

SECTION 15 – BUDGET PROCEDURE RULES

The Framework for Executive Decisions on Implementing the Budget.

15.1 Full Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget is in place, it will be the responsibility of the Cabinet to implement it.

Process for Developing the Budget Framework

15.2.1 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, proposed plans, policies and the associated annual budgets. Detailed reports may take the form of sections within the overall budget proposal. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration. The timing of the meeting of the Council to set the annual budget shall also take into account the deadline for setting Council Tax, issuing tax demands and the prospect of adopting the procedure set out in Rules 15.2.4 and 15.2.5 below. There will be a separate Council meeting to set Council Tax.

15.2.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from a Scrutiny Committee.

15.2.3 Alternative budgets may be presented to the Council for consideration but the intention to propose an alternative budget must be notified to the Monitoring Officer and the Section 151 Officer (r) at least 10 working days before the date of the Council. Any alternative must be submitted to the Section 151 Officer at least 5 working days before the Council budget setting meeting to ensure it is within the overall proposed funding package (including a proposed level of Council Tax) and complies with relevant legislation.

15.2.4 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.

15.2.5 If the Leader objects to the decision of the Council, s/he 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.

15.2.6 The Council meeting must take place within 5 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.

15.2.7 The Council shall, at that meeting, make its final decision on the matter on

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the basis of a simple majority. The decision shall be made public in accordance with Section 4 and shall be implemented immediately.

Process for Developing the Budget

15.3.1 The following process shall apply to the development of the Budget:

15.3.1.1 The Cabinet will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals.

15.3.1.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If a Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so.

15.3.2 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Full Council.

Virement

15.4 Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 16 of this Constitution.

Decisions Outside the Budget or Policy Framework

15.5.1 Subject to the provisions of Rule 15.6 (Virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework as set out in Section 4. 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 Rule 15.6 below.

15.5.2 If the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions want to make a decision outside of Budget and / or the Policy Framework, they shall take advice from the Monitoring Officer and/or the Section 151 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.

15.5.3 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 Full Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 15.6 (urgent decisions outside the Budget and Policy Framework) shall apply.

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Urgent Decisions Outside the Budget or Policy Framework

- 15.6.1 The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet 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:
- 15.6.1.1 if it is not practical to convene a quorate meeting of the Full Council; and
 - 15.6.1.2 if the Chair(s) of the relevant Scrutiny Committee(s) agree that the decision is a matter of urgency.
- 15.6.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair(s) of the relevant 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(s) of the relevant Scrutiny Committee(s), the consent of the Chair of the Council or the Vice Chair will be sufficient.
- 15.6.3 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.

In-Year Changes to Budget and / or Policy Framework

- 15.7 The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:
- 15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - 15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;
 - 15.7.3 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;
 - 15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
 - 15.7.5 for which provision is made within the relevant budget or policy.

Call-In of Decisions Outside the Budget or Policy Framework

- 15.8 Where a 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, it may utilise the Call-In Procedure set out in Rules 7.37 and 7.38

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