

# **West Suffolk Shadow Council**

## **Budget and Policy Framework Procedure Rules**

### **1. The framework for Shadow Executive (Cabinet) decisions**

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

### **2. Process for developing the policy framework**

- 2.1 Normally, in the development of the policy framework, the Shadow Executive will liaise with the relevant Shadow Scrutiny Committee and Forest Heath District Council and St Edmundsbury Borough Council Cabinets to ensure that matters can be given proper consideration as part of the work programmes of these Committees.
- 2.2 However, the formal process by which the policy framework shall be developed is as follows.

#### **2.3 Prior to Shadow Executive consideration**

- (a) The Shadow Executive will publicise, by including in a Decisions Plan and/or by other methods, a timetable for making proposals to the Council for the adoption of any new or significantly revised policy or strategy that forms part of the policy framework. Where consultation on a draft policy is due to take place, the Decisions Plan will also set out the timetable for Shadow Executive consideration of the draft for consultation.

#### **Consultation on draft policies**

- (b) Where a policy is to be consulted on in draft form, the relevant Scrutiny Committees may wish to investigate, research or report in detail with policy recommendations before the end of the consultation period.

#### **2.4 Preparation of final proposals by Shadow Executive**

- (a) At the end of any consultation period, the Shadow Executive will approve its own final proposals for submission to the Shadow Council. These proposals will have regard to the responses to any consultation and will take into account any response or proposals from the Shadow Scrutiny Committee. Its report to the Shadow Council will reflect the comments made by consultees and/or the Committees and the Shadow Executive's response.

- (b) The Shadow Council will consider the proposals of the Shadow Executive and may:-
- (i) adopt them;
  - (ii) amend them;
  - (iii) refer them back to the Shadow Executive for further consideration; or
  - (iv) substitute its own proposals in their place.

In considering the matter, the Shadow Council shall have before it the Shadow Executive's proposals and any report from the Scrutiny Committee.

- (c)
- (i) the Shadow Council's decision will be published on the West Suffolk Council's website and drawn to the attention of the Leader.
  - (ii) the notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Shadow Council accepts the Shadow Executive's proposals without amendment); or
  - (iii) if the Shadow Executive's proposals are not accepted without amendment, the decision must inform the Leader of any objections which the Shadow Council has and require the Shadow Executive to reconsider, in the light of those objections, the proposals submitted to it.
  - (iv) the Shadow Council's decision will become effective on the expiry of 5 clear days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (d) If the Leader objects to the decision of the Shadow Council, he shall give written notice to the Chief Executive of Forest Heath District Council and St Edmundsbury Borough Council to that effect prior to the date upon which the decision is to be effective. The written notification must either:-
- (i) submit a revision of the proposals as amended by the Shadow Executive (the "revised proposals"), with the Shadow Executive's reasons for any amendments made to the proposals, to the Shadow Council for the Shadow Council's consideration; or
  - (ii) inform the Shadow Council of any disagreement that the Shadow Executive has with any of the Shadow Council's objections and the Shadow Executive's reasons for any such disagreement.
- (e) Where such notification is received, the Chief Executive of Forest Heath District Council and St Edmundsbury Borough Council shall refer the matter to the next ordinary meeting of the Shadow Council to reconsider its decision and the decision shall not be effective pending that meeting. The Chief Executive may call an extraordinary meeting of Shadow

Council if the matter is too urgent to await the next ordinary meeting.

- (f) At that Shadow Council meeting, the decision of the Shadow Council shall be reconsidered in the light of the revised proposals or the objections, which shall be available in writing for the Shadow Council.
- (g) The Shadow Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4 and shall be implemented immediately.
- (h) In approving the policy framework, the Shadow Council will also specify the degree of in-year changes to the policy framework which may be undertaken by the Shadow Executive. Any other changes to the budget and policy framework are reserved to the Council.

