



# AGENDA

For a meeting of the  
**CONSTITUTION COMMITTEE**  
to be held on  
**MONDAY, 13 NOVEMBER 2017**  
at  
**5.00 PM**  
in the  
**WITHAM ROOM - COUNCIL OFFICES, ST. PETER'S HILL,  
GRANTHAM. NG31 6PZ**

**Aidan Rave, Chief Executive**

**Chairman**  
Councillor Mrs Brenda Sumner

Councillor Lynda Coutts	Councillor Ian Stokes
Councillor Bob Sampson	Councillor Hannah Westropp (Vice-Chairman)
Committee Support Officer:	Lucy Bonshor Tel: (01476) 40 61 20 E-mail: <a href="mailto:l.bonshor@southkesteven.gov.uk">l.bonshor@southkesteven.gov.uk</a>

**Members of the Committee are invited to attend the above meeting to consider the items of business listed below.**

**1 MEMBERSHIP**

The Committee to be notified of any substitute members.

**2 APOLOGIES**

**3 DISCLOSURE OF INTERESTS**

Members are asked to disclose any interests in matters for consideration at the meeting.

**4 MINUTES OF THE MEETING HELD ON 12TH JUNE 2017 (Pages 3 - 5)**

**(Enclosure)**

**5 AMENDMENTS TO THE CONSTITUTION (Pages 6 - 19)**

- **Development Management Committee** – proposed amendment to arrangements for questioning public speakers – Report LDS249 from the Chairman of the Development Management Committee  
**(Enclosure)**
- **Employment Committee** – proposed amendment to the Terms of Reference – Report TC005 from the Chairman of the Employment Committee  
**(Enclosure)**
- **Budget and Policy Framework Procedure Rules** – proposed amendment to the consultation period - Report CFM440 from the Cabinet Member for Finance  
**(Enclosure)**

**6 ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

# MINUTES

CONSTITUTION COMMITTEE  
MONDAY, 12 JUNE 2017



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## COMMITTEE MEMBERS PRESENT

Councillor Lynda Coutts  
Councillor Bob Sampson  
Councillor Ian Stokes  
Councillor Hannah Westropp (Vice-Chairman)

## OTHER MEMBERS

Leader of the Council/Cabinet Member HR and Cultural Services  
(Councillor Matthew Lee)  
Deputy Leader/Cabinet Member Business Transformation and Commissioning  
(Councillor Kelham Cooke)  
Cabinet Member Major Projects (Jacky Smith)

## OFFICERS

Executive Manager Corporate (Lucy Youles)  
Democratic Officer (Lucy Bonshor)

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### 22. APOLOGIES

An apology for absence was received from Councillor Brenda Sumner.

### 23. DISCLOSURE OF INTERESTS

None disclosed.

### 24. MINUTES OF MEETING HELD ON 22ND MAY 2017

The minutes of the meeting held on 22<sup>nd</sup> May were agreed as a correct record.

### 25. AMENDMENTS TO THE CONSTITUTION

#### Voting System

**Decision:**

***The Constitution Committee recommends to Council that the Constitution is amended at Article 4.13.3 to change the voting system in full Council meetings from the use of the electronic voting system to a show of hands by deleting Article 4.13.3 (i) and (ii) and inserting as a new Article 4.13.3:***

***Unless otherwise provided by law or in these procedure rules, the vote on any motion or amendment proposed at any meeting of the full Council shall be taken by means of a show of hands, for, against and abstentions. Where a physical restriction prevents any Member from making a show of hands, on notifying the Chairman of that restriction that Member may vote by voice. An electronic voting system will remain available for all other committees of Council to use in the Council Chamber if required. It will be for each committee of the Council to determine the voting system to be used.***

Report LDS215 circulated to Members proposed a change to how votes were taken at Council meetings. Since the Constitution had been introduced the Council had determined that voting would be by means of the electronic voting system when meetings were held in the Council Chamber and the electronic voting system was in operation. Where meetings were held elsewhere or the electronic voting system was out of operation votes were taken by a show of hands and this tended to be how most Councils voted elsewhere in the Country. It was proposed that voting at Council meetings would be by a show of hands which would show transparency in the democratic process to any member of the public attending. The electronic voting system would remain available for use by other committees who used the Council Chamber as a meeting room.

An informal discussion had taken place with the Leaders of the other Groups about the proposed change where all Leaders present had suggested their support.

A discussion followed with Members expressing their view on the proposal. One Member asked why the change was taking place and how abstentions would be recorded. Transparency of the democratic process to members of the public in attendance at Council meetings was the major factor in the proposed change. . Further questions were raised about the party whip and recorded votes. The party whip was referred to in respect of the function of overview and scrutiny Committee and the proposal did not affect the procedure for recorded votes. The accuracy of the voting system was referenced and it was stressed that there was no suggestion that the voting system was inaccurate in any respect. The Member who had proposed the recommendation was happy for abstentions to be included within the recommendation. The substantive proposal to include abstentions was seconded and agreed and the amended recommendation on being put to the vote was agreed.

## Attendance at Cabinet Meetings

### Decision:

***The Constitution Committee recommends to Council that the Constitution is amended at Article 8.5.7 and 8.6.2 to allow any Member of the Council to attend an open meeting of the Cabinet as follows:***

- After Article 8.5.6 add new Article:

### ***8.5.7 Attendance at Open Meetings of the Cabinet***

***Any Member of the Council may attend any open meeting of the Cabinet, its Committees and Sub Committees. That Member may speak and ask the relevant Cabinet Member questions (but not vote) on any item on the agenda of the meeting. The Council Procedure Rule 4.11.4 relating to the length of speeches whereby no speech may exceed 5 minutes without the consent of the Leader or other chairman of the Cabinet meeting will apply.***

*(Consequential renumbering of subsequent clauses to be carried out)*

- Delete existing Article 8.6.2 and include the details of attendance at private meetings of the Cabinet by re-inserting the following wording at the new numbered Article 8.5.8 a) (iv):

***In addition to (iii) above, non-Cabinet Councillors will be permitted to attend private meetings of the Cabinet only by invitation of the Leader, and to speak in relation to specific items on the agenda only if the Leader's prior consent has been obtained. Requests for such consent to speak shall be made in writing and delivered to the Leader or Chief Executive or other proper officer no later than noon on the preceding working day.***

Members had been circulated with report LDS221 which set out a proposed amendment to the Constitution relating to the attendance at and participation in Cabinet meetings and to widen the rights of non-cabinet Members of the Council to attend and speak at open Cabinet meetings without having to get permission from the Leader to speak.

A discussion on the proposal followed with all Member present supporting the proposed change. The recommendation was proposed, seconded and agreed.

## **26. CLOSE OF MEETING**

The meeting closed at 5.55pm.



# Agenda Item 5

## CONSTITUTION COMMITTEE

Report of: Councillor Martin Wilkins  
Chairman of the Development Management Committee

Report to:	<b>Constitution Committee</b>
Date:	<b>13 November 2017</b>
Subject:	<b>Amendments to the Constitution – Development Management Committee - LDS249</b>

<b>Decision Proposal:</b>	Recommendation to Council
<b>Relevant Cabinet Member:</b>	Councillor Kelham Cooke, the Deputy Leader and Cabinet Member for Business Transformation and Commissioning
<b>Report author:</b>	Jo Toomey, Principal Democracy Officer Tel: 01476 40 61 52 E-mail: <a href="mailto:j.toomey@southkesteven.gov.uk">j.toomey@southkesteven.gov.uk</a> Date: 27 October 2017
<b>Reviewed by:</b>	Lucy Youles Assistant Director, Legal and Democratic. E-mail: <a href="mailto:l.youles@southkesteven.gov.uk">l.youles@southkesteven.gov.uk</a> . Tel:01476406105 Date: 1 <sup>st</sup> November 2017
<b>Signed off by:</b>	Steve Ingram – Strategic Director. E-mail: <a href="mailto:s.ingram@southkesteven.gov.uk">s.ingram@southkesteven.gov.uk</a> . Tel: 01476406007 Date: 1 <sup>st</sup> November 2017
<b>Approved for publication</b>	Councillor Martin Wilkins. Chairman of Development Management Committee E-mail: <a href="mailto:m.wilkins@southkesteven.gov.uk">m.wilkins@southkesteven.gov.uk</a> Date: 1 <sup>st</sup> November 2017

### SUMMARY

The report proposes changes to the arrangements for questioning public speakers in meetings of the Development Management Committee.

## **RECOMMENDATION**

That the Constitution Committee recommends to Council the amendment of Article 9.1.9 a) (viii) by deleting the existing clause and adding a new clause 9.1.9 a) (viii) as follows:

*“Questions may only be put by Committee members to the applicant, an agent and/or a specialist advisor/consultant whether speaking on behalf of the applicant, for the grant of an application or against the grant of an application. Questions must be relevant to the application being considered and limited to the following matters:*

- *Anything that they have specifically referenced in their speech*
- *Anything that is contained in the application*
- *Anything that has been made in a representation by the speaker in respect of the application*

*Questions may be asked of public speakers by the Chairman and/or Vice-Chairman but only to establish the source of any material facts stated by a public speaker.”*

## **1. BACKGROUND TO REPORT**

- 1.1 The recommendation contained within this report would change the way in which questions by Committee members are currently put to those members of the public who wish to speak in respect of any application being considered by the Committee.
- 1.2 Under the current arrangements, Committee members may ask questions of any speaker for the purposes of clarification. In practice such questions are often not limited to points of clarification and it can be difficult for non-specialist speakers to respond.
- 1.3 The proposed amendment to the Constitution would limit the general questioning of speakers by Committee Members to the applicant, an agent and/or a specialist advisor/consultant whether speaking on behalf of the applicant or against the grant of an application.
- 1.4 In order to establish the legitimacy of comments made by a public speaker, the Chairman and/or Vice-Chairman will be able to ask a public speaker the source of any facts that the speaker may have presented before the Committee.

## **2. OTHER OPTIONS CONSIDERED**

- 2.2 To continue with the existing arrangements.

## **3. RESOURCE IMPLICATIONS**

- 3.1 There are no resource implications arising from this report.

## **4. RISK AND MITIGATION**

Risk has been considered as part of this report and no high risks have been identified.

**5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)**

5.1 Not applicable.

**6. CRIME AND DISORDER IMPLICATIONS**

6.1 There are no crime and disorder implications arising from this report.

**7. COMMENTS OF FINANCIAL SERVICES**

7.1 There are no financial comments arising from this report.

**8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

**The Constitution permits public speaking at Development Management Committee meetings. The rules of procedure relating to public speaking are set out at Article 9.1.9 a). These rules permit questions from Members of the Committee to public speakers. The amendment proposed permits questions from the Committee Members to be asked of appointed agents or specialist advisors.**

**9. COMMENTS OF OTHER RELEVANT SERVICES**

9.1 Not applicable.

**10. APPENDICES**

10.1 None

**11. BACKGROUND PAPERS**

11.1 The Constitution:

<http://moderngovsvr:8080/documents/g3580/Public%20reports%20pack%2028th-Sep-2017%20Constitution.pdf?T=10&Info=1>



## CONSTITUTION COMMITTEE

Report of: Councillor Graham Jeal  
Chairman of the Employment Committee

Report to:	<b>CONSTITUTION COMMITTEE</b>
Date:	<b>November 2017</b>
Subject:	<b>Amendments to the Constitution – Employment Committee Terms of Reference</b>
	<b>Report No: TC0005</b>

<b>Decision Proposal:</b>	Recommendation to Council
<b>Relevant Cabinet Member:</b>	Councillor Matthew Lee – Leader of the Council and Cabinet Member for Human Resources and Cultural Services
<b>Report author:</b>	Judith Davids – Executive Manager, Commercial e-mail: <a href="mailto:j.davids@southkesteven.gov.uk">j.davids@southkesteven.gov.uk</a> Tel: 01476 406344 Date: 30 <sup>th</sup> October 2017
<b>Reviewed by:</b>	Lucy Youles – Executive Manager, Corporate e-mail: <a href="mailto:l.youles@southkesteven.gov.uk">l.youles@southkesteven.gov.uk</a> Tel: 01476 406105 Date: 1 <sup>st</sup> November 2017
<b>Signed off by:</b>	Steve Ingram – Strategic Director e-mail: <a href="mailto:s.ingram@southkesteven.gov.uk">s.ingram@southkesteven.gov.uk</a> Tel: 01476 406007 Date: 2 <sup>nd</sup> November 2017
<b>Approved for publication:</b>	Cllr Graham Jeal Chairman of the Employment Committee <a href="mailto:g.jeal@southkesteven.gov.uk">g.jeal@southkesteven.gov.uk</a>

## **SUMMARY**

The Terms of Reference for the Employment Committee currently state at 13.4.1 (ii) that the committee should make recommendations to Council for the recruitment of Strategic Directors, and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act.

It is proposed that the Terms of Reference are amended to align them with our constitution and remove the need for Council approval of recruitment to these posts.

## **RECOMMENDATION**

**That the Constitution Committee recommends to Council that Article 13 within the Constitution is amended as follows:–**

1. Article 13.4.1 (ii) to be amended to read:

“To oversee the recruitment and selection process of the Monitoring Officer and Section 151 Officer and make recommendations to Council in this respect.”

2. Article 13.4.1 (v) to be amended to read:

“To review the appointment of an external investigator to carry out an investigation on behalf of the Committee where necessary.”

3. A new paragraph to be inserted at 13.4.1 (iii) as follows:

“To appoint Strategic Directors, and posts falling within the level of Assistant Director.”

4. Existing paragraphs 13.4.1 (iii) to (ix) to be renumbered (iv) to (x) to accommodate the insertion of the new paragraph (iii) above.

## **1. BACKGROUND TO REPORT**

- 1.1 On 19<sup>th</sup> October 2017 the Employment Committee met to consider and discuss the paper attached at Appendix 1.
- 1.2 The Committee supported the recommendations within the report on the basis that this provided an opportunity to tidy up the wording of the Committee's remit and give Members a more proactive role in recruitment of the most senior officers of the Council, which members felt was important. The changes were also designed to mitigate concerns that the wording as originally drafted could slow down the recruitment process.
- 1.3 A further review of the Committee's terms of reference led to the proposal that the wording of 13.4.1 (v) should be amended to stipulate that the Committee would oversee the appointment of an external investigator rather than appointing the investigator directly themselves.

## **1.4 Proposed Amendments to the Employment Committee Terms of Reference**

The members of the Committee unanimously agreed with the revisions to the terms of reference as set out in detail below and referred them to the Constitution Committee for recommendation to Council.

1.4.1 That paragraph 13.4.1 (ii) is amended from:

“To oversee the recruitment and selection process of Strategic Directors, the Monitoring Officer, Section 151 Officer and posts falling within the definition of Deputy Chief Officer in Section 2(1) of the Local Government & Housing Act 1989 and make recommendations to Council in this respect.”

To read:

“To oversee the recruitment and selection process of the Monitoring Officer and Section 151 Officer and make recommendations to Council in this respect.”

1.4.2 That paragraph 13.4.1(v) is amended from:

“To appoint an external investigator to carry out an investigation on behalf of the Committee”

To read:

“To oversee the appointment of an external investigator to carry out an investigation on behalf of the Committee”.

1.4.3 That the following new paragraph is inserted at 13.4.1 (iii):

“To appoint Strategic Directors, and posts falling within the level of Assistant Director.”

1.4.4 That existing paragraphs 13.4.1 (iii) to (ix) are renumbered (iv) to (x) to accommodate the insertion of the new paragraph (iii) above.

## **2. OTHER OPTIONS CONSIDERED**

No other options have been considered.

## **3. RESOURCE IMPLICATIONS**

There are no resource implications associated with this proposal.

## **4. RISK AND MITIGATION**

There are no risks associated with this proposal.

## **5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)**

There are no equality implications arising from this proposal.

**6. CRIME AND DISORDER IMPLICATIONS**

N/A

**7. COMMENTS OF FINANCIAL SERVICES**

There are no financial comments arising from this report.

**8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The requirements of s.151 of the Local Government Act 1972 and s5 of the Local Government and Housing Act 1989 require that every authority appoints the chief finance officer and monitoring officer. There is no such requirement for the appointment of directors and assistant directors. The posts of director are non-statutory chief officers and assistant director are deputy chief officers. The Council can agree to delegate to the Employment Committee the appointment of those non-statutory officers without reference to the Council.

