

SECTION E - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1 THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Council will be responsible for the adoption of its Budget and Policy Framework as defined in Article 4 of this Constitution. Once a budget or a Policy Framework is in place it will be the responsibility of the Cabinet to implement it. The Cabinet will have the power to amend, modify, vary or revoke the Policy Framework to the extent permitted by Rule 6 below.

2 PROCESS FOR DEVELOPING THE BUDGET AND POLICY FRAMEWORK

- 2.1 After consulting with the community and other stakeholders in a manner appropriate to the matter under consideration, the Cabinet will draft initial proposals in relation to any plan, strategy or budget which forms part of the Council's Budget and Policy Framework.
- 2.2 When the initial proposals in relation to any such plan strategy or budget have been drafted by the Cabinet, the proper officer will forthwith serve a copy on the Chairman of the Overview Committee that has responsibility for scrutinising the draft plan strategy or budget under consideration ("the relevant Overview Committee") (unless the relevant Overview Committee has already considered the initial proposals in accordance with Rule 5.4 of the Overview & Scrutiny Procedure Rules set out at Part B of Section 4 of this Constitution) and notify him of the dates and/or proposed timetable within which the Cabinet intend to develop the proposal and submit them to full Council for approval.
- 2.3 The interval between the date of the initial proposals and the next consideration of them by the Cabinet will be not less than six weeks, in order that the relevant Overview Committee may exercise the powers conferred on it by Rule 3.4 below unless the relevant Overview Committee resolves to approve the draft plan strategy or budget under consideration without amendment or resolves to make no comment thereon, in which case the matter may be referred to full Council for approval
- 2.4 In order to consider whether to respond to the initial proposals of the Cabinet and whether any consultation by the relevant Overview Committee, in addition to any consultation carried out by the Cabinet, is necessary, the proper officer will convene an extraordinary meeting of the relevant Overview Committee within 21 days, unless an ordinary meeting is scheduled to take place not less than 7 or more than 21 days from the date that the proper officer gave the Chairman of the relevant Overview Committee notification of the initial proposals of the Cabinet.
- 2.5 If the relevant Overview Committee determines to respond and/or to carry out any further consultation, it will make its recommendations to the Cabinet (reflecting any representations made to it as a result of further consultation) by the date, or in accordance with the timetable, indicated in the notice served on the Chairman by the proper officer.

- 2.6 The Cabinet will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the relevant Overview Committee. The report to full Council will include the Cabinet's response to those recommendations and the extent to which they have been accepted by the Cabinet.
- 2.7 Full Council will consider the final proposals of the Cabinet and may:-
- 1) adopt them with or without amendment;
 - 2) refer them back to the Cabinet for further consideration; or
 - 3) substitute its own proposals in their place.
- 2.8 When full Council resolves to adopt any budget, policy strategy or plan the subject of these Rules the decision will be publicised in accordance with the Access to Information Rules set out at Section D of this part of the Constitution and a notification of the decision shall be served on the Cabinet Leader by the proper officer. The notice of decision shall be dated and shall state either:-
- 1) that the decision is effective immediately; or
 - 2) that the decision will become effective on the expiry of 14 days after the publication of the notice of decision, unless the Cabinet Leader formally objects in that period.
- 2.9 If the Cabinet Leader objects to the decision of full Council, he shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective and give reasons for the objection. The proper officer shall convene an Extraordinary Meeting of full Council to reconsider its decision as the sole item of business and the summons for the meeting shall include details of the objection of the Cabinet Leader to the decision. The decision shall not be effective pending the outcome of the meeting.
- 2.10 The Extraordinary Meeting shall take place within 21 days of the date that the Cabinet Leader gave notice of his objection to the proper officer. Full Council will resolve itself into a committee to reconsider its decision in the light of the objections and shall make a final decision by a simple majority. The decision shall then be made public in accordance with the Access to Information Rules set out at Section D of this part of the Constitution and shall be implemented immediately.

3 DECISIONS TO BE IN ACCORDANCE WITH BUDGET AND POLICY FRAMEWORK

- 3.1 Subject to any provisions concerning virement between budget heads contained in the Financial Procedure Rules set out at Section F of this part of the Constitution, all decisions made in the discharge of a Cabinet Function (called a "Cabinet Decision") shall be in accordance with the Budget and Policy Framework unless otherwise

authorised by the terms of this Constitution.

- 3.2 A Cabinet Decision which is contrary to or not wholly in accordance with the Budget and Policy Framework approved by full Council and is not otherwise authorised by the terms of this Constitution shall only be made by full Council. Cases of doubt or difficulty shall be referred to the Monitoring Officer and/or Chief Finance Officer for advice.
- 3.3 If the Cabinet or a Committee of the Cabinet or a joint Committee or an Officer with delegated powers to discharge a Cabinet Function want to make an Cabinet Decision which is contrary to or not wholly in accordance with the Budget and Policy Framework and is not otherwise authorised by the terms of this Constitution, the decision will be referred to the next ordinary meeting of full Council for determination, unless it is urgent in accordance with Rule 5 below.