### **3. Process for developing the budget framework**

3.1 There will be a process for financial planning:-

- (a) The Shadow Executive shall prepare and adopt a timetable to accomplish these objectives that should incorporate consideration of:-
  - (i) An early assessment of assumptions that will be used in the drafting of the forthcoming budget, taking account of financial issues that may have a significant impact on the medium term financial situation of West Suffolk Council.
  - (ii) An overview of the financial position in the coming financial year following publication of the settlement details of the anticipated funding from Central Government.
  - (ii) Detailed consideration of items of growth or potential disinvestments.
- (b) Prior to Shadow Executive consideration:-
  - (i) The Shadow Executive will publicise, by including in the Decisions Plan and/or by other methods, a timetable for making proposals to the Shadow Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation. The Chairman and Vice Chairman of the Shadow Scrutiny Committee will be notified. The consultation period shall in each instance be not less than six weeks.
  - (ii) If the Shadow Scrutiny Committee wishes to respond to the Shadow Executive in that consultation process then it may do so. As the Shadow Scrutiny Committee has responsibility for fixing its own work programme, it

is open to this Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.

- (c) Preparation for the formal budget meeting:-
- (i) The Shadow Council will hold its formal budget meeting in February 2019 or March 2019 when the Shadow Executive will present proposals to the Shadow Council.
  - (ii) The budget proposals presented by the Shadow Executive having taken consideration of the views of the public, staff, members of the Shadow Scrutiny Committee and other consultees.
  - (iii) All potential amendments to the budget must be assessed for their financial implications prior to the Shadow Council meeting to comply with Financial Procedures. To avoid any problems arising from this requirement, all proposed amendments to the budget will therefore be notified in advance to the Chief Executive and S151 Officer.
  - (iv) At the budget meeting, the Shadow Council will decide on the budget for the forthcoming year and formally adopt this, satisfying any statutory requirements so that all income due to the Shadow Council and its preceptors can be collected.

#### **4. Decisions outside the budget and policy framework**

- (a) Subject to the provisions of Rule 6 the Shadow Executive, committees of the Shadow Executive, individual members of the Shadow 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 policy, or contrary to or not wholly in accordance with the budget approved by the Shadow Council, then that decision may only be taken by the Shadow Council, subject to Rules 5 and 7 below.

- (b) If the Shadow Executive, committees of the Shadow Executive, individual members of the Shadow Executive and any officers, or joint arrangements discharging Shadow Executive functions want to make such a decision, they shall take advice from the Interim Monitoring Officer and the Interim S151 Officer as to whether the decision they want to make would be contrary to policy, or contrary to or not wholly in accordance with the budget.
- (c) If the advice of either of those officers is that the decision would not be in line with the existing budget and policy framework, then the decision must be referred to the

Shadow Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 5 (Urgent decisions outside the budget and policy framework) shall apply.

## **5. Call-in of decisions outside the policy framework**

- (a) Where the Shadow Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to policy, then it shall seek advice the Interim Monitoring Officer and/or Interim S151 Officer.
- (b) The Interim Monitoring Officer's report and/or Interim S151 Officer's report shall be to the Shadow Executive with a copy to every member of the Shadow Council. Regardless of whether the decision is delegated or not, the Shadow Executive must meet to decide what action to take in respect of the Interim Monitoring Officer's report. The Shadow Executive must prepare a report to:-
  - (i) the Shadow Council if the Interim Monitoring Officer or the Interim S151 Officer conclude that the decision was a departure; and
  - (ii) the Shadow Scrutiny Committee if the Interim Monitoring Officer or the Interim S151 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 Interim Monitoring Officer and/or the Interim S151 Officer is that the decision is or would be contrary to policy or contrary to or not wholly in accordance with the budget, the Shadow Scrutiny Committee may refer the matter to the Shadow Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Shadow Council has met and considered the matter. The matter will be referred to the next ordinary meeting of the Shadow Council except in cases of urgency when an extraordinary meeting will be called. At the meeting it will receive a report of the decision or proposals and the advice of the Interim Monitoring Officer and/or the Interim S151 Officer. The Shadow Council may either:-
  - (i) endorse a decision or proposal of the Shadow Executive decision maker as falling within the existing policy framework. In this case no further action is required; *or*
  - (ii) amend the Shadow Council's Financial Procedure Rules or policy concerned and agree to the decision with immediate effect; *or*
  - (iii) here the Shadow Council accepts the decision or proposal is contrary to policy and does not amend the existing framework to accommodate it, require the Shadow Executive to reconsider the matter in

accordance with the advice of either the Interim Monitoring Officer/Interim S151 Officer.