

Agenda Item No:

Report to: Charity Committee

Date of Meeting: 25 January 2011

Report Title: SCHEME OF DELEGATIONS TO OFFICERS

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

To seek approval from the Committee for a recommended Scheme of Delegations to Officers

Recommendation(s)

- 1. That Committee adopts the recommended Scheme of Delegations to Officers from Charity Committee as set out in Appendix A to the report.**

Reasons for Recommendations

It is in the interests of the efficiency and effectiveness of the Charity that the Trustee should be able to act and react quickly in the service of the Charity. A Scheme of Delegations to Officers allows the Trustee to achieve this objective. The Scheme for the Charity is more limited than the Council's Standing Instructions to Authorised Officers in the interests of greater public access to the Trustee's decisions.

Proposed Scheme of Delegation from Charity Committee to Officers

1. Members are accustomed to decision-making being delegated to officers and are aware that there are Standing Instructions to Authorised Officers which forms Part 8 of the Constitution. This with Part 9 of the Constitution Financial Rules forms the scope of delegations to officers in relation to decision-making on behalf of the Council as local authority.
2. The business of a busy local authority is such that it is impossible to provide an efficient and effective service to the public without considerable delegation of decision-making to officers.
3. The operation of the Foreshore Trust charity is no different and it is necessary to have a scheme of delegation to officers. At the same time, the Council's role as Trustee is resumed under the 2011 Scheme after an interval of considerable dispute and some public distrust, and it is important that, as far as possible, substantial decisions should be made by the Committee itself.
4. The suggested Scheme in Appendix A to the report seeks to achieve this balance, so that operationally there is the flexibility for officers to act without any undue loss of control by the Committee itself.
5. Council officers follow internal Financial Operating Procedures for example setting out the required practice for the tendering and award of contracts. Officers would expect and be expected to comply with these requirements in the same way when dealing with matters on behalf of the Charity, subject to any limitations in the Scheme of Delegation approved

Monitoring Officer's Comments

6. As Monitoring Officer I am satisfied that the Scheme is appropriate

Consultation with the Protector

7. Christopher May MA FCA, the Protector, has been consulted in relation to the proposed Scheme of Delegations and he has commented on the original draft. His substantive comments related to consultation requirements under the urgency provision, requesting that consultation be made with all members of the Committee rather than the Chair alone, in view of the small membership of the Committee. He also wanted it to be emphasised in the Scheme that officers, when exercising delegated authority under this Scheme, should be mindful that they are acting on behalf of the Council as trustee and not as local authority and so acting in the best interests of the Charity. Those comments are accepted and have been incorporated into the draft Scheme recommended for approval.

Wards Affected

None

Area(s) Affected

\$m3dkqbvi
Report Template v22.0

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes

Background Information

Appendix A - Scheme of Delegations from Charity Committee to Officers

Officer to Contact

Jayne Butters, Borough Solicitor and Monitoring Officer
jbutters@hastings.gov.uk
01424 451733
