

RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY

*PART 1 – PUBLIC DOCUMENT

SERVICE DIRECTORATE: *Resources*

1. DECISION TAKEN

In respect of the Cabinet Sub-Committee (Council Charities) – 13 December 2022 – Item 7 – Annual Returns and Accounts for Council Charities

2.1. That the information required by the Charities Commission for the four registered charities is approved, so that the returns can be submitted prior to the 31st January 2023 deadline.

2.2. The decision taker noted that those charities with gross income of more than £25k in their financial year should have their accounts independently examined be noted (this applies to King George's Field and Hitchin Town Hall Gymnasium and Workmans Hall) and, approved that this is undertaken for those accounts for 2021/22. This will be undertaken by the Shared Internal Audit Service (SIAS).

2. DECISION TAKER

Ian Couper, Service Director: Resources, in consultation with the Leader of the Council

3. DATE DECISION TAKEN:

15th December 2022

4. REASON FOR DECISION

4.1 This item was due to be considered at the Cabinet Sub-Committee (Council Charities) meeting scheduled for 13th December 2022. The meeting was not quorate so could not proceed.

4.2 Due to the Charities Commission deadline for returns, and the need for the independent reviews to be completed for two of the charities, it is not possible to set a new date for the meeting and the decision was taken in consultation with the Leader of Council who also is a Member of the Sub-Committee.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 None, due to the requirement to meet the Charities Commission deadline.

6. CONSULTATION

6.1 This was due to be the first meeting of the Sub-Committee of this civic year, so there has not been a Committee Chair appointed. In the absence of a Chair, the Leader of the Council was consulted.

6.2 The Officers responsible for the individual charities returns have also been consulted on this decision, however, given the nature of the decision, this has been taken by the Service Director: Resources.

7. SUPPORTING REPORT

7.1 Other information relevant to the decision, such as legal, financial, risk, social value and equality implications, is contained within the report published as Item 7 within the Cabinet Sub-Committee (Council Charities) agenda for the meeting on 13 December 2022 via the link below:

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=142&MId=2857&Ver=4>

8. LEGAL IMPLICATIONS

8.1 The table at the end of paragraph 5.10.4 in the constitution details delegated powers in respect of the Cabinet Sub-Committee (Council Charities). This details that the Lead Officer for the Trust concerned can make urgent decisions in respect of the Sub-Committee’s functions, powers or duties. Where possible this should be done in consultation with the Chair of the Cabinet Sub-Committee.

8.2 Constitution reference 14.6.11 (vii) details that the Service Director: Resources is responsible for the “proper administration of Council charities and their assets”. Each individual charity also has an Officer who is responsible for submitting Charities Commission information, so they have been consulted on this decision (as referenced in paragraph 6.2).

8.3 As the meeting of 13th December was due to be the first meeting of the Cabinet Sub-Committee (Council Charities) in this civic year, there had not been a Chair appointed. In the absence of a designated Chair, the Leader of the Council has been consulted. To the extent necessary, however, the Leader of Council can exercise any executive functions, notwithstanding any executive delegations, by virtue of section 9E(7) Local Government Act 2000 and therefore can act as ‘Chair’ of the Sub-Committee for this decision.

NOTIFICATION DATE

16th December 2022

Signature of Executive Member Consulted



Date 15.12.2022.....

Signature of Decision Taker



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Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.

Call-in does not apply to NON-EXECUTIVE DECISIONS