

Instrument of Delegation by the Council

Port Phillip City Council

Instrument of Delegation

to

a Special Committee

by

the Council

City of Port Phillip
CHARTER
of the
SOUTH MELBOURNE MARKET MANAGEMENT COMMITTEE

1. PREAMBLE

- 1.1. The South Melbourne Market (the Market) is a very important facility both for the City of Port Phillip and the wider community. Established in 1867, the Market is built on land made available under a Crown Grant for the purpose of a general market. The buildings and associated infrastructure are owned and maintained by Council.
- 1.2. The Market has distinctive features and characteristics, which make it a unique place for shoppers "to eat, meet, greet and shop" in a community environment. It is Council's intention to retain and enhance the Market's unique character. Consequently, Council has no intention to radically transform the Market.
- 1.3. The Market is an integral part of Council's long term financial sustainability and as such must continue to operate profitably and be a viable competitor.

2. PURPOSE

- 2.1. The purpose of the Management Committee is to maintain the Market as a financially viable community resource and commercial competitor whilst establishing it as Melbourne's most authentic community market.

3. OBJECTIVES

- 3.1. Retain and enhance the distinctive features and characteristics of the Market.
- 3.2. Preserve and improve the condition and character of the Market buildings and associated infrastructure.
- 3.3. Attract new shoppers to the Market and retain existing customers.
- 3.4. Enhance the visibility and accessibility of the Market for shoppers and enable them to find the Market readily, get to it easily and move around it comfortably.
- 3.5. Leave shoppers with an enjoyable and memorable shopping experience by providing a vibrant atmosphere in a clean and safe retail market environment.
- 3.6. Attract and retain a diverse range of appropriate stalls that offer products and services that meet the needs and expectations of shoppers.
- 3.7. Operate the Market profitably and in a professional manner.

4. STRUCTURE

- 4.1. The Management Committee is constituted as a Special Committee of Council, in accordance with Section 86 of the Local Government Act 1989, and its decision making powers are subject to an Instrument Of Delegation of the Council.

- 4.2. The Management Committee shall consist of a maximum of six members (including appointed and co-opted members). Council may appoint up to six members and must appoint a minimum of three members, including at least one Councillor and one Senior Officer of Council, or his/her delegate being a Senior Officer of Council, and either an external member or an additional Senior Officer, for any period of up to three years each. No more than four appointed members may be Councillors or Senior Officers of Council. The Management Committee may co-opt up to three members for any period of up to twelve months each. Each member appointed by Council shall have one vote; co-opted members shall not have a vote. The skills required on the Management Committee include retail marketing, financial management, governance and political awareness. The Market Manager may, at the invitation of the Management Committee, attend Committee meetings from time to time but shall have no voting rights.
- 4.3. The Council shall appoint the Chairperson of the Management Committee, being one of its appointed members, for a period of up to three years. The Chairperson will have a casting vote in addition to his/her deliberative vote.
- 4.4. In the absence of the appointed Chairperson at any meeting, the Chairperson for that meeting shall be the most senior appointed Senior Officer present.
- 4.5. Any member(s) of the Management Committee, excluding members who are Councillors or staff of the Council, may be remunerated for their time and services provided to it. Council shall determine the remuneration of appointed members. The Management Committee shall determine the remuneration of co-opted members.
- 4.6. The Management Committee shall meet at least monthly or at such other intervals as agreed by the Management Committee.
- 4.7. The quorum for the transaction of any business by the Management Committee shall be the majority of members appointed to that committee.
- 4.8. The business of the Management Committee shall be recorded in proper minutes that shall be forwarded to Statutory Functions to be included in the Register.
- 4.9. The Management Committee shall report at least once annually to Council on the performance of the Market and the business of the Committee and shall also report to Council from time to time on matters it regards as material.

5. **ROLE AND FUNCTIONS**

The Management Committee will consult and act in conjunction with Council staff responsible for the Market's management so far as is practicable to facilitate the discharge of respective responsibilities in a consistent and complimentary manner. They will act to:

- 5.1. Establish strategic direction and objectives for the Market and monitor operational capabilities.
- 5.2. Review and approve the annual business plan, supporting budgets and capital works program prior to submission for Council consideration.
- 5.3. Review and recommend Market policies and protocols for decision making.
- 5.4. Monitor as closely as may be required the implementation of the annual business

plan and the capital works program and where appropriate cause any difficulties or shortcomings to be addressed.

- 5.5. Monitor as closely as may be required all aspects of Market performance and management.
- 5.6. Assess how the conduct of the Market may be improved and where appropriate cause the introduction of necessary or desirable improvements to be addressed.
- 5.7. Monitor conformity with statutory requirements and Council requirements and policies applicable to the conduct of the Market and where appropriate cause conformity therewith to be addressed.
- 5.8. Approve and sign stallholder lease and licence agreements - two (2) appointed members of the Committee required to sign.
- 5.9. Approve proposed contracts, associated with the business and affairs of the Market, entailing expenditure in excess of \$50,000 per annum.
- 5.10. Appoint a panel of Stallholders to provide advice as required by the Management Committee and consult with them as appropriate.
- 5.11. Consult with licensees and lessees as and when it is appropriate to do so.
- 5.12. Make recommendations on the appointment of the Market Manager to the appropriate Manager.
- 5.13. Generally perform whatever functions may be necessary or conducive to the discharge by the Management Committee of its responsibilities.

Schedule of Amendments:

Date of Amendment	Clause Reference	Revision Adopted
28 April 2004	4.2	
2 July 2007	4.2	Include " <i>or his delegate,</i> "
2 July 2007	4.2 & 5.12	Replace Retail Market Administrator with " <i>Market Manager</i> ".

CITY OF PORT PHILLIP

INSTRUMENT OF DELEGATION

Authorising Provision

This Instrument of Delegation is made pursuant to sections 86(3) and 88 of the *Local Government Act 1989*.

Delegation To:

Port Phillip City Council delegates to the committee established by resolution of Council passed on 26 February 2001 and known as the **South Melbourne Market Management Committee** (the Committee), the powers, discretions and authorities set out below:

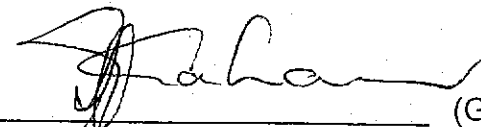
- a) approve and sign stallholder lease and licence agreements – two (2) appointed members of the Committee required to sign;
- b) select and appoint co-opted Committee members;
- c) set remuneration levels of co-opted Committee members;
- d) approve proposed contracts, associated with the business and affairs of the Market, entailing expenditure in excess of \$50,000 per annum;
- e) require from the appropriate Manager information and support to enable the Committee to discharge its responsibilities; and
- f) perform all other functions that are set out in the Charter of the Committee (attached) that are not otherwise listed above.

This Instrument of Delegation is authorised by a resolution of Council passed on 26 February 2001.

The delegation comes into force immediately the Common Seal of Council is affixed to this Instrument of Delegation.

The delegation remains in force until Council resolves to vary or revoke it.

The Common Seal of the
COUNCIL of the PORT PHILLIP
CITY COUNCIL was affixed in
presence of:



(General Manager, Corporate)

22.02.01

(Date)

