

## 9. DELEGATED AUTHORITY - SMALL PROJECTS FUND ASSESSMENT COMMITTEE (LOCAL)

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8986
<b>Officer responsible:</b>	Community Support Manager
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### PURPOSE OF REPORT

1. The purpose of the report is to recommend the Council's consideration of an additional financial delegation to that currently delegated to Community Boards in respect of community grant funding allocations.
2. This report proposes that the Small Projects Fund Assessment Committee for each Community Board be given the delegated authority to fully determine the allocation decisions for their respective small project applications.
3. The Council is also advised that the proposal to grant the additional financial delegated authority to the Small Projects Assessment Committees also maintains the Council's procedure that any exercise of any delegated authority must be within any policies or standards set by the Council.
4. In keeping subject to their decision making being compliant with the Council approved criteria, policies, funding outcomes, funding priorities, eligibility rules and operational requirements for the Small Project Funding Scheme. In addition, the Small Projects Fund Assessment Committee will also have local Board objectives to assist in their funding determinations, subject to these being consistent with the Council's policies and standards.

### EXECUTIVE SUMMARY

5. The Council agreed to the following operational procedures for the Small Projects Funding Scheme at its 4 October 2007 meeting when it resolved to adopt the Strengthening Communities Grants Funding Programme operational procedures.
  - There be one annual funding allocation round per annum.
  - The closing date for all Small Projects Fund applications will be 31 May.
  - That the Community Boards establish Assessment Committees, comprising both Community Board members and community representatives. Community representatives can come from the areas of sport and recreation, arts and culture, welfare and social services, disabled, Maori, ethnic groups environmental and heritage.
  - The Assessment Committees will have the ability to recommend all local Small Projects Fund applications that have been referred to them for decision, with confirmation by Council following adoption of the Part A report submitted by the Community Board.
  - The term of the delegation to the Assessment Committee shall be for the period determined in the Delegations Register by each new Council at the commencement of its term in office.
  - All eligible applications will be assessed, prioritised and reported to the Assessment Committee for recommendations, having regard for the criteria, funding outcomes, funding priorities and eligibility rules that relate to the Small projects Fund.
  - In addition to the foundation Council outcomes and policies, it is expected that each Community Board will have developed local outcomes and priorities relative to their community and specific communities of interest to assist in their funding determinations, subject to being consistent with the Council's policies and standards.
  - Ineligible applications will not be put forward for assessment or consideration. However the reason for lack of qualification will be noted in the report to the Assessment Committees.
  - Any Small Projects grants funds still with Community Boards in fiscal month seven (7) of the financial year (January), whether by way of funding not being allocated at the time of the meeting or not being uplifted by grant recipients, without good reason, will remain in the Small Projects Fund and a further allocation round shall be convened.
  - Any monies returned from Small Projects Fund recipients to the Community Board shall remain as Small projects Fund monies. No remaining, unallocated or returned Small projects Fund monies will be diverted or transferred to the Discretionary Response Fund or the Strengthening Communities Fund.

- 6 The existing delegation from the Council to the Community Boards for the Small Projects Fund Scheme requires that each of the local funding subcommittees make their allocation decisions on the decision matrix information and recommendations from appropriate local advisory staff. The allocation decisions are then referred through to the Council from the subcommittee as a Part A recommendation, requiring Council approval before the decisions are full and final determinations of the Council.
- 7 The local Small Projects Fund Schemes provide an amount of \$85,000 per annum to each of the six city-based Community Boards and \$14,000 and \$8,000 per annum respectively to the Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards.
- 8 This report seeks no increase in the amount of the funding allocations currently provided to the Community Boards for local allocation. However, the impact will be that the Community Boards will then have the authority to determine funding decisions for both the Small Projects Fund Scheme and the Discretionary Response Fund of \$60,000 per annum for the city-based Boards and \$15,000 per annum for the two Banks Peninsula based Boards, without the requirement for a Part A recommendation to the Council.
- 9 The rationale for seeking the Council's consideration of making an additional financial delegated authority to the Small Projects Fund Assessment Committee is that this is in keeping with the intent of the Small Projects Fund which seeks to provide opportunities for not-for-profit groups and organisations who deliver projects and services under \$5,000 for the benefit of the local community and communities of interest. The combination of elected Board members and community representatives being able to fully determine allocations for these small and locally focused projects and services is also in keeping with the effective and efficient process of the Council's business as provided for in the Local Government Act 2002.
- 10 The existing financial delegations and the proposed addition to the financial delegations to the Community Boards as noted for consideration in this report are set out in **Attachment A**.

#### **FINANCIAL IMPLICATIONS**

- 11 None.

#### **Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

12. Yes, as no funding increase is being sought.

#### **LEGAL CONSIDERATIONS**

13. The Local Government Act 2002 provides that the Council "... for the purposes of efficiency and effectiveness in the conduct of the (Council's) business ..." can delegate to the Community Boards almost all of its responsibilities, duties or powers. The Council is also able to impose any conditions, limitations or prohibitions on any delegations it may make.
14. The Local Government Act also provides that whereby the Council has a legal duty to "consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role".
15. The Act provides that once delegation has been made by the Council to a Community Board then that Board is legally able to make a decision within the delegation as if it were the Council itself. This means that decisions made by a Community Board within the delegations legally bind the Council. If a matter or issue does not fall within these delegations, as a default position, a decision on that matter or issue is one for Council itself.
16. It is also noted that it has been the Council's procedure for many years that any exercise of delegated authority by the Boards must be within any policies or standards set by the Council. So if the Council has resolved a particular position then it is not open to a Community Board to make a decision which conflicts with that Council position.
17. The Act provides that the Council itself cannot rescind or amend a decision made by a Community Board made under delegated authority. The Council can at any time amend or revoke a delegation so as to apply any future decisions.

**Have you considered the legal implications of the issue under consideration?**

18. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

19. Yes

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

20. Yes.

**ALIGNMENT WITH STRATEGIES**

21. Strengthening Communities Strategy.

**Do the recommendations align with the Council's strategies?**

22. Yes.

**CONSULTATION FULFILMENT**

23. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council amend its current Community Boards delegations with the following additional 'financial delegation' noted as new point 9 under the existing schedule of delegations to Community Boards:

"That each of the Community Boards 'Small Projects Fund Assessment Committees' have full authority to determine final funding decisions for their respective Community Boards 'Small Projects Fund Scheme' subject to full compliance with the Council's rules, policies, criteria and processes for the 'Small Projects Fund Scheme.'"