# REPORT TO COUNCIL

**REPORT OF:** **Head of Legal and Democratic Services**

**REPORT NO:** LDS120

**DATE:** 3rd March 2014

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| **TITLE:** | **Change to Standing Orders for Voting on Budget Decisions** | |
| **KEY DECISION OR POLICY FRAMEWORK PROPOSAL:** | Decision of Council | |
| **PORTFOLIO HOLDER: NAME AND DESIGNATION:** | Councillor Paul Carpenter – Portfolio Holder for Governance and Communications | |
| **CONTACT OFFICER:** | Head of Legal and Democratic Services - Lucy Youles e-mail: l.youles@southkesteven.gov.uk; Tel: 01476 406105 | |
| **INITIAL IMPACT ANALYSIS:**<br><br>**Equality and Diversity** | Carried out and Referred to in paragraph (7) below<br>N/A | Full impact analysis Required:<br>N/A |
| **FREEDOM OF INFORMATION ACT:** | This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk | |
| **BACKGROUND PAPERS** | Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014<br>http://www.legislation.gov.uk/uksi/2014/165/made<br>Local Authorities (Standing Orders) (England) Regulations 2001<br>http://www.legislation.gov.uk/uksi/2001/3384/regulation/5/made<br>Local Government Finance Act 1992<br>http://www.legislation.gov.uk/ukpga/1992/14/contents | |

## 1. RECOMMENDATIONS

1.1 That the Council adopts the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 relating to recorded votes for budget decisions and approves the amendment to the Constitution to incorporate the amendment in the Council Procedures and the Budget and Policy Framework Rules as follows:
Council Procedures at page 135 of the Constitution – paragraph 16.4 and;
Budget and Policy Framework Procedure Rules at page 164 – paragraph 3 add the words:

A recorded vote shall be taken in respect of any vote for a decision or against a decision or any abstention from voting on any decision relating to the making of calculations in accordance with the Local Government Finance Act 1992 at any budget decision meeting of the Council.

## 2. PURPOSE OF THE REPORT

2.1 The purpose of the report is to inform Members of the recent introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (2014 Regulations) which require a local authority to amend its standing orders to ensure a recorded vote is taken when the Council is voting on any decision related to the making of a calculation of the council tax requirement at its budget setting meeting.

## 3. DETAILS OF REPORT

3.1 On the 31st January 2014 the 2014 Regulations were laid before Parliament and come into force on the 25th February 2014. The effect of the regulations is to amend the existing 2001 Regulations. The 2001 Regulations make provisions for standing orders which regulate proceedings and business carried out by local authorities.

3.2 The amendment to the 2001 Regulations requires that any vote which is taken at a budget decision meeting relating to calculations made in accordance with the Local Government Act Finance 1992 (council tax setting and issuing of precepts) must be a recorded vote. The 2014 Regulations state that a budget decision meeting is one at which the authority makes a calculation in accordance with relevant sections of the Local Government Finance Act. References to a recorded vote in the 2014 Regulations relate to votes on any decision related to the making of the calculation or the issuing of a precept as the case may be.

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## 4. OTHER OPTIONS CONSIDERED

The Regulations come into force on the 25th February 2014 and require local authorities to amend standing orders accordingly. The Council has no other option but to comply with the 2014 Regulations and require a recorded vote on the relevant sections of the decisions to be made at item 7 of the Council meeting to be held on the 3rd March 2014 and every budget setting meeting thereafter.

## 5. RESOURCE IMPLICATIONS

This report has no resource implications.

## 6. RISK AND MITIGATION

No significant risks were identified in preparation of this report. The Council must comply with the 2014 Regulations. The required amendments to the Constitution will ensure that the risk of non-compliance is reduced.

## 7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

An equality analysis is not applicable.

## 8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report.

## 9. COMMENTS OF FINANCIAL SERVICES

The decisions to be taken on the Determination of the Budget report have been grouped to show which decisions to be taken require a recorded vote.

## 10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 Legal comments are included in the report.

## 11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 Not applicable.