

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 (Responsibility for Functions).

13.02 Principles of Decision Making

The Council aims to ