

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**COUNCIL**

**WEDNESDAY, 26 FEBRUARY 2014**

**RECORDED VOTES AT BUDGET MEETINGS AND  
MINOR CHANGES TO THE OFFICER DELEGATION RULES**

**REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**(Contact: Keith Butler, Tel: (01993) 861521)**

**I. PURPOSE**

To (i) advise Council of, and seek approval for, a required change to the procedural rules in Part 4 of the Constitution; and (ii) to consider a number of minor procedural amendments considered necessary for the purposes of clarity or to take account of the change in designation of Council Tax Benefit to the Local Council Tax Support Scheme.

**2. RECOMMENDATIONS**

(a) That paragraph nos. 15(c) and 15(d) of the Council Procedure Rules in Part 4 of the Constitution be renumbered 15(d) and 15(e) respectively;

(b) That a new paragraph 15(c) be inserted, as follows:

***“Recording of Voting at Budget Decision Meeting***

*At a budget decision meeting of the authority where making a calculation under the relevant sections of the Local Government Finance Act 1992 or issuing the precept as the case may be was included as an item of business on the agenda for that meeting, the minutes of the meeting shall record in respect of each member present whether they voted for a proposition, or against a proposition, or abstained from voting.*

*The references above to voting 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”;*

(c) That, for the sake of clarity, the Officer Delegation Rules in Part 4 of the Council’s Constitution be amended as specified in paragraphs 3.4 and 3.5 below; and

(d) That all references within the Council’s Constitution to ‘Council Tax Benefit(s)’ be amended to refer to the Local Council Tax Support Scheme.

**3. BACKGROUND**

3.1. Attached at [Appendix A](#) is the text of a letter dated 4 February from the Department for Communities and Local Government (DCLG) to Chief Executives of Principal Councils in England; and [Appendix B](#) is the text of a letter of the same date from the Parliamentary Under-Secretary of State, Brandon Lewis MP, to Council Leaders.

3.2. These letters are self-explanatory, and explain the introduction of a requirement for Principal Councils in England to amend their procedural Standing Orders to incorporate provisions requiring the recording in the minutes of how each member present voted on a budget and Council Tax setting proposition, as well as the names of any member who abstained from voting. The relevant Regulations are due to come into force on 25 February, and the recommended wording included [above](#) reflects the precise requirements.

3.3. In addition, whilst considering amendments to the Council’s Rules of Procedure, Members are requested to approve a number of minor procedural amendments as set out below.

- 3.4. For the sake of clarity, it is recommended that the Officer Delegation Rules in Part 4 of the Constitution be amended by the deletion of the words struck through and the addition of the words in italics as follows:-
- A6. ~~Council Tax Benefits~~ *Local Council Tax Support Scheme*: To be the proper officer to administer the ~~Council Tax Benefit~~ *Local Council Tax Support Scheme* on behalf of the Authority – *including the Investigation of Fraud and the administration of sanctions against proven fraudulent activity.*
- A7. *Housing Benefits*: The operation of the Housing Benefit Schemes - *including the Investigation of Fraud and the administration of sanctions against proven fraudulent activity* – and the determination of initial appeals under the Housing Benefits (General) Regulations 1987.
- 3.5. Further, consequent to the change in designation, it is recommended that all other references within the Council's Constitution to 'Council Tax Benefit(s)' be amended to refer to the Local Council Tax Support Scheme.

#### **4. ALTERNATIVES/OPTIONS**

- 4.1. The Council could choose to vary the wording suggested in respect of voting at budget meetings, provided such wording remained compliant with the Regulations.
- 4.2. Council could choose not to make the amendments relating to the Local Council Tax Support Scheme and Benefits. However there would be a potential risk to such as approach.

#### **5. FINANCIAL IMPLICATIONS**

This report has no financial implications.

#### **6. REASONS**

- 6.1. The recommendation relating to the recording of voting on budget decisions is made to ensure that the Council is compliant with the relevant legislation.
- 6.2. The remaining recommendations accord with the Council's priority to be recognised as a leading Authority that provides efficient, value for money services, and are also presented to ensure clarity in the relevant procedures and authorisations.

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Date: 06 February 2014

Background Papers:

None.

Department of Communities and Local Government Letter to  
Chief Executives of Principal Councils in England, 4 February 2014

**Dear Chief Executive**

**Recorded Votes at Budget Meetings**

I am writing to draw your attention to both a letter that Brandon Lewis MP, the Minister for Local Government, has today sent to your Leader, and to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014. You will see from the Minister's letter that the Government's expectation is that all councils will adopt at their budget meetings this year the practice of recorded votes - that is recording in the minutes of the meeting how each member present voted - on any decision relating to the budget or council tax. I enclose a copy of the letter.

The Regulations are available at <http://www.legislation.gov.uk/id/uksi/2014/165>. These Regulations make it mandatory for councils, as soon as is practicable after the Regulations are in force, to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings.

As the Minister explains in his letter, even where councils hold their budget meetings before the Regulations come into force, or before councils are able to amend their Standing Orders as a consequence of these Regulations, this does not prevent them from applying the practice of recorded votes to the budget decisions at that meeting.

Any queries on this letter should be addressed to Stuart Young at [stuart.young@communities.gsi.gov.uk](mailto:stuart.young@communities.gsi.gov.uk) tel: 0303 44 42005.

Yours faithfully,

Paul Rowsell

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**Brandon Lewis MP**

*Parliamentary Under Secretary of State*

***Department for Communities and Local Government***

Eland House Bressenden Place London SW1E 5DU

04 February 2014

Dear Leader

In the coming weeks, your council will be holding its annual budget meeting at which it will be formally taking decisions about its expenditure on local services and council tax levels for the year ahead. These discussions will affect the lives and household budgets of all who live in the council's area. Local people should be able to see how those they have elected to represent them have voted on these critical decisions.

Accordingly I am writing to you today to say that the Government's expectation is that at this year's budget meetings, all councils will adopt the practice of recorded votes – that is recording in the minutes of the meeting how each member present voted – on any decision relating to the budget or council tax. People will thus be able to see how their councillors voted, not only on the substantive budget motions agreeing the budget, setting council taxes or issuing precepts, but also on any amendments proposed at the meeting.

We are very clear that any serious commitment to transparency and democratic accountability, which I am confident we all share, demands nothing less in today's circumstances. I know that the practice of recorded votes is already being followed in a range of circumstances across councils. If local people are to continue to have confidence in their councils and their elected representatives, then the practice of recorded votes needs to be followed everywhere on this year's budget decisions.

To facilitate this, we have last week made 'The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014'. These Regulations make it mandatory for councils as soon as is practicable after the Regulations are in force, to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings.

I recognise that some councils may be holding budget meetings before they have formally amended their Standing Orders, but nothing prevents the council from simply resolving to holding a recorded vote, in line with the Regulations.

**BRANDON LEWIS MP**