

BROMSGROVE DISTRICT COUNCIL

COUNCIL

20th January 2021

Changes to the Council's Constitution

Relevant Portfolio Holder	Cllr G Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton – Head of Legal, Democratic and Property Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 This report details the background to a recommendation that was made at a recent meeting of the Constitution Review Working Group in respect of delegations to Officers for Section 106 funds.
- 1.2 The report requests that authority be delegated to the S151 officer so that they can spend and allocate S106 monies in accordance with the originally agreed S106 agreement without returning to Council once the monies have been received. Councillors will be able to monitor this spend on the quarterly finance reports.

2. RECOMMENDATIONS

Council is asked to RESOLVE that:

authority to spend S106 monies up to a value of £50k be delegated to the S151 Officer to spend in line with the S106 agreement which caused the receipt of the S106 monies.

3. KEY ISSUES

- 3.1 Following on from discussions held at a recent meeting of the Constitution Review Working Group between the Group Leaders, the Head of Finance and Customer Service requested that authority be delegated to the S151 Officer in respect of any spend and allocated S106 monies be made in accordance with the originally agreed S106 agreement without returning to council once the monies have been received. Councillors will be able to monitor this spend on the quarterly Finance reports
- 3.2 S106 monies are received from developers as a contribution towards the increased pressure on the local area and to mitigate this. The Agreement specifies at the point of signing the area and what the monies can be spent on. At present permission is sought from council to spend these monies once they are received. Going forwards the proposal is that it is reported in arrears on the quarterly

financial monitoring reports to members and that officers have delegated authority to spend the monies in line with the agreement up to a value of £50k.

- 3.3 Currently the S106 monies are monitored by several officers. There is a lot of S106 agreements to monitor and can be quite a timely process. The current process when officers wish to utilise the monies is that they must request approval through the normal democratic process. This due to the time of meetings can act as a barrier to spend such monies and a delay in getting contracts in place and in time for certain projects. The developer also has a clawback date if the monies have not been spent and therefore being able to have delegated authority will enable us to act quickly and not have to return the money back to developers.

Financial Implications

- 3.4 There are no direct financial implications arising directly from this report.

Legal Implications

- 3.5 The Council is required by law to maintain a constitution which sets out how the Council makes decisions.

Service / Operational Implications

- 3.6 Managers meet with finance officers on a monthly basis to consider the current financial position and to ensure actions are in place to mitigate any variations to the budget.

Customer / Equalities and Diversity Implications

- 3.7 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are failure to comply with legislative and governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

BROMSGROVE DISTRICT COUNCIL

COUNCIL

20th January 2021

AUTHOR OF REPORT

Name: Amanda Scarce – Senior Democratic Services Officer

email: a.scarce@bromsgroveandredditch.gov.uk

Tel.: 01527 881443