

Mae'r ddogfen hon ar gael yn Gymraeg hefyd



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## **SECTION 16 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **16.1 The framework for Cabinet decisions**

The Council will be responsible for the adoption of its policy framework and budget as set out in Section 4. The policy framework and budget adopted by the Council will be based on that proposed by the Cabinet. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

### **16.2 Process for developing the framework and budget**

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

16.2.1 The Cabinet will publicise, by including in the forward plan, 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. The consultation period shall not be less than 3 weeks.

16.2.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to any responses including those from scrutiny committees to that consultation, and submit those proposals to the Council.

16.2.3 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

16.2.4 In approving the budget and policy framework, the Council will 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 Cabinet.

### **16.3 Decisions outside the budget or policy framework**

16.3.1 Subject to the provision of paragraph 5 (virement) the Cabinet, and individual member of the Cabinet 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 4 below.

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

#### **16.4 Urgent decisions outside the budget or policy framework**

16.4.1 The Cabinet, an individual member of the Cabinet, 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. 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 a relevant scrutiny committee agrees that the decision is a matter of urgency.

16.4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant scrutiny committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant scrutiny committee the consent of the Chair of the Council, and in the absence of both, the Vice-Chair will be sufficient.

16.4.3 The Chief Executive has powers to act in similar circumstances as those described above and these are set out in the Financial Regulations.

16.4.3 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.

#### **16.5 Virement**

The rules for virement are set out in the Council's Financial Regulations (included in Section 17 of this Constitution) and reference should be made to them.

#### **16.6 In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or officers, 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) which will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) 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.

## **16.7 Call-in of decisions outside the budget or policy framework**

16.7.1 Where a scrutiny committee is of the opinion that a Cabinet 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 it shall seek advice from the Monitoring Officer and Chief Financial Officer.

16.7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the appropriate scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

16.7.3 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 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 21 days of the request by the Scrutiny Committee. 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:

- (a) endorse a decision or proposal of the Cabinet 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

- (b) amend the Council's budget or policy concerned to encompass the decision or proposal of the body or individual responsible for the 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
- (c) 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 Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and / or the Chief Financial Officer