

Report of the Chief Executive

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2014

1 Purpose of report and Executive Summary

To advise members of regulations that come into force on 25th February 2014 requiring Local Authorities to amend their standing orders to ensure that any key budget decisions are subject to a recorded vote.

2 Appendix

Appendix A: Statutory Instrument 2014 No. 165.

3 Proposed action:

The Council is invited to RESOLVE :

- i) to note the introduction of the regulations with effect from 25th February 2014.**
- ii) to authorise the Chief Executive in consultation with the Monitoring Officer to make the necessary amendments to Standing Orders and the Constitution.**
- iii) to apply the regulations to the budget recommendation contained elsewhere on the agenda for the Council meeting on 25th February 2014.**

4 Background

4.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require relevant authorities (the Borough Council of Wellingborough is a relevant authority) to amend their standing orders to ensure 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 who abstained from voting.”

4.2 The regulations requiring recorded votes come into force on 25th February 2014.

4.3 Whilst standing orders have not yet been amended in accordance with the regulations members may choose to follow the requirements in relation to the budget decision to be taken at the meeting in respect of the 2014/15 budget.

5 Legal powers

These are referred to throughout this report.

6 Financial and value for money implications

There are negligible additional costs in recording a vote.

7 Risk analysis

The Council is legally obliged to comply with the Statutory Instrument.

8 Implications for Resources, Safer and Stronger Communities and Equalities

There are none arising from this technical administrative change.

9 Author and contact officer

John T Campbell, Chief Executive (Tel. 01933 231501)

10 Consultees

Sue Lyons, Monitoring Officer
Paula Lawton, Principal Democratic Services Manager
Liz Elliott, Head of Finance
Bridget Lawrence, Head of Resources
Julie Thomas, Interim Head of Planning and Local Development

11 Background papers

Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

STATUTORY INSTRUMENTS

2014 No. 165

LOCAL GOVERNMENT, ENGLAND

**The Local Authorities (Standing Orders)
(England) (Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>29th January 2014</i>
<i>Laid before Parliament</i>		<i>31st January 2014</i>
<i>Coming into force</i>	- -	<i>25th February 2014</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 8, 20 and 190 of the Local Government and Housing Act 1989⁽¹⁾, makes the following Regulations:

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 and come into force on 25th February 2014.

(2) In these Regulations “the 2001 Regulations” means the Local Authorities (Standing Orders) (England) Regulations 2001⁽²⁾.

Amendments relating to recording votes for budget meetings

2. (1) The 2001 Regulations are amended as follows—

(2) In regulation 4⁽³⁾ (alternative arrangements – standing orders relating to staff)—

(a) for the heading substitute “Committee system – standing orders relating to staff, proceedings and business”;

(b) after paragraph (a) insert—

“(aa) “(aa) incorporate in standing orders the provisions set out in Part 3 of Schedule 2 or provisions to the like effect;”;

(c) in paragraph (b) after “(a)” insert “or (aa)”.

(3) In Schedule 2 (provisions to be incorporated in standing orders regulating proceedings and business)—

(1) 1989 c. 42. Section 20 was amended by section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(2) S.I. 2001/3384.

(3) See regulation 3(4) of these Regulations for a further amendment to regulation 4 of the 2001 Regulations.

- (a) after paragraph 14 of Part 1 insert—

“15. 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.

16. In paragraph 15—

- (a) “budget decision meeting” means a meeting of the relevant body at which it—

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4); or

(ii) issues a precept under Chapter 4 of Part 1 of that Act,

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

- (b) 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.”;

- (b) after paragraph 10 of Part 2 insert—

“11. 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.

12. In paragraph 11—

- (a) “budget decision” means a meeting of the relevant body at which it—

(i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(5); or

(ii) issues a precept under Chapter 4 of Part 1 of that Act,

and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

- (b) 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.”;

- (c) after Part 2 insert—

“PART 3

Authority operating committee system

1. 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.

(4) 1992 c. 14. Relevant amendments were made by the Localism Act 2011 (c. 20), sections 72, 74, 75 and 79 and Schedules 6 and 7.

