

Part Three - Chapter 8 - Resolution of disputes between Council and the Executive

Introduction

- 8.1 The Council is responsible for approving the Policy Framework and setting the budget and, in determining such matters, it will normally act only on a recommendation of the Executive.
- 8.2 These provisions specify the arrangements which will apply to those matters relating to the Policy Framework and budget: -
- a) which the Executive has referred to Council for approval and where Council is unwilling to adopt the Executive's recommendation, or
 - b) where the Executive does not submit a recommendation and where, for statutory or other reasons, it is necessary in the opinion of the Chief Executive Officer, Monitoring Officer or Chief Finance Officer for a decision to be made.
- 8.3 Where notification to any member or officer of the Council is required under this Protocol, such notification may be transmitted in writing or electronically.

Procedures for dealing with recommendations of the Executive

- 8.4 The Executive will, within the terms of its delegated powers and any statutory limitations, be responsible for the implementation of the Policy Framework and budgets approved by Council.
- 8.5 Where the Executive proposes any additions or alterations to the Policy Framework or budgets, it will, following the consultations required elsewhere in this Constitution, submit a report, with recommendations and reasons, to Council.
- 8.6 Copies of all reports and other supporting papers will be made available to all Members of Council as soon as possible after the Executive has concluded its consideration of the issues. In any event, such documentation will be made available not later than the day of the dispatch of the agenda for the Council meeting incorporating the Executive's recommendations.
- 8.7 Where the Council approves, without any amendment, the recommendations put to it by the Executive; such decisions will have immediate effect.
- 8.8 Where the Council modifies, rejects, defers or makes no decision on an Executive recommendation and any such modifications are not accepted by the Executive Leader, a copy of the decision will be provided to the Executive Leader of the Council within two working days of the meeting, together with instructions to reconsider the matter. Such decision will not come into effect until the sixth working day after the Council decision has been communicated to the Executive Leader.

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- 8.9 Within five working days after the decision of Council has been communicated to him/her, the Executive Leader may notify Council that the Executive disagrees with its decision or, with reasons, may submit a revised plan, strategy or budget. Providing such notice gives reasons for the disagreement, the decision will not be implemented until Council has considered the Executive Leader's objection.
- 8.10 On receipt of a notice of disagreement or a revised plan, strategy or budget, the matter will be referred to the next meeting of Council or, where necessary or requested by the Executive Leader, a special meeting of Council, for reconsideration.
- 8.11 Any decision reached at the meeting of Council (whether it is to support or reject the objections or revisions of the Executive) will have immediate effect.

Procedures for dealing with issues where no recommendation is made by the Executive

- 8.12 Where for statutory or other reasons, it is necessary for the Council to make any decision on any issue which ordinarily would have been the subject of a recommendation from the Executive, Council will: -
- a) approve any appropriate resolution, subject to its implementation only coming into effect on the sixth working day after the Council meeting; and
 - b) give notice of the decision taken to the Executive Leader within one working day of the Council meeting.
- 8.13 Within five working days after the decision of Council has been communicated to him/her, the Executive Leader may give notice in writing to the Chief Executive Officer that the Executive objects to the decision. Providing such notice gives reasons for the objection, the decision will not be implemented until Council has considered the Executive's objection.
- 8.14 On receipt of an objection, the matter will be referred to the next meeting of Council or where necessary a special meeting of the Council, for reconsideration due to the objection made by the Executive.
- 8.15 Any decision reached at the meeting of Council (whether it is to support or reject the objection of the Executive) will have immediate effect.

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