SECTION 15

15. Budget and Policy Framework Procedure Rules

15.1 The Framework for Executive Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

15.2 Process for Developing the Framework

15.2.1 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration.

15.2.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from a Scrutiny Committees .

15.2.3 Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given to the [Proper Officer] in writing and signed by the proposer and seconder not later than 17.00 at least 1 clear day before the date of the Council meeting.

15.2.4 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall 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 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.

15.2.5 If the Leader objects to the decision of the Council, he/she shall 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 shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

15.2.6 The Council meeting must take place within [insert number] working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

15.2.7 The Council shall, 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 Section 14 and shall be implemented immediately.

15.3 Process for Developing the Budget

15.3.1 The Cabinet will follow the process set out in the Financial Procedure Rules in Section 16 of the Constitution. In addition the following process shall apply to the development of the Budget:

(a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals. The Chair of the Audit and Governance Committee will also be notified.

(b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If the Audit and Governance Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Audit and Governance Committee shall report to the Cabinet on the outcome of its deliberations.

15.3.2 The Cabinet will take any response from the Audit and Governance 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.

15.3.3 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Council.

15.3.4 After the Cabinet meeting a copy of the proposals which are to be recommended to the Council together with a copy of the proposed Budget shall be sent to all members of the Council.

15.3.5 An amendment to the Budget to be proposed by a Member may not be considered at a Council meeting unless at least 2 clear days' notice in writing or by electronic mail of the proposed wording , signed by the proposer has been given to the Head of Finance. Such an amendment will only be acceptable if it proposes a budget which balances general income with expenditure for the year. He/She may present a report.

15.4 Decisions Outside the Budget or Policy Framework

15.4.1 Subject to the provisions of paragraph 15.6 (Virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions 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 paragraph 15.5 below.

15.4.2 If the Cabinet, committees of the executive, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance

Officer as 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.

15.4.3 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 15.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

15.5 Urgent Decisions Outside the Budget or Policy Framework

15.5.1 The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive 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 Full 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 Full Council; and

(b) if the Chair of the Council agrees that the decision is a matter of urgency.

15.5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the Council'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 the Council the consent of the Vice Chair of the Council and in the absence of both the Chief Executive will be sufficient.

15.5.3 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.

15.6 Virement

Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or Officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 16 of this Constitution.

15.7 In-Year Changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

15.7.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;

15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or

15.7.5 for which provision is made within the relevant budget or policy.

15.8 Call-In of Decisions Outside the Budget or Policy Framework

15.8.1 Where the relevant Scrutiny Committee is of the opinion that an Executive 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 Monitoring Officer and/or Chief Finance Officer.

15.8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance 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 Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the chief finance Officer conclude that the decision was a departure, and to the relevant Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

15.8.3 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 Chief Finance 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 relevant 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 15 working days of the request by the 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 Chief Finance Officer. The Council may either:

(a) endorse a decision or proposal of the Executive Decision taker 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 Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive 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

(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 to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.