

REPORT TO EXECUTIVE/FULL COUNCIL



DATE	2 nd /4 th April 2013
PORTFOLIO	Resources & Performance Management
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Changes to the Constitution – Amendments to the Scheme of Delegation by the Leader

PURPOSE

- To notify the Executive and Full Council of decisions made by the Leader to add and remove delegations to Officers within the Executive functions of the Council's Scheme of Delegation (Part 3).

RECOMMENDATION

- That the Executive and Full Council note that on 21st March 2013 the Leader made the following amendments to the Council's Scheme of Delegation within the Executive Functions of Part 3 of the constitution.

(1) To add the following delegation to the Head of Revenues and Benefits, as Paragraph 12 (4);

12. To determine applications for:

- reductions in the level of Council Tax under s13a Local Government Finance Act 1992*
- hardship relief for business rates under s49 Local Government Finance Act 1992*
- discretionary housing payments*

ADD 4. Exceptional hardship payments for Council Tax Support

(2) To remove the current Part 3 Paragraph 14 delegation to the Director of Resources;

14. 'To determine appeals made by applicants against determinations regarding reductions in the level of Council Tax, hardship relief for business rates, and hardship payments for housing benefits in consultation with the Executive member for Resources. Appeals will be considered on the basis of a written submission by the applicant'.

REASONS FOR RECOMMENDATION

3. To consolidate and streamline the administrative process regarding discretionary policies within Revenues and Benefits.

SUMMARY OF KEY POINTS

4. A new hardship policy is the subject of a separate report elsewhere on the agenda for 2 April Executive. The change proposed is to include the determination of exceptional hardship payments for the Council Tax Support scheme within the functions delegated to Officers. It is proposed that determination of exceptional hardship for Council Tax Support will be in addition to the suite of discretionary policies which already exist and which the Head of Revenues and Benefits has delegated authority to determine, as set out in Paragraph 4 of her Executive Functions below.

12. To determine applications for:

- 1. reductions in the level of Council Tax under s13a Local Government Finance Act 1992*
- 2. hardship relief for business rates under s49 Local Government Finance Act 1992*
- 3. discretionary housing payments*

It is therefore proposed to establish uniformity of process across discretionary policies and introduce an **additional delegation** to the Head of Revenues and Benefits as Paragraph 12.4;

12.4 Exceptional hardship payments for Council Tax Support

5. Part 3 (Executive Functions) of the constitution also contains the following delegation to the Director of Resources in Paragraph 14;

14. 'To determine appeals made by applicants against determinations regarding reductions in the level of Council Tax, hardship relief for business rates, and hardship payments for housing benefits in consultation with the Executive member for Resources. Appeals will be considered on the basis of a written submission by the applicant'

This delegation follows determinations made under delegated powers by the Head of Revenues and Benefits as set out above.

However to prevent administrative delays bearing in mind increased anticipated volumes of appeals, it is proposed that the appeal process will take place within the Revenues and Benefits Service, and therefore it is proposed to **remove the above delegation** to the Director of Resources..

6. As set out in the Council's constitution, the Leader exercised powers to add and remove the Executive Functions delegations as set out in the report on 21st March 2013.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None arise directly

POLICY IMPLICATIONS

8. None arise directly

DETAILS OF CONSULTATION

9. MSSWG

BACKGROUND PAPERS

10. None

FURTHER INFORMATION

PLEASE CONTACT:

ALSO: