



**13.4 ADMINISTRATIVE UPDATES TO DELEGATIONS IN COUNCIL'S LOCAL LAW PROCEDURE & PROTOCOLS MANUAL**

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**1. PURPOSE**

- 1.1 To present to Council an amended Instrument of Delegation from Council to Members of Council Staff in accordance with Clause 73 of the City of Port Phillip Local Law No.1 (Community Amenity).

**2. EXECUTIVE SUMMARY**

- 2.1 The City of Port Phillip Local Law No. 1 (Community Amenity) (the Local Law) provides for Council to carry out functions, duties and exercise powers. The current delegation of those functions, duties and powers from Council to members of Council Staff is within Council's *Procedures and Protocols Manual* which was adopted by Council on 1 September 2013. The Manual provides for the functions, duties and powers of Council to be exercised by Council staff positions.
- 2.2 Council underwent a restructure in 2020/21 where the number of Divisions was reduced, several departments were altered, and position titles were amended or ceased to exist. There have been several minor restructures within the divisions since this restructure where position titles have also been amended.
- 2.3 To ensure compliance and to enable the business of Council to continue to be carried out efficiently this list of delegated positions must be amended to align with the current organisational structure and position descriptions (Attachment 1).
- 2.4 The changes proposed to the delegations are generally administrative, minor in nature and largely involve corrections to the delegated titles and names.
- 2.5 This report recommends that Council resolve to adopt and delegate the functions, duties and powers of Council in the Local law to the Members of Council Staff in the *Procedures and Protocols Manual* that is associated with Local Law No. 1 (Community Amenity).

**3. RECOMMENDATION**

That Council:

- 3.1 Delegates to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in Council's *Procedures and Protocols Instrument of Delegation from Council to Members of Council Staff* (at Attachment 1), the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that instrument.



- 3.2 Notes that the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any policies of Council that it may from time to time adopt.

#### **4. KEY POINTS/ISSUES**

- 4.1 Section 76 of the Local Government Act 2020 (Act), provides for the incorporation of a document in the Local Law. Pursuant to section 78 of the Act Council may delegate functions, duties and powers of Council in the Local Law to members of staff.
- 4.2 The Local Law is worded so that Council is the entity that carries out functions, duties and powers and pursuant to section 59 of the Act, the function, duty or power is exercised by Council by resolution or by a delegate of Council.
- 4.3 Council underwent a restructure in 2020/21 where the number of Divisions was reduced, several departments were altered, and position titles were amended or ceased to exist. There have been several minor restructures within the divisions since this restructure where position titles have also been amended.
- 4.4 To ensure compliance and to enable the business of Council to continue to be carried out efficiently this list of delegated positions must be amended to align with the current organisational structure and position descriptions (Attachment 1).
- 4.5 The changes proposed to the delegations are generally administrative, minor in nature and largely involve corrections to the delegated titles and names.
- 4.6 The delegations in the Manual are direct reflections of the powers, duties and functions that have been given to Council in the Local Law and which require delegation to officers or positions held by Council staff for the orderly continued operation of the Local Law.
- 4.7 The exercise of these delegated powers by a member of Council staff remains subject to conditions and limitations, for example decisions must be made in accordance with the guidelines and policies adopted by Council, and a delegate must not make a decision about matters outside of the jurisdiction of the Local Law.

#### **5. CONSULTATION AND STAKEHOLDERS**

- 5.1 The delegations in the Procedures and Protocols Manual are consistent with section 76 and 78 of the Local Government Act and been drafted in consultation with the Head of Governance and reviewed by one of Council's solicitors,.

#### **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 Delegations reflect the powers, duties and functions that can be delegated under the Local Law and are essential to enable the day to day operations of the Council to be performed.
- 6.2 The changes proposed ensure that the Procedures and Protocols Manual is updated with the current Officers' positions to accurately reflect those delegated.

#### **7. FINANCIAL IMPACT**

- 7.1 Funding for compliance work required under the Local Law has been provided for in existing budgets.

#### **8. ENVIRONMENTAL IMPACT**

- 8.1 There are no environmental impacts arising from this report.



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## **9. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

9.1 Updating the delegations is consistent with Strategic Direction 5, *Well Governed Port Phillip*.

## **10. IMPLEMENTATION STRATEGY**

### 10.1 TIMELINE AND COMMUNICATION

10.1.1 If approved by Council, the delegations will apply with immediate effect.

10.1.2 Council's Procedures and Protocols Manual will be updated immediately and replaced on Council's website.

## **11. OFFICER DIRECT OR INDIRECT INTEREST**

11.1 No officers involved in the preparation of this report have any material or general interest in the matter.

## **ATTACHMENTS**

### **1. Amended Position Titles - Procedure and Protocol Delegations**

