

REPORT OF THE CITY AND COUNTY SOLICITOR AGENDA ITEM:2

COUNCIL PROCEDURE RULES – BUDGET COUNCIL

Reason for this Report

1. To provide Members with the opportunity to consider a proposed amendment to the Council Meeting Procedure Rules by the inclusion of Procedure Rules for the Budget Council.

Background

2. Over a series of meetings, this Committee has considered potential amendments, and agreed revisions, to the Council Meeting Procedure Rules. Over the past year, Members have raised further issues about, and suggested potential amendments to, these Procedure Rules. In addition, officers identify, from time to time, aspects of the Procedure Rules which would benefit from clarification or simplification.

Issues

3. Over a number of years, the Budget debate at February's Council meeting has been conducted in accordance with a protocol and speaking order that has been agreed on a cross-Party basis by the Council's Business Committee. To enable Council to deal with this important matter in this way has required the Standing Order relating to the Rules of Debate to be suspended for the duration of the item.
4. If the Council Meeting Procedure Rules were amended to incorporate a procedure for the Budget debate then such a suspension would be unnecessary. Attached at Appendix A are draft Budget Meeting Procedure Rules which are largely based on the custom and practice that has emerged over recent years.
5. If Committee agree to the proposed Budget Procedure Rules set out in Appendix A then the Speaking Order and Conduct of Debate for the 2011 Budget would be as set out in Appendix B. The Committee may wish to give consideration to allowing any independent Member (as opposed to Members

of the Independent Group) an opportunity to speak in the general debate on the budget.

Legal Implications

5. The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date, and Article 14 of the Constitution provides for review and revision of the Constitution.

Financial Implications

6. There are no financial implications arising from this report.

Recommendation

- (1) To give consideration to the proposed amendment to the Council Procedure Rules by the inclusion of Procedure Rules for Budget Council;
- (2) To give consideration to allowing any independent Member (as opposed to Members of the Independent Group) an opportunity to speak in the general debate on the budget.

Kate Berry

City and County Solicitor

Dated: 7 January 2011

BUDGET MEETING PROCEDURE RULES

APPENDIX A

No. Rule

1. BUDGET MEETINGS

Budget meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Budget meetings will meet in accordance with the following Council Meeting Procedure Rules.

2. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Council or in the case of meetings called under Rule 4.1(a)(ii) by the Lord Mayor and in the case of meetings called under Rule 4.1(a)(iii) by the Proper Officer and notified in the summons.

The Proper Officer may in case of urgency or at the request of the Lord Mayor vary the date, time and place of meetings, subject to proper notice of the change being given.

3. NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by post to every Councillor or leave it at their usual place of residence or at some other place specified by notice in writing given by the Councillor to the proper officer. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

4. EXECUTIVE BUDGET REPORT

1. To enable the Executive

(i) To submit to Council their proposal of the estimates of expenditure and income in order to set the Council Tax in accordance with the Local Government Finance Act 1992.

(ii) To recommend to Council on the strategy and plan for the control of the Authority's borrowing and capital expenditure for the forthcoming year (the Annual Treasury Management Strategy).

(iii) To recommend to Council the adoption of CIPFA's Treasury Management Code of Practice 2009 by formal acceptance of the Four Clauses of Treasury Management and Treasury Management Policy Statement as Council policy.

(iv) To recommend to Council the Prudential Code Indicators

and the Council's Minimum Revenue Provision Policy

(v) To set the rent levels for Housing Revenue Account properties, service charges and management fees for leaseholders.

(vi) To agree the rates of fees and charges for Council services

(vii) To agree the key themes and conclusions from the Council's Corporate Asset Management Plan.

