

WEST SURREY COUNCIL BUDGET PROCEDURE RULES

The proposed Budget Procedure Rules for setting the Council Tax, General Fund and Housing Revenue Account Revenue and Capital Budget for West Surrey Council are as set out below.

1.0 INTRODUCTION

Under section 30(6) of the Local Government Act 1992 the Council has a duty to set the Council tax before 11 March each year. A failure to set the tax by then does not in itself invalidate the tax demands but it has other adverse consequences including the potential loss of income to the Council. In practical terms this means the Council needs to reach a final position to meet the billing deadline requirements by 28 February.

The legal obligations for setting the budget mean in practical terms that:

- i) Councillors should not put forward proposals that would mean setting an unlawful budget and need to take officer advice in particular from finance officers to ensure that their proposals are in order.
- ii) Although the Council corporately sets the budget, the Council acts through Members collectively; each and every Member is therefore jointly and severally responsible for the setting of the budget; and
- iii) Wherever possible, Members are expected to facilitate rather than frustrate the setting of a lawful budget.

The Local Authorities (Standing Order) (England) (Amendment) Regulations 2014 impose an obligation on the Council to require the vote of Members on the budget to be recorded. The votes on the amendments and the substantive budget proposal (whether amended or not) shall be conducted by way of a roll call and the individual votes shall be recorded in the minutes.

2.0 BEFORE THE MEETING

- (i) Each recognised Political Group on West Surrey Council shall be allowed a maximum of 3 budget amendments.
- (ii) All proposed amendments must have been received by the Chief Financial Officer (or section 151 Officer) no later than noon 4 clear working days before the day of the Budget Council (i.e. if the Budget Council meeting is on a Wednesday, the deadline shall be by 12 noon on Wednesday of the preceding week, provided it is a normal week without bank nor public

holidays). The first 3 acceptable amendments from each Political Group received by the Chief Financial Officer will be allowed, unless withdrawn before the submission deadline, and any other refused with reasons.

- (iii) All amendments will have had to have been assessed and evaluated by finance officers and the relevant Director no later than 12 noon 3 clear working days before the day of the Budget Council meeting. (i.e. if the Budget Council meeting is on a Wednesday, the deadline shall be 12 noon on the Thursday of the preceding week, provided it is a normal week without bank nor public holidays).
- (iv) The Chief Executive, Chief Financial Officer and Monitoring Officer will have final clearance of a proposed amendment and will not normally allow an amendment where a proposal is not considered to be robust or viable for one of the following reasons:
 - a. The proposal is legally unsafe and/or carries an exceptionally high risk of non-delivery;
 - b. There is insufficient evidence or information to assess the potential net saving;
 - c. The proposal is adding to, or bringing forward, an existing saving without further information as to how this can be achieved;
 - d. The alternative proposal requires one-off investment, additional organisational capacity, and/or loan financing that cannot be supported;
 - e. The alternative proposal is beyond the powers and duties of the local authority.
- (v) The Chair will refuse to accept any amendment that has not been “allowed” by the Chief Executive, Chief Financial Officer and Monitoring Officer.
- (vi) All amendments will be treated in strictest confidence by finance officers and other such officers that the Chief Executive, Chief Financial Officer or Monitoring Officer need to consult in order to assess and evaluate an amendment. They will not be shared until the designated time detailed in (vii) below.
- (vii) All allowed amendments will be shared at 12 noon two clear working days before the day of the Budget Council meeting, by the Monitoring Officer (or their representative) with Group Leaders. (So if the Budget Council meeting is due to take place on a Wednesday, the distribution to Group Leaders of all accepted amendments will be at noon on Friday of the preceding week, provided it is a usual week with no bank nor public holidays).
- (viii) A Group Leader’s meeting will be arranged for the afternoon on the day on which the allowed amendments are shared. The meeting shall be attended by the Monitoring Officer and Democratic Services representative who may

advise on practice and procedure of the forthcoming Budget Council meeting; by the Chief Finance Officer so that the recently circulated amendments can be discussed; and by the Chief Executive who shall have a “brokering” role if this would appear to facilitate agreement on particular amendments or proposals.

- (ix) There will be a meeting of Group Leaders (attended by the Chief Executive, the Chief Finance Officer and other relevant officers) during the afternoon on the working day prior to the day of the Budget Council meeting with a view to exploring the potential for any agreement on proposed amendments (i.e. the potential for amendments to be re-packaged as ‘composite’ amendments).
- (x) Any variations to the amendments or any new amendments arising from the Group meetings shall be limited to grouping and repackaging of amendments or other changes providing that they do not, in the opinion of the Chief Finance Officer, involve significant costing or evaluation that cannot reasonably be done within the available timescale.

3.0 DURING THE MEETING

- (i) The Leader shall move that Council agrees that Council Procedure Rules be suspended to the extent that it is necessary to enable to business of the meeting to be dealt with.
- (ii) The Chair shall invite the Leader and the Deputy Leader (or their representatives) to move, and second the Administration’s budget. The proposer shall have unlimited time and the seconder shall have 5 minutes within which to move and second the budget proposals and any accepted amendments proposed by the administration.
- iii) The Chair shall then invite the Group Leader and Deputy Group Leader (or their representatives) from the next largest Political Group on the Council to move and second their Group’s amendments to the budget proposals. The proposer shall have unlimited time and the seconder shall have 5 minutes within which to move and second the amendments.
- iv) The process at iii) above is repeated in respect of each Political Group on the Council, in decreasing order of size of group, until all accepted amendments have been moved and seconded, unless they are withdraw, or not moved, in which case they simply fall.
- v) The Chair shall then invite Councillors to debate the budget proposals. Speakers are limited to 3 minutes each unless otherwise specified or extensions granted by the Chair. Each councillor may speak only once in the debate and not if they have already spoken whilst moving or seconding a motion or amendment, other than in accordance with vi) below.

- vi) At the conclusion of the Council debate, the Chair shall invite the Leader (or their representative) to give a final right of reply on behalf of the Administration and they shall have 5 minutes in which to respond.
- vii) The Chair shall then put each of the amendments in turn to the vote, in the order of the third, then second, then first amendment of the smallest Political Group on the Council, then the same for each Political Group in ascending order of size, ending with any amendment from the Administration.
- viii) Following the conclusion of the voting on all of the amendments the Chief Finance Officer will confirm how the individual amendments that have been carried affect the budget proposal as necessary. There may be a need for a short adjournment to allow for the preparation of the recommendation, to reflect the budget proposals as amendment or not, and if necessary for them to be printed and circulated prior to the substantive vote.
- ix) The Chair shall put the substantive motion (as amended, if amended) to the vote and the Democratic Services Manager (or their representative) shall take a recorded vote.

4.0 AFTER THE MEETING

- i) If the vote on the budget is lost then the Chief Finance Officer and the Monitoring Officer will advise the Council on it's position in consultation with the Chair. There may need to be a short adjournment at this stage. But in the event that Council fails to set the Council Tax at the scheduled Budget Council meeting, a further meeting would need to be held on the reserve date which must be before 10 March, but should be before 28 February.