

TITLE:	Delegations Policy		
DIVISION:			
ADOPTED BY:	Council		
DATE OF ADOPTION:	21 August 2014	DATE OF REVIEW:	1 August 2018
MOTION NUMBER:	159/14		
POLICY NUMBER:	CP000008		
AUTHORISED:	Chief Executive Officer		

THIS POLICY APPLIES TO:

This Policy applies to the CEO and staff who in the performance of their duties require delegated authority to perform those duties, together with other bodies who have delegated authority from the Council from time to time.

PREAMBLE

The aim of all policy is for Councillors to provide strategic input into the effective operational framework of the organisation under S.11 of the Local Government Act

SUMMARY

The Policy establishes a framework for the delegation of functions within the Council

OBJECTIVES

To provide clear principles for the delegation of functions

BACKGROUND

Council has certain duties and powers which it may exercise, pursuant to the Local Government Act (S32) as well as a range of other Acts. In most cases the relevant Acts grant those obligations and powers directly to the Council as a body. However it is not appropriate, practical or efficient for the Council as a body of elected members to perform the many functions or undertake the many activities that are required in the day to day administration of the Council's roles and functions.

Delegation is the way in which the Council enables other people/bodies (usually Council officers) to undertake day to day operations on its behalf. To achieve this it is necessary for the Council to take formal steps to delegate the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Delegations to staff are made by Council to the CEO. Once the delegations to the CEO have been made, it is appropriate for the CEO to make sub-delegations to relevant Council officers. All of these delegations will be recorded in a delegations register.

Section 102 of the Local Government Act provides that the CEO may delegate (or sub-delegate) a power or function to a person or committee.

If the delegations are not managed properly, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative issues for Council.

POLICY STATEMENT

Section 32 of the Local Government Act provides that a council may delegate powers and functions. A delegation may be made to a local authority, a local board, a council committee, a local government subsidiary, or the CEO.

Some powers cannot be delegated and, if power to incur financial liabilities is delegated, the council must fix reasonable limits on the delegate's authority. A delegation cannot duplicate or derogate from the CEO's functions.

Delegations and sub-delegations

- Are to be worded so that they are exercisable by either a body or the holder of a position, not by a specified individual
- Cannot go beyond what could be done by the person or body providing the delegation
- Must be in writing and may be expressed to be subject to conditions or limitations which must be adhered to by the person exercising the delegated function.

A person or body delegating a function to another person or body may, at any time:

- Exercise the delegated function; or
- In writing, revoke, or vary, the delegation.

Delegations or sub-delegations made by the CEO may not be further sub-delegated without the CEO's written authority

A person or body exercising a delegated function does so in their own right, not as agent (or on behalf of) the person or body delegating the function.

A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, this must be declared and dealt with in accordance with the Code of Conduct or any law or written policy that applies.

LEGISLATION, TERMINOLOGY AND REFERENCES

Sections 32 and 102 of the Local Government Act

Sub-delegation: The partial or full passing of a delegation, by a person or body who holds such delegations, to another individual or body. For example, the CEO providing delegations to staff

IMPLEMENTATION AND DELEGATION

The CEO has final approval over all delegations assigned to him/her by the Council and is required to maintain a Schedule of delegations and sub-delegations.

EVALUATION AND REVIEW

This Policy should be evaluated on the basis that the extent of delegation and sub-delegation are improving the efficiency of the administrative processes by the devolution of authority and accountability to appropriate staff and/or other bodies to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.

This Policy is to be reviewed every four (4) years, and may be reviewed at other times at the discretion of Chief Executive Officer.