

MEETING:	HEREFORDSHIRE COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	REVISED CHIEF EXECUTIVE'S SCHEME OF DELEGATION
REPORT BY:	ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open.

Wards Affected

County-wide

Purpose

To note the revised Chief Executive's Scheme of Delegation.

Recommendation(s)

THAT:

- (a) the Council note the Scheme of Delegation in accordance with rule 3.8.10 of the Constitution;**
- (b) for the purposes of the operations of rule 3.8.10 the Chief Executive reports the scheme annually to the Council only if he finds it necessary to make changes to the scheme.**

Key Points Summary

- The Council has to have a transparent and accessible Scheme of Delegation to carry out its work in a manner that would avoid any legal challenge
- The Chief Executive's Scheme of Delegation was commissioned by the Council at its meeting of 13th November, 2009
- The Scheme that was drafted did not form part of the Constitution and whilst contained in the Council's publication scheme would be more accessible were it referenced in the Constitution
- The revisions to the Scheme have produced a document that is more flexible and more modern in its approach, reflecting the new Constitution more closely
- The revised Scheme also provides a legally watertight approach to the decision making and daily work of the Council

Further information on the subject of this report is available from Chris Chapman,
Assistant Director Law, Governance & Resilience on (01432) 260200

Alternative Options

1. Because the day to day business of the authority is carried out by officers within policy set by Members, it is not practical to operate without a scheme of delegation.

Introduction and Background

2. Every local authority is required to have a Scheme of Delegation.

Key Considerations

3. The proposed Scheme of Delegation will implement best practice and provide a robust matrix for the exercise of delegated powers.

Community Impact

4. None.

Financial Implications

5. None.

Legal Implications

6. An unsound Scheme of Delegation would present the risk of a Council being challenged in any given action as acting Ultra Vires.

Consultees

7. Chief Executive; Deputy Chief Executive; Directors; Assistance Director Law Governance and Resilience.

Appendices

8. The proposed Scheme of Delegation.

Background Papers

Minutes of item 53 of Council meeting of 13/11/2009.

Current Chief Executive's Scheme of Delegation.