5. SPEAKING ORDER AND CONDUCT OF DEBATE

A maximum of 35 speakers will be allocated proportionally between Party Groups. The allocation of speakers will be notified to Whips in advance of the Budget meeting. The speaking order will be as follows:

- (i) Executive Proposals (including any alternative proposals as per standing order 13 (h) of the Council Procedure Rules)

Executive Member with responsibility for Finance 10 mins

Leader of the Council 4 mins

Each Other Executive Member 4 mins

- (ii) Party Group Finance Spokespersons/Movers of alternative proposals (as per standing order 13(j) of the Council Procedure Rules)

The Finance Spokesperson of each opposition Political Party/Group and the seconder of any alternative proposal will then be invited to speak in rotation by reference to each of the political groups in size order (largest Group first).

(If more than one amendment is to be moved by one Political Party/Group then all such amendments will be moved by the relevant Finance Spokesperson at the same time)

Opposition Group spokesperson: 5 minutes

Secunder of any alternative proposal 2 minutes

- (iii) General Debate on Executive Proposal and all alternative proposals – including any further alternative proposals moved and seconded. As indicated above the allocation of speakers will be proportionately based per Group and notified to Whips prior to the meeting.

Each speaker to have a maximum of 2 minutes each.

No Councillor, with the exception of the Councillor with the right of reply at the end of the debate, to speak twice during this item.

The debate will be run in accordance to the rules agreed for the consideration of Notices of Motion, and each amendment will be voted on individually.

- (iv) Reserving Right to Speak
Any Member, apart from proposers of the Budget or alternative proposals, may reserve the right to speak later in the debate but any such Member will only be entitled to speak for two minutes during the general debate.
- (v) Right of Reply
The Executive Member with responsibility for Finance (or the proposer of an approved alternative proposal) will have the right of reply :
5 minutes

BUDGET MEETING PROCEDURE RULES

APPENDIX B

POTENTIAL SPEAKING ORDER AND CONDUCT OF BUDGET DEBATE 2011

A maximum of 35 speakers will be allocated proportionally between Party Groups. The speaking order will be as follows:

- (i) Executive Proposals (including any alternative proposals as per standing order 13 (h) of the Council Procedure Rules)

Executive Member with responsibility for Finance	10 mins
Leader of the Council	4 mins
Executive Member, Communities, Housing & Social Justice	4 mins
Executive Member, Education & Lifelong Learning	4 mins
Executive Member, Environment	4 mins
Executive Member, Health, Social Care & Wellbeing	4 mins
Executive Member, Sport, Leisure & Culture	4 mins
Executive Member, Economic Development	4 mins
Executive Member, Traffic & Transportation	4 mins

- (ii) Party Group Finance Spokespersons/Movers of alternative proposals (as per standing order 13(j) of the Council Procedure Rules)

(If more than one amendment is to be moved by one Political Party/Group then all such amendments will be moved by the relevant Finance Spokesperson at the same time)

Conservative Group spokesperson:	5 minutes
Secunder	2 minutes

Labour Group spokesperson:	5 minutes
Secunder	2 minutes

Independent Group spokesperson:	5 minutes
Secunder	2 minutes

- (iii) General Debate on Executive Proposal and all alternative proposals – including any further alternative proposals moved and seconded.

Each speaker to have a maximum of 2 minutes each as set out below:

Liberal Democrats: up to 16 Speakers (any Executive Members who have not already spoken and 9 other Members)

Conservative: up to 8 Speakers (Finance spokesperson and Group Leader, - if not already spoken - and 6 other Members)

Labour: up to 6 Speakers (Finance spokesperson and Group Leader - if not already spoken - and 4 other Members)

Plaid Cymru: up to 3 Speakers (any Executive Members who have not already spoken and 1 other speaker)

Independent: (Finance spokesperson and Group Leader - if not already spoken)

No Councillor, with the exception of the Councillor with the right of reply at the end of the debate, to speak twice during this item.

The debate will be run in accordance to the rules agreed for the consideration of Notices of Motion, and each amendment will be voted on individually.

- (iv) Reserving Right to Speak
Any Member, apart from proposers of the Budget or alternative proposals, may reserve the right to speak later in the debate but any such Member will only be entitled to speak for two minutes during the general debate.
- (v) Right of Reply
The Executive Member with responsibility for Finance (or the proposer of an approved alternative proposal) will have the right of reply : 5 minutes.