

PART 4C BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

This section includes changes approved by Council on 19/09/13

In this Rule

'Budget' and 'Policy Framework' shall have the meanings given in Article 4.

'Section 151 Officer' means the officer responsible for the proper administration of the Council's financial affairs appointed under section 151 of the Local Government Act 1972 (and is currently the Director of Finance)

RULE 1 – PROCESS FOR APPROVING THE POLICY AND BUDGETARY FRAMEWORK

- (1) The Council will be responsible for the adoption of plans and strategies comprising the policy framework, and the budget (as defined in Article 4)
- (2) The City Mayor and Executive will be responsible for the preparation of proposed plans, strategies and budgets for Council consideration.
- (3) In respect of the adoption of plans and strategies comprising the policy framework, and the budget the City Mayor must :-
 - a) include in the forward plan a timetable for making proposals to the Council;
 - b) prepare draft proposals in advance of making firm proposals, and provide a consultation period within which Scrutiny Committees can consider the draft proposals.
- (4) In making proposals to the Council, the City Mayor will take into account any responses from Scrutiny Committees.
- (5) When considering the City Mayor's proposals the Council may:
 - a) adopt or approve the draft budget, plan or strategy;
 - b) ask the executive to reconsider or
 - c) amend the budget, plan or strategy itself
- (6) If the Council approves the proposals with amendments or approves alternative proposals, the City Mayor may resubmit her/his proposals or make fresh proposals and submit these to the Council. S/he may exercise this right by writing to the Monitoring Officer within five days of the Council decision. S/he may also waive this right by writing to the Monitoring Officer.
- (7) If the Council rejects the proposals, the City Mayor must resubmit her/his proposals or make fresh proposals.

- (8) If the City Mayor submits or resubmits proposals under rule 1.6 or 1.7 the Council shall consider these proposals. It shall make its final decision on the matter in that it may approve the proposals of the City Mayor by a simple majority of votes cast at the meeting; or approve a different decision which does not accord with the recommendations of the City Mayor by a two-thirds majority.
- (9) Once proposals are approved, the City Mayor shall implement them.

RULE 2 – IN YEAR CHANGES

- (1) In approving a plan, strategy or budget, the Council shall determine the extent to which the City Mayor may make subsequent changes without Council approval.
- (2) Finance Procedure Rules provide for delegated authority for officers to make changes to the budget, up to specified limits.

RULE 3 – DECISIONS MADE OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) Subject to rule 4, the City Mayor and anyone else discharging executive functions may only take decisions which are in line with the Budget and Policy Framework, and any virement and in-year policy changes permitted by the Council.
- (2) A decision taker should where appropriate take advice from the Monitoring 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 given is that the decision would not be in line with the existing Budget and/or the 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 Rule 4 shall apply.

RULE 4 – URGENT DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) The City Mayor, or anyone 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 or approved by Council (and any permitted variation), if the decision is a matter of urgency and is taken in accordance with this Rule.
- (2) Except where the reason for urgency is a declared emergency, the decision may not be taken unless:
 - i. it is not practical to convene a quorate meeting of the full Council; and
 - ii. the chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency. In the absence of the Chair of a relevant Scrutiny Committee, the consent of the Lord Mayor, or in their absence the Deputy Lord Mayor or High Bailiff will be sufficient.

- (3) The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Scrutiny Committee's or other Member's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (4) Except where the reason for urgency is a declared emergency, following the decision the decision taker will provide a full report to a subsequent Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- (5) Where a decision is taken as part of a response to a declared emergency, the decision need not comply with the Budget and Policy Framework, but must be made within the decision making framework of the Emergency Plan.

RULE 5 – CALL-IN OF DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) Call-in rights under this Rule can be exercised by:
 - a. A Scrutiny Committee, or
 - b. Any five Councillorswho shall be termed an "Objector" for the purpose of this Rule.
- (2) Where an Objector is 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 the Objector shall seek advice from the Monitoring Officer (who will consult the Section 151 Officer where appropriate).
- (3) An Objector can give notice requesting that an executive decision be called-in on the grounds that it is contrary to the Budget and Policy Framework by giving notice in writing to the Monitoring Officer, the deadline for receipt of such objection being 5pm on the fifth working day after the decision (or the third day after the publication of the decision, if later).
- (4) Any notice made under this rule for call-in of an executive decision must:
 - a. be in writing
 - b. specify a sponsor and a seconder, and
 - c. specify reasons for the call-in
- (5) In addition to providing advice to the Objector, the Monitoring Officer will facilitate discussions between the Objector and the City Mayor/Executive with a view to reaching agreement, and the decision may be taken if either:
 - a. the objector accepts that the executive decision is within the Budget and Policy Framework; or
 - b. the executive decision receives the support of the Objector.

Agreement by an Objector under this provision must be by:

 - a. the sponsor and seconder if the objection has been made by five Councillors, or

- b. the Chair and Vice Chair, if the objection has been made by a Scrutiny Committee.
- (6) If the objector remains of the view that an executive decision is contrary to the Budget and Policy Framework, and agreement cannot be reached, then the matter will be referred to the Council as Stated in (7) and (8).
- (7) If the decision has yet to be made or has been made but not yet implemented, no further action will be taken in respect of the decision or its implementation until the Council has considered the matter. The Council shall meet as soon as practical. At the meeting the Council will receive a report on the decision or proposals which will include the views of the City Mayor/Executive and the Objector, if any, and the advice of the Monitoring Officer (and the Section 151 Officer) if appropriate).
- (8) The Council may either:
 - i. determine that the decision or proposal of the Executive decision taker falls within the existing Budget and Policy Framework. In this case the decision may be taken by the decision taker and implemented; or
 - ii. determine that the decision or proposal is contrary to the Policy Framework or contrary or not wholly in accordance with the Budget. It may then either:
 - require the City Mayor to take the decision in accordance with the Budget and Policy Framework; or
 - take the decision itself.