

## **South Gippsland Shire Council Instrument of Delegation**

### **Sandy Point Community Centre and TP Taylor Reserve Committee**

South Gippsland Shire Council (Council) delegates to the special committee established by resolution of Council passed on 20 December 2017 and known as the Sandy Point Community Centre and T P Taylor Reserve Special Committee (the Committee), the powers and functions set out in the Schedule, and declare that:

1. This Instrument of Delegation is authorised by a resolution of Council passed on 20 December 2017.
2. The delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. All members of the Committee will have voting rights.

**The Common Seal of the South Gippsland Shire Council was affixed in the presence of Tim Tamlin, Chief Executive Officer**

## **SCHEDULE**

### **PURPOSE**

To exercise Council's functions and powers and to perform Council's duties in relation to the management of a multi-purpose community facility and a reserve.

It is recognised that the facility is also a Neighbourhood Safer Place and Place of Last Resort (NSP/PLR) and will act in accord with the Standard Operating Procedures for a NSP/PLR.

#### **1. Reporting requirement**

The Committee must report to Council according to Clauses 3.2, 3.3, 5.5, 5.6, 6.1, 6.4 and 7.2 in the Schedule of the Instrument of Delegation of the Sandy Point Community Centre and T P Taylor Community Facility and Reserve Special Committee.

#### **2. Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Community Facility and Reserve and for those purposes.

#### **3. Administration**

- 3.1 To do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers;
- 3.2 To provide Council with monthly financial reports and minutes of every meeting and a Treasurer's report;
- 3.3 To provide Council with an Annual Report, to be submitted after the Annual General Meeting including:
  - Patronage
  - User groups
  - Injuries and Accidents
  - Maintenance/Improvements undertaken and future requirements
  - Asset Register
  - Other matters considered relevant by the Committee
- 3.4 To be the point of contact for the public with respect to the operation of the Sandy Point and Community Centre and T P Taylor Reserve. All matters shall be referred to the committee for resolution in the first instance. All requests shall be dealt with promptly and the Council shall be kept informed at all times;
- 3.5 To ensure that the decisions and policies of Council are implemented/

adhered to, as soon as practicable.

#### **4. Facility use**

- 4.1 The power to negotiate the use of facilities with user groups and the power to approve programs operating from the Sandy Point Community Centre and T P Taylor Community Facility and Reserve;
- 4.2 The power to set dates and opening / closing times;
- 4.3 To ensure that the Sandy Point and T P Taylor Community Facility and Reserve is used only for purposes appropriate to the facility and reserve;
- 4.4 To ensure that the facility and reserve is operated in accordance with a multi - purpose community facility and reserve type guidelines;
- 4.5 To ensure that all licence, lease and rental agreements include an exclusion clause that acknowledges that the facility will be used as a Neighbourhood Safer Place and Place of Last Resort if deemed necessary by Council;
- 4.6 To only enter into a lease or licence for the use of the facility or parts thereof by other parties with the consent of Council; and
- 4.7 To, in collaboration with Council, develop a Strategic Business Plan for the facility which will include as a priority consideration of a lease to a Committee.

#### **5. Finance**

- 5.1 The power to set user fees;
- 5.2 The power to enter into contracts and to incur expenditure under \$5,000, with approval being required from Council for contracts over \$5,000;
- 5.3 The power to open and maintain a bank account at a bank and branch approved by Council, into which all monies received by the Committee shall be paid. All cheques and or transactions drawn on the account shall be signed and or authorised by any two of the following:
  - Chairperson
  - Vice Chairperson
  - Secretary
  - Treasurer;
- 5.4 To pay all utility, municipal and water charges incurred in occupying the premises;
- 5.5 To provide Council with adopted Financial Statements by 31 July each year, with support documentation being available upon request;
- 5.6 To provide Council with a proposed budget for the forthcoming year, by 30th of September each year.

- 5.7 The power to apply income received from facility users to the ongoing operation and management of the Sandy Point Community Centre and T P Taylor Reserve.

