

SUBJECT:	PROPOSED AMENDMENT TO THE CONSTITUTION – FINANCIAL PROCEDURE RULES
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	JACLYN GIBSON, CHIEF FINANCE OFFICER

1. Purpose of Report

- 1.1 To propose amendments to the Council's Constitution in respect of Financial Procedure Rules and delegated powers in respect of Fees and Charges.

2. Background

- 2.1 The Council's Financial Procedure Rules provide a framework for officers to work within to ensure compliance with the need to secure proper administration of the Council's financial affairs as required by section 151 of the Local Government Act 1972.
- 2.2 The Financial Procedure Rules set out the roles and responsibilities of the Council and officers across a range of financial matters.
- 2.3 In respect of fees and charges Financial Procedure Rules require these to be reviewed on an annual basis and submitted to the Council as part of the Medium Term Financial Strategy for approval. For amendments during the financial year, section 7.1.5 of the Rules states:

“In respect of services where fees and charges apply or may apply in circumstances where services are obliged through regulations to achieve cost recovery or where other market led factors influence the service and its charging structure, the relevant Assistant Director has the discretion to amend the set fees and charges by +/- 50%, after consulting with the Chief Finance Officer and the relevant Portfolio Holder. Such an occurrence shall be reported by the Assistant Director to full Council at the earliest opportunity”.

3. Proposed Temporary Amendment to Financial Procedure Rules

- 3.1 As a result of the current COVID19 crisis there is a need to amend the delegation to allow officers authority to reduce/waive fees and charges above the current 50% flexibility. This flexibility is required so that officers can respond to the current situation and where necessary reduce the fee/charge for services to nil, once such example being the waiving of the fee for live streaming of services at the Crematorium. This delegation will also apply to all fees and charges not just those in market or cost recovery situations.

3.2 The proposed, temporary, delegation would be:

“The relevant Assistant Director has the discretion to amend the set fees and charges by +50% or – 100% (effectively waiving the charge), after consulting with the Chief Finance Officer and the relevant Portfolio Holder”.

This delegation would remain in place for a period of six months at which time the existing delegation as per paragraph 7.1.5 of the Rules will be restored or a further report to consider an extension will be submitted to the Council.

4 Organisational Impacts

4.1 Finance

The impact of reducing any fees and charges on income budgets will be reported regularly to the Executive as part of the Financial Monitoring reports.

4.2 Legal Implications including Procurement Rules

The legal implications are as outlined in the report in respect of the Council's Constitution.

4.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

5. Risk Implications

- 5.1 The ability to reduce set fees and charges creates a financial risk to the Council's income levels. This is being closely monitored and reported through to officers and the Executive and will be considered as part of the Council's overall financial response to the COVID19 crises.

6. Recommendation

- 6.1 That Council approves a revised section 7.1.5 of the Financial Procedure Rules, as set out in paragraph 3.2 of this report, for a period of 6 months.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? None

List of Background Papers: None

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