

# Part 4

## Section 4.5 - Budget and Policy Rules

### General

1. These rules reflect specific statutory requirements<sup>1</sup> relating to the approval of budgets and policies by the Combined Authority and the Mayor, or other decision-makers on their behalf.
2. Decision-makers should consider whether any **consultation** is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
3. Decision-makers should also engage with a Combined Authority **Overview and Scrutiny Committee** (and any other committee of the Combined Authority) as appropriate in the development and scrutiny of proposals.
4. When approving budgets or policies, decision-makers must comply with the provisions relating to **Key Decisions** in the Access to Information Rules in Part 4 of the Constitution.

### Mayor's General Budget<sup>2</sup>

5. The Mayor must prepare a draft budget for the Mayoral General Functions by 1 February. The draft budget must:
  - set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
  - include the relevant amounts and calculations.
6. If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations<sup>3</sup> for the financial year. The decision must be made by a 2/3 majority of the Combined Authority Members<sup>4</sup> present and voting.<sup>5</sup>

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<sup>1</sup> Or government requirements under the National Assurance Framework Guidance.

<sup>2</sup> Combined Authorities (Finance) Order 2017 Order as modified by the 2021 Order.

<sup>3</sup> In accordance with Article 9 of the 2017 Order.

<sup>4</sup> In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

<sup>5</sup> The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

7. The Combined Authority must review any draft budget presented by the Mayor, and may make a report on the draft budget to the Mayor. The Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting.
8. The Mayor's draft budget shall be deemed to be approved by the Mayor, unless the Combined Authority makes a such report by 8 February.
9. Any report made by the Combined Authority:
  - must set out whether or not the Combined Authority would approve the draft budget in its current form, and
  - may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
10. Where the Combined Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may:
  - decide whether or not to make any revisions to the draft budget, and
  - notify the Combined Authority of the reasons for that decision and, where revisions are made the revised budget.
11. Where any specified period has expired, the Combined Authority must decide (taking into account the reasons given by the Mayor) whether to:
  - approve the Mayor's draft budget, or the revised draft budget; the Mayor does not vote on this decision, which is decided by a simple majority of the other Combined Authority Members present and voting,<sup>6</sup> or
  - veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined Authority's recommendations contained in the report to the Mayor; the decision must be made by a 5/8 majority of the Combined Authority Members<sup>7</sup> present and voting.<sup>8</sup>

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<sup>6</sup> The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

<sup>7</sup> In this context, Combined Authority Members do not include any person who is not a member of a Constituent Council.

<sup>8</sup> The names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded in the minutes of the meeting.

12. The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined Authority's report.

## Approval of policies – Non-Mayoral Functions

13. The Combined Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined Authority by the 2021 Order, approval of that policy requires the support of the Mayor.
14. Approving the West Yorkshire Investment Strategy is a Non-Mayoral Function. However, no spending commitments beyond an initial five-year allocation may be made until the Mayor has agreed the WYIS.

## Approval of policies – Mayoral General Functions

15. Preparing and reviewing a **Local Transport Plan** is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 18 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.<sup>9</sup>
16. In preparing and keeping the Local Transport Plan under review, the Mayor must consult:<sup>10</sup>
  - each local traffic authority for the Combined Authority's Area,
  - the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
  - each Constituent Council.
17. In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate:<sup>11</sup>
  - operators of any network or station, or of any railways services in the Combined Authority's Area,
  - operators or providers of other transport services in the Combined Authority's Area, or representative organisations,

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<sup>9</sup> Issued under Section 112 Transport Act 2000.

<sup>10</sup> In accordance with Section 109(2B) of the Transport Act 2000.

<sup>11</sup> In accordance with Section 109 (2C) of the Transport Act 2000.

- organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined Authority's Area, and
  - other persons whom they consider appropriate.
18. By majority vote, the Combined Authority may amend any Local Transport Plan made by the Mayor.<sup>12</sup> The Combined Authority must have regard to any relevant statutory guidance when discharging this function.<sup>13</sup>
19. As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must:<sup>14</sup>
- publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
  - cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
  - supply a copy to any person on request.
20. The Mayor will approve **any other policy** in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor's arrangements.

## Police and Crime Plan

21. Before issuing a Police and Crime Plan, the Mayor must obtain the views of the people in the Police Area (the Combined Authority's Area) and the views of victims of crime in that area, on the Police and Crime Plan<sup>15</sup>.
22. Before issuing or varying the Police and Crime Plan, the Mayor must:<sup>16</sup>
- (a) prepare a draft of the Police and Crime Plan or variation,
  - (b) consult the Chief Constable in preparing the draft Police and Crime Plan or variation,
  - (c) send the draft Police and Crime Plan or variation to the Police and Crime Panel<sup>17</sup>,

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<sup>12</sup> Article 27 of the 2021 Order.

<sup>13</sup> Issued under Section 112 Transport Act 2000.

<sup>14</sup> In accordance with Section 109(3) and (4) of the 2000 Act.

<sup>15</sup> Section 96(1A) of the Police Act 1996.

<sup>16</sup> Section 5 of the Police Reform and Social Responsibility 2011 Act.

<sup>17</sup> The Mayor must ensure that Police and Crime Panel has a reasonable amount of time to exercise its functions under Section 28(3) of the Police Reform and Social Responsibility Act 2011.

- (d) have regard to any report or recommendations made by the Police and Crime Panel in relation to the draft plan or variation<sup>18</sup> ,
  - (e) give the Police and Crime Panel a response to any such report or recommendations, and
  - (f) publish any such response<sup>19</sup>.
23. The Mayor must consult the Chief Constable before issuing or varying a Police and Crime Plan if, and to the extent that, the Police and Crime Plan or variation is different from the draft prepared.
24. The Mayor must:
- send a copy of the issued Police and Crime Plan, or the variation<sup>20</sup>, to
    - the Chief Constable, and
    - each of the other persons and bodies that are, responsible authorities for the purposes of Section 5 of the Crime and Disorder Act 1998, and
  - publish a copy of the issued plan, or the variation<sup>21</sup>.

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<sup>18</sup> See further Section 28(3) of the 2011 Act.

<sup>19</sup> It is for the Mayor to determine the manner in which a response is to be published – Section 5 of the 2011 Act.

<sup>20</sup> The duty to send or publish a copy of the variation may be satisfied by sending or publishing a copy of the Police and Crime Plan as varied.

<sup>21</sup> It is for the Mayor to determine how the plan or variation is to be published – Section 5(12)(a) of the 2011 Act.