

WIRRAL COUNCIL

CABINET

9 December 2014

SUBJECT:	Budget Council Procedure
WARD/S AFFECTED:	All
REPORT OF:	Head of Legal & Member Services
RESPONSIBLE PORTFOLIO HOLDER:	Leader of the Council
KEY DECISION?	No

1.0 EXECUTIVE SUMMARY

1.1 This report proposes an Agenda and the procedure for the Budget meeting of the Council to be held on 24 February 2015.

2.0 BACKGROUND AND KEY ISSUES

2.1 Standing Order 13 provides that the Head of Legal & Member Services:

“shall, prior to the Budget meeting of the Council, consult with the Leaders of each political group and submit to the Cabinet and Council a suggested procedure to be adopted at the budget meeting, but if no such procedure is adopted the normal procedures of the Council in relation to amendments to Cabinet recommendations will apply”.

2.2 The Budget meeting of the Council is scheduled to take place on 24 February 2015.

3.0 Proposed procedure

3.1 The procedure for the Budget meeting of Council is set at Appendix 1 to this report and has been prepared following consultation with all the three Political Group Leaders.

4.0 RELEVANT RISKS

4.1 The Council is under a legal obligation to set a lawful budget. The proposed Budget Council Procedure seeks to facilitate and assist the Council in this regard.

5.0 OTHER OPTIONS CONSIDERED

5.1 No other options were considered given that all three Political Group Leaders were consulted in relation to the proposed Council Budget Procedure.

6.0 CONSULTATION

6.1 All three Political Group Leaders were consulted in relation to the proposed Budget Council Procedure.

7.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

7.1 None.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 None.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no such implications arising directly from this report.

10.0 LEGAL IMPLICATIONS

10.1 The legal implications are set out in the main body of the report.

11.0 EQUALITIES IMPLICATIONS

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No such implications arise.

12.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

12.1 None

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 None

14.0 RECOMMENDATION/S

14.1 That Cabinet:

- approves the Agenda and Budget Council Procedure set out at Appendix 1 to this report.
- recommends to Council at its meeting on 15 December 2014 the adoption of the Agenda and Budget Council Procedure set out at Appendix 1 to this report in respect of the Council Budget Council meeting scheduled for 24 February 2015.
- recommends to Council that the Head of Legal and Member Services be authorised to make changes to the Agenda and/or Budget Council Procedure set out at Appendix 1 providing the consent of all the three Political Group Leaders has been obtained.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 To give effect to Standing Order 13 of the Council Procedure Rules set out in the Council's Constitution.

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APPENDICES

Appendix 1 - Budget Council Procedure

BACKGROUND PAPERS/REFERENCE MATERIAL

None

BUDGET COUNCIL PROCEDURE

COUNCIL
24 February 2015

- 1. Apologises for absence**
- 2. Declarations of Interest / Restrictions on voting**
- 3. Mayor's Announcements**
- 4. Approval of Minutes**
- 5. Petitions (pursuant to Standing Order 5(2)(d) Council Procedure Rules)**
However, if a petition relates to the setting of the Budget, the member who presents it should be given the opportunity during the main debate to speak to it, in order that the Council can take account of it in that context.
- 6. Suspension of Standing Orders of the Council's Constitution**
 - (i) Standing Order 12(1) relates to 'Motions and Amendments' and provides that:

"A motion or amendment shall relate to a recommendation of a committee submitted in accordance with Standing Order 5.2(i), or to a matter referred to in Standing Orders 7 and 8. It shall not be discussed unless it has been proposed and seconded.

The terms of any amendment or notice of motion shall not be varied except with the agreement of the Council."
 - (ii) Standing Order 12(9) relates to 'Amendments' and provides that:

"Subject to Standing Order 7(5) an amendment to a motion or recommendation of the Cabinet or of a Committee shall be relevant to the motion or recommendation under consideration and shall be either
 - (a) to refer or refer back a subject of debate for consideration or reconsideration as the case may be;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words.

as long as the effect of any amendment is not to negate the motion or recommendation.”

- (iii) Standing Order 12(10) relates to ‘Amendments to be dealt with in order’ and provides that:

“Only one amendment may be moved and discussed at a time”.

For the purposes of the Budget Debate, Council is requested to suspend:

- (a) Standing Orders 12(1) insofar as it relates to amendments;
- (b) Standing Order 12(9); and
- (c) Standing Order 12(10).

7. Council Budget

The Budget Debate will only consider:

- (i) the Cabinet’s Budget Recommendations/Minutes, which shall include any additional paragraphs/ recommendations (e.g. those relating to precepts), together with any other recommendation(s)/minute(s) from the Cabinet meeting to be held on 10 February 2015 (and/or any other relevant Cabinet meeting) that require approval by the Council; and
- (ii) any Alternative Budget Proposal(s) or Amendment(s) to the Cabinet’s Budget Recommendations/Minutes referred to at (i) above duly lodged with the Head of Legal & Member Services on or before **12.00 noon on Friday, 20 February 2015**.
- (iii) Budget Debate shall be conducted in accordance with the Budget Debate Process set out at Annex 1 to this Appendix.

8. Appointments

Council shall consider any recommendations referred for appointment, approval and/or designation (as appropriate).

9. Vacancies

Council shall consider any appointments to be approved or any changes proposed to existing appointments.

10. Any Urgent Business

Council to consider any urgent business approved by the Mayor

Budget Debate Process

1. Cabinet Minute

- a. The Cabinet's Budget Recommendations/Minute(s) referred to at 7(i) of the Budget Council Procedure is formally moved by the Leader of the Council.
- b. The Cabinet's Budget Recommendations/Minute(s) is formally seconded.

