

**Extended Chronology – Advice obtained from James Goudie QC on the Budget and Council Plan**

**Appendix 1**

<b>Date of Opinion/ Advice Received</b>	<b>Subject Matter of Opinion/Advice</b>	<b>Opinions/Advice sought by Monitoring Officer/ Deputy Monitoring Officer on behalf of:</b>
5 January 2012	In follow up to a question raised by a Member, in the context of the Council's budget setting process, the advice of Mr Goudie was sought as to what may properly comprise a "budget objection", as the term "objection" in this context is not defined in the legislation. A telephone conference was held with Mr Goudie followed by provision of written advice on the point. The written advice provided confirmed that a two-thirds majority vote is required in favour of alternative budget proposals (as opposed to simply a critique of the executive's budget proposals), to defeat the executive's proposals.	Section 151 Officer and Monitoring Officer
1 February 2012	In follow up to questions raised by Members, in the context of the budget setting process, about the role of full Council in the delivery of the CEI programme, Mr Goudie's advice was sought as to responsibility, under the Council's executive arrangements, for bringing forward proposals for in-year changes to the Budget and Council Plan. A telephone conference was held followed by provision of written advice on the point.	Section 151 Officer and Monitoring Officer
8 February 2012	<p>In follow up to questions raised by Members, within the context of the budget setting process, on responsibility for amending virement limits, advice was sought, as an extension to the advice provided on 1 February 2012, on full Council's role in relation to amendment of the Financial Regulations and the impact upon this of the existing delegation to the s.151 Officer in place for that purpose.</p> <p>In the course of the telephone conference with Mr Goudie he advised, in relation to Housing Revenue Accounts, that under the legislation these were</p>	Section 151 Officer and Monitoring Officer

	the responsibility of the Executive rather than full Council. Written advice was provided on the point.	
17 February 2012	<p>Advice was sought to understand the potential effect of draft Budget and Council Plan proposals being raised by Political Groups (in advance of the 20 February deadline for submission of objections), in particular proposals for significant changes to the Council's senior management structure, and whether certain senior officers had a conflict of interest in relation to those proposals; and proposals for terminating or delaying projects under the CEI programme.</p> <p>In the course of the telephone conference, in the context of decision making in relation to the CEI projects, advice was provided as to what a budget comprises for the purposes of the legislation, being a financial envelope, and as to the status of a Council Plan within the same legislation.</p> <p>Written advice was provided on these points.</p>	Section 151 Officer and Monitoring Officer
21 February 2012	Further clarification was provided arising from advice provided on 17 February 2012 on responsibilities for the implementation of the Budget and Council Plan proposals; advice was also provided on case law on the nature of plans and on their effect under the legislation. Updated written advice was provided on these points.	Section 151 Officer and Monitoring Officer
1 March 2012	On the basis of advice provided on 21 February 2012, a Briefing Note was provided to the Council Meeting providing guidance on the responsibility for decision making under the Mayor and Cabinet Executive arrangements.	Section 151 Officer, Monitoring Officer and Chief Executive
8/9 March 2012	Following adoption by the Council of the agreed Budget and Council Plan on March 1, specific advice was sought from Mr Goudie via a telephone conference as to the respective responsibilities of Cabinet and Council for each of the items (as contained in the Council's agreed Budget and Plan)	Section 151 Officer, Deputy Monitoring Officer and Chief Executive

	<p>set out in the draft Implementation Plan.</p> <p>In light of the advice provided on 8 March, a number of further queries arising from that advice were also sent to Mr Goudie for clarification.</p>	
14 March 2012	<p>A telephone conference was held with Mr Goudie (attended by the Chief Executive) to discuss the advice he had provided on the division of responsibilities for the respective matters listed in the Implementation Plan, and to agree the arrangements for his visit to the Council on 19 March and his attendance at an extraordinary meeting of Overview and Scrutiny Committee.</p> <p>At around this date Mr Goudie also reviewed and agreed via email the responsibility (under the “Decision making” column) for the itemised proposals set out in the draft Implementation Plan; and agreed the content of (1) an updated version of the Briefing Note provided to Council on 1 March (above), and (2) an overview document on local authority governance and decision making, which were both circulated with other relevant information to Overview and Scrutiny Committee for the purposes of the meeting on 19 March 2012.</p>	Section 151 Officer, Deputy Monitoring Officer and Chief Executive
19 March 2012	Implementation Plan – Attendance by Mr Goudie at an extraordinary meeting of Overview and Scrutiny Committee, to which all members were invited.	Section 151 Officer, Deputy Monitoring Officer and Chief Executive
26 March 2012	In follow up to Mr Goudie’s attendance at Overview and Scrutiny Committee on 19 March, a Briefing Note to all Members on local authority governance and decision making was agreed by Mr Goudie and circulated to all Members.	Section 151 Officer, Deputy Monitoring Officer and Chief Executive
2 April 2012	A telephone conference was held to seek Mr Goudie’s view on a point contained in an opinion of Nigel Giffin QC received by Legal Services that day (in advance of a meeting of Overview and Scrutiny Committee that evening where the Briefing Note of 26 March and the draft Implementation	Section 151 Officer, Deputy Monitoring Officer and Chief Executive

	Plan were to be considered).	
10 April 2012	Following a request from Overview and Scrutiny Committee for clarification of the advice provided by Mr Goudie at the meeting of Overview and Scrutiny on 19 March on the "inclusion/exclusion" of Cabinet's original Budget proposals, a telephone conference was held with Mr Goudie for the purpose of obtaining that clarification. Written advice on the issue was provided.	Section 151 Officer, Monitoring Officer and Chief Executive
16 April 2012	An Addendum Note to the Briefing Note of 26 March, containing clarification of Mr Goudie's advice on the "inclusion/exclusion" issue was agreed by Mr Goudie and circulated to all Members.	Section 151 Officer, Monitoring Officer and Chief Executive
17 April 2012	Clarification was sought from Mr Goudie in follow up to the advice received on 1 February 2012, in relation to the division of responsibility for the creation and amendment of Plans and Strategies required to be agreed by Council .	Section 151 Officer, Monitoring Officer and Chief Executive
4 May 2012	A Briefing Note on Responsibility for Plans and Strategies was agreed by Mr Goudie and circulated to all Members.	Section 151 Officer, Monitoring Officer and Chief Executive