

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

For the purposes of Article 4 of this Constitution these Budget and Policy Framework Procedure Rules apply to the development and amendment of the plans or strategies comprising Policy Framework and of the Budget. For the purposes of these rules reference to “the Executive” shall have the same meaning as in Part 1A of the Local Government Act 2000.

### **1. THE STRUCTURE FOR EXECUTIVE DECISIONS**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the Executive to implement it. The adoption of most other policies will be dealt with in accordance with relevant executive arrangements.

### **2. THE PROCESS FOR DEVELOPING THE FRAMEWORK**

- 2.1. Before a plan/strategy/budget that is part of the Budget and Policy Framework can be adopted, initial proposals will be published in accordance with relevant executive arrangements. Details of any consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to any consultation shall be taken into account in formulating the initial proposals. A relevant Overview and Scrutiny Committee will normally be notified of initial proposals and may suggest additional or alternative arrangements for consultation.
- 2.2. At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to any consultation (including any from an overview and scrutiny committee). The Executive’s report to the Council will reflect the comments made by consultees and the Executive’s response. The Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 2.3. The Council will consider the Executive’s proposals and may adopt them, amend them, refer them back to the Executive for further consideration, or subject to Council and Committee Procedure Rule 15, substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive’s proposals and any report from any relevant overview and scrutiny committee.
- 2.4. The Council’s decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader. The Notice of Decision shall be dated and:
  - (a) if the Council accepts the Executive’s proposals without amendment shall state that the Council’s decision shall be effective immediately.
  - (b) if the Executive’s proposals are accepted but with amendments or are substituted by the Council’s own proposals, shall state that unless the Leader objects to the Council’s decision or submits revised proposals within five clear working days of the publication of the notice, the decision will take effect on the expiry of that period. The Leader may waive his/her right to object in writing, and if so the decision will take effect immediately.
  - (c) if the Council decides to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.

- 2.5. If the Leader objects to the decision of the Council, or that s/he intends to submit revised proposals s/he shall give written notice to the Proper Officer to that effect before the date upon which the decision is to be effective. Where the Leader objects the notice must state the reasons why the Leader objects. Where a notice is received, the Proper Officer shall call a further Council meeting to reconsider its decision and the decision shall not be effective pending that meeting. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection.
- 2.6. Where the Council has referred the matter back to the Executive for further consideration, the Proper Officer shall convene a further Council meeting to reconsider the matter following the Executive's further consideration. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection or revised proposals.
- 2.7. The Council shall at the further meeting make its final decision on the proposed plan and the decision shall be implemented immediately.
- 2.8. In approving the plan/strategy/budget, the Council will also specify the extent of virement (to the extent this is relevant) and the degree of in-year changes which may be undertaken by the Executive, in accordance with Budget and Policy Framework Procedure Rules 4 and 5. Any other changes to the Budget and Policy Framework are reserved to the Council.

### **3. DECISIONS OUTSIDE OF THE FRAMEWORK**

- 3.1. Subject to the provisions of Budget and Policy Framework Procedure Rules 4 and 5 the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions shall 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.
- 3.2. If the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) 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. 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.

### **4. VIREMENT**

Above the limits set out in the Council's Financial Procedure Rules, any virement across budget heads shall require the approval of Full Council.

### **5. IN-YEAR-CHANGES TO THE FRAMEWORK**

No changes to any policy and strategy which make up the Policy Framework may be made other than by the Council.

**6. CALL-IN OF DECISIONS CONTRARY TO OR NOT WHOLLY IN ACCORDANCE WITH THE BUDGET AND POLICY FRAMEWORK**

Without prejudice to Overview and Scrutiny Procedure Rule 12 (call-in) if an 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 having sought advice from the Monitoring Officer and/or Chief Finance Officer, it may call-in the decision in accordance with the Overview and Scrutiny Procedure Rules.