

Supplementary legal implications

8.2.8 In the event of a dispute in agreeing any plan or strategy which make up the Policy Framework for the Council, which includes the Equality Strategy, there is a dispute resolution process set out in the Budget and Policy Framework Procedure Rules in Part 4C of the Constitution.

8.2.9 Paragraph 2(e) of Part 4C provides that the Full Council in considering the proposal may by simple majority:

- i) Adopt the proposal or
- ii) Object to the proposal and instruct the Executive to reconsider in the light of those objections. The instruction to the Executive will allow at least 5 working days for the Executive to either submit a revised proposal or to respond to the objections in relation to the original proposal, giving reasons for the response.

8.2.10 Paragraph 2(h) of Part 4C provides where the Council has objected to the proposal the Full Council will, within 7 clear working days of receipt by the Chief Executive of the response of the Executive, consider that response and may either:

- i) Approve the proposal: by a simple majority of those voting, approve the original or revised proposal or
- ii) Make amendments: by a two thirds majority of those voting, amend or modify the revised or original proposal.

8.2.11 In the event that neither outcome is achieved, the Chief Finance Officer will advise the Council of the minimum decisions and resolutions the Council must make at that meeting as required to comply with statutory requirements and:

- (i) If a decision on the Proposal is not identified by the Chief Financial Officer as required to be made at that meeting, the proposal fails, and the process must be recommenced; or
- (ii) If a decision on the Proposal is identified by the Chief Financial Officer as required to be made at that meeting, there will be no time limit on the length of the meeting and the Council shall continue to meet until it has reached a final decision on the matter. The decision shall then be made public and may be implemented immediately.

8.2.12 Although the Constitution refers to advice from the Chief Finance Officer, as the Proposal relates to a policy framework document and not the budget, the appropriate officer to provide advice is the Monitoring Officer.

Comments approved by: Stephen Lawrence-Orumwense, Director of Legal Services and Monitoring Officer