

## **Chapter 2 Part 6: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **The Framework for Executive Decisions**

6.1 The Council is responsible for the adoption of its Budget and Policy Framework as set out in Chapter 2 Part 1 of this Constitution. Once a Budget and the Policy Framework are adopted by Council, it is the responsibility of the Cabinet to implement the Executive functions within that Budget and Policy Framework.

### **Process for Developing the Budget and Policy Framework**

6.2 After an appropriate consultation with the community and other stakeholders, 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.

6.3 When the initial proposals have been drafted by the Cabinet, they will provide a copy to the Chair, or the Vice-Chair in their absence, of the Overview & Scrutiny Committee.

6.4 At the same time the Cabinet will notify the Overview & Scrutiny Committee of the dates and/or proposed timetable within which the Cabinet intend to develop the proposal and submit them to full Council for approval. The timetable will allow as far as possible for both the Cabinet and Overview & Scrutiny Committee to consider the proposals at ordinary planned meetings.

6.5 The Overview & Scrutiny Committee will have three weeks to make its response unless the Cabinet has agreed a longer period with the Chair of the Overview & Scrutiny Committee.

6.6 The Cabinet will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the Overview & Scrutiny Committee. The report to full Council will include the recommendations (if any) of the Overview & Scrutiny Committee, Cabinet's response to those recommendations (if any) and the extent to which they have been accepted by the Cabinet.

6.7 Full Council will consider the final proposals of the Cabinet and may:

- a) adopt them without amendment;
- b) amend them after a motion to amend is put by the Leader and seconded;
- c) refer them back to the Cabinet for further consideration; or
- d) substitute its own proposals in their place.

- 6.8 If the Council accepts the Cabinet proposals with or without amendment the decision shall be effective immediately.
- 6.9 If the Cabinet proposals are not accepted, the Monitoring Officer will inform the Leader of the Council's objections and require him/her to reconsider the Cabinet proposals. The Leader will have 5 working days from receipt of the notification to submit a revised proposal or inform the Council of the Cabinet's disagreement with the objections. The Council's decision will become effective on the expiry of 5 clear working days after notification of the Council's objections unless the Leader submits revised proposals and/or formally objects in that period.
- 6.10 If the Leader wishes to submit revised proposals and or disagree with the objections of the Council written notice will be given to the Monitoring Officer to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the revised proposals and/or the disagreement. Where such notice is received the Monitoring Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall be effective pending that meeting.
- 6.11 The Council meeting must take place within 10 working days of the receipt of the Leader's written notice unless the Mayor and Leader agree that the matter can wait until the next programmed meeting of the Council. At that Council meeting the decision of the Council shall be reconsidered in the light of any revised proposals submitted and the reasons for those revisions and/or the Cabinet disagreement and reasons for that disagreement which shall be available in writing to the Council.
- 6.12 The Council shall at that meeting make its final decision on the matter on the basis of a simple majority.

#### **Decisions Outside the Budget or Policy Framework**

- 6.13 Subject to the provisions of the Financial Procedure Rules, the Cabinet may only take decisions which are in line with the Budget and Policy Framework. Where the Cabinet wishes to make a decision which is contrary to the Policy Framework, or contrary to the Budget approved by full Council, then that decision may only be taken by the Council, subject to Rule 6.15 below.
- 6.14 If the Cabinet wants to make such a decision, it shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Budget and/or Policy Framework. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to full

Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 6.15 (urgent decisions outside the Budget and Policy Framework) below shall apply.

### **Urgent Decisions Outside the Budget or Policy Framework**

6.15 The Cabinet, may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council only if the decision is a matter of urgency. However, the decision may only be taken:

- a) if it is not practical to convene a quorate meeting of the full Council; and
- b) if the Chair, or in their absence, the Vice-Chair of the Overview & Scrutiny Committee agrees that the decision is a matter of urgency;
- c) in the absence of the Chair or Vice-Chair of the Overview & Scrutiny Committee the agreement of the Mayor or Deputy Mayor of the Council will be sufficient.

6.16 The reasons why it is not practical to convene a quorate meeting of full Council in time and the consent of the Chair, or in their absence the Vice-Chair of the Overview & Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair or the Vice Chair of the Overview & Scrutiny Committee the consent of the Mayor or in their absence the Deputy Mayor of the Council will be sufficient.

6.17 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### **Call-In of Decisions Outside the Budget or Policy Framework**

6.18 Where the Overview and Scrutiny Committee is using its powers to call-in is of the opinion that a decision is, or if made would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, it shall seek advice from the Monitoring Officer and/or Section 151 Officer.

6.19 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report shall be made to the Cabinet with a copy to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and/or the Section 151 Officer's report. Cabinet shall prepare a

report to full Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure or prepare a report to the Overview and Scrutiny Committee if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

- 6.20 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Committee may refer the matter to full Council. In such cases, no further action will be taken in respect of the decision or its implementation until full Council has met and considered the matter. The full Council shall meet within 21 working days of the request or referral by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:
- a) endorse a decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - b) amend the Council's Budget or Policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing Framework or Budget to accommodate it, require the Cabinet or the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Section 151 Officer.