8.2 COUNCIL RECESS PERIOD 2025-26 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER

Attachments: **Nil**

RECOMMENDATION:

1. **That Council DELEGATES BY ABSOLUTE MAJORITY, pursuant to section 5.42 of the *Local Government Act 1995,* to the Chief Executive Officer, the power to deal with any items of business that may arise between 10 December 2025 and 2 February 2026, and which are not the subject of delegated authority already granted by Council, subject to:**

   1.1 Reports being issued to all Council Members for a period of three business days with Council Members notified by phone prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;

   1.2 Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;

   1.3 A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 10 February 2026; and

   1.4 A Register of Items Approved under this Delegated Authority is being kept and made available for public inspection on the City's website during the period that the delegation applies;

2. **DETERMINES for the purpose of section 5.43(d) of the *Local Government Act 1995* that the Chief Executive Officer is delegated authority to negotiate and approve the lease in respect of No. 4 View St, North Perth, up to a limit not exceeding the current gross rental value of the property, subject to the conditions in recommendation 1.1 to 1.4 above.**

PURPOSE OF REPORT:

To obtain Council's approval to deal with some matters not already delegated to the Chief Executive Officer (CEO) arising during the 2025-26 Council recess period.

DELEGATION:

Section 5.42 of the *Local Government Act 1995* provides that an Absolute Majority decision of Council is required to the CEO the exercise of any of its powers or the discharge of any of its duties.

BACKGROUND:

Council will be in recess after the Ordinary Council Meeting on 9 December 2025 until the Council Briefing on 3 February 2026. Arrangements need to be made to enable urgent items of business that arise during this period to be dealt with by the CEO.

DETAILS:

The Council recess period is from 10 December 2025 to 2 February 2026, inclusive. A Council resolution is required to allow the CEO to make a decision on matters which may arise during this period for which no delegated authority currently exists. Matters which require an absolute majority decision are not able to be delegated, and will be considered at the 10 February 2026 Ordinary Meeting of Council.

Reports relating to decisions proposed to be made using the recess period delegations will be issued to all Council Members for review and comment for a period of three business days which would allow Council Members to:

- either comment on the proposed decision, and for those comments to be considered prior to any decision being made, or
- to 'call-in' the matter, thereby preventing the delegation being exercised.

If a matter is called in then it would be referred to the 10 February 2026 Ordinary Meeting of Council.

Leases

Council is required to approve all new Category 3 leases as defined in the City's Property Management Framework, except for those related to the Mount Claremont Municipal Depot.

In October 2025 Expressions of Interest (EOI) were invited for the lease of No. 4 View Street, North Perth. The EOI period closed on 12 November 2025, with one submission received.

Administration is currently awaiting additional documentation from the respondent to commence the evaluation process for the lease arrangement and following this, negotiations on the key lease terms would commence. This is expected to occur during the Council recess period.

The property is currently vacant and the approval of the lease would mean that the property is tenanted and activated to reduce the risk of antisocial or homeless behaviour.

In order for the City to approve this lease under delegated authority during the Council recess period once negotiations are completed, it is necessary for Council to delegate to the CEO the power to approve the lease for No. 4 View Street, North Perth.

CONSULTATION/ADVERTISING:

There is no statutory requirement for consultation with the community or Council Members in respect to items proposed to be decided under delegated authority during the recess period.

Items being processed under delegated authority will be published on the City's website and will be referred to Council Members for comment and 'call-in' for a period of three days prior to the delegated decision being made.

LEGAL/POLICY:

Under Section 5.42 of the *Local Government Act 1995 (*Act*)*, Council may, by absolute majority, delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act, other than those referred to in section 5.43. Section 5.42(2) provides specifically that:

"(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation*."

Section 5.43 of the Act includes the following:

"5.43 Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

a) any power or duty that requires a decision of an absolute majority of the council;
b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
c) appointing an auditor;
d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.129;
(f) borrowing money on behalf of the local government;
(g) hearing or determining an objection of a kind referred to in section 9.5;
(ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
(h) any power or duty that requires the approval of the Minister or the Governor;
(i) such other powers or duties as may be prescribed."

RISK MANAGEMENT IMPLICATIONS:

Risk Category	Risk Appetite / Tolerance Statement	Descriptor / clarification
A breach in Delegated Authority	The City has a ***very low risk tolerance*** for breach in delegated authority.	The recess-period delegation, including the temporary authority to negotiate and approve the lease for No. 4 View Street, is time-limited, narrowly scoped, and explicitly excludes all matters listed under section 5.43 of the Local Government Act 1995. The delegation only applies to items that cannot reasonably be delayed until February 2026 and are not already otherwise delegated. Strong governance controls apply: all proposed decisions must be circulated to Council Members for three business days, Council Members may "call-in" any matter, and all reports will be published on the City's website prior to determination. A summary of all decisions made under this delegation will be provided to Council after recess. These measures ensure decisions remain within the authority granted by Council and align with the City's very low risk tolerance for breaches of delegated authority.

Low: granting delegation to the CEO for functions otherwise determine by Council during the recess period is necessary to ensure business continuity for the City.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We deliver our services, projects and programs in the most inclusive, efficient, effective and sustainable way possible

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Nil.