

## **POLICY FRAMEWORK PROCEDURE RULES**

### **1. The Framework for Cabinet Decisions**

The Cabinet is responsible for proposing the policy framework to the Council.

The Council will be responsible for the adoption of its Policy Framework as set out in paragraph 2 below. Once a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

### **2. Policy Framework**

The Policy Framework means the following plans and strategies:

- Statement of Licensing Policy
- Statement of Gambling Policy
- Crime and Disorder Reduction Strategy (Community Safety Strategy)
- Sustainable Community Strategy
- Development Plan Documents, including the Local Plan, for Submission Consultation and Submission, and Adoption
- Other plans and strategies that the Council and Cabinet consider should be adopted by the Full Council as a matter of local choice; for example:
  - The Council's Corporate Plan
  - Budget Strategy
  - Treasury Management Strategy
  - Housing Revenue Account Business Plan
  - Housing Allocations Scheme
  - Homelessness Strategy
  - Tenancy Strategy

(Responses on behalf of the Council to consultation papers where they relate to Policy Framework plans and strategies will be a function of the Cabinet.)

(In respect of Policy Framework documents, and matters relating to the control of the authority's borrowing, investments or capital expenditure, or to housing land transfer, the Cabinet will be responsible for putting draft documents to the Full Council and will be responsible for any consultation required or necessary in the course of preparing those documents. The Full Council will be responsible for the approval for the purposes of its submission to the Secretary of State of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted).

The function of amending, modifying, revising, varying, withdrawing or revoking a plan or strategy relating to the Policy Framework, to the control of the authority's borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision, or to housing land transfer shall be the responsibility of the Cabinet where such action:

- (i) Is required to give effect to requirements of the Secretary of State in relation to a strategy or plan (or part of a strategy or plan) submitted for their approval; or
- (ii) Is recommended by the person carrying out, under Section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a Development Plan Document; or
- (iii) Is authorised by the Council when approving or adopting the plan or strategy

but shall not be the responsibility of the Cabinet in any other case.

In connection with the discharge of functions under Sections 28 –31 of the Planning and Compulsory Purchase Act 2004 (joint Local Plans and joint Committees), the following actions shall not be the responsibility of the Cabinet:

- (i) The making of an agreement to prepare one or more joint Local Plans;
- (ii) The making of an agreement to establish a joint Committee to be, for the purposes of Part 2 (Local Development) of the 2004 Act, the local planning authority;
- (iii) Where the authority is a constituent authority to a joint Committee, the making of an agreement that the joint Committee is to be, for the purposes of Part 2 of the Act, the local planning authority for any area or matter which is not the subject of an Order under Section 29 of the 2004 Act or an earlier agreement under Section 30 of the 2004 Act;
- (iv) The making of a request to the Secretary of State for the revocation of an order constituting a joint Committee as the local planning authority for any area or in respect of any matter.

Any other function under Sections 28 – 31 of the Planning and Compulsory Purchase Act 2004 shall be the responsibility of the Cabinet.

### **3. Process for Developing the Framework**

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

- (a) The Cabinet will publicise by including in the forward plan and publicising by other appropriate methods a timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the policy framework, and its arrangements for consultation after publication of its initial proposals. All Members of the Council would also be informed. The consultation period shall in each instance be not less than 6 weeks.
- (b) As part of the consultation process, the proposal shall be submitted to a meeting of the Overview and Scrutiny Commission. It is open to the Overview and Scrutiny Commission to investigate, research or report in detail with policy recommendations before the end of the consultation period. At the end of that period, the Cabinet will take any response to the consultation, including the response from the Overview and Scrutiny Commission (which shall also incorporate any views of non-Overview and Scrutiny Commission Members), 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 Cabinet's response.

The requirement in Rule 3 (a) and (b) to consult will not apply to draft proposals associated with the preparation of an altered or replacement Local

Development Plan where these are to be the subject of a separate formal consultation after consideration by the Council. Consultation on these matters after consideration by the Council shall follow the procedure contained in Rule (a) and (b).

- (c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) If the Council has objections to the Cabinet's proposals, whether or not it has any intention of making any modifications, it must, before making any decision, inform the Leader of those objections and give them instructions requiring the Cabinet to reconsider the proposals in the light of those objections.
- (e) When giving such instructions, the Council must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions during which the Leader may:
  - (i) submit revised proposals, as amended by the Cabinet, with the Cabinet's reasons for the amendments for consideration by the Council;
  - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (f) On the expiration of the period specified by the Council, the Council must take into consideration any response received from the Cabinet within that period, when making a decision.
- (g) The decision will be made on the basis of a simple majority of votes cast at the Council meeting.
- (h) In approving the policy framework, the Council will also specify the degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraph 6 of these Rules (in-year changes). Any other changes to the policy framework are reserved to the Council.

#### **4. Decisions Outside the Policy Framework**

- (a) Subject to the rules relating to in-year changes, the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any officers, area Committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework approved by Full Council, then that decision may only be taken by the Council, subject to 5 below.
- (b) If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any employees, area Committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer as to whether the decision they want to make would be contrary to the policy framework. If the advice of the Monitoring Officer is that the decision would not be in line with the existing 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 5 (urgent decisions outside the policy framework) shall apply.

## **5. Urgent Decisions Outside the Policy Framework**

- (a) The Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet or employees, area Committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework 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 the Overview and Scrutiny Commission agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the chair of the Overview and Scrutiny 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 chair of the Overview and Scrutiny Commission, the consent of the Mayor and in the absence of both the Deputy Mayor will be sufficient.

- (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.

## **6. In-Year Changes to Policy Framework**

The responsibility for agreeing the policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet an individual Member of the Cabinet or employees, area Committees or joint arrangements discharging Cabinet functions must be in line with it.

No changes to any policy and strategy which make 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.

## **7. Call-In of Decisions Outside the Policy Framework**

- (a) Where the Overview and Scrutiny Commission is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, then it shall seek advice from the Monitoring Officer
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring 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 to prepare a report to Council in the event that the Monitoring Officer concludes that the decision was a departure, and to the Overview and Scrutiny Commission if the Monitoring Officer concludes 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 is that the decision is or would be contrary to the policy framework, the Overview and Scrutiny 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 matter has been considered at the next ordinary meeting of the Council. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer. The Council may either:

(i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing 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 policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet 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 and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer.