

# **PROCEDURE FOR RESOLVING DISPUTES BETWEEN COUNCIL AND THE EXECUTIVE**

## **INTERPRETATION**

1. In this document, "plan or strategy" means a plan or strategy referred to in the Council's Key Policy Framework in Section 2 of the Constitution, subject to the separate provisions relating to the statutory components of the budget in paragraph 10.
2. Where notification is required to be submitted to any Councillor or officer of the Council under this procedure, the notification may be transmitted electronically.

## **PROCEDURE FOR DEALING WITH RECOMMENDATIONS FROM EXECUTIVE**

3. The Executive is responsible for formulating or preparing plans or strategies, or alterations to plans or strategies, for submission to the full Council.
4. The full Council is responsible for approving plans and strategies. In doing so, it shall in all cases consider a written recommendation from the Executive.
5. The procedure in this document lays down the action that must be taken where the Executive has submitted a draft plan or strategy, or amendments to an existing plan or strategy, to full Council for consideration, and, following consideration of the draft plan or strategy, or the amendments, the Council has any objections to the Executive's proposals.
6. Before the Council adopts, approves, amends or modifies the plan or strategy, it must instruct the Chief Executive to take the action in paragraph 7.
7. As soon as reasonably practicable, and in all case within two working days, after the meeting at which the Council objected as in paragraph 5 above, the Chief Executive shall give written notification to the Leader of the Council in the following terms:

"[NAME OF PLAN OR STRATEGY]

At its meeting on [date] full Council objected to this plan or strategy as recommended to it by the Executive for [adoption][approval][amendment].  
The objections agreed by Council were:

[ ]

Under legislation and the Council's Constitution, the Executive must reconsider the [name of plan or strategy] in the light of the Council's objections.

The Executive must either:

- (a) submit a revised [name of plan or strategy], with its reasons for any amendment, to the Council for its consideration; or
- (b) inform the Council of any disagreement it has with any of the Council's objections, and its reasons for the disagreement.

The Executive must take this action by [date (1)\*]

[It is proposed that this item is placed on the agenda for the Cabinet meeting already arranged for [date and time]]

OR

[I will contact you separately to arrange a date and time for a special Cabinet meeting]

OR

[As discussed, a special Cabinet meeting to consider this matter is being arranged for [date and time]]

OR

[Please notify me by [date] of any revisions the Executive proposes to the [name of plan or strategy], with reasons, and/or the Executive's reasons for any disagreement with the Council's objections]."

\* The date at (1) must be not less than 5 working days from and including the day after the Leader receives this notification.

8. When the Executive has reconsidered the matter in the light of the Council's objections, the Chief Executive shall arrange for the plan or strategy to be referred to the next full Council meeting or, if necessary, a special Council meeting. The reference to the Council meeting shall include all of the following information that has been received from the Executive by the date at (1) in paragraph 7 above:
  - a) any amendments to the draft plan or strategy proposed by the Executive;
  - b) the reasons for those amendments;
  - c) any disagreement the Executive has with the Council's objections to the plan or strategy; and
  - d) the reasons for that disagreement.
9. The Council shall take the information in 8 (a) to (d) into account when it adopts, approves, amends or modifies the plan or strategy. The Council's decision, whether it be to follow or to reject the views of the Executive, shall be implemented immediately.
10. Where, before 8 February in any financial year, the Executive submits to full Council for consideration in relation to the following financial year the statutory components of the budget (defined below\*), the procedure in paragraphs 5 to 9 above shall also apply before the Council makes a calculation, or issues a precept, under any of the legislation included in the definition. The Chief Executive's notification to the Leader shall be in similar terms to that in paragraph 7 of this Chapter.

\*The "statutory components of the budget" means:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992

but not

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; or
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.