could be considered as delegated responsibilities.
- 2.3 In the absence of guidance in the Act, past Councils sought legal advice from Fletcher Vautier Moore. This advice drew attention to the Council's requirement that in the absence of any other direction, delegations be only issued for the purpose of efficiency and effectiveness in the conduct of local authority's business.

- 2.4 In the August 2010 report it was recommended to Council that the Council work with the two Community Boards in an endeavour to further develop and identify roles for the Community Boards in providing responsibly advocacy and advice, in a manner that assists the Council to establish the priorities for expenditure funded by general rates or district-wide rates. In addition the report recommended that the 31 October 2007 ward Community Board delegations be further reviewed to explicitly provide the opportunity for ward Community Boards to recommend the establishment of targeted rates by Council to fund the provision of additional services, activities or projects available to district communities where those services would not be funded from general rates.
- 2.5 In relation to costs, the August 2010 report recommended that the Council review and refine fully costed budgets for each ward Community Board, and that the Council job costing be extended to ensure that the Council costs in association with each Community Board be carefully monitored and controlled.
- 2.6 A review of actual costs for Community Boards over the last twelve months indicates that while a budget was provided for a small amount of Chief Executive time to be charged to the Community Boards, no such charges have been incurred. Therefore it seems reasonable that the present provision of 5.5 hours per annum could be removed from future budgets.

### **3. Recent Developments**

- 3.1 Within the last few days the Local Government Commission has announced its draft reorganisation scheme for a possible merger of the Nelson and Tasman councils. As part of this draft scheme, the Local Government Commission has recommended the establishment of Community Boards across the new, enlarged district. In a new move the Commission has provided, as part of its determination a schedule detailing the 'powers' of Community Boards. A full copy of the schedule is attached as Appendix A.
- 3.2 The Commission's schedule sets out in considerable detail the responsibilities of Community Boards and specific delegated authorities. A preliminary view of the schedule indicates a prima face case for such responsibilities and delegations to be brought into being forthwith within the Tasman District Council. The August 2010 Council report recommendations are 'unfinished

business'. The Commission's schedule provides a missing piece of the puzzle and completes the delegations picture.

#### **4. Discussion**

- 4.1 Previous attempts to resolve the matter of responsibility and delegation have foundered due to an absence of legislative guidance. While the determination by the Commission will not have any legal effect unless there is an ultimate merger of the two councils, there is no reason in law why the basic set of delegations proposed by the Commission could not be brought into being within the Tasman District Council forthwith.
- 4.2 As indicated above, Council staff's preliminary assessment is that it would also be reasonably practical to bring these delegations into being without further delay. It would be desirable to do this as quickly as possible to tie in with the new financial year.
- 4.3 Staff have also considered whether or not any other useful delegations could be provided to the Community Boards. The Commission's proposed delegations include (at Item 2(b)) *"the delegated authority to manage, maintain, and approve usage (including hireage charges) of community halls in their community"*. Staff suggest that this delegation could be extended to include the community markets currently operating in Motueka and Takaka. At present the operation of these markets is a matter between the Council's Property department and the individual market operators. Subject to a smooth transfer of existing arrangements, it is believed that this responsibility could be delegated to the Community Boards, and that the Community Board could be empowered to retain any profits, and to use those profits for community purposes within their ward.
- 4.4 The council commences a new financial year on the 1<sup>st</sup> July 2011. While it would be preferable to have these delegation come into being at the same time, it is felt that Community Boards should be given an opportunity to offer their views to the Council on the merits of the Commission's proposals, and the staff suggestions. Given the goodwill of all parties it is hoped that the Community Boards could consider these suggested delegations as part of their July meetings, while at the same time Council staff sort out the fine print requirements. This would allow the full Council to pass the appropriate resolutions, to put the delegations into immediate effect, at the next full Council meeting in August.

## **5. Financial/Budgetary Considerations**

- 5.1 The delegations proposed do not involve any additional expenditure by the council. While there may need to be some more precise allocation of budgets under some of the headings there should not be any rating effect or need for expenditure other than that already budgeted for in a global sense.
- 5.2 If the annual cost currently budgeted for Chief Executive's time is removed from the budgets currently proposed for the 2011/2012 Plan, the financial effect per ratepayer property is just over 30 cents Motueka and something in excess of 50 cents in Golden Bay. Changing the targeted rates for those two Boards for such a small sum at such a late hour will be an expensive and largely meaningless exercise. However as both targeted rates are held in closed accounts, any surplus will be held in that account and therefore available to reduce the targeted rate next year.

## **6. Significance**

- 6.1 This is not a significant decision according to the Council's Significance Policy.

## **7. Recommendations**

- 7.1 It is recommended that the Council approve in principle the delegations proposed by the Local Government Commission, with the addition of the further delegations suggested by Council staff.
- 7.2 No change is recommended to the 2011/2012 targeted rates on the understanding that any unspent surplus accruing during the year will be carried forward as a reduction in next year's targeted rate, unless the Board wishes to apply the small surplus to some other function within its delegated authority.
- 7.3 It is also recommended that the proposal be immediately referred to the two Community Boards with a request that they consider the proposal urgently and provide advice to the Council in time their views to be reported to the next Council meeting which is scheduled for the 11 August.
- 7.4 It is also recommended that Council staff be directed to complete further evaluation of the Commission's proposed delegations and that a formal report

be made available to the next Council's meeting in order that the delegation can be brought into effect as soon as is practically possible.

<b>8. DRAFT RESOLUTIONS</b>
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**Paul Wylie**  
**Chief Executive**

***Attachment:***

Appendix A – Schedule from Local Government Commission reorganisation proposal