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Budget and Policy Framework

1 Introduction

- 1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, set out (amongst other things) functions that may or may not be the responsibility (or sole responsibility) of the Executive.
- 1.2 The Council’s Budget and Policy Framework (the “**Framework**”) sets out the budget, plans, policies and strategies (each a “**Framework Component**”) that are reserved to Council for determination.
- 1.3 Other plans, policies and strategies requiring approval that are not included in the Framework and are not otherwise reserved by law to the Council will be the responsibility of the Executive in accordance with the Local Government Act 2000.
- 1.4 The Council, usually at its Annual Meeting, will be responsible for the adoption of the Framework.
- 1.5 The Executive is responsible for the implementation of the Framework.
- 1.6 The Appendix to this Part contains a list of the current Framework Components.

2 Process for Developing the Framework

Preparation of Timetable

- 2.1 The Executive will publicise, by inclusion in the Forward Plan, a timetable for making proposals to the Council for the adoption of any Framework Component (the “**Proposals**”).
- 2.2 With regard to setting a timetable so as to comply with the requirement to set a balanced budget, consideration will be given to:
 - 2.2.1 an early assessment of assumptions that will be used in the drafting of the budget, taking account of financial issues that may have a significant impact on the medium term financial position of the Council;
 - 2.2.2 an overview of the financial position in the coming financial year following publication of the settlement details regarding the anticipated funding from the Government; and
 - 2.2.3 a detailed consideration of items of growth or potential savings.

Role of the Scrutiny Commission

- 2.3 As the Scrutiny Commission and Scrutiny Sub-Committees have responsibility for fixing their own work programme, it is for them to decide whether and how to investigate, research or report in detail regarding Framework Components.
- 2.4 The Executive will take any response from the Scrutiny Commission or a Scrutiny Sub-Committee into account in drawing up the Proposals.

Role of Council

- 2.5 The Council shall consider the Proposals and:
 - 2.5.1 adopt them without amendment;
 - 2.5.2 refer them back to the Executive for further consideration; or
 - 2.5.3 amend them or substitute its own Proposals.

Result of Council Decision

- 2.6 The Council's decision will be publicised and the notice of decision shall confirm that:
- 2.6.1 (adoption) - the Proposals will be effective immediately;
 - 2.6.2 (reference back to Executive) – the matter shall be referred back to the Executive;
 - 2.6.3 (amendment or substitution) - the amended/substituted Proposals will become effective on the expiry of five Clear Working Days after the publication of the notice of decision unless the Leader formally objects in writing in that period, in which event:
 - 2.6.3.1 a further, Extraordinary, Council Meeting shall take place within ten Clear Working Days of the receipt of the Leader's written objection; and
 - 2.6.3.2 at that Meeting, the decision of the Council shall be reconsidered in the light of the objection; and
 - 2.6.3.3 the Council shall make a final decision on the Proposals which shall be given effect to immediately.

Extent of Virement by Executive

- 2.7 In approving the Framework, the Council will also confirm the extent of virement permitted within the Budget and degree of in-year changes to the Framework which may be undertaken by the Executive. Any other changes to the Framework are reserved to the Council.
- 2.8 The Council policy in respect of virement/Supplementary Estimates is contained in the Financial Rules (Part []).

3 Decisions Outside the Framework

Scope

- 3.1 Only the Council may agree the Framework and decisions by Executive Decision Makers must comply with it.

Advice on Decisions

- 3.2 Executive Decision Makers shall take appropriate advice from the Monitoring Officer and/or the S.151 Officer as to whether the decision they want to make is in accordance with the Framework.
- 3.3 If the advice of such Officer is that a decision would not be in accordance with the Framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions relating to urgent decisions outside the Framework shall apply.

Urgent Decisions Outside the Framework

- 3.4 An Executive Decision Maker may take a decision which is contrary to, or not wholly in accordance with, the Framework if the decision is a matter of urgency and:
- 3.4.1 it is not practical to convene a Meeting of the Council; and
 - 3.4.2 the Chairman of the Scrutiny Commission, or in their absence the Chairman of Council, or in the absence of both the Vice-Chairman of Council, certifies that the decision is a matter of urgency.
- 3.5 The reasons why it is not practical to convene a Meeting of the Council and the relevant certification of urgency must be noted on the record of the decision.
- 3.6 Following the decision, the Executive Decision Maker must provide a report to the next appropriate Meeting of Council explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

4 In-Year Changes to Framework

- 4.1 Changes to any Framework Component may only be made where the Executive, having taken the advice of the Monitoring Officer and S.151 Officer, is satisfied that the departure is permitted by law, and where it:
- 4.1.1 will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint; or
 - 4.1.2 is necessary to ensure compliance with the law, ministerial direction or Government guidance; or
 - 4.1.3 is 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.

5 Call-in of Decisions Outside the Framework

Officer Advice on Decisions

- 5.1 Where the Scrutiny Commission is considering whether an Executive Decision is, or proposed Executive Decision would be, contrary to the Framework it shall seek advice from the Monitoring Officer and/or S.151 Officer.

Referring Decisions to Council

- 5.2 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 s.151 Officer is that the decision is or would be contrary to or not wholly in accordance with the Framework, the Scrutiny Commission must:
- 5.2.1 commission a report regarding the decision and the advice of the Monitoring Officer and/or the Section 151 Officer (the “**Report**”);
 - 5.2.2 refer the matter to Council.
- 5.3 No further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- 5.4 The Council shall:
- 5.4.1 meet within ten Clear Working Days of the request by the Scrutiny Commission;
 - 5.4.2 consider the Report and either:
 - 5.4.2.1 endorse the decision as falling within the existing Framework, in which case no further action is required; or
 - 5.4.2.2 amend the Council’s Financial Rules or the Framework Component concerned to encompass the decision and then endorse the decision with immediate effect, in which case no further action is required; or
 - 5.4.2.3 require the Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or S.151 Officer.

Budget and Policy Framework - Appendix

Current Framework – 2022/23

The Framework Components reserved to Council for the municipal year above are:

- The Council's Budget;
- Council Strategy;
- Local Transport Plan;
- Licensing Policy;
- Gambling Policy;
- Plans and strategies which together comprise the Development Plan;
- Statutory Pay Policy Statement;
- Property Investment Strategy.