## **6. Maintenance**

- 6.1 To develop a schedule of anticipated maintenance and provide this to Council with the Annual Report
- 6.2 The authority to undertake minor repairs up to the value of \$2,000, however consent from Council's Property Officer must be gained for any maintenance item over \$2,000. Any works must be carried out by qualified personnel, relative to the task being performed, and all certificates of compliance must be forwarded to Council immediately, upon completion.
- 6.3 To make no structural alterations or additions to the premises without the written consent of Council's Assets Department;
- 6.4 To maintain a register of keys issued by the committee and to include these details in the Annual Report. Council must be provided with a set of keys to all external and internal locks. Any change in locking system must be in accordance with Council's restricted lock system and should be paid for by the Committee.

## **7. Risk Management / Insurance**

- 7.1 To include facility safety issues as a section of all committee meetings and advise Council if there are any issues requiring attention
- 7.2 To ensure that volunteers complete a registration form that is to be forwarded to Council. Work to be undertaken by volunteer groups or individual volunteers must be authorised by the committee at a committee meeting. Each committee must maintain a volunteer register containing name, address, type of activity performed, times of work and volunteer signature.
- 7.3 Ensure that volunteers are capable of the tasks required and operate any equipment within the manufacture's guidelines

## **8. Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

- 8.1 Enter into contracts over \$5,000, or incur expenditure, for an amount which exceeds the approved budget; without prior approval from Council.
- 8.2 Employ people or enter into leases without the prior consent of Council;
- 8.3 To exercise the powers and functions of Council to manage the facility as a Neighbourhood Safer Place/Place of Last Resort - this the sole responsibility of Council through its Emergency Management Coordinator -

and act in accord with the Standard Operating Procedures for a NSP/PLR;

8.4 Exercise the powers which, by force Section 86 of the Act, cannot be delegated;

8.5 Borrow funds.

## **GUIDELINES - COMMITTEE DELEGATIONS**

### **Name**

These guidelines may be referred to as the Sandy Point Community Centre and T P Taylor Reserve Special Committee Guidelines.

### **Application**

These guidelines have been adopted by the South Gippsland Shire Council (Council) for the guidance of:

- Sandy Point Community Centre and T P Taylor Reserve Special Committee
- Any other special committee in respect of which Council resolves that these guidelines are to apply.

### **Exercise of Powers**

The powers, duties and functions set out in the Instrument are delegated to the Committee. This means that the Committee can only act under delegation when sitting in a formally constituted meeting.

This means that the meeting must be called and conducted in a manner that complies with the provisions of the Local Government Act 1989 (the Act) and with the Council's meeting procedures local law.

The Committee cannot exercise its delegated powers when gathered outside the formal meeting structure as described above. For example, an informal coming together of members would not resolve to act under delegation.

Similarly, the delegations do not extend to individual members of the Committee.

All delegations must be read in conjunction with this document and any other policies and guidelines that may be adopted by the Council from time to time.

### **Reporting Back**

These guidelines have been developed to support the concept of delegation as a means of ensuring that the functions of Council are conducted in an efficient and timely manner.

Reporting back of delegations exercised may be necessary to ensure that adequate information regarding those actions is available to other staff, management and the Council.

Such reporting back would be by presentation of reports to Council within the time specified in the Instrument of Delegation; and production of minutes of meetings that will be circulated or available for inspection at any time.

It is to be noted that the reporting back requirements on this policy are a minimum standard only and that nothing will preclude more detailed or extensive reporting back of delegated actions if individual circumstances warrant.

**Insurance**

Upon appointment, each Committee will be covered by Council's Public Liability Insurance. Public Liability insurance is available for all hirers of venues who currently do not hold appropriate insurance, by completing the appropriate section of the Hirer Agreement Form and paying the relevant fee.

Council must be contacted before events such as carnivals, large sporting and/or music events are booked or organised, as cover may not be available for some events. All "for profit" events must carry their own insurance and cannot avail themselves of Council insurance.

If a committee is unsure about any aspect of insurance cover, please contact Council's Risk Management Officer.

The actions of committee members, in the proper execution of the committee power and responsibilities, are covered by Council's existing public liability policy.