

APPENDIX

**SUGGESTED PROCEDURE FOR SETTING THE BUDGET AT SPECIAL COUNCIL
20 February 2014**

1. Background

- 1.1 This note is to advise Members of the procedure which will be adopted for setting the Council's budget at the Special Council Meeting fixed for 20 February next.
- 1.2 At the recent Meeting of the Council on 4 February 2014, amendments were proposed to the Budget proposed by the Executive. As the Executive presented their budget proposals to Council to consider prior to 8 February, the statutory dispute resolution procedure built into the Council's Budget Procedure Rules applies.
- 1.3 Put simply, the amendments (or "objections" as the Procedure Rules call them) to the Executive's proposals which the Council approved at its meeting on 4 February operated as a reference back to the Executive. The Executive was required to then reconsider its proposals in the light of the Council's objections and report back to the subsequent Council meeting, scheduled on 20 February 14. The Council will then consider the Executive's response and decide whether to agree with what the Executive are proposing or insist on its amendments being made to the budget. Either way, the Council has the final say on the budget resolution.

2. What the Budget Procedure Rules say

- 2.1 The Rules set out the following procedure for dealing with the matter where the Executive submit their budget to Council before 8 February:

- The Executive refer their budget proposals to the Council for consideration.
- If the Council accepts them and has no objections to the Executive proposals i.e. if no proposed amendments to the Executive's budget are agreed by Council, then the decision to accept the Executive's budget will have immediate effect on the night.
- If, however, the Council raises objections to the Executive's budget proposals i.e. if it approves proposed amendments which it wishes to make to those proposals, then it must proceed as set out below :
 - it must inform the Leader of its objections and proposed amendments and instruct him to require the Executive to reconsider its budget proposals in the light of the Council's objections and proposed amendments;
 - it must fix a date for a subsequent Council meeting at least 5 working days afterwards, at which the Executive may submit revised budget proposals to reflect the Council's requirements and explain the reasons for any amendments it may make. Alternatively, the Executive may at that subsequent meeting inform the Council that it disagrees with the Council's objections and proposed amendments and the reasons why.
 - When the matter comes back before the Council, it must take into account the Executive's response before reaching a decision. In practice, it can accept any revised proposals which come back from the Executive and which pick up the changes which the Council has said it wishes to see. Alternatively, if the Executive is not prepared to agree to any changes and the Council still wishes the amendments to be made, then it can vote through the budget but with amendments and so effectively force them on the Executive. Either way, a final decision on the format of the budget will be made at the reconvened Council meeting and the full Council will have the final say.

3. Proposed Procedure on 20 February 2014

- 3.1 The Leader will move the Executive's budget again, either with the amendments incorporated or without them. If the Executive have accepted the amendments and built them into their revised budget, then it should be that the Council are able to agree the budget as presented. If the Executive have not been able to accept them, then the amendments will need to be voted on in turn (if there is more than one) and dealt with in the usual way. If they are carried, they will be incorporated into the budget; if they are not carried, then they will fall. Either way, the budget must be approved at the reconvened Council meeting.
- 3.2 The Government has laid before Parliament The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and, in essence, these require that any vote taken at a Council's budget decision is a recorded vote. The Regulations do not come into force until 25 February 2014 but the Secretary of State and the Department for Communities and Local Government have written to all Councils asking that, if their budget meeting is before this date, they resolve to take a recorded vote as per the new regulations.
- 3.3 In the light of the above Rules, it is suggested that the meeting on the 20 February should proceed as follows.
- 3.4 The Executive's budget will be moved by the Leader and seconded in the usual way as follows:
- The Mayor will invite a motion that, in accordance with the provisions of Council Procedure Rule 25.1, Procedure Rule 14.4 be suspended insofar as it relates to the length of speeches by the proposers of any motions or amendments which are seconded for the duration of the budget debate, to enable such speeches to exceed 10 minutes.

- The Mayor will invite a motion that, in accordance with the provisions of Council Procedure Rule 17.4, all votes taken in relation to the budget be a recorded vote.

- The Leader will move the receipt of the Minutes of the Executive held on 17 February 2014 which relate to the setting of the City Council budget for 2014/15, and ask the Council to accept that those Minutes and the Reports etc as outlined on the Council Summons under the item City Council Budget be dealt with as one item of business as part of setting the General Fund Revenue Budget for 2014/15 and the Council's Capital Budget for 2014/15.

- The Leader will then propose a motion or motions moving the recommendations of the Executive in respect of the General Fund Revenue Budget and the Council's Capital Budget for 2014/15 i.e. the Executive's budget proposals.

3.5 If any Group wishes to raise "objections" i.e. to propose any amendments to the Executive's budget as moved by the Leader then they should be moved and tabled in the usual way as follows:

- The Mayor will invite each of the Group Leaders (and then any other Member) to identify whether their Group has any amendments and confirm that they have a seconder, as follows:
 1. The Leader of the Majority Group;
 2. The Leader of the Opposition
 3. The Leader of the next largest Group
 4. The Leader of the next largest Group
 5. Any other Member

- Amendments to the Leader's motion as identified above will then be circulated to all Members of the Council (without speaking thereto).
- 3.6 It would be advisable to have the usual short adjournment to consider the Groups' amendments (if any) and so:
- The Mayor will invite a motion under Procedure Rule 14.10(g) to allow the meeting to adjourn for a short period, to allow time for consideration of any motions and amendments before the Council.
- 3.7 Following the adjournment, the Mayor will ask if there are any further amendments to the motions already moved and, in accordance with Procedure Rule 14.2, the Mayor may require that any amendment is put in writing and handed to him.
- 3.8 The Mayor will then invite the Leader to speak in support of his motion, followed by the seconder of the motion, who may in accordance with Procedure Rule 14.3 reserve his/her speech until a later period of the debate.
- 3.9 The Mayor will then invite the proposer and seconder of each amendment relating to the motion of the Leader to speak. The seconder of any amendment may, in accordance with Procedure Rule 14.3, reserve his/her speech until a later period of that debate, and debate will continue on each amendment in turn until voting takes place on the amendment, following which any further amendments will be similarly dealt with.
- 3.10 The Leader, as mover of the original motion, has a right to reply at the close of the debate on each amendment, subject to not having previously spoken on the amendment. The mover of the amendment has no such right of reply.
- 3.11 Any amendments or "objections" should be put and voted on. If any are carried, then they will be binding on the night. If no amendments or "objections" are carried

then the Executive's proposals can, once all the amendments have been disposed of, be formally put to the vote and approved on the night as the Council's budget.

NOTE

Before any amendment is voted on, the Council will give the Director of Resources an opportunity to address the meeting to explain, if necessary, the affect of the proposed amendment before the vote is taken and may agree to an adjournment to enable Members to consider the Director of Resources' advice prior to the vote on any amendment.

Mark Lambert
Director of Governance

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