

WIRRAL COUNCIL

Cabinet

24 January 2013

SUBJECT:	Budget Council Procedure
WARD/S AFFECTED:	All
REPORT OF:	Acting Director of Law, HR and Asset Management
RESPONSIBLE PORTFOLIO HOLDER:	Leader of the Council
KEY DECISION?	No

1.0 EXECUTIVE SUMMARY

1.1 This report proposes a procedure for the Budget meeting of the Council.

2.0 BACKGROUND AND KEY ISSUES

2.1 Standing Order 13 provides that the Director of Law, H.R. and Asset Management “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 5 March 2012.

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 Cabinet approves the Budget Council Procedure set out at Appendix 1 to this report.

14.2 Cabinet recommends to Council the adoption of the Budget Council Procedure set out at Appendix 1 to this report.

14.0 REASON/S FOR RECOMMENDATION/S

14.1 To give effect to paragraph 13 of the Council Procedure Rules – Standing Orders set out in the Council’s Constitution.

REPORT AUTHOR: Surjit Tour
Acting Director of Law, HR and Asset Management
telephone (0151) 691 8498
email surjittour@wirral.gov.uk

APPENDICES

Appendix 1 - Budget Council Procedure

BACKGROUND PAPERS/REFERENCE MATERIAL

None

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

BUDGET COUNCIL PROCEDURE

COUNCIL
5 March 2013

1. Mayor's communications

2. Declarations of Interest / Restrictions on voting

3. Petitions

Note: 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 about it, in order that the Council can take account of it in that context.

4. Matters requiring approval by the Council

BUDGET

The Leader will formally move the Cabinet's Budget recommendations, with any additional paragraphs (e.g. those relating to precepts), together with any other minutes from the Cabinet meeting on 18 February 2013 that require approval by the Council.

Minutes formally seconded.

Budget debate

Any alternative Budget proposals/amendments to those of the Cabinet should have been lodged with the Acting Director of Law, HR and Asset Management by **12.00noon on Thursday 28 February 2013**.

Process

1. Cabinet Budget Proposal

- a. The Cabinet's Budget proposal is formally moved by the Leader of the Council.
 - b. The Cabinet Budget proposal is formally seconded.
- This is now the Motion on the floor.

2. Amendments

- a. The Mayor will advise Council that amendments are to be proposed in relation to the Cabinet Budget proposal by both the other two Political Group Leaders.

First Amendment

- b. The Mayor will invite the Group Leader of the largest opposition political group to first move his amendment.
 - c. The Group Leader of the largest opposition political group will move his amendment.
 - d. The amendment will be formally seconded.
- This is now the amendment on the floor and the Motion becomes the 'Substantive Motion'.
 - No other amendment will be moved.

Debating and Voting

- e. The amendment will be debated (in accordance with the Rules of Debate set out below) and a vote then taken in relation to the proposed amendment.
- f. The debate on amendments shall end seconders, **unless** they have spoken earlier.
- g. In the event that the amendment is carried, the Substantive Motion will become the new Motion and replaces the original Motion moved by the Leader of the Council.
- h. If the amendment is lost, the original Motion stands.

Second Amendment

- i. The Mayor will invite the Group Leader of the other opposition political group to move his amendment to the Motion on the floor (this of course could be the new Motion referred to above).
 - j. The Group Leader of the other opposition political group will move his amendment.
 - k. The amendment will be formally seconded.
- This is now the amendment on the floor and the Motion again becomes the 'Substantive Motion'.
 - No other amendment will be moved.

Debating and Voting

The procedure/steps set out at paragraphs e, f and g above shall be followed.

NOTE: It shall be taken as read that relevant representations and points made in relation to the first amendment shall stand in relation to the second amendment. The Mayor will ask for representations not already heard by Council.

3. Speakers

Mayor will decide the order of other speakers.

Mayor will call speakers:

The Leader of the Council speaking to the Cabinet Budget proposal	15 minutes
The Leader of the Council – right of reply	5 minutes
The Group Leaders of the opposition political groups speaking to their respective amendments	15 minutes
The Group Leaders of the opposition political groups – right of reply	5 minutes
The Portfolio Holder for Children's Services (by virtue of speaking on the Schools' Budget element)	5 minutes
The Seconder of the Cabinet Budget proposal	7 minutes
Seconder of the Opposition amendments	5 minutes

Decision

If all amendments to the Budget fall, minute xxx of the Cabinet will be **taken as approved, without the need for any further vote**, in accordance with Standing Order 7(1).

If the proposed budget is amended, wholly or partly, that will be regarded as an in-principle decision, which will automatically come into effect five working days from the date of that decision, **unless** the Leader of the Council informs the Acting Director of Law, H.R. and Asset Management in writing within that time that he objects to the decision becoming effective and provides reasons why.

In such circumstances, the Budget and Policy Framework provides for the Director to call another meeting of the Council within a further five days. The Council will then be required to reconsider its decision, and the Leader's written submission, within a further five working days. The actual position is that a reserve date (**Monday 11 March 2013**) has been set aside for considering any objection by the Leader. At that second meeting the Council can:

- (i) accept the Cabinet's recommendation, without amendment or objection; or
- (ii) approve a different decision that does not accord with the recommendation of the Cabinet, by a simple majority of votes cast at the meeting.

Other objections

The Council will then debate, in the normal manner, any objections to other minutes that are subject to Council approval.

5. Vacancies

6. Any other business