

Section 9

Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

The Council will be responsible for the adoption of its budget and policy framework as set out below. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Approving the Budget

1. The Cabinet shall publish proposals for the medium term financial strategy no later than December in each year.
2. Following a period of public consultation and scrutiny of the proposed medium term financial strategy, the Cabinet shall make its final recommendations for the medium term financial strategy to Council for approval by full Council.
3. In approving the financial strategy, the Council may vary the extent of virement within the budget and the degree of in-year changes to the policy framework, which may be undertaken by the Cabinet, in accordance with paragraphs 7 and 8 of these rules (virement and in-year adjustments). Any other changes to the Policy and Budget Framework are reserved to Council.”

3. Process for Developing the Policy Framework

1. The Cabinet will publicise through the Forward Plan, a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the policy framework, and its arrangements for consultation. The consultation period shall in each instance be specified in the Forward Plan.
2. At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so.
3. As the Overview and Scrutiny Committee has responsibility for fixing their own work programme, it is open to them to investigate research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.



4. Once the Cabinet has approved the firm proposals, the Solicitor to the Council will refer them at the earliest opportunity to the Council for decision.
5. In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or, in principle, substitute its own proposals in their place.

4 Council Decision and Leader's Objection

1. The Council's decision on the Budget or Policy Framework will be publicised in accordance with paragraphs 2.1 – 2.6 (Process for Approving the Budget), and a copy shall be given to the Leader. The notice of decision will be dated and will state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it within that period.
2. If the Leader objects to the decision of the Council, he/she will give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive will convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
3. The Council meeting must take place within 21 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council will be reconsidered in the light of the objection, which will be available in writing for the Council.
4. The Council will at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.
5. The Leader may, in respect of a specific decision of the Council, waive his/her right of objection as described in paragraph 4.2 above if he/she deems that the interests of the Council will be better served if the Council's decision (even though it represents an amendment to the Cabinet's proposals) is acceptable and should be implemented immediately.
6. The Leader may signify his/her waiver (which will be irrevocable) verbally at any time during the Council meeting or in writing at any time during the five working days thereafter. If made at the meeting, the Leader's waiver will be recorded in the minutes. If made after the meeting, the Chief Executive will keep the written waiver and its



existence will be noted in the minutes of the meeting involved.

5 Decisions Outside the Budget or Policy Framework

1. Subject to the provisions of paragraph 7 (Virement/Supplementary Estimates) below, the Cabinet, individual members of the Cabinet and any Officers, may only take decisions which are in line with the budget and policy framework.

If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 6 below.

2. If the Cabinet, individual members of the Cabinet and any Officers, want to make such a decision, they shall take advice from the Solicitor to the Council as Monitoring Officer and/or the Chief Financial Officer to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. 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 the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 (below) (urgent decisions outside the budget and policy framework) shall apply.

6. Urgent Decisions Outside the Budget or Policy Framework

1. The Cabinet, an individual member of the Cabinet or Officers, 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 if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) If it is not practical to convene a quorate meeting of the full Council.
 - (ii) If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

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



2. 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.

7. Virement/Supplementary Estimates

1. The Council policy in respect of Virement/Supplementary Estimates is contained in the Council's Financial Regulations.

8. In-year Changes to Policy Framework

1. The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual Member of the Cabinet or Officers, must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

9. Call-in of Decisions Outside the Budget or Policy Framework

1. Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to, or not wholly in accordance with the Council's budget, then it shall seek advice from the Solicitor to the Council, as Monitoring Officer, and/or the Chief Financial Officer.
2. In respect of functions which are the responsibility of the Cabinet, the Solicitor to the Council as Monitoring Officer's report and/or the Chief Financial Officer's report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Solicitor to the Council as Monitoring Officer's report and to prepare a report to Council in the event that the Solicitor to the Council as Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Solicitor to the Council as Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
3. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Solicitor to the Council as Monitoring Officer and/or the Chief Financial 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, Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within (20) days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the



advice of the Solicitor to the Council as Monitoring Officer and/or the Chief Financial Officer. The Council may either:

- (i) Endorse a decision or proposal of the Cabinet 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

- (ii) Amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function 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

- (iii) 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 to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Solicitor to the Council as Monitoring Officer/Chief Financial Officer.

