

4.3 Budget and Policy Framework Procedure

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1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

1.1 ~~The~~ Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. In relation to the budget and the plans and strategies listed in Article 4:-

(a) The adoption or approval of the plan or strategy is the responsibility of ~~the full~~ Council;

(b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to ~~the full~~ Council; and

(c) If ~~the~~ Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. ~~The~~ Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting ~~the~~ Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the

Mayor's proposals are deemed adopted in accordance with the regulations.

- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The process by which the budget and policy framework shall be developed is:

(a) ~~2.1.1~~ — The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part 4.2 of this Constitution, a timetable for making proposals to ~~the~~ 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.

(b) ~~2.1.2~~ — The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.4 ~~(a) and~~ which shall be referred to Overview and Scrutiny Committee.

(c) ~~2.1.3~~ — For the purposes of these ~~procedure-Procedure rules-Rules~~ the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ~~ten 10~~ clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.

(d) ~~2.1.4~~ — At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to ~~the~~ Council.

(e) ~~2.1.5~~ — ~~The~~ Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.

(f) ~~2.1.6~~ — If ~~the~~ Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it, ~~the~~ Council must take the action set out in 2.1.7 ~~(g)~~.

(g) ~~2.1.7~~ — Before ~~the~~ Council:

- ~~(i) (a)~~ amends the draft plan or strategy;
- ~~(ii) (b)~~ approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- ~~(iii) (c)~~ adopts (with or without modification) the plan or strategy;

it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must ~~give to her/him instructions requiring~~ require the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

~~(h) 2.1.8~~—Where ~~the Council gives instructions requires reconsideration~~ in accordance with 2.1.7(g) above, it must specify a period of at least five working days beginning on the day after the date on which the ~~Mayor receives the instructions on behalf of the Executive~~ requirement is made within which the Mayor may:

- (i) Submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- (ii) Inform ~~the~~ Council of any disagreement that the Executive has with any of ~~the~~ Council’s objections and the Executive’s reasons for any such disagreement.

If the specified period would prohibit ~~the~~ Council from making determinations under Rule 2.1.9(i) within the statutory deadline for the setting of Council Tax, ~~the~~ Council may specify such lesser period as is necessary to ensure compliance.

~~(i) 2.1.9~~—Subject to Rule 2.1.10(j), when the period specified by ~~the~~ Council, referred to in Rule 2.1.8(h), has expired ~~the~~ Council must, when:

- ~~(a)(i)~~ amending the draft plan or strategy or, if there is one, the revised plan or strategy;
- ~~(b)(ii)~~ approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

~~(c)(iii)~~ adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of ~~the~~ Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to ~~the~~ Council, or informed ~~the~~ Council of, within the period specified.

~~(i) 2.1.10~~ — Where ~~the~~ Council proposes to –

~~(i) (a)~~ amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;

~~(ii) (b)~~ approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

~~(iii) (c)~~ — adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph ~~2.1.11(k)~~.

~~(k) 2.1.11~~ — The question referred to in Rule ~~2.1.10(j)~~ must be decided by a two-thirds majority of the members of ~~the~~ Council present and voting on the question at a meeting of ~~the~~ Council.

~~(l) 2.1.12~~ — Subject to Rule ~~2.1.18(r)~~, where, before 8 February in any financial year, the Executive submits to ~~the~~ Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or

(ii) estimates of other amounts to be used for the purposes of such a calculation; or

(iii) estimates of such a calculation; or

(iv) amounts required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts ~~the~~Council has any objections to them, it must take the action set out in Rule 2.1.~~13~~(m).

~~(m) 2.1.13~~—Before ~~the~~Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~12~~(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive’s estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must ~~give her/him instructions requiring~~require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with ~~the~~Council’s requirements.

~~(n) 2.1.14~~ Where ~~the~~Council ~~gives instructions~~requires reconsideration in accordance with Rule 2.1.~~13~~(m), it must specify a period of at least five ~~(5)~~working days beginning on the day after the date on which the ~~Mayor receives the instructions on behalf of the Executive within which~~requirement is received, the Mayor may:

~~(a)(i)~~ Submit a revision of the estimates or amounts as amended by the Executive (“revised estimates or amounts”) which have been reconsidered in accordance with ~~the~~Council’s requirements, with the Executive’s reasons for any amendments made to the estimates or amounts, to ~~the~~Council for ~~the~~Council’s consideration; or

~~(b)(ii)~~ Inform ~~the~~Council of any disagreement that the Executive has with any of ~~the~~Council’s objections and the Executive’s reasons for any such disagreement.

~~(o) 2.1.15~~ Subject to Rule 2.1.~~16~~(p), when the period specified by ~~the~~Council referred to in Rule 2.1.~~14~~(n) has expired, ~~the~~Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~13~~(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

~~(a)(i)~~ Any amendments to the estimates or amounts that are included in any revised estimates or amounts;

~~(b)(ii)~~ The Executive’s reasons for those amendments;

~~(c)(iii)~~ Any disagreement that the Executive has with any of ~~the~~Council’s objections; and

~~(d)~~(iv) The Executive's reasons for that disagreement,

which the Mayor submitted to ~~the~~Council, or informed ~~the~~Council of, within the period specified.

~~(p)~~ ~~2.1.16~~—Where ~~the~~Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with Rule 2.1.~~17~~(g).

~~(q)~~ ~~2.1.17~~—The question referred to in Rule 2.1.~~16~~(p) must be decided by a two-thirds majority of the members of ~~the~~Council present and voting on the question at a meeting of ~~the~~Council.

~~(r)~~ ~~2.1.18~~ Rules 2.1.~~12~~(l) to 2.1.~~17~~(g) shall not apply in relation to:

~~(a)~~(i) Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and

~~(b)~~(ii) Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of Rule 5 (virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements 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 ~~the~~Council, then that decision may only be taken by ~~the~~Council, subject to Rule 4 below.

3.2 If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements 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. 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 Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements 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) 4.1.1~~—if it is not practicable to convene a quorate meeting of ~~the~~ Council; and

~~(b) 4.1.2~~—if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

4.2 The reasons why it is not practicable to convene a quorate meeting of ~~the~~ Council and the Chair of the Overview and 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 the Overview and Scrutiny Committee, the consent of the Speaker ~~of the Council~~, and in the absence of both, the Deputy Speaker ~~of the Council~~, will be sufficient.

4.3 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.

4.4 Urgent Action

~~(a) 4.4.1~~—Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.

~~(b) 4.4.2~~—Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

~~(c) 4.4.3~~—Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of ~~the~~ Council or the appropriate committee

can be called; the Proper Officer, after consultation with the Speaker ~~of the Council~~ or Deputy ~~Speaker of the Council~~, shall have power to act and shall report the action to the next meeting of ~~the Council~~ or the relevant committee.

5. VIREMENT

- 5.1 Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK

- 6.1 The responsibility for agreeing the budget and policy framework lies with ~~the Council~~, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:

(a) ~~6.1.1~~—which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) ~~6.1.2~~—which are necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) ~~6.1.3~~—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;

(d) ~~6.1.4~~—which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1 Where the Overview and 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.

7.2 In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within ~~twenty-one~~ 21 days of receiving the report 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 Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

7.3 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 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 ~~twenty-one~~ 21 days of the request from the Overview and Scrutiny Committee (or within ~~twenty-eight~~ 28 days if a meeting of ~~the~~ Council is scheduled within that period). At the meeting ~~the~~ Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.4 ~~The~~ Council may either:

~~(a) 7.4.1~~ — endorse a decision or proposal of the 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) 7.4.2~~ — amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that 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) 7.4.3~~ — 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 Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.5 If ~~the~~ Council does not meet, the decision will become effective on the date of ~~the~~ Council ~~meeting~~ or expiry of the period in which ~~the~~ Council ~~meeting~~

should have been held, whichever is the earlier; providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1-~~1(a)~~ – 6.1-~~4(d)~~.

8. SUSPENSION

8.1 Provided it is not contrary to law, these rules may be suspended by ~~the~~ Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.