

**Port Phillip City Council
Instrument of Delegation to the Chief Executive Officer
South Melbourne Market**

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Port Phillip City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 2 September 2020;
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;
3. all prior Instruments of Delegation that delegated duties, functions or powers to the Committee are revoked; and
4. any reference in this Instrument of Delegation to “the Charter” is a reference to the South Melbourne Market Committee Charter adopted by Council.

THE COMMON SEAL of Port Phillip City Council)
 was hereunto affixed in the presence of:)
)

..... Mayor

..... Chief Executive Officer

SCHEDULE

Duties, Powers and Functions

The duty, function or power to do the following in connection with the South Melbourne Market (**the Market**):

1. The duty to implement the decisions of the South Melbourne Market Committee as they relate to the requirements of the Charter:
 - a. Set the long-term vision and strategic position of the Market at the local, metro and national level;
 - b. Establish and oversee the execution of a commercially sustainable retail strategy, that covers market mix, connection to locality, approach to licences and fees, trader and customer experience management and asset requirements;
 - c. Establish the brand for the Market, as well as determining the overall approach to marketing, promotion and activation of the Market. Oversee the execution of these activities (including undertaking principal spokesperson responsibilities) and assess effectiveness of activities undertaken in this area;
 - d. Understand the needs of traders and oversee an approach that makes the Market the 'market of choice' for traders at the local, metro and national level;
 - e. Understand customer needs and provide a customer experience that attracts new and retains existing customers to the Market;
 - f. Oversee the day to day management of the market including the management of risks and opportunities;
 - g. Ensure the Market contributes to the sustainability objectives of Council;
 - h. Be open to trialling and testing new ideas, initiatives and policies on behalf of Council, so long as these contribute and align with the long-term vision and strategic position of the Market;
 - i. Establish and present to Council a prudent and commercially sustainable annual budget and long-term financial plan, for endorsement by Council, to deliver on the vision, retail strategy and brand management direction for the Market;
 - j. Submit to Council an Annual Report on the operations and performance of the Market;
 - k. Submit to Council an independent Audit of the financial statements of the Market, together with the accompanying report from the Auditor, to Council;
 - l. Present to Council at least twice annually (once at budget submission time and again as part of the annual report) on the requirements and performance of the Market;
 - m. Provide input into any future redevelopment of the Market proposed by Council as well as provide Council with advice on the maintenance and renewal requirements of the Market;
2. The power to approve licences to stallholders in accordance with section 17 or 17B of the *Crown Land (Reserves) Act 1978*;
3. The power to compromise, compound, abandon or settle a debt or claim owed to the Market;

4. The power to make submissions for and accept grants, subsidies and contributions to further the Market objects and purposes;
5. The power, subject to clause 9 of the Charter, to enter into any kind of contract or arrangement;
6. The power, subject to clause 9 of the Charter, to institute, initiate and carry on legal proceedings;
7. Do all things necessary or convenient to be done which are incidental to the performance of any of the duties or functions or exercise of any of the powers set out above.

Exceptions, conditions and limitations

The delegate is not authorised by this Instrument of Delegation to:

- (a) enter into contracts, or incur expenditure, for an amount which exceeds an amount previously determined by Council, unless there is a genuine emergency or hardship; or
- (b) perform any duty or function or exercise any power which, by force of the *Local Government Act 2020*, cannot be delegated.

Before performing any duty or function or exercising any power of this delegation, the delegate must consult with and follow the advice of the Committee.

Where direction is required outside of delegation or on contentious matters these matters must be reported to Council for decision.