4 URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 Notwithstanding that a Cabinet Decision may be contrary to the Budget or Policy Framework and is not otherwise authorised by the terms of this Constitution, the body or person who, but for the provisions of Rule 4 above would be able to make the decision, shall nevertheless be entitled to do so in the following circumstances :-
- 1) the decision can reasonably be regarded as urgent; and
 - 2) it is not practical to convene a quorate meeting of full Council; and
 - 3) the Chairman of the relevant Overview Committee or if he is unable to act, the Chairman of the Council, or in his absence the Vice-Chairman of the Council, provide a written statement agreeing that the decision is a matter of urgency.
- 4.2 A decision shall not be regarded as urgent under this Rule unless a failure to make the decision would lead to a loss of income, or result in unnecessary expenditure, or otherwise prejudice the Council's interests.
- 4.3 The reasons why it was not practical to convene a quorate meeting of full Council and why the Chairman of the relevant Overview Committee or the Chairman or Vice-Chairman of the Council agreed to a Cabinet Decision being made as a matter of urgency shall be noted on the record of the decision.
- 4.4 Following the making of an urgent Cabinet Decision, the decision maker shall report to the next Ordinary Meeting of full Council, explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 5.1 Where an Overview Committee is of the opinion that a Cabinet Decision is, or if made and implemented, would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget and is not otherwise authorised by the terms of this Constitution, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 5.2 The Monitoring Officer or Chief Finance Officer shall give their opinion in a report which shall be sent to the Leader and the Chairman of the relevant Overview Committee and copied to all councillors. If the Cabinet Decision the subject of the report has not been made, or if made, has not been implemented or only partially implemented, such decision shall not be made, implemented, or further implemented (as the case may be), pending consideration of the matter by the Cabinet and/or full Council in accordance with Rules 6.3 and 6.4 below, unless the opinion in the report is that the decision is within the Budget and Policy Framework or is authorised by any other of the terms of this Constitution.
- 5.3 In the event that the report of the Monitoring Officer and/or Chief Finance Officer concludes the Cabinet Decision under consideration is, or if made and implemented, would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget and is not otherwise authorised by the terms of this Constitution :-
- 1) the Leader shall convene an Extraordinary Meeting of the Cabinet within the period of 7 days following the date of the report, unless an Ordinary Meeting of the Cabinet is scheduled within that time;
 - 2) the Cabinet shall, in accordance with Rule 6.4 below, consider what action it intends to take in the light of the advice given in the report; and
 - 3) the proper officer, or (if no Officer was present at the meeting) the Cabinet Leader, shall ensure that a copy of the record of any decision made by the Cabinet in this regard is given to the Chairman of the relevant Overview Committee, the Monitoring Officer and the Chief Finance Officer.
- 5.4 Having considered what action it intends to take, the Cabinet shall resolve as follows
- 1) if the decision has not been made :-
 - (i) to not make the decision; or
 - (ii) to refer the matter to full Council for a determination;
 - 2) if the decision has been made, but not implemented:-
 - (i) to not implement the decision; or
 - (ii) to refer the decision to full Council for a determination;
 - 3) if the decision has been made, but only partly implemented:-

- (i) to not implement the decision further; or
- (ii) to refer the decision to full Council for a determination;

5.5 If the Cabinet resolves that the matter be referred to full Council for a decision, the proper officer shall convene an Extraordinary Meeting of the Council within 21 days of the date of the resolution of the Cabinet, unless an Ordinary Meeting of the Council is scheduled to take place within that time, in which case the matter will be placed on the agenda for the Ordinary Meeting.

5.6 At the meeting full Council will receive the report of the Monitoring Officer and/or the Chief Finance Officer and shall resolve itself into committee to consider the matter. The Council shall either:-

- 1) endorse the decision or proposed decision as one falling within the existing Budget and Policy Framework, or otherwise authorised by the terms of this Constitution; or
- 2) amend the relevant budget, strategy, plan or policy, so as to bring the decision or proposed decision within the Budget and Policy Framework and to ratify the decision if already made; or
- 3) so far as permitted by law, amend the Articles of this Constitution or any of the Rules contained in this part of the Constitution so as to otherwise authorise or ratify the decision or proposed decision; or
- 4) authorise the proposed decision, or ratify the decision if already made, without making any amendments to the Budget and Policy Framework, or amending the Articles of this Constitution or any of the Rules contained in this part of the Constitution; or
- 5) agree that the decision or proposed decision is contrary to, or not wholly in accordance, with the Budget, or contrary to the Policy Framework and not authorise by the terms of this Constitution, and require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Finance Officer.

6. LIMITED POWERS OF THE CABINET TO MODIFY THE POLICY FRAMEWORK

6.1 Notwithstanding the other provisions of these Rules, the Cabinet shall have the power to amend, modify, vary or revoke any plan or strategy falling within the Policy Framework where such amendment, modification variation or revocation :-

- 1) is required to giving effect to any requirement of a Secretary of State or Minister of the Crown in relation to any plan or strategy submitted to him for approval;

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- 2) is within the limits authorised by full Council when it approved the plan or strategy under consideration; or
- 3) is required to give effect to changes in legislation or government guidance or is an annual updating in accordance with provisions of the original plan or strategy

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