

Report from management

Agenda item 6.2

Review of Council's General Delegation Policy

Council

24 September 2013

Presenter: Keith Williamson, Manager Governance Services

Purpose and background

1. The purpose of this report is to provide Council with an opportunity to review and make amendments to Council's General Delegations Policy (Policy).

Key issues

2. Delegation is an integral element of an efficient administrative process. It is essential for the Council to make a clear and precise policy and for Council staff to have the ability to make day to day decisions in accordance with that policy.
3. The current Policy provides that a delegate shall refer any proposal whether for a project or program, for work, for a contract, or for a planning decision, to Council or its appropriate Committee, **without prior decision by the delegate wherever and whenever:**
 - 3.1. **the proposal raises an issue of significant public interest,** concern or controversy, or is likely to do so
 - 3.2. **the proposal raises an issue of policy or process not covered by existing policy or practice**
 - 3.3. **the proposal has given rise to substantial public objection or appears likely to do so**
 - 3.4. the delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council
 - 3.5. implementation of the proposal would require expenditure **of Council funds, and such funds have not been specifically provided for in the budget**
 - 3.6. **the delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it**
 - 3.7. the delegate is not satisfied that the proposal is one that is appropriate for the decision of the administration rather than the Council
 - 3.8. the delegate believes that it is more appropriate that the proposal or any issue arising in connection with it should be determined by the Council rather than the administration
 - 3.9. **any Councillor has indicated a desire to call in the proposal for Council decision.**
4. Management is not recommending any change to the existing Policy but is supportive of including a requirement in the **Policy that summary details of purchase orders raised for a value of \$500,000 or more be made available on Council's website. The proposed policy is at Attachment 2.**

Recommendation from management

5. That Council resolves to adopt the Council's General Delegations Policy as at Attachment 2 to this report.

Attachments:

1. Supporting Attachment
2. Council's General Delegations Policy

SUPPORTING ATTACHMENT

Legal

1. No legal implications arise from the recommendation contained in the report.

Finance

2. There are no financial implications to Council arising from the recommendation contained in this Management Report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.'

Stakeholder consultation

4. No external consultation has been undertaken.

Environmental sustainability

5. Environmental sustainability issues or opportunities are considered not relevant to this proposal as it does not impact on the consumption/generation of water, waste, energy and/or greenhouse gases.

Delegations Policy

The objective of this delegation policy is to achieve the best possible results for the City, Council and the community through the effective harnessing of the input of, and co-operation between, Council, the administration and the community.

Council therefore re-affirms its responsibility, in consultation with the community, for setting and owning:

- the vision for the City
- its strategic direction
- the policies necessary to pursue that vision and direction
- the funding for them.

Council also accepts its responsibility to be accountable to the community for the outcomes of its policies.

Council acknowledges the responsibility of the administration:

- to implement the vision, strategies, direction and policies determined by Council
- to provide to the Council all information relevant to issues affecting it
- to advise honestly, loyally and professionally upon those issues
- to provide effective administration and staffing for these purposes, within the framework of Council's budget
- to be accountable to Council for the outcome achieved.

The Council therefore adopts the following policies and processes in relation to the exercise of delegated authority:

1. Referral to Council

A delegate shall refer any proposal whether for a project or program, for work, for a contract, or for a planning decision, to Council or its appropriate Committee, without prior decision by the delegate wherever and whenever:

- the proposal raises an issue of significant public interest, concern or controversy, or is likely to do so
- the proposal raises an issue of policy or process not covered by existing policy or practice
- the proposal has given rise to substantial public objection or appears likely to do so
- the delegate recommends approval of the proposal, but such approval would be, or could reasonably appear to be, inconsistent with a previous decision or decisions by or on behalf of the Council
- implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget
- the delegate is not satisfied that the proposal has been the subject of appropriate consultation with those likely to be interested in or affected by it
- the delegate is not satisfied that the proposal is one that is appropriate for the decision of the administration rather than the Council

- the delegate believes that it is more appropriate that the proposal or any issue arising in connection with it should be determined by the Council rather than the administration
- any Councillor has indicated a desire to call in the proposal for Council decision.

2. Limitation on Financial Delegations

Where the approval of a proposal would involve the expenditure of Council funds for which provision has been made in Council's budget, the authority of the delegate is nevertheless limited to the following amounts:

For the Chief Executive Officer	\$2 million
For Directors	\$1 million
For Branch Managers	\$500,000

On a quarterly basis Council will publish on its website, a summary of all purchase orders, for an amount of \$500,000 or more, raised during the quarter.

3. Difficult Issues

Whenever a major issue arises or any difficulty repeatedly arises in relation to the exercise of delegated authority, that issue or difficulty shall be referred to the appropriate Council Committee for consideration.

4. Compliance with Policy

When exercising delegated authority the delegate shall use his or her best judgement to ensure compliance with each and all of the requirements of this resolution.

5. Policy Review

All instruments of delegation shall be reviewed in the light of this policy and shall be further reviewed in the light of experience within one year after the election of each Council.

[Note: Appropriate consultation means consultation in accordance with Council's Consultation Framework.]