

COUNCIL
12 JANUARY 2017**CONSTITUTIONAL MATTERS – REPORT OF THE CROSS-PARTY COUNCIL WORKING GROUP**

Recommendation

- 1. The Head of Legal and Democratic Services recommends that Council considers the procedural alteration proposed by the cross-party Council Working Group set out in this report.**

Background

2. Earlier this year, Council resolved to form a cross-party working group to consider how better use might be made of the opportunities that full Council meetings represent, and how every Councillor can make a strong personal contribution for the benefit of residents and the county.

3. The Council Working Group (the CWG) has been considering a number of issues which may improve Council meetings and the role of members. Engaging with all members is an important part of that process, and there has been a recent questionnaire seeking their views. The CWG will be meeting again in the New Year to consider the questionnaire responses, which will help inform its deliberation over any proposals to make to Council.

Rationale for change

4. In the meantime, however, one specific issue has been considered by the CWG which is urgent. The CWG has been considering whether the budget-setting process could be improved. Setting the budget and precept is a vital task for full Council to perform. At present, *alternative* budgets must be filed ahead of the Council meeting, but budget *amendments* may be moved during the debate itself.

5. There was a view that this meant that budget amendments proposed on the day could not be given full consideration and their merits not properly identified, and so there were advantages in ensuring that all proposed amendments to the budget were also filed ahead of the meeting to promote good decision-making. This could also improve the transparency of the Council's deliberations as all budget proposals would be published in good time ahead of the Council budget debate and decisions.

Proposal

6. A majority of the CWG supported this proposed change. The CWF considered that the deadline for both alternative budgets and budget amendments should be the same, and that it was sensible for this to coincide with that for filing Notices of Motion (ie 5

working days before the meeting). The CWG underlined the point that all political groups therefore would need timely access to advice from the Chief Financial Officer or his senior colleagues to assist them ahead of the proposed deadline. It was also felt appropriate for the Chairman to be given discretion to allow a "late" budget amendment in urgent or exceptional circumstances to ensure procedural rules did not unduly obstruct the business of Council.

7. The Council Working Group therefore proposed the following amendments with immediate effect so that paragraph 2.5 of the Budget and Policy Framework rules would read as follows:

'To ensure that the obligations contained in Section 25 of the Local Government Act 2003 are fulfilled and to allow prior consideration by all Groups, alternative budget, Council Tax proposals, or proposed amendments to the budget recommended on behalf of the executive must be lodged with the Chief Executive by noon 5 working days prior to the meeting scheduled to determine the budget and Council Tax precept (i.e. by the Thursday preceding the Council meeting on Thursday). The Chief Executive will ensure that all such proposals for alternative budget, Council tax precept or amendments to the recommended budget are passed to the Chief Financial Officer and all Group Leaders as soon as practicable after receipt. This provision is without prejudice to the rights of the executive to accept, partially adopt any such proposals or alter its recommendations in the light of them at the budget Council meeting itself, provided the Chief Financial Officer is able to comply with his statutory obligations. The Chairman of Council may also permit an amendment to be moved which has not met the above requirements if he or she considers there are urgent or exceptional circumstances which justify this.'

8. This proposal only affects proposed amendments to the budget or alternative budgets. It would have no application to other motions or rules of debate.

9. The CWG would intend making a further report to Council once it has considered the responses to the Member questionnaire.

Privacy, Public Health, Equality and Diversity implications

10. None.

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for Council 14 January 2016.