

## **1.x: REVIEW OF COUNCIL DELEGATIONS**

<b>Proponent</b>	: City of Albany
<b>Attachments</b>	: Nil
<b>Appendices</b>	: Draft Delegations Register 2011
<b>Responsible Officer(s)</b>	: Chief Executive Officer (F James)

### **IN BRIEF**

- Council is required to review its delegations every 12 months as per the *Local Government Act 1995*.
- It is recommended that the proposed delegation powers be granted to the Chief Executive Officer by Council.

### **RECOMMENDATION**

#### **ITEM 1.x: RESPONSIBLE OFFICER RECOMMENDATION VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**THAT Council pursuant to section 5.42 of the *Local Government Act 1995* DELEGATES to the Chief Executive Officer those functions specified in the Delegations Register 2011.**

### **BACKGROUND**

1. In accordance with section 5.46 of the *Local Government Act 1995* each year the delegations provided to officers are to be reviewed by Council with the ability for the delegation to be revoked, amended or renewed. The current delegations were reviewed in December 2010.

### **DISCUSSION**

2. A review of the delegations has been conducted. Delegation as a process delivers a more efficient and time effective service to the City's customers. Without delegations **all** administrative decisions would require a Council resolution.

### **GOVERNMENT CONSULTATION**

3. Not applicable.

### **PUBLIC CONSULTATION / ENGAGEMENT**

4. Not applicable.

### **STATUTORY IMPLICATIONS**

5. Section 5.42 of the *Local Government Act 1995* (the Act) allows Council to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of its duties.

**CEO:**

6. The Chief Executive Officer (CEO) may sub-delegate to individual staff based upon their experience, qualifications and capabilities. The CEO can modify or withdraw the authority, without further referral to Council, if the performance of an individual officer does not meet organisational standards or if staff members change. The CEO can then administratively arrange, pursuant to Section 5.44, to allow another person to perform the required function. This method is the most appropriate one for Council to use, as it allows the CEO to change a delegation within 24 hours if needed, as opposed to seeking approval presenting an item to Council.
7. Section 9.10 of the Act allows local government to appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

**STRATEGIC IMPLICATIONS**

8. This item relates to the following elements of the City of Albany Strategic Plan (2011-2021):

**Key Focus Area**

Organisational Performance

**Community Priority**

- Policy and procedures
- Elected Member’s performance

**Proposed Strategies**

- Develop clear processes and policies and ensure consistent, transparent application across the organisation.
- Clearly define and separate roles and responsibilities between elected members and staff.

**POLICY IMPLICATIONS**

9. Some delegations have additional conditions linked to Council Policies. This is detailed in the Delegations Register.

**RISK IDENTIFICATION & MITIGATION**

10. The risk identification and categorisation relies on the City’s Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>If delegations are not updated and adopted by Council operational matter would have to be forwarded to Council for decisions. Significantly increase the Council’s workload and time commitment.</i>	<i>Almost Certain</i>	<i>High</i>	<i>Extreme</i>	<i>Mitigation entirely dependent on Council.</i>

**FINANCIAL IMPLICATIONS**

11. If Council does not grant delegations to staff to administer the functions of the *Local Government Act 1995* all matters would need to be forwarded to Council for assessment.
12. This would have a significant financial impact, as a result of increased overtime to administer additional Council meetings.

**LEGAL IMPLICATIONS**

13. If Council does not grant delegations to staff and does not expend more time as a Council making administrative decisions the City may not meet statutory and legal compliance obligations.

**ALTERNATE OPTIONS**

14. Council has the option to amend the delegations to the CEO as presented or withhold delegations from staff.

**SUMMARY CONCLUSION**

15. The adoption of staff delegations for development applications will ensure the City continues to operate efficiently in the delivery of town planning assessment.

<b>Consulted References</b>	<i>Local Government Act 1995</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Interpretation Act 1984</i> <i>Better Practice Review – City of Albany – Interim Report – July 2010</i> <i>Local Government Local Law Register</i> <i>Local Government Operational Guidelines – Number 17 – Delegations dated 17 January 2007</i>
<b>File Number (Name of Ward)</b>	PE.AUT.1
<b>Previous References</b>	OCM 14/12/10 Items 4.3 & 4.6 OCM 15/02/11 Item 4.3 OCM 15/03/11 Item 3.3 OCM 19/04/11 Item 4.7 OCM 16/08/11 Item 3.3 OCM 19/10/11 Item 4.1