

## Part 9

# Budget and Policy Framework Rules of Procedure

### Document Control

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### Change History

Version	Date	Description	Change ID
1	May 2011	Renumbered as Part 9 (Previously Part 10)	9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.4.1, 9.4.4
2	April 2012	Changes to whole document as a consequence of the Senior Management Review	
3	27 Sept 2012 Council Meeting	Remove and amend sections around 9.2.5 to better clarify the wording; Changes to in-year budgets due to Central Government funding changes requiring a report to Executive - the £100k mark was removed as 1% of the budget is always over £1m, not £100k. This is amending an error in the original constitution.	



Version	Date	Description	Change ID
4.	<u>December 2014</u>	<u>Paragraphs 9.2.2, 9.2.4, 9.2.6, 9.3.1, 9.3.2, 9.4.2</u> <u>Paragraph 9.4.4. Virements moved to Part 10 of the Constitution</u>	

# West Berkshire Council Constitution

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## 9.1 The Framework for Executive Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 5 in Part 2 of this Constitution. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.

## 9.2 Process for Developing the Framework

### 9.2.1 Publication

The Executive will publicise, by including in the Forward Plan, a timetable for making proposals to the Council for the adoption of any plan, strategy, policy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Management Commission will also be notified.

### 9.2.2 Role of the Overview and Scrutiny Management Commission

As the Overview and Scrutiny Management Commission and any of its Sub-Committees have responsibility for fixing their own work programme, it is for them to investigate, research or report in detail with policy recommendations before the end of the consultation period, if they so wish. The Executive will take any response from a Commission or Scrutiny Sub-Committee into account in drawing up firm proposals for submission to the Council and its report to Council will reflect the comments made by consultees and the Executive's response.

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### 9.2.3 Role of Council

The Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place.

### 9.2.4 Notification of Council Decisions

The Council's decision will be publicised in accordance with Part 4 (Council Rules of Procedure) of this Constitution and a copy shall be given to the Leader of the Council. The notice of decisions shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposal without amendment) or (if the Executive's proposal is not accepted without amendment), that the Council's decision will become effective on the expiry of five clear working days after the publication of the notice of decision, unless the Leader of the Council or their nominated deputy formally objects in that period.

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### 9.2.5 Reconsideration by Council following Objections

The Council meeting must take place within ten clear working days of the receipt of the Leader of the Council's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Part 4 ([Council Rules of Procedure](#)) of this Constitution, and shall be implemented immediately.

**9.2.6 Extent of Virement by Executive**

In approving the Budget and Policy Framework, the Council will also specify the extent of virement [as set out in Part 10 \(Financial Rules of Procedure\)](#) within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive. Any other changes to the Budget and Policy Framework are reserved to the Council.

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**Deleted:** in accordance with paragraphs 9.4.4 (Virement) and 9.4.5 of these Rules (In-Year Changes to Policy Framework).

**9.3 Decisions Outside the Budget and Policy Framework**

**9.3.1 Scope**

The Executive, Committees of the Executive, individual Members 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 Rules 9.4.1 ([Basic Rules](#)) to 9.4.3 ([Report to Council](#)), below.

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**9.3.2 Advice on Decisions**

If the Executive, Committees of the Executive, individual Members 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 Section 151 Officer or nominated 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 Rules 9.4 ([Urgent Decisions Outside the Budget and Policy Framework](#)) shall apply.

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**9.4 Urgent Decisions Outside the Budget and Policy Framework**

**9.4.1 Basic Rules**

The Executive, Committee(s) of the Executive, individual Members of the Executive and any Officers 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:

- if it is not practical to convene a quorate meeting of the full Council; and

- if the Chairman of the Overview and Scrutiny Management Commission agrees that the decision is a matter of urgency.

#### **9.4.2 Notification of Decision not to Call Quorate Meeting**

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Overview and Scrutiny Management Commission's 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 Chairman of the Overview and Scrutiny Management Commission, the consent of the Chairman of the Council, and in the absence of both, the Vice-Chairman of Council, will be sufficient.

#### **9.4.3 Report to Council**

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.

#### **9.4.4 In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, Committees of the Executive, an individual Member of the Executive and any Officers or joint arrangements discharging Executive functions must be in line with it. Changes to any policy or strategy can only be made by the Executive, who shall take the advice of the Monitoring Officer and/or Section 151 Officer or nominated Officer, where it:

- will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- is necessary to ensure compliance with the law, ministerial direction or Government guidance;
- is 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.

### **9.5 Call-in of Decisions Outside the Budget or Policy Framework**

#### **9.5.1 Officer Advice on Decisions**

Where the Overview and Scrutiny Management Commission 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 it shall seek advice from the Monitoring Officer and/or section151 Officer or nominated Officer.

#### **9.5.2 Reports to Executive**

In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Section 151 Officer or nominated Officer's report shall be sent 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 Section 151 Officer or nominated Officer conclude that the decision was a departure, and to the Overview and Scrutiny Management Commission if the Monitoring Officer or the Section 151 Officer or nominated Officer conclude that the decision was not a departure.

### **9.5.3 Referring Decisions to Council**

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 Section 151 Officer or nominated 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 Overview and Scrutiny Management Commission 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 ten clear working days of the request by the Overview and Scrutiny Management Commission. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer or nominated Officer. The Council may either:

- 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
- amend the Council's Financial Rules of Procedure or the 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
- 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, it will require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or Section 151 Officer or nominated Officer.