

# Committees Under s355 Policy

## 1 Document Information

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<b>Owner</b> <i>(Relevant director)</i>	Director of Finance & Corporate Services
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## 2 Summary

Council may delegate local community committees with the care, control and management of Council assets under Section 377 of the Local Government Act 1993.

## 3 Approvals

Title	Date Approved	Signature
Director of Finance & Corporate Services		

## 4 History

Minute No.	Summary of Changes	New Version Date
93/12/38	Committee under s355 - Authorisation Policy – original adoption	20 December 1993
94/4/47	First resolved to delegate responsibility under s377 of the Act	18 April 1994
2990, 2992/1	Public Halls Operated by Local Committees (Under s355) Policy - original adoption	21 April 1981
99/7/14	Insurance Claims – s355 Committees Policy – original adoption	19 July 1999
13/07/19	Compilation of “ <i>Committee under s355 - Authorisation Policy</i> ”; “ <i>Insurance Claims – s355 Committees Policy</i> ”; and “ <i>Public Halls Operated by Local Committees (Under s355) Policy</i> ”. Updated re insurance excess amount and practices re Hall committees interaction over budget.	16 July 2013
13/09/30	Readopted as per s165(4)	17 September 2013

18/05/20	Readopted as per s165(4)	22 May 2018
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## 5 Reason

Under Section 355 (s355) of the Local Government Act 1993, Council is able to carry out some of its functions through a committee of Council. Council uses the power to delegate (s377) and appoints community people to manage its facilities or functions through a committee of management. Management committees provide an opportunity for local communities to develop 'ownership' of facilities and services and play an active role in the provision of them.

## 6 Scope

The delegations of functions limited to the care, control and management of a Council asset. The policy also covers insurance and the meeting of expenditure for halls with a view to managing the cost of operating/utilising Council's public halls.

## 7 Associated Legislation

Local Government Act 1993

## 8 Definitions

S355 committee – a committee of persons vested by Council to exercise a function of Council as provided under the Local Government Act 1993.

## 9 Responsibilities

### 9.1 General Manager

The General Manager is responsible for the overall control and implementation of the policy.

### 9.2 Directors and Managers

Directors and Managers are responsible for the control of the policy and procedures within their area of responsibility.

### 9.3 s355 Committees

s355 Committees are to operate within the delegation given and in accordance with the S355 Committees Information and Responsibilities and S355 Committees Information to aid in the completion of Annual Financial Statements publications provided.

## 10 Related Documents

Document Name	Document Location
s355 constitution	draft
S355 Committees Information and Responsibilities	infoXpert
S355 Committees Information to aid in the completion of Annual Financial Statements	infoXpert
Strategic Outcome 3.3 – Sporting, recreational, council and community facilities and services are maintained and developed.	IP&R – Community Strategic Plan



## 11 Policy Statement

Council has the authority to delegate various functions. Council will only authorise s355 Committees under s377 of the Local Government Act 1993 if they are vested with the care, control and management of Council assets.

### What is a Section 355 Committee?

Council refers to community management Committees as s355 Committees. Section 355 is the section of the Local Government Act, 1993 that allows Council to delegate some of its functions to a Committee of Council. Along with Section 377 Council uses this delegation to appoint community people to manage facilities or functions.

### Insurance

Where structural or permanent assets are involved, Council accepts responsibility for the nominated excess amount associated with any insurance claim.

Responsibility for contents (when owned by the relevant Committee) which are damaged or lost is to be borne by the Committee organisation. Contents Insurance is recommended but not mandatory.

### Public Halls Operated by Local Committees - expenditures

- (i) The Hall Committees will meet the recurring expenditures of hall cleaning and electricity expenses.
- (ii) The capacity for the Committees to share a larger proportion of the hall expenditure in excess of cleaning and electricity be reviewed from year to year.
- (iii) Council will meet the expenditure on Halls in excess of (i) and (ii) above, up to a limit of expenditure being that which is included in Council's adopted Estimates each year.
- (iv) Any expenditure in excess of (iii) above shall be met by the Hall Committee unless there is a special allocation from the Council.
- (v) That as far as its possible, prior advice be given to the Hall Committees on works proposed to be done on the Halls by the Council.
- (vi) Further, that Council Officers liaise with the Hall Committees to assist with any problems involved.