

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.01 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

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

- (a) The Cabinet will publicise in the Forward Plan 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. The Chairmen of the Overview and Scrutiny Committees will also be notified.
- (b) At the end of the consultation period, the Cabinet will then draw up proposals having regard to the responses to the consultations. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Overview and 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 an Overview and Scrutiny Committee into account in drawing up its 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 drawn up its recommendations, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's recommendations, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place. Recommendations may not be referred back to the Cabinet more than once.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless the Leader informs the Chief Executive in writing within 4 days that he/she objects to the decision becoming effective and provides reasons why.
- (g) If the Leader objects in accordance with paragraph (f) the Chief Executive will refer the matter to the next meeting of the Council or if the matter requires earlier determination call an extraordinary meeting of the Council. The Council may

- (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- and its decision shall have immediate effect.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.01 (a) Subject to the provisions of Rules 4 and 5 the Cabinet, Sub-Committees of the Cabinet, individual Cabinet Members and any Officers, Area Committees or Joint Arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework.
- Any decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, may only be taken by the Council.
- (b) All decision making bodies shall consider whether any decision they wish to take is within the Budget and Policy Framework and if in doubt, they shall take advice from the Monitoring Officer and/or the Chief Financial 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 provision in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.01 (a) The Cabinet, a Sub-Committee of the Cabinet, individual Cabinet Members or Officers, Area Committees or Joint Arrangements discharging executive 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. An urgent decision is a decision for which any delay in implementation would seriously prejudice the interests of the Council or the public.
- However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Overview and Scrutiny Committees' 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 Chairman of the relevant Overview and Scrutiny Committee the

consent of the Mayor, and in the absence of both, the Deputy Mayor will be sufficient.

- (b) 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.
- (c) The call-in procedure set out in Part 6, para 10 shall not apply where the decision being taken is urgent.

5. VIREMENT

- 5.01 The Rules relating to virements are set out in the Financial and Contract Procedure Rules in Part 4 of this Constitution.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

- 6.01 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Sub-Committee of the Cabinet, individual Cabinet Members or Officers, Area Committees or Joint Arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which the Chief Executive (or in his absence the Strategic Director of Corporate Services) determines are necessary to deal with an unforeseen emergency;
- (b) which the Chief Executive in consultation with the Monitoring Officer, determines are urgently necessary to ensure compliance with the law, ministerial direction or government guidance;

and any such change shall be reported to the next meeting of the Council, which may decide to adopt the change as a permanent change to the policy framework.

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

- 7.01 (a) Where 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, ("a departure"), then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer who shall prepare a report.
- (b) The Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. 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 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 they conclude that the decision was not a departure.

- (c) 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 15 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- (i) endorse a decision or proposal of the executive 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
- (ii) amend the Council's Financial and Contract Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive 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
- (iii) 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 Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.