

Budget and Policy Framework Procedure Rules

1.0 THE FRAMEWORK FOR CABINET DECISIONS

1.1 The Cabinet will operate within the budget and policy framework approved by the Council.

2.0 POLICY FRAMEWORK

2.1 The policies and strategies comprising this framework are listed in Article 4 of the Constitution.

2.2 When it wishes to develop a new policy/strategy or revise an existing policy/strategy the Cabinet will first canvass the views of local stakeholders in the most effective way and then publish proposals which take into account any representations received or opinions expressed during this consultation.

2.3 These proposals will also reflect any review of the policy/strategy previously conducted by a Scrutiny Committee.

2.4 The Cabinet's initial proposals will be referred to the relevant Scrutiny Committee for further advice and consideration which will include any further public consultation the Committee considers necessary but which does not duplicate any such work already conducted by the Cabinet.

2.5 A Scrutiny Committee will respond to the Cabinet's proposals within six weeks unless the Cabinet considers that either a longer or a shorter period is appropriate.

2.6 The Cabinet will consider reports of a Scrutiny Committee, amend its proposals as appropriate and then submit its final proposals to the Council for approval in a report which indicates how the Committee's recommendations have been taken into account.

2.7 The Council will consider these proposals and may adopt them, amend them, refer them back to the Cabinet for further consideration or substitute its own proposals. In considering these proposals the Council shall have before it the relevant report from the Scrutiny Committee.

2.8 The Council's decision will be publicised in accordance with the Access to Information Rules in this Constitution and a copy given to the Leader. The notice of decision will be dated and state either that the decision is effective immediately (if the Council has accepted 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 5 working days after publication of the notice unless the Leader objects to it during that period.

2.9 If the Leader so objects they shall give the Chief Executive written notice within that period of 5 working days, specifying the reasons for the objection. The Chief Executive will convene a further Council meeting within ten working days to reconsider the proposals which will not become effective pending that meeting.

2.10 At that further meeting the written objection will be made available and the Council will make its final decision on the proposals in public and by a simple majority. The proposals shall then become effective immediately.

2.11 Thereafter any significant change to the policy/strategy is reserved to the Council, other than the routine updating or minor amendment of an existing policy/strategy which is of a purely factual or technical nature.

3.0 BUDGET FRAMEWORK

- 3.1** Following the announcement of the provisional Local Government Finance Settlement the Chief Finance Officer will advise the Cabinet of its likely impact on the Council's budget for the coming financial year.
- 3.2** The Cabinet will then meet to fix a 'target budget' for each service area following which each Cabinet Member will prepare detailed proposals for so much of the budget as is within his/her remit.
- 3.3** These service proposals will be presented to the relevant Scrutiny Committee which will advise the Cabinet of their views having first undertaken whatever consultation they believe is necessary. The Cabinet will fix a date by which it requires the Committees' responses, allowing it as long as is practicable to deliberate upon the proposals.
- 3.4** The Cabinet will receive final notification of the Local Government Settlement and at the same time consider the reports of all Scrutiny Committees. It may amend its proposals as appropriate and then submit a 'final budget' to the Council for approval in a report which indicates how the Committees' recommendations have been taken into account.
- 3.5** The Council will consider this budget and shall have before it all relevant reports from Scrutiny Committees.
- 3.6** Where, and in line with The Local Authorities (Standing Orders) (England) Regulations 2001, the Cabinet has considered and submitted a 'final budget' before the 8th February in any given year then the Council may adopt it or may require the Leader of the Council to refer it back to the Cabinet for further consideration of any objections or amendments proposed thereto at that meeting of the Council.
- 3.7** In that event the Chief Executive shall convene further meetings of both the Cabinet (*to consider the Council's objections and either amend the original 'final budget' or explain the reasons for not doing so*) and of the Council (*to consider those further deliberations of the Cabinet*) to be held within 5 days of the Leader having been notified of the Council's decision. The budget will not become effective pending that second Council meeting.
- 3.8** At that further, second, Council meeting the Cabinet's response will be made available and the Council will make its final decision on the budget in public and by a simple majority. The budget shall then become effective immediately.
- 3.9** Where the Cabinet has considered and submitted a 'final budget' on or after the 8th February in any given year then the Council may simply adopt it, amend it or substitute its own proposals and the budget shall become effective immediately.

*[*Provisional dates for any second or additional Cabinet or Council meetings may be included in the Council's published calendar of meetings, as necessary]*

4.0 KEY DECISIONS

The Monitoring Officer and the Chief Finance Officer shall advise the Cabinet on whether in their opinion any key decision under consideration is within the budget and policy framework.

5.0 DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

5.1 If the Cabinet, an Cabinet Member or an officer or area committee want to make a decision which the Monitoring Officer and the Chief Finance Officer advise would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, that matter must be referred by that body or person to the Council for decision in accordance with paragraph 2.11 above, unless it is a matter of urgency, in which case the provisions in paragraph 6.0 below (urgent decisions outside the budget and policy framework) shall apply.

6.0 URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

6.1 The Cabinet, a Cabinet Member or an officer, area committee or joint arrangements discharging Cabinet functions 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 the Council 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 Council; and
- (b) if the chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.

6.2 The reasons why it is not practical to convene a quorate meeting of the Council and the chair of the relevant Scrutiny Committee's 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 chair of a relevant Scrutiny Committee, the consent of the Chair of the Council, and in the absence of both the Vice-Chair, will be sufficient.

6.3 Following the decision, the decision maker 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.

7.0 CALL-IN OF DECISIONS OUTSIDE THE POLICY OR BUDGET FRAMEWORKS

7.1 Where a Scrutiny Committee is of the opinion that a Cabinet decision to which paragraph 5 does not apply is contrary to the policy framework or the budget, it may ask the Monitoring Officer and the Chief Finance Officer to reconsider their advice that the decision need not be referred to Council in accordance with Paragraph 5.

7.2 Regardless of whether the decision was delegated the Monitoring Officer and Chief Finance Officer shall report the request of a Scrutiny Committee to the Cabinet and shall either confirm their original advice that the decision is within the policy framework or the budget or indicate that on reflection they are satisfied that the decision does constitute a departure. In the latter case the decision will then be referred to the Council in accordance with Paragraph 5 and shall not be implemented beforehand unless the Cabinet decides that it is to be treated as a matter of urgency in accordance with Paragraph 6.

7.3 A copy of the officers' report to the Cabinet under Sub-paragraph 7.2 will be sent immediately to the Chair of the relevant Scrutiny Committee and then made available to that Committee at its next meeting.