**9. COMMENTS OF OTHER RELEVANT SERVICES**

N/A

**10. APPENDICES**

**Appendix 1** - Report to Employment Committee - TC003 Proposed Change to Terms of Reference - 19<sup>th</sup> October 2017

**11. BACKGROUND PAPERS**

**The Constitution**

<http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?MId=3407>



## Constitution Committee

### Report of: Councillor Adam Stokes The Cabinet Member for Finance

<b>Report to:</b>	Constitution Committee
<b>Date:</b>	13 <sup>th</sup> November 2017
<b>Subject:</b>	Constitution Amendment – Budget and Policy Framework Procedure Rules - Article 4.21 (CFM440)

<b>Decision Proposal:</b>	Council Decision
<b>Relevant Cabinet Member:</b>	Councillor Adam Stokes, the Cabinet Member for Finance
<b>Report author:</b>	Richard Wyles, Corporate Finance <a href="mailto:r.wyles@southkesteven.gov.uk">r.wyles@southkesteven.gov.uk</a> Date: 16 <sup>th</sup> October 2017
<b>Reviewed by:</b>	Daren Turner, Director <a href="mailto:d.turner@southkesteven.gov.uk">d.turner@southkesteven.gov.uk</a> Date: 17 <sup>th</sup> October 2017
<b>Signed off by:</b>	Councillor Adam Stokes <a href="mailto:a.stokes@southkesteven.gov.uk">a.stokes@southkesteven.gov.uk</a> Date: 25 <sup>th</sup> October 2017
<b>Approved for publication</b>	Councillor Adam Stokes <a href="mailto:a.stokes@southkesteven.gov.uk">a.stokes@southkesteven.gov.uk</a> Date: 25 <sup>th</sup> October 2017

### SUMMARY

The purpose of this report is to set out the proposed amendment to Article 4.21 of the Constitution relating to the budget and policy framework procedure rules.

## **RECOMMENDATION**

It is recommended that the Committee recommends to Council that the proposed amendment to the Constitution relating to the budget and policy framework procedure rules be approved.

### **1. BACKGROUND TO REPORT**

1.1 There is a need to keep under review the framework for developing and processing the budget along with the procedure rules that underpin it. As a result, the proposal put forward is to amend the consultation period to enable greater flexibility and not be constrained by a prescribed time period. This is in keeping with other authorities' constitutions that have been used for benchmarking purposes. Therefore it is proposed to remove the current wording of 'the consultation period shall in each instance be not less than 6 weeks' to be replaced with 'the consultation period shall be a period of not less than 2 weeks'.

### **2. OTHER OPTIONS CONSIDERED**

2.1 None.

### **3. RESOURCE IMPLICATIONS**

3.1 There are no resource implications relating to this report.

### **4. RISK AND MITIGATION**

4.1 Risk has been considered as part of this report and there are no specific high risks.

### **5. ISSUES ARISING FROM IMPACT ANALYSIS (EQUALITY, SAFEGUARDING etc.)**

5.1 N/A

### **6. CRIME AND DISORDER IMPLICATIONS**

6.1 None

### **7. COMMENTS OF FINANCIAL SERVICES**

7.1 There are no financial implications relating to the proposed amendment to the Constitution.

### **8. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

8.1 Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (the Regulations) sets out the provisions to be incorporated in standing orders regulating proceedings and business. The Council has provided a process

for developing the budget which incorporates the Regulations and also provides for a period of consultation. Neither consultation nor the period of consultation is prescribed by the Regulations.

The Council has determined the terms of the Budget and Policy Framework Procedure Rules and can approve a change to those procedure rules. The period of consultation must be reasonable taking into account the purpose of the consultation and the legitimate expectation of those to be consulted.

**9. COMMENTS OF OTHER RELEVANT SERVICES**

9.1 None

**10. APPENDICES**

10.1 Appendix - Constitution Amendment: Budget and Policy Framework Procedure Rules (Article 4.21)

**11. BACKGROUND PAPERS**

11.1 The Constitution:

<http://www.southkesteven.gov.uk>

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

**These rules are made in accordance with and incorporate the relevant provisions of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended)**

### **4.21.1 The framework for Budget and Policy Framework decisions**

The Council will be responsible for the adoption of its annual Budget and the Policy Framework documents as set out in Article 4. Once a Budget or a Policy Framework document has been adopted by Council, it will be the responsibility of the Cabinet to implement it.

A recorded vote shall be taken in respect of any vote for a decision or against a decision or any abstention from voting on any decision relating to the making of calculations in accordance with the Local Government Finance Act 1992 at any budget decision meeting of the Council.

