

Written Representation from Gwen Swinburn, received 02/07/25

Urgent Action to Fix Flawed Budget Consultation and Scrutiny - Gwen Swinburn

As a governance specialist, I have warned the Council for years—via members, statutory officers, and accounts inspections—about its failure to consult businesses properly.

The “Budget Setting Process and Scrutiny” report ignores these issues, despite this year’s unconsulted car parking fee increases sparking another crisis for York. The council’s refusal to consult on any budget lines, including fees & charges, breaches legal duties & fails to meet CfGS guidance.

Key Concerns

- a) No Statutory Business Ratepayer Consultation: The council fails to consult “persons or representative bodies” under Section 65 LGFA 1992, using generic questionnaires for residents & businesses, breaching the Non-Domestic Ratepayers (Consultation) Regulations 1992.
- b) Unconsulted Car Parking Fee Crisis: Significant, unconsulted fee increases have harmed the city & its reputation, highlighting consultation failures.
- c) Opaque Task & Finish Groups: groups may meet in secret, excluding businesses.
- d) No Consultation on Any Budget Lines: CYC never consults on individual budget lines, including fees & charges.
- e) Missing EIAs: The council skips individual EIAs for most budget decisions, risking Equality Act 2010 breaches and harming businesses with protected characteristics.

Critique Against CfGS Guidance

The CfGS guide demands inclusive, transparent, evidence-based scrutiny. The report’s task and finish group and quarterly reviews (paragraphs 19, 22) offer partial alignment but fail to address my concerns:

- a) Statutory Consultation (Section 4, p. 12): The report ignores Section 65 and my concerns about generic questionnaires and no consultation on any budget lines, including car parking fees, risking LGFA 1992 non-compliance, undermining business trust.
- b) Transparency Unspecified access & TORs of task & finish groups fails transparency & weakens scrutiny.
- c) Stakeholder Engagement Vague consultation references ignore concerns about no budget line consultation, breaching LGFA 1992.
- d) Equalities Impact Cursory EIA mention fails legal obligations & risking Equality Act breaches.
- e) Strategic Alignment Linking MTFS to priorities omits business feedback, misaligning with economic goals.

Recommendations

- a) Mandate Formal Consultation: Acknowledge Section 65, replace generic questionnaires with budget & business-specific consultations on budget lines, & review non specificity in all consultations
- b) Ensure Transparency: For business ratepayer statutory consultation form a task & finish group with businesses & subject specialists, publish TOR, agendas, minutes, addressing some transparency concerns.
- c) Consult all Ratepayers on Budget Lines: Mandate consultation on all budget lines, including all detailed fees and charges proposals in the autumn,,not publish 5 days before committee.
- d) Strengthen EIAs: Require individual EIAs for all key budget decisions, scrutinising impacts on businesses and residents, and this process be codified in the constitution.
- e) Address Past Failures: Acknowledge mistakes & unlawful processes to date under all administrations & commit to fixing, to at least meet the law (consultation & equalities at least).

Conclusion

The report fails to address my long-standing concerns about the council's non-compliance with Section 65 of the LGFA 1992, use of generic questionnaires, unconsulted car parking fee increases, lack of transparency, absence of consultation on any budget lines, and insufficient EIAs.

Please adopt these recommendations to ensure a transparent, inclusive, & compliant budget process.

Note: the interpretation of the requirements under section 65 does not accord with the interpretation given by both the Section 151 Officer and the Monitoring Officer. In particular, the legislation does not specify any particular method of consultation and, in common with many other councils, CYC's approach of consultation is wholly lawful. Similarly, it is lawful to provide an overarching EIA, with individual EIAs being prepared for savings proposals as and when those proposals are enacted.