

## Article 13 – Decision Making

### 13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### 13.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- the decisions should be proportionate to the desired outcome
- the decisions should be taken on the basis of due consideration and the professional advice of officers
- respect for human rights and equal opportunity
- a presumption of openness
- clarity of aims and desired outcomes
- explaining options considered and giving reasons

### 13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions
  - (i) are, any executive decisions which are likely:
    - (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates (In this respect 'significant' means expenditure or savings equivalent to £140,000); or
    - (b) to have a significant impact in one or more ward or electoral division.
- (c) Exclusions to the definition of key decision
  - (i) a decision to invite tenders or sign contracts shall not be treated as a key decisions insofar as the purpose of the contract is to implement:
    - (a) a key decision made in accordance with the requirements of the Access to Information Rules set out in Part 4 of this Constitution, or
    - (b) a capital project named in the approved capital programme,
  - (ii) expenditure which is inevitable for the day to day provision of services (eg payment of energy bills)
  - (iii) a decision of an Overview and Scrutiny Committee is not a key decision
- (d) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.

#### **13.04 Decision making by the full Council**

Subject to Article 13.09, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.05 Decision making by the Cabinet**

Subject to Article 13.09, the Cabinet will follow the Council Procedure Rules (so far as applicable), and the Additional Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.06 Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the Council Procedure Rules, (so far as applicable), and the Additional Overview and Scrutiny Committee Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.07 Decision making by Area Committees**

Area Committees will follow the Council Procedure Rules (so far as applicable) and the Additional Area Committee Procedures Rules when considering any matter.

#### **13.08 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 13.09, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **13.09 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in The Human Rights Act 1998.