

PART 6 – PROCEDURE RULES (OTHER)
(SECTION 3 – BUDGET & POLICY FRAMEWORK)

Part 6 is set out in eight sections as follows:

- Section 1** Decision Notices
- Section 2** Scrutiny
- Section 3** Budget and Policy Framework
- Section 4** Access to Information
- Section 5** Financial Rules
- Section 6** Standing Orders – Purchasing,
Procurement, Contracts and Disposals
- Section 7** Officer Employment
- Section 8** Corporate Complaints

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SECTION 3 BUDGET & POLICY FRAMEWORK

1.0 THE COUNCIL AND THE CABINET

1.1 The Council is responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once it has been adopted, it is the responsibility of the Cabinet to implement it.

1.2 For the purpose of these rules a “plan or strategy” shall mean:

- a plan or strategy of a description specified in column (1) of the table in Schedule 3 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (miscellaneous plans and strategies),
- a plan or strategy for the control of the Council’s borrowing or capital expenditure; or
- any other plan or strategy where the Council has determined that the decision upon adoption is to be taken by the full Council.

2.0 THE PROCESS

2.1 The Overview Select Committee will be engaged at the Key stages of (1) reviewing the resources forecast/trends and changes guidelines; (2) reviewing the trends and changes proposals.

2.2 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 2.3.

2.3 Before the Council:

- amends the draft plan or strategy; or
- approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for 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
- adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, the draft plan or strategy submitted to it.

2.4 Where the Council gives instructions in accordance with Rule 2.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”) with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration or

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- inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 2.5 When the period specified by the Council referred to in paragraph 2.4 has expired, the Council must when:
- amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or
 - approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - 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 Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- 2.6 Subject to paragraph 2.10, where before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-
- 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; or
 - estimates of other amounts to be used for the purposes of such a calculation; or
 - estimates of such a calculation; or
 - amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and following consideration of those estimates or amounts the Council has any objection to them, it must take the action set out in paragraph 2.7.
- 2.7 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the Sections referred to in paragraph 2.6(a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to re-consider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 2.8 Where the Council gives instructions in accordance with paragraph 2.7, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

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- submit a revision of the estimates or amounts as amended by the Cabinet (“revised estimates or amounts”), which have been re-considered in accordance with the Council’s requirements, with the Cabinet’s reasons for any amendments made to the estimates or amounts, to the Council for the Council’s consideration; or
- inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

2.9 When the period specified by the Council, referred to in paragraph 2.8, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the Sections referred to in paragraph 2.6(a) , or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-

- any amendments to the estimates or amounts that are included in any revised estimates or amounts,
- the Cabinet’s reasons for those amendments,
- any disagreement that the Cabinet has with any of the Council’s objections and
- the Cabinet’s reasons for that disagreement,

which the Leader submitted to the Council or informed the Council of within the period specified.

2.10 Paragraphs 2.6 to 2.9 shall not apply in relation to:-

- calculations or substitute calculations which an authority is required to make in accordance with Sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 and

2.11 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

2.12 In approving the Budget and Policy Framework, the Council will also specify:

- the extent of virement within the budget; and
- the degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules.

All other changes to the Budget and Policy Framework are reserved to the Council.

2.13 Immediately after any vote is taken at a budget decision meeting, or where a precept is issued under the Local Government Finance Act 1992, Part 1, Chapter 4, there must be recorded in the minutes the names of the individual Members who cast a vote for the decision, or against the decision, or who abstained from voting, in accordance with Regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

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3.0 DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of paragraph 5 (Virement) the Cabinet, individual Cabinet Members and any other officers, Area Committees 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 (a “departure”),

then that Decision may only be taken by the Council, subject to paragraph 4 below.

3.2 If the Cabinet, individual members of the Cabinet and any officers, Area Committees or joint arrangements discharging executive functions want to make such a decision, they must take advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be a departure.

3.3 If the advice of either of those officers is that the decision would be a “departure” then the decision must be referred by the body or person to the Council for Decision, unless the Decision is a matter of urgency, in which case the provisions in paragraph 4 below apply.

4.0 URGENT DECISIONS CONTRARY TO THE BUDGET OR POLICY FRAMEWORK

4.1 The Cabinet, an individual Member of the Cabinet or officers, Area Committees or joint arrangements discharging executive functions may take a Decision which needs to be made as a matter of urgency where that decision is:

- contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by Full Council (a “departure”); and
- it is not practical to convene a quorate meeting of the Full Council; and
- provided that the Chairman or Vice-Chairman of the Overview Select Committee agrees that the Decision is a matter of urgency.

4.2 The reasons why it is not practical to convene a quorate meeting of the Full Council and the Chairman or Vice-Chairman of the Overview Select Committee’s consent to the Decision being taken as a matter of urgency must be noted on the record of the Decision.

4.3 In the absence of the Chairman of the Overview Select Committee, the consent of the Vice-Chairman and in his/her absence, the Head of Paid Service or his/her nominee’s consent shall be required.

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4.4 Following the Decision, the decision-taker must 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.

4.5 Decisions which are urgent under the above provisions shall not be subject to the Call-In procedure as set out in rule 14 of “Scrutiny Procedure Rules” in this Part of the Constitution.

5.0 VIREMENT

The Financial Procedural rules include provisions as to virement.

6.0 IN-YEAR CHANGES TO POLICY FRAMEWORK

No changes to the policy framework may be made by the Cabinet without the approval of the Full Council except those changes:-

- necessary to ensure compliance with the law, ministerial direction or government guidance; or
- 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 discussion; or
- for which the Council has specified a degree of in-year changes to the policy framework which may be undertaken by the Cabinet.

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

7.1 Where the Overview Select Committee is of the opinion that a Cabinet 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 (a “departure”), then it shall seek advice from the Group Head of Council Advice & Monitoring Officer and/or Section 151 Officer.

7.2 In respect of functions which are the responsibility of the Cabinet, the Group Head of Council Advice & Monitoring Officer’s report and/or Section 151 Officer’s report shall be forwarded to the Cabinet with a copy to every Member of the Council.

7.3 Regardless of whether the Decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report:

7.3.1 to Council in the event that the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is a departure; and

7.3.2 to the Overview Select Committee if the Group Head of Council Advice & Monitoring Officer or the Section 151 Officer conclude that the Decision is not a departure.

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- 7.4 If the Decision has yet to be made, or has been made but not yet implemented, and the advice from the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer is that the Decision is a departure, the Overview Select 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.
- 7.5 The Council shall meet within 14 days of the request by the Overview Select Committee. At the meeting, it will receive a report of the Decision or proposals and the advice of the Group Head of Council Advice & Monitoring Officer and/or the Section 151 Officer. The Council may either:
- endorse a Decision or proposal of the Cabinet 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,
 - amend the Council's Financial Regulations or policy concerned to encompass the Decision or proposal of the Cabinet 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
 - where the Council accepts that the Decision or proposal is a departure and does not amend the existing framework to accommodate it, require the Cabinet to re-consider the matter in accordance with the advice of either the Group Head of Council Advice & Monitoring Officer/ Section 151 Officer.