### **4.21.2 Process for developing the Budget**

(a) The Cabinet will publish in its Schedule of Decisions a timetable for making proposals to the Council for the adoption of an annual budget, including those decisions which are required by detailed at Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended) which are required to be made before the 8th February in any financial year and its arrangements for consultation after publication of those initial proposals. The Chairmen of the Overview and Scrutiny Committees will also be notified. The consultation period shall **be a period of not less than two weeks.**

(b) At the end of that period, the Cabinet will then draw up draft proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wish to respond to the Cabinet in that consultation process then they 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 any 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.

### **4.21.3 Process for developing the Policy Framework documents**

(a) The Cabinet will publish, by including in the Schedule of Decisions, a timetable for proposals to Council for the adoption, revision or amendment of any plan or strategy which forms part of the Policy Framework.

(b) Within the timetable the relevant Overview and Scrutiny Committees will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for the content or amendment or revision of the relevant plan or strategy.

(c) The relevant Overview and Scrutiny Committee will present recommendations as to the proposed content, revision or amendment of the plan or strategy to the Cabinet in accordance with the timetable set out in the Schedule of Decisions.

(d) The Cabinet will finalise its proposals for the Council to consider having taken into account the proposals of the relevant Overview and Scrutiny Committees.

#### **4.21.4 Approval of the Budget and Policy Framework**

- (a) The Council will consider the proposals of the Cabinet for the Budget and Policy Framework and may adopt, amend and refer them back to the Cabinet for further consideration, or substitute its own proposals setting out any objections which it has to the Cabinet proposals requiring the Cabinet to reconsider its proposals in the light of those objections.
- (b) A copy of the notice of the Council's decision will be given to the Leader.
- (c) If the Council accepts the Cabinet's proposals without amendment, the decision will be effective from the date of the decision. If the Council does not accept the Cabinet's proposals, the Council's decision will become effective on the expiry of 5 clear working days after the notice of the Council's decision has been given to the Leader unless the Leader objects to the decision within that period.
- (d) If the Leader objects the decision of the Council, the Leader will give written notice to the Chief Executive to that effect prior to the date upon which the decision would have become effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive will convene an extraordinary meeting of the Council to reconsider its decision.
- (e) The Council meeting must take place within 15 clear working days of receipt of the Leader's written objection. At the Council meeting, the decision of the Council will be reconsidered, taking into account the objection of the Leader and any revised draft budget or policy framework document. The Council will make its final decision on the matter, the decision will be published and implemented immediately.

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 Cabinet, in accordance with paragraphs 7 and 8 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

#### **4.21.5 Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 7 (virement) 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. If any of these bodies or persons wish 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 6 below.
- (b) If the Cabinet, its Committees, individual Cabinet members and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from 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 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 provisions in paragraph 6 (urgent decisions outside the budget and policy framework) shall apply.

#### **4.21.6. Urgent decisions outside the budget or policy framework**

- (a) The Cabinet, a Committee of the Cabinet, an individual Cabinet member 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. However, the decision may only be taken:

- (i) if it is not practical to convene a quorate meeting of the Council ; and
- (ii) if the Chairman 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 a Council meeting and the chair of the Overview and Scrutiny Committee 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 a relevant Overview and Scrutiny Committee the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman 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.

#### **4.21.7 Virement**

(a)The guidance to the Council's Financial Regulations sets out the rules for the operation of virement across the budgets allocated for particular functions of the Council.

(b)Steps taken by the Cabinet, an individual Cabinet Member or officers, area committees 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 on up to three occasions in any one year where each individual virement does not exceed £10,000 or other constraints agreed by Council. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

#### **4.21.8 In-year changes to policy framework**

The responsibility for agreeing the budget and framework lies with the Council and decisions by the Cabinet, an individual Cabinet member 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 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.

#### **4.21.9 Call-in of decisions outside the budget or policy framework**

(a)Where an Overview and Scrutiny Committee is of the opinion that a Cabinet 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 Monitoring Officer and/or Chief Finance Officer.

(b) In respect of functions which are the responsibility of the Cabinet, 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 Monitoring Officer's 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 relevant Overview and Scrutiny Committee if 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 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 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 5 working 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 Cabinet 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, circulated to all Councillors and published in the normal way;

(ii) or amend the Council's financial regulations 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

(iii) that the decision of the Council be minuted, circulated to all Councillors and published 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/Chief Finance Officer.