(5) 1992 c. 14. Relevant amendments were made by the Localism Act 2011 (c. 20), sections 72, 74, 75 and 79 and Schedules 6 and 7.

2. In paragraph 1—
 - (a) “budget decision” means a meeting of the authority at which it—
 - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992⁽⁶⁾; or
 - (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
 - (b) 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.”.

Amendments consequential on the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011

3. (1) The 2001 Regulations are amended as follows.
- (2) In regulation 2 (interpretation)—
 - (a) omit the definitions of “alternative arrangements” and “council manager”;
 - (b) after the definition of “chief finance officer” insert—

“committee system” has the same meaning as in Part 1A(7) of the 2000 Act”;
 - (c) in the definition of “elected mayor”, “executive”, “executive arrangements” and “executive leader” for “Part II” substitute “Part 1A”.
- (3) In regulation 3 (executive arrangements – standing orders relating to staff, proceedings and business)—
 - (a) in paragraph (1)—
 - (i) for “Part II” substitute “Part 1A”;
 - (ii) in sub-paragraph (a) for “11(2)” substitute “9C(2)”;
 - (iii) in sub-paragraph (b) for “11(3)” substitute “9C(3)” and at the end of the sub-paragraph insert “and”;
 - (iv) omit sub-paragraph (c);
 - (v) in sub-paragraph (d) for “(a), (b) and (c)” substitute “(a) and (b)”;
 - (b) in paragraph (2) for “(a), (b), (c) or (d)” substitute “(a), (b) or (d)”.
- (4) In regulation 4 for “alternative arrangements under Part II” substitute “committee system under Part 1A”.
- (5) In Schedule 1—
 - (a) in Part 1—
 - (i) in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”;

(6) 1992 c. 14. Relevant amendments were made by the Localism Act 2011 (c. 20), sections 72, 74, 75 and 79 and Schedules 6 and 7.

(7) Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

- (ii) in paragraph 3(f) for “paragraph 6 of Schedule 1” substitute “paragraph 5 of Schedule A1”;
 - (b) in Part 2 in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”;
 - (c) omit Part 3; and
 - (d) in Part 4 in the heading for “Alternative Arrangements” substitute “Committee System”.
- (6) In Schedule 2—
- (a) in Part 1—
 - (i) in the heading omit “or Mayor and Council Manager Executive”;
 - (ii) in paragraph 1 in the definition of “elected mayor” and “executive” for “Part II” substitute “Part 1A”;
 - (iii) in paragraph 8(a) for “32 to 37 or 43 to 49” substitute “31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ(8)”;
 - (b) in Part 2—
 - (i) in paragraph 1 in the definition of “executive” and “executive leader” for “Part II” substitute “Part 1A”;
 - (ii) in paragraph 6(a) for “32 to 37 or 43 to 49” substitute “31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ”.

Transitional provision

4. (1) A relevant authority which is already operating executive arrangements or the committee system, as the case may be, shall modify its standing orders in accordance with the amendments made to the 2001 Regulations by these Regulations as soon as reasonably practicable after the day on which these Regulations come into force.

(2) In paragraph (1), “relevant authority” means a county council, a district council or a London borough council.

Signed by authority of the Secretary of State for Communities and Local Government

Brandon Lewis
Parliamentary Under Secretary of State
Department for Communities and Local
Government

29th January 2014

(8) Relevant amendments were to the Local Government Finance Act 1992 (c. 14) were made by the Localism Act 2011 (c. 20), sections 72, 74, 75 and 79 and Schedules 6 and 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 which require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters.

Regulation 2 provides that the votes at key budget decision meetings by local authorities are recorded. Regulation 3 makes amendments consequential on Part 3 of the Local Government and Public Involvement in Health Act 2007 (which provided for the discontinuance of the mayor and council manager form of executive) and Part 1 of the Localism Act 2011 (which provided for local authorities to adopt either executive arrangements or the committee system).

Regulation 4 makes transitional provision.

No impact assessment has been prepared in relation to these Regulations because no impact on the private or voluntary sectors is foreseen.