

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, (whether they are the responsibility of the Council, the Cabinet, one of the Committees, or an Officer), will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) an explanation of the options that were considered and the reasons for the decision made.

13.03 Types of decision

(a) **Decisions reserved to 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) These are:

- decisions in relation to a Cabinet function which results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Councils budget for the service or function to which the decision relates; or
- decisions, which are significant in terms of its effects on communities living or working in an area comprising two or more wards of the Council; or
- proposals by the Cabinet to amend the policy framework; or

- amendment by the Cabinet of any aspect of the policy framework.

N.B. The Council has decided the limit above which items are significant is £100,000

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the Council

Subject to Article 13.09, the Cabinet will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering matters.

13.05 Decision making by Cabinet

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

13.06 Decision making by Overview and Scrutiny Committees

Subject to Article 13.09, the Overview and Scrutiny Committee will follow the Overview and Scrutiny Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by Regulatory Committee

Subject to Article 13.09, the Regulatory Committee will follow the Regulatory Committee Procedure Rules set out in Part 4 of this Constitution 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 Procedure 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 purpose 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 Article 6 of the European Convention on Human Rights.