

Budget and Policy Framework Procedure Rules

1. THE FRAMEWORK 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 a policy framework is in place, it will be the responsibility of the Executive to implement it.

The Executive (operating collectively or individually) will also have regard to other plans and strategies including, but not limited to, the following:

- Adoption Plan/Strategy
- Allotment Strategy
- Anti-Poverty/Social Inclusion Strategy
- Area Child Protection Committee Business Plan
- Arts Strategy
- Biodiversity Action Plan
- Care Charter 2000
- Carers Strategy
- Conservation Area Plans
- Cultural Strategy
- Disability Discrimination Act Implementation Strategy
- Domestic Violence Strategy
- Drug and Alcohol Action Team Action Plan
- Economic Development Strategy
- Grants Strategy
- Health and Safety Policy
- Joint Improvement Plans for
- Learning Disabilities
- Older People
- Welfare to Work for Disabled People
- Joint Strategic Framework for Mental Health
- Local Implementation Plan for Mental Health National Service Framework
- Parks Strategy
- Play Strategy
- Strategy for Sport
- Strategy to Combat Racial Harassment
- Supplementary Planning Guidance
- Thames (Landscape) Strategy
- Tourism Strategy
- Tripartite Agreement (and/or Joint Service Plan)
- Waste and Recycling Plan
- Youth Strategy.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

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

(a) The Executive will publicise (by including in the Forward Plan, publishing on the Website and taking whatever other steps it deems appropriate) 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 Overview and Scrutiny Co-ordinating

Group will also be notified. The consultation period shall in each instance normally be not less than 8 weeks. In some instances, the Executive will wish to canvass the views of local stakeholders prior to formulating their initial proposals, and will also wish to consider the outcome of any relevant review of policy carried out by an Overview & Scrutiny Committee.

(b) At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Executive 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 Executive will take any response from an Overview and 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 Executive's response.

(c) Once the Executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration or, in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the Executive 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) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.

(g) An in-principle decision will automatically become effective 5 days from the date of the Council's decision, unless the Leader informs the proper officer in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.

(h) In that case, the proper officer will either refer the matter to the next available Council meeting or call another Council meeting, using his/her judgement as to how quickly a final decision is required. The Council may

i) approve the Executive'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 Executive by a simple majority.

(i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

(j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) Subject to the provisions of paragraph 5 (virement) the Executive, Committees of the Executive, individual Members of the Executive and any officers 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, then that decision may only be taken by the Council, subject to 4 below.

(b) If the Executive, Committees of the Executive, individual Members of the Executive and any officers, or joint arrangements discharging Executive functions want to make such a decision, they shall take advice from the Head of Paid Service and/or 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 any 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 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

(a) The Executive, a Committee of the Executive, an individual Member of the Executive or officers, 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. 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 a 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 Committee's 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 Chair of a relevant Overview and Scrutiny Committee the consent of the Mayor or, 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.

5. VIREMENT

(a) The Council shall define a budget head as the lowest level of Accounting Code recorded on the Council's financial ledger to which budgetary resources have been allocated.

(b) Steps taken by the Executive, a Committee of the Executive, an individual Member of the Executive or officers or joint arrangements discharging Executive 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 up to £250,000 in accordance with the Scheme of Virement set out in the Financial Procedure Rules (Section 20; Appendix 1 Section 20; and Appendix 7). Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council. In addition, any virement across budget heads that, in the opinion of the Deputy Leader and Cabinet Member for Resources, the Chief Finance Officer or the Head of Paid Service, creates change to the services provided by the Council, shall require the approval of either the Executive or full Council as appropriate.

(c) Any restructuring of budgets that follows a management reorganisation, i.e. a service being transferred from one Directorate to another, but results in no change to either the level of purpose for which budgets are held, will not be considered as a virement for the purposes of these Procedure Rules.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a Committee of the Executive, an individual Member of the Executive or officers, 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 will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in 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 consideration;

(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

(e) additional funding has been identified and the net budget position of the Council will remain unchanged.

(f) no additional funding is available but the Council is able to contain the additional expenditure within its overall resources.

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

(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, then it shall seek advice from the Head of Paid Service and/or Monitoring Officer and/or Chief Finance Officer.

(b) In respect of functions which are the responsibility of the Executive, the Head of Paid Service's report and/or the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Head of Paid Service's/Monitoring Officer's/Chief Finance Officer's report and to prepare a report to Council in the event

that the Head of Paid Service or the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Head of Paid Service or the Monitoring Officer or the Chief Finance Officer 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 Head of Paid Service and/or 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 as soon as practicable after receipt 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 Head of Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer. The Council may:

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 budget or the 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 Executive to reconsider the matter in accordance with the advice of the Head of Paid Service/Monitoring Officer/Chief Finance Officer.

POLICY DEVELOPMENT PROCESS
(in respect of policies that form part of the Policy Framework)

Executive publicise timetable for making proposals to the Council for the adoption of a (new) policy, and arrangements for consultation after publication of initial proposals [consultation period normally to be no less than 8 weeks].

Executive publish initial proposals.

Overview & Scrutiny Committee consider initial proposals and report outcome of deliberations to Executive by end of consultation period.

Public and/or other local stakeholders may also wish to respond to Executive.

Executive draw up final proposals for submission to Council, taking account of the views of the Overview & Scrutiny Committee and any other consultees.

Council consider Executive proposals.

Proposals adopted – become part of the Policy Framework with immediate effect.

Council amend proposals prior to adopting them in principle – become part of the Policy Framework within 5 Working Days of publication of the decision *unless* the Leader objects.

Council substitute and adopt their own proposals in principle – become part of the Policy Framework within 5 Working Days of publication of the decision *unless* the Leader objects.

Proposals referred back to the Executive for further consideration.

If Leader objects within 5 Working Days, referred to next available Council meeting or additional Council meeting convened to reconsider decision.

Final decision taken on the basis of a simple majority – effective immediately.

Executive reconsider proposals in light of Council's comments; decide whether to amend them prior to re-submission to Council.