

Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its policy framework and budget. The Policy framework and budget adopted by the Council will be based on that proposed by the executive. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

2. Process for Developing the Framework

The process by which the policy framework and budget shall be developed is:

- (a) The executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of any initial proposals where available. The relevant Scrutiny Committee will also be notified. If a relevant Scrutiny Committee wishes to respond to the executive in that consultation process then it may do so.
- (b) The executive will draw up proposals having regard to the responses to that consultation. There will then be formal consultation with the relevant Scrutiny Committee which may wish to undertake further external consultation and/or make policy recommendations. The executive will take any response from a Scrutiny Committee into account in drawing up final proposals for submission to the Council, and its report to Council will reflect the comments made by consultees. Consultation on the Local Development Plan preparation should also be undertaken with the Planning Committee.
- (c) Once the executive has approved the final proposals, the Chief Executive or relevant director will refer them at the earliest opportunity to the Council for decision
- (d) In reaching a decision, the Council may adopt the executive's proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own

proposals in their place.

- (e) If it accepts the recommendation of the executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) A copy of the decision will be given to the Leader
- (g) An in-principle decision will automatically become effective after the expiry of 5 working days from the date of the Council's decision, unless the Leader informs the Chief Executive in writing within that period that he/she objects to the decision becoming effective and provides reasons why
- (h) In that case, the Chief Executive will call a Council meeting within a further 10 working days to re-consider its decision and the Leader's submission. The Council may
 - (i) approve the executive's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the executive by a simple majority
- (i) The decision shall then be made public; and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council may 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 executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions Outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 (virement) the executive, a committee of the executive an individual member of the executive and any officers, 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 wishes 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 paragraph 4 below.

- (b) If the executive, a committee of the executive an individual member of the executive and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial 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 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- (a) The executive, a committee of the executive, an individual member of the executive or officers of the Authority, 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. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the chair of the relevant Scrutiny Committee (or in his/her absence the Mayor or Deputy Mayor) decide to allow the decision to proceed for implementation as a matter of urgency.

Where an Officer takes a decision here under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members).

The reasons why it is not practical to convene a quorate meeting of full Council and the agreement to allow the decision to proceed for implementation as a matter of urgency must be noted on the record of the decision.

- (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.

5. Virement

The provisions in the Financial Procedure Rules shall apply in respect of budget virements.

6. In-year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive an individual member of the executive or officers of the Authority or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which makes up the policy framework may be made by those bodies or individuals except those changes:

- (a) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (b) 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.

But a report shall be made to the executive to Council with respect to those changes. It is also open to the executive to recommend such changes to the Council rather than take decisions on those changes.

7. Call-in of Decisions outside the Budget or Policy Framework

- (a) Where a Scrutiny Committee, or three members of the committee and the chair (or in absence vice chair) are of the opinion that an executive 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 advice shall be sought from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the executive, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive 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 Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Financial 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 Financial 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, or three members of the committee and the chair (or in absence vice chair), 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 10 working days of the request. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.

The Council may either:

- (i) endorse a decision or proposal of the executive 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 and circulated to all councillors in the normal way;

Or

- (ii) amend the council's budget 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 that the decision of the Council be minuted and circulated to all councillors 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 executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

Policy and Budget Framework

A. Policy Framework

The policy framework means the following plans and strategies:-

(a) Those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations (Schedule 3) to be adopted by the Council:

- Well-Being Plan;
- Corporate Plan and Annual Report/Wellbeing Objectives and Wellbeing Statement;
- Regional Transport Plan;
- Local Development Plan;
- Welsh Language Standards;
- Youth Justice Plan

(b) Other documents to be adopted by the Council:-

- Strategic Housing Functions including Local Housing Strategy
- Regional Economic Strategy
- Environmental Strategy 2008-2026
- Asset Management Plans
- Municipal Waste Strategy
- Road Safety Strategy
- Participation Strategy
- Flood Risk Strategy
- Smart and Connected (Digital Strategy)
- Air Quality Strategy
- Equalities Strategies
- Welsh in Education Strategic Plan (WESP)
- Director of Social Services Annual Report
- Corporate Parenting Policy and Annual Report
- Freedom of Information Publication Scheme
- Families First Plan
- Corporate Communications and Community Relations Strategy
- Community Development Delivery Plan
- Communities First Delivery Plans and Performance

Report

- Older Persons' Strategy
- Licensing Policy
- Social Services and Wellbeing (Wales) Act 2014 – Population Assessment
- Area Plan of the Regional Partnership Board
- Supplementary Planning Guidance to support the LDP
- Such plans, strategies or policies not listed in this Appendix which are otherwise for determination by the Executive, but which the Executive considers should be referred to the full Council for its decision on whether it should, pursuant to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), adopt such plans, strategies or policies as part of the Policy and Budget Framework (this being without prejudice to the right of the Council at any time under the above Regulations to add any plans, strategies or policies, to this Appendix).

B. Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. Members to also take account of Forward Financial Planning, use of Reserves and Treasury Management.

C. Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of large scale disposal of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.