

CHESHIRE EAST COUNCIL

Governance and Constitution Committee

Date of meeting: 16 April 2009
Report of: Borough Solicitor
Title: Budget and Policy Framework Procedure Rules

1.0 Purpose of Report

- 1.1 To consider the proposed procedure rules relating to the budget and Policy Framework.

2.0 Decision Required

- 2.1 Governance and Constitution Committee is asked to:
 - 2.1.1 consider the draft Budget and Policy Framework Procedure Rules set out within Appendix B to the report; and
 - 2.1.2 recommend the draft Budget and Policy Framework Procedure Rules, subject to any amendments the Committee considers necessary, to Council.

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 As set out within the report.

6.0 Risk Assessment

- 6.1 The adoption of a set of Budget and Policy Framework Procedure Rules ensures that the documents which form part of the budget and Policy Framework is developed in accordance with legislative requirements. In addition the adoption of the rules would ensure that there are systems in place for resolving conflict in the setting of the budget or Policy Framework and for dealing with urgent decisions relating thereto.

7.0 Background and Options

7.1 The Local Authorities (Functions and Responsibilities)(England) Regulations 2000 require certain plans and strategies to be approved or adopted by full Council. The Regulations also provide that the authority can choose that certain additional plans or strategies may be required to be adopted or approved by full Council. Members will recall that at its meeting on 24th February 2009 Council approved a list of documents which would form part of the Policy Framework and would, as such, require approval by full Council. The list of these documents is attached at Appendix A for information.

7.2 Regulation 4 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 provides that Cabinet has overall responsibility for preparing the draft budget, plans and strategies for submission to full Council for consideration.

7.3 Guidance from DETR at the time the provisions of the Local Government Act 2000 were introduced provided:

The executive should adopt an inclusive approach to preparing the draft budget, plans and strategies and to policy development more generally. It should ensure that the councillors outside the executive (whether or not they are a member of an overview or scrutiny committee) have the opportunity to put forward proposals for them for the budget or policy development. Overview and Scrutiny committees should also play an integral part in policy development and the executive should consult such committees regularly in the process of preparing the draft budget and draft plans and strategies. In the case of the Development Plan, the executive should consult all bodies within the local authority which take development control decisions.

7.4 The Budget and Policy Framework Procedure Rules appended to the report (at Appendix B) are drafted to comply with Chapter 2 of the DETR Guidance and are based on the format provided both within the Modular Constitution and that of predecessor Councils.

8.0 Overview of Day One, Year One and Term One Issues

8.1 It is suggested that the approval of Budget and Policy Framework Procedure Rules is required soon as possible within Year One to ensure that there is an adopted system in place in relation both to the development of the budget and Policy Framework and to decisions emanating therefrom.

9.0 Conclusions and Recommendation

9.1 The Committee is requested to consider the proposed Budget and Policy Framework Procedure Rules and recommend them, subject to any amendments the Committee feels are necessary, to Council for approval.

For further information:

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Background Documents:

None

APPENDIX A

COUNCIL'S POLICY FRAMEWORK

- Annual Library Plan
- Best Value Performance Plan
- Children's Services Plan
- Community Care Plan
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Early Years Development Plan
- Education Development Plan
- Local Transport Plan
- Plans and strategies which together comprise the Local Development Framework
- Youth Justice Plan
- Licensing Policy
- Gambling Statement of Principles
- Corporate Plan
- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Adult Learning Plan
- Local Agenda 21 Strategy