

Constitution



Part 4: Rules of Procedure

2. Budget and Policy Framework Procedure Rules

2.1 General

The Council will be responsible for the adoption of its Policy Framework and Budget as set out in this Constitution. The Policy Framework and Budget documents shall be proposed by the Cabinet. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet or its individual members or officers to implement it.

2.2 Process for Developing the Policy Framework and Budget

The Policy Framework and Budget shall be prepared by the Cabinet for formal adoption by the Council. Although the Cabinet will propose it, there is a role for Scrutiny Committees in the development of the Budget and Policy Framework, which will eventually be adopted by the Authority.

The process by which the Policy Framework and Budget shall be developed is:

- a) The Cabinet will agree and include in its work programme a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget or Policy Framework. The timetable will allow for the budget proposals to be presented to Scrutiny Committees as part of the consultation process.
- b) At the end of the consultation period, the Chair of the Cabinet will then draw up firm proposals for presentation to the cabinet, having regard to the responses to consultation. The relevant Scrutiny Committee shall be consulted in relation to any item included in the Policy Framework or budget proposals. The Cabinet and cabinet members shall also carry out such other consultation, as they consider appropriate having regard to the nature and effect of the decision. If a relevant Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a Scrutiny 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.
- c) Once the Cabinet has approved the firm proposals, they shall be referred at the earliest opportunity to the Council for decision.
- d) In approving the Budget and Policy Framework, the Council will also specify the extent of any change to approved virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive. Any other changes to the Policy and Budgetary Framework are reserved to the Council.

2.3 Process for developing the Budget

- a) Having received the Cabinet's firm proposals, and in reaching a decision, the Council may adopt the Cabinet's proposals, amend them, or substitute its own proposals in their place. The decision shall then be made public.

- b) Any member exercising their right to make amendments or substitute their own proposals to the Cabinet's proposals can only be considered if notice of the proposed amendment has been given to the Proper Officer in writing and signed by the proposer and seconder not later than 5.00pm at least 5 clear days before the date of the Council meeting.
- c) Any proposed amendment by a Member of the Council to the proposals of the Cabinet made in accordance with the above shall only be accepted and submitted to full Council for consideration if in the opinion of the Proper Officer (in consultation with advice sought from the Monitoring Officer and s151 Officer) it is deemed to be:
 - Legal, including the requirement to maintain/achieve a balanced budget.
 - Within the competence of the Council.
 - Financially robust.

Members should discuss any proposed changes and amendments with appropriate officers but always including the Council's s151 and Monitoring officers at the earliest opportunity.

2.4 Process for developing other Policy Frameworks

- a) 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.
- b) 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.
- c) The Council meeting must take place within 10 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.
- d) 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 2.4 (a) and shall be implemented immediately.

2.5 Decisions outside of the Budget or Policy Framework

- a) Subject to the provisions relating to virement, the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions may only take decisions that are in line with the Budget and Policy Framework.
- b) 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 2.4 below.
- c) If the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions want to make a decision and there is any concern that the proposed decision is outside the Policy Framework or the agreed Budget, the Monitoring Officer will conclude whether the decision would be

contrary to the Policy Framework. The Chief Financial Officer, in consultation with the Monitoring Officer will conclude whether a decision would be 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 paragraph 2.4 (urgent decisions outside the Budget and Policy Framework) shall apply.

2.6 Urgent decisions outside the Budget or Policy Framework

- a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet, officer, or joint arrangements discharging Cabinet 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 in accordance with Standing Orders:
 - if it is not practical to convene a quorate meeting of the full Council; and
 - if the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency; and
 - having regard to advice from relevant officers, including the Monitoring Officer and Chief Financial Officer.
- b) The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chair of the relevant Scrutiny Committee must be noted on the record of the decision. In the absence of the Chair of a relevant Scrutiny Committee the consent of the Chair of another Scrutiny Committee will be sufficient.
- c) 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.

2.7 Limits on decisions on Virement

Action taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads as follows:

Limits	Action By
Within Service Budgets -Up to an aggregate total of £50,000 or 5% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Chief Officer after appropriate consultation
Within Service Budgets -Up to an aggregate total of £100,000 or 10% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Cabinet Member following receipt of a report containing the comments of the Chief Financial Officer
An aggregate total of £100,000 to £250,000 or 15% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Cabinet
Over £250,000	Council

2.8 In-year changes to Policy Framework

Changes to any policy and strategy that make up the Policy Framework can only be made by the Council, except those changes:

- a) necessary to ensure compliance with the Law, ministerial direction or government guidance;
- b) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

2.7 Call-in of decisions outside the Budget or Policy Framework

The Call-in procedure described in this Constitution will apply (subject to the urgency provisions of Standing Orders).

2.8 How does the Cabinet operate?

2.8.1 Who may make Cabinet decisions?

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements and Scheme of Delegation adopted as part of this Constitution by the Council. The arrangements may provide for Cabinet functions to be discharged by:

- a) the Cabinet as a whole;
- b) a committee of the Cabinet if any are appointed;
- c) an individual member of the Cabinet;
- d) an officer;
- e) joint arrangements; or
- f) another local authority.

2.8.2 Conflicts of Interest

- a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c) If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised by the another member of the Cabinet without an interest or by the full Cabinet as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

2.8.3 Cabinet meetings - when and where?

The Cabinet will meet at least at least six times per year at times and locations to be agreed by the Leader.

2.8.4. Public or private meetings of the Cabinet?

The Cabinet meeting will be held in public, subject to consideration of confidential or exempt information, as described in the Access to Information provisions.

The Cabinet reserves the right to meet in private although no decisions will be taken at a private meeting.

2.8.5 Quorum

The quorum for a meeting of the Cabinet shall be 3 including the Leader or person nominated by him/her to deputise in his/her absence. The quorum for any Cabinet committee shall be 3.

2.8.6 How are decisions to be taken by the Cabinet?

- a) Decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution. Any vote shall be decided by a show of hands.
- b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2.9 How Are The Cabinet Meetings Conducted?

2.9.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Cabinet Member nominated by the Leader to deputise for him/her will preside. In the absence of Cabinet Member nominated to deputise, the Chair is taken by a member elected by a majority vote.

2.9.2 Proportionality

Rules relating to proportionality do not apply to the composition of the Cabinet.

2.9.3 Who may attend?

The Cabinet meeting will be held in public. Members of the public may attend all meetings subject only to the exceptions in the rules governing access to information.

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with these procedure rules.

As set out in Schedule 1 of the Local Government Act 2000, a member of the Council who is not a member of the Executive is entitled to attend and speak at a meeting of the executive or a sub group of the executive held in private only when invited to do so.

2.9.4 What business?

At each meeting of the Cabinet the following business will be conducted:

- a) consideration of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Cabinet (whether by an Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- d) consideration of reports from Scrutiny Committees; and
- e) matters set out in the agenda for the meeting.

2.9.5 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. The Cabinet and Cabinet Members shall, as a minimum requirement, have regard to and shall comply with all relevant statutory provisions or guidance governing consultation or other non-statutory guidance adopted by the Council.

Where a decision affects up to two wards, the individual ward members shall also be specifically consulted.

2.9.6 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of and the agenda for the Cabinet.

The Democratic Services Manager will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the full Council has resolved that an item be considered by the Cabinet.

Where a Scrutiny Committee has requested the Cabinet to consider a specific item, the Leader will consider it for inclusion on the agenda for the next meeting of the Cabinet. If the item is not considered within three months, the Committee may then ask the Council to resolve the matter must be considered by the Cabinet.

Any member of the Council may ask the Leader to put an item which falls within the proper remit of the Cabinet on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at a meeting of the Cabinet at a time determined by the Leader but within 6 months of the request. In these cases, the notice of the meeting will give the name of the councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to one such item per Cabinet meeting. If the Leader concludes that the request should not be acceded to, the Leader shall provide reasons in writing to the elected member.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.