



Governance and Audit
Committee

Tuesday 13 October 2020

Subject: Amendment to Council Tax Discretionary Hardship (Section 13a) Policy resulting in request for Constitutional amendment

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

The report seeks Governance and Audit Committee's approval to make a recommendation to Council for a Constitutional amendment arising as a result of the recently approved revised Section 13a Policy.

RECOMMENDATION(S):

That the Governance and Audit Committee RECOMMEND to Full Council that the Constitution be amended as follows: -

Section and Page Reference	Changed required
page 23 of Part IV of the Constitution – Responsibility for Functions – Appeals Board	The following be DELETED “5. To hear appeals against decisions not to award Section 13 A Council Tax Discretionary Relief”
page 28/29 of Part IV of the Constitution – Responsibility for Functions – Chief Executive	The following be ADDED “to determine any appeal made against a

		decision to not award Section 13 A Council Tax Discretionary Relief. Limits on Delegation: - following Consultation with the Leader of the Council”.	
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IMPLICATIONS

Legal:

None.

Financial : FIN/80/21/CC

There are no financial implications arising from this report

Staffing : None

Equality and Diversity including Human Rights :

Data Protection Implications :

Climate Related Risks and Opportunities :

Section 17 Crime and Disorder Considerations :

Health Implications:

Title and Location of any Background Papers used in the preparation of this report:

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Background and Introduction

- 1.1 The Corporate Policy and Resources Committee at their meeting on 17 September 2020 approved a revised Council Tax Discretionary Hardship Policy (Section 13A)

<https://democracy.west-lindsey.gov.uk/documents/s20944/Council%20Tax%20Discretionary%20Hardship%20Policy%20Section%2013A.pdf>

- 1.2 One such revision agreed was an amendment to the appeals process for the Policy and as such, this revision necessitates an amendment to the Constitution.
- 1.3 As Governance and Audit Committee Members will be aware, any such changes to the Constitution fall within the remit of the Full Council to approve, following consultation with this Committee.
- 1.4 The minute arising from the Corporate Policy and Resources Committee is set out below:

RESOLVED that:

- a) the Council Tax Discretionary Hardship Policy (Section 13A) be approved; and
 - b) minor housekeeping amendments to the policy be undertaken by the Section 151 Officer under delegated powers in consultation with the Chairman of the Corporate Policy and Resources Committee; and
 - c) individual applications for Section 13A Discretionary Relief be determined by the Section 151 Officer under delegated powers; and
 - d) it be **RECOMMENDED** to the Governance and Audit Committee that the Constitution be amended in order to allow that, in the event of an appeal, they be considered by the Chief Executive in consultation with the Leader of the Council.
- 1.5 This report therefore seeks Governance and Audit Committee's approval to make a recommendation to Council for Constitutional amendments arising as a result of the recently approved revised Council Tax Discretionary Hardship (Section 13a) Policy.

2 Constitutional Amendments Required as a Result.

- 2.1 Prior to approving the revised Policy, appeals were dealt with by the formally appointed Appeals Board. The revised Policy now allows for Appeals to be determined by the Chief Executive in Consultation with the Leader of the Council.
- 2.2 Therefore the following term of reference needs to **be removed** from the list of the Appeals Board's functions (currently referenced on page 23 of Part IV of the Constitution – Responsibility for Functions): -

“5. To hear appeals against decisions not to award Section 13 A Council Tax Discretionary Relief”

2.3 The following delegation needs to added to list of functions delegated to the Chief Executive (detailed on page 28/29 of Part IV of the Constitution – Responsibility for Functions)

“to determine any appeal made against a decision to not award Section 13 A Council Tax Discretionary Relief. Limits on Delegation: - following Consultation with the Leader of the Council”.

2.4 Approval of the two amendments would ensure the Constitution is reflective of the Policy which has been approved and ensure the two documents work in harmony.

3 Recommendation

3.1 **The Governance and Audit Committee are therefore requested to RECOMMEND to Full Council that the Constitution be amended as follows: -**

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