2. Alternative Budget Proposal(s)/Amendments

- a. The Mayor will advise Council that Alternative Budget Proposal(s) or Amendments (submitted in accordance with 7(ii) of the Budget Council, Procedure) are to be proposed by both the other two Political Group Leaders and the Green Party Member (if applicable).

First Alternative Budget Proposal(s) or Amendment

- b. The Mayor will invite the Group Leader of the largest opposition political group to first propose his Alternative Budget Proposal(s) or Amendment.
- c. The Group Leader of the largest opposition political group formally moves his Alternative Budget Proposal(s) or Amendment.
- d. The Alternative Budget Proposal(s) or Amendment is formally seconded.

Second Alternative Budget Proposal(s)/Amendment

- e. The Mayor will invite the Group Leader of the other opposition political group to propose his Alternative Budget Proposal(s) or Amendment.
- f. The Group Leader of the other opposition political group formally moves his Alternative Budget Proposal(s) or Amendment.
- g. The Alternative Budget Proposal(s) or Amendment is formally seconded.

Third Alternative Budget Proposal(s) or Amendment
(If applicable)

- h. The Mayor will invite the Green Party Member to propose his Alternative Budget Proposal(s) or Amendment.
- i. The Green Party Member formally moves his Alternative Budget Proposal(s) or Amendment.
- j. The Alternative Budget Proposal(s) or Amendment is formally seconded.

In the event that there is no seconder, the Third Alternative Budget Proposal(s) or Amendment(s) shall not be debated or voted upon.

3. Debating and Voting

The moved and seconded Cabinet's Minute and Alternative Budget Proposal(s)/Amendments shall be debated together (in accordance with the Rules of Debate set out below) and a vote then taken on each of them in turn.

Order of Speakers

- a. The Leader of the Council will speak to the Cabinet Budget Recommendations/Minute(s) (15 Minutes).
- b. The Portfolio Holder for Children's Services will speak to the Schools' Budget element of the Cabinet Budget Recommendations/Minute(s). (7 Minutes).
- c. The Group Leader of the largest opposition political group will speak to the First Alternative Budget Proposal(s)/Amendment (15 Minutes).
- d. The Group Leader of the other opposition political group will speak to the Second Alternative Budget Proposal(s)/Amendment (15 Minutes).
- e. If applicable, the Green Party Member will speak to the Third Alternative Budget Proposal(s)/Amendment (15 Minutes).
- f. Other members wishing to speak shall indicate to the Mayor, who will call them to speak in the order determined by the Mayor (Each Member - 3 Minutes).

- g. The budget debate shall end with the Seconders, **unless** they have spoken earlier. (Each Seconder - 7 Minutes)

Right of Reply

- h. If applicable, the Proposer of the Third Alternative Budget Proposal(s)/Amendment will be invited to exercise his right of reply. (5 Minutes).
- i. The Proposer of the Second Alternative Budget Proposal(s)/Amendment will be invited to exercise his right of reply. (5 Minutes).
- j. The Proposer of the First Alternative Budget Proposal(s)/Amendment will be invited to exercise his right of reply. (5 Minutes).
- k. The Leader of the Council will be invited to exercise his right of reply. (5 Minutes).

Speakers

Speakers will be allocated the following time:

The Leader of the Council speaking to the Cabinet's Budget Recommendation(s)/Minute(s)	15 minutes
The Portfolio Holder for Children's Services (speaking on the Schools' Budget element)	7 minutes
The Group Leaders of the opposition political groups and Green party Member (if applicable) speaking to their respective Alternative Budget Proposal(s)/ Amendment	15 minutes
Other speakers	3 minutes
Seconder of an Alternative Budget Proposal(s)/Amendment (as applicable)	7 minutes
The Seconder of the Cabinet Budget Recommendation(s)/Minutes(s)	7 minutes
The Group Leaders of the opposition political groups and Green Party Member (if applicable) – right of reply	5 minutes
The Leader of the Council – right of reply	5 minutes

(For the avoidance of any doubt the times mentioned in the table above shall not affect the Mayor's discretion to permit a speaker to speak beyond the allotted time).

4. Voting

The order of voting shall be as follows (and subject to 4(d)(ii) below):

a. If applicable, Third Alternative Budget Proposal(s)/ Amendment

A vote will be taken on the Third Alternative Budget Proposal(s)/Amendment.

b. Second Alternative Budget Proposal(s)/Amendment

A vote will be taken on the Second Alternative Budget Proposal(s)/Amendment.

c. First Alternative Budget Proposal(s)/Amendment

A vote will be taken on the First Alternative Budget Proposal(s)/Amendment.

d. Substantive Cabinet Recommendation(s)/Minute(s)

- (i) If all the Alternative Budget Proposal(s)/Amendments to the Cabinet's Budget Recommendation(s)/Minute(s) fall, a vote will be taken on the Cabinet's Budget Recommendation(s)/Minute(s).
- (ii) If the Cabinet's Budget Recommendation(s)/Minute(s) are amended or an Alternative Budget Proposal(s) carried pursuant to 4a–c above, that decision will be regarded as an in-principle decision, which will automatically come into effect five working days after the date of the decision, *unless* the Leader of the Council informs the Head of Legal & Member Services in writing within that time that he objects to the decision becoming effective and provides a written submission setting out his reasons why.

Council shall adjourn the matter to 6.15pm, 3 March 2015 when the Council will reconsider its decision having regard to Leader of the Council's written submission.

At that the adjourned meeting the Council can:

- (i) accept the Cabinet Budget Recommendation(s)/Minute(s) (without amendment); or
- (ii) approve a different decision that does not accord with the Cabinet Budget Recommendation(s)/Minute(s).

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 requires a recorded vote (i.e. names of all cllrs voting and how they voted) to be taken in respect of all votes.