

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL MEETING

26th FEBRUARY 2014

**REGULATIONS REGARDING RECORDED VOTES AT BUDGET
COUNCIL MEETINGS – AMENDMENT TO THE CONSTITUTION**

REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

EXECUTIVE SUMMARY

New Regulations from the Secretary of State for Communities and Local Government, [The Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2014](#), came into force on 25th February 2014.

These regulations require that the Council change its Standing Orders (Council Procedure Rules) such that it must record in the minutes how each Councillor voted (including any abstentions) when determining the Council's Budget and the level of Council Tax to be levied.

The Regulations were published at short notice preventing full consultation with Members before this Budget Council Meeting. However, Article 15 (15.01 Paragraph c) provides that the Monitoring Officer may revise the Constitution to reflect changes in legislation or to correct matters of fact.

This noting report has therefore been prepared to make Council aware of the procedural changes that will affect the meeting.

RECOMMENDATIONS

That the Council note the report and the new Council Procedure Rule 17.5 as set out overleaf that has immediate effect.

1. DETAILS OF THE REPORT

- 1.1 At the start of February 2014, the Minister of State laid regulations before Parliament which now require local authorities to hold recorded votes in respect of the setting of Council Tax and the Council's budget for the forthcoming financial year.
- 1.2 Regulation 2 provides that the votes at key budget decision meetings by local authorities are recorded.
- 1.3 The regulations state that:

Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

- 1.4 They then further state that:

references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

- 1.5 The Regulations have the effect of requiring a vote on the Substantive Motion to be agreed at the meeting but not on any amendments or other voting that may occur during the Budget debate. The Monitoring Officer will be available at the meeting to provide guidance on particular votes should it be required.
- 1.6 In accordance with his delegated powers under Article 15 of the Constitution, the Monitoring Officer has amended the Council's Constitution to reflect the new regulations. Accordingly an additional paragraph is included in the Council Procedure Rules after the existing Paragraph 17.4 (Recorded Vote), with later paragraphs to be renumbered as required:

17.5 Recorded Votes at Budget Council Meetings

A recorded vote shall take place when setting the authority's budget and determining the level of Council Tax to be levied for each financial year. Such a vote shall be undertaken in accordance with Procedure Rule 17.4.

2. COMMENTS OF THE CHIEF FINANCE OFFICER

- 2.1 There are no financial implications arising directly from this report.

3. LEGAL COMMENTS

- 3.1 The Council is statutorily required to adopt the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Failure to adopt the provisions of the new regulations would potentially leave the Council open to legal challenge.

4. OTHER IMPLICATIONS

4.1 No other implications.

Background Papers: Section 100D of the Local Government Act 1972

NONE