

## Manchester City Council Report for Resolution

**Report to:** Council – 7 March 2014

**Subject:** Constitution of the Council – Council Procedure Rules - Minor Amendments

**Report of:** The City Solicitor

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### Purpose of the report

To adopt minor amendments to the Council Procedure Rules at Part 4, Section A of the Council's Constitution, providing for mandatory named votes on certain resolutions at Budget Council as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

### Recommendations

The Council is recommended to adopt the amendments to Part 4, Section A of the Council's Constitution set out in the Appendix attached to this report.

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### Wards Affected

All

### Implications for

Antipoverty	Equal Opportunities	Environment	Employment
No	No	No	No

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### Background Documents:

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Manchester City Council's Constitution  
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (S.I. 2014, No. 165)

## **1. Background**

- 1.1 Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution.
- 1.2 The City Solicitor is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council.
- 1.3 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 (“the 2014 Regulations”) came into force on the 25 February 2014. The 2014 Regulations make amendments to the Local Authorities (Standing Orders) (England) Regulations 2001 (which require the Council to include certain provisions in the Council’s Constitution). The key change introduced by the 2014 Regulations is the requirement for the Council to record in the minutes of the proceedings of “a budget decision meeting” of the Council, the names of the Members who voted for or against a “budget decision” and the names of the Members who abstained from voting. This will include votes on the main council tax resolution calculating the council tax requirement and the Council’s basic rate of council tax and on any amendments to that resolution.
- 1.4 In order to comply with the requirements of the 2014 Regulations, the Council is recommended to adopt the changes to Rule 22 of the Council’s current Procedure Rules shown in the appendix to this report.

## Appendix

Rule 22 of the Council's Procedure Rules set out at Part 4, Section A of the Council's Constitution shall be amended as shown in bold in order to comply with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014:-

### 22. Voting

22.1 **Subject to the provisions of any enactment and Rule 22.2 and 22.2A**, members will vote by voice or by show of hands, or by ballot, at the discretion of the Lord Mayor. Where there is a vote by show of hands, all members wishing to vote "for" the motion or amendment should vote before the votes "against" are taken, including the Lord Mayor using his/her first (but not casting) vote.

22.2 At Council: -

- a) Ten members may demand before the vote is taken that the names of those voting be recorded in the minutes.
- b) Members may not vote unless they are in the meeting when the matter is put to the vote.

#### **22.2A At a budget decision meeting of the Council:-**

- a) **Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the Members who cast a vote for or against the decision or who abstained from voting.**
- b) **Reference to a "budget decision meeting" for the purposes of Rule 22.2B means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A , or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.**
- c) **Reference to a "vote" for the purposes of Rule 22.2B are references to a vote on any decision related to the meeting or the calculation as the case may be.**

22.3 \*\*\*A member may demand that his / her vote be recorded in the minutes.

22.4 \*\*\*Subject to the provisions of any enactment and Rule 22.7 all questions will be decided by a majority of members present and voting.

22.5 If there are more than two people nominated for any one position to be filled and there is not a clear majority in favour of one person, then the name of the person with the least number of votes will be taken off the list

and a new vote taken. The process will continue until there is a majority of votes for one person.

22.6 \*\*\*Where there is an equality of votes, the Lord Mayor may exercise a second or casting vote.

22.7 \*\*\*A decision to promote or oppose a local or personal Bill in Parliament under Section 239 of the Local Government Act 1972 or to [apply for or] oppose an order under the Transport and Works Act 1992 will require to be passed by a majority of the whole number of the Council (i.e. 49 affirmative votes are required).