

Part 4

Budget Policy Framework Procedure Rules

Interpretation

Procedure for dealing with recommendations from the Cabinet

Budget and Policy Framework Procedure Rules

1. Interpretation

- 1.1 In this Chapter, “plan or strategy” means a plan or strategy which is part of the policy framework set out in Article 4.
- 1.2 Where notification is required to be submitted to any Member or officer of the Council under the procedure in these rules, the notification may be transmitted electronically.

2. Procedure for dealing with recommendations from the Cabinet

- 2.1 The Cabinet is responsible for formulating or preparing plans or strategies, or alterations to plans or strategies, for submission to full Council.
- 2.2 Full Council is responsible for approving plans and strategies. In doing so, it shall in all cases consider a written recommendation from the Cabinet.
- 2.3 These rules lay down the action that must be taken where the Cabinet has submitted a draft plan or strategy, or amendments to an existing plan or strategy, to full Council for consideration, and, following consideration, the Council has any objections to the Cabinet’s proposals.
- 2.4 Before the Council adopts, approves, amends or modifies the plan or strategy, it must instruct the Head of Legal and Democratic Services to take the action in 2.5.
- 2.5 As soon as reasonably practicable, and in all cases within two working days after the meeting at which the Council objected as in 2.3 above, the Head of Legal and Democratic Services shall give written notification to the Leader in the following terms:

“[NAME OF PLAN OR STRATEGY]

At its meeting on [date] full Council objected to this plan or strategy as recommended to it by the Cabinet for [adoption] [approval] [amendment]. The objections agreed by Council were:

The Cabinet must reconsider the [name of plan or strategy] in the light of the Council’s objections and must either:

- (a) submit a revised [name of plan or strategy], with its reasons for any amendment, to the Council for its consideration; or
- (b) inform the Council of any disagreement it has with any of the Council’s objections, and its reasons for the disagreement.

The Cabinet must take this action by [date(1)*].

* The date at (1) must be not less than 5 working days from and including the day after the Leader receives this notification.

[It is proposed that this item is placed on the agenda for the Cabinet already arranged for [date and time].]

OR

[I will contact you separately to arrange a date and time for a special Cabinet Meeting.]

OR

[As discussed, a special Cabinet meeting to consider this matter is being arranged for [date and time].]

- 2.6 When the Cabinet has reconsidered the matter in the light of the Council's objections, the Head of Legal and Democratic Services shall arrange for the plan or strategy to be referred to the next Council meeting or, if necessary, an extraordinary Council meeting. The reference to the Council meeting shall include the following information that has been received from the Cabinet by the date at (1) in paragraph 2.5 above:
- (a) any amendments to the draft plan or strategy proposed by the Cabinet;
 - (b) the reasons for those amendments;
 - (c) any disagreement the Cabinet has with the Council's objections to the plan or strategy; and
 - (d) the reasons for that disagreement.
- 2.7 The Council shall take the information in 2.6 (a) to (d) into account when it adopts, approves, amends or modifies the plan or strategy. The Council's decision, whether it be to follow or to reject the views of the Cabinet, shall be implemented.
- 2.8 Where, before 8 February in any financial year, the Cabinet submits to full Council for consideration in relation to the following financial year the statutory components of the budget (defined below*), the procedure in paragraphs 2.3 to 2.7 above shall also apply before the Council makes a calculation, or issues a precept, under any of the legislation included in the definition. The Head of Legal and Democratic Services's notification to the Leader shall be in similar terms to that in 2.5 above.

* The "statutory components of the budget" means:

- (a) 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;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992;

but not:

- (a) calculations or substitute calculations which an authority is required to make in accordance with Section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; or
- (b) amounts stated in a precept issues to give effect to calculations or substitute calculations made in accordance with Section 52J or 52U of that Act.

2.9 Notwithstanding the above, if the majority of the Cabinet, including the Leader, are present at a meeting of the Council when an amendment is proposed by the Council to the Budget or Policy Framework as recommended by the Cabinet, and the majority of those Cabinet members present agree, the Leader may put forward an amended proposal to the Council for approval at that meeting.