

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

COUNCIL

24th February 2014

Agenda Status: Public

Directorate: Borough Secretary

Report Title	Recorded Votes at Budget Meetings
--------------	-----------------------------------

1. Purpose

1.1 The purpose of this Report is to:

- 1.1.1 advise Members of the effect of *The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014* (the “2014 Regulations”) in relation to the requirement for Councils to adopt the practice of recorded votes on any decision relating to the budget or council tax; and
- 1.1.2 propose changes to the Council’s Constitution that are necessary to implement the recorded vote requirements in the 2014 Regulations.

2. Recommendations

The Council is recommended to:

- 2.1 adopt the amendments to the Constitution shown at Appendix 1 of this Report, to take effect when the 2014 Regulations come into force; and
- 2.2 Agree to apply recorded votes, to the budget and council tax decisions taken at this meeting of Council, in accordance with the principles of the 2014 Regulations.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The 2014 Regulations were laid before Parliament on 31st January 2014 and will come into force on 25th February 2014.

- 3.1.2 The 2014 Regulations amend The Local Authorities (Standing Orders) (England) Regulations 2001 and make it mandatory for Councils as soon as practicable after the Regulations are in force, to amend their Constitutions so as to include provisions requiring recorded votes at budget meetings.
- 3.1.3 Although the Regulations do not come into force until tomorrow, the Council can anticipate the changes and voluntarily make the required amendments to the Constitution to take effect when the 2014 Regulations come into force.
- 3.1.4 In any event, the Department for Communities and Local Government (“DCLG”) has written to all Councils to explain that even if Councils are holding their budget meetings before the 2014 Regulations come into force or before Councils are able to amend their Constitutions, this does not prevent them from applying the practice of recorded votes to the budget decisions at that meeting. DCLG has advised Councils, that it is the Government’s expectation that all Councils will adopt the practice of recorded votes at their budget meetings this year.
- 3.1.5 In order to give effect to the recommendation of DCLG, although the Council will make its budget and council tax decisions today, before the 2014 Regulations come into force, Council is recommended to agree that a recorded vote should be applied to all of its budget and council tax decisions made today in accordance with the principles of the 2014 Regulations.
- 3.1.6 DCLG has explained that carrying out a recorded vote at budget meetings shows a serious commitment to transparency and democratic accountability and enables people to see how their Councillors voted, not only on the substantive budget motions agreeing the budget and setting council taxes but also on any amendments proposed at the meeting.
- 3.1.7 Specifically, the 2014 Regulations state that, *“immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting”*.
- 3.1.8 A budget decision means a meeting of the Council at which it:
- makes a calculation (whether originally or by way of substitute) in accordance with any of the following sections of The Local Government Finance Act 1992:
 - 31A - Calculation of council tax requirement by authorities in England
 - 31B - Calculation of basic amount of tax by authorities in England
 - 34 - Additional calculations where special items relate to part only of an area
 - 35 - Special items for purposes of section 34
 - 36 - Calculation of tax for different valuation bands
 - 36A – Substitute calculations: England
 - 52ZF - Excessive increase in council tax by billing authority – billing authority’s duty to make substitute calculations

3.1.9 The Council Procedure Rules in the Constitution deal with the conduct of meetings of the Council. Suggested amendments to the Council Procedure Rules are shown at Appendix 1. These amendments reflect the new requirement for there to be a recorded vote in relation to budget decisions. Members are recommended to approve these amendments to the Constitution to come into effect when the 2014 Regulations come into force.

3.1.10 The effect of approving these amendments, is that there will automatically be a recorded vote on budget and council tax decisions in the future, without any need for it to be requisitioned by Members.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this Report.

4.2 Resources and Risk

4.2.1 There are no specific resource or risk implications arising from this Report.

4.3 Legal

4.3.1 The legal implications are set out in the body of this Report.

4.4 Equality

There are no negative impacts arising from this procedural change

4.5 Other Implications

4.5.1 None.

5. Background Papers

5.1 *Letter from Brandon Lewis MP, DCLG to the Leaders of Principal Councils in England dated 4th February 2014.*

5.2 *Letter from DCLG to the Chief Executives of Principal Councils in England dated 4th February 2014.*

Francis Fernandes
Borough Secretary and Monitoring Officer