

## Section 3 - The budget and policy framework rules

### **4.3.1 The budget and policy framework**

4.3.2 Council is responsible for the adoption of items within the budget and policy framework as set out in the functions scheme (part 3 section 1) and the cabinet is responsible for implementing them.

### **4.3.3 Process for developing framework items**

4.3.4 The cabinet will publicise a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals.

4.3.5 The chairpersons of the a scrutiny committees shall take steps to ensure that the relevant committee work programmes include any such plan, strategy or budget to enable scrutiny members to inform and support the process for making cabinet proposals to Council in terms of the adoption of any item that forms part of the framework, including providing constructive challenge to the responsible cabinet member on policy proposals and exploring options for future policy development.

4.3.6 The cabinet shall have regard to such recommendations and other appropriate comments as are made to it in drawing up or amending draft proposals for submission to Council, and its report to Council shall reflect those recommendations and comments and the cabinet's response to them

4.3.7 The cabinet will determine the methods to be used to publicise the timetable to ensure that the appropriate consultees are informed about the process and the timetable for adoption of any such plan, strategy or budget. The consultation period shall, in each instance, normally be not less than four weeks unless the requirements of any statutory timetable or other council deadline make this impracticable.

4.3.8 Budget consultees should include parish councils, health partners, the schools forum, business ratepayers, council taxpayers, the trade unions, political groups on the council, the scrutiny committees and such other organisations and persons as the leader shall determine.

4.3.9 Following consultation and having had regard to the responses to the consultation, the cabinet will draw up firm proposals for the plan, strategy or budget under consideration for recommendation to Council.

4.3.10 The leader or relevant cabinet member will report the recommendations of cabinet to Council for any such plan, strategy or budget. The report from the cabinet to Council recommending the adoption of any of the strategies and plans that are part of the budget and policy framework will include a summary of the responses to consultation including scrutiny responses.

4.3.11 In reaching a decision, 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. Council should ensure that it takes into account the advice of its officers to ensure that any decision is properly informed by professional advice.

- 4.3.12 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment. (see council and committee procedure rules 4.1.106 and 4.1.107)
- 4.3.13 Where an alternative budget is being proposed, the proposing group or member must have presented their proposals to the scrutiny committees (in accordance with paragraph 4.3.5 above) and secured confirmation from the chief finance officer that the alternative budget meets statutory requirements at least six clear working days before the meeting of Council at which the item is to be considered.
- 4.3.14 If Council accepts the recommendations of cabinet without amendment, Council may make a decision which has immediate effect.
- 4.3.15 If Council rejects or amends the cabinet's recommendation or substitutes alternative or additional proposals in place of the cabinet's recommendations, one of the following procedures will be followed:  
Either:
- (a) where an amendment to a draft plan or strategy, or to the budget has been submitted, the leader may indicate, on behalf of the cabinet, that they accept the amendment; in these circumstances, the amendment shall be regarded as incorporated in the draft plan or strategy before Council and Council's decision may take immediate effect; or
  - (b) where a majority vote has not been achieved immediately prior to the close of the meeting the chairperson of the council will adjourn the meeting until a date (not less than ten working days thereafter) to be agreed by the leader. The leader may agree that the matter be deferred to the next meeting of Council. At the reconvened or next meeting Council will consider the matter again.
- 4.3.16 At least five clear working days before the date on which the adjourned or next meeting is to be reconvened, the leader will provide a further report to Council in which he will set out the cabinet's response to the Council's proposals or concerns. That report must address all relevant issues and in particular, must include advice on the financial and legal implications.
- 4.3.17 The leader may:
- (a) submit a revision of the draft budget plan or strategy with the cabinet's reasons for any amendments and any advice from officers for Council to consider

- (b) inform Council of any disagreement the cabinet has with Council's amendments or substitute proposals and the cabinet's reasons for such disagreement
- (c) agree any in principle decisions of Council in whole or in part.

4.3.18 If the leader of the council fails to agree a date for the reconvened meeting of council or that the matter may be deferred to the next meeting, the chairperson of the council shall set the date of the reconvened meeting or decide that the matter be deferred to the next meeting.

4.3.19 At the reconvened or next meeting, Council may approve the cabinet's recommendation or approve a different decision that does not accord with the recommendation of the cabinet. A majority vote must be obtained and this may involve a vote being called more than once.

4.3.20 The decision shall then be made public and shall be implemented immediately.

#### **4.3.21 Decisions outside the budget or policy framework**

4.3.22 Subject to the virement arrangements in the financial procedure rules, the cabinet, a committee of the cabinet, cabinet members, or officers may only take decisions that are in line with the budget and policy framework. If any of these bodies want to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, unless it is an urgent decision as defined in these budget and policy framework rules.

4.3.23 If the cabinet, a committee of the cabinet, a cabinet member or officer want to make such a decision, they shall take advice from the chief executive, monitoring officer and chief finance officer as to whether the decision they want to take would be contrary to the policy framework or contrary to or not wholly in accordance with the budget. If the advice of any of those officers is that the decision would not be in line with the existing budget and policy framework, then the decision must be referred by that body to Council for decision, unless the decision is a matter of urgency in which case the provisions relating to urgent decisions apply as defined in these budget and policy framework rules.

#### **4.3.24 Urgent decisions outside the budget or policy framework**

4.3.25 The cabinet may take a decision which is contrary to the policy framework or contrary to or not wholly in accordance with the budget if the decision is a matter of urgency. The decision may only be taken:

- (a) if it is not practical to convene a quorate Council meeting; and
- (b) if it is taken by cabinet collectively; and
- (c) if the chairperson of the relevant a scrutiny committee agrees that the decision is a matter of urgency.

4.3.26 The reason why it is not practical to convene a Council meeting must be clear and noted on the record of the decision.

- 4.3.27 The chairperson of the relevant scrutiny committee's agreement must be noted on the record of the decision.
- 4.3.28 In the absence of the chairperson of the relevant scrutiny committee, the consent of the chairperson of the council, and if they are unavailable or unable to act, the vice-chairperson of the council, will suffice.
- 4.3.29 Following the decision, the cabinet will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 4.3.30 In year changes to the budget and policy framework**
- 4.3.31 Any decisions that involve an in year change to the budget and policy framework must be approved or adopted by Council unless:
- (a) It is an urgent decision as provided for in these budget and policy framework rules
  - (b) It will result in the closure or discontinuance of a service or part of service to meet immediate budgetary constraint
  - (c) It is necessary to ensure compliance with the law, ministerial direction or government guidance
  - (d) It relates to the policy framework and is in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy does not provide for the matter under consideration
  - (e) It is within the scope of a specific delegation Council has previously agreed
  - (f) It is otherwise within the financial procedure rules
- 4.3.32 Call-in of decisions outside the budget and policy framework**
- 4.3.33 Where the relevant scrutiny committee is of the opinion that a decision has been taken or is likely to be taken by the cabinet, a committee of the cabinet or a cabinet member that is contrary to or not wholly in accordance with the budget and policy framework, that committee shall seek advice from the chief executive, the monitoring officer and the chief finance officer.
- 4.3.34 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was contrary to or not wholly in accordance with the budget and policy framework, a report will be prepared and presented to Council.
- 4.3.35 If the chief executive, the monitoring officer and/or the chief finance officer are of the opinion that the decision was not contrary to or was wholly in accordance with the budget and policy framework, a report will be prepared and presented to the relevant scrutiny committee.
- 4.3.36 If the decision has yet to be made or has been made but not implemented, and a report is presented to council stating that the decision is one that is contrary to or not wholly in accordance with the budget and policy framework, no further action will be taken in respect of that decision or its implementation until Council has

met and considered the matter. Council shall meet within ten days of the submission of a request for advice by the relevant scrutiny committee to the chief executive, chief finance officer or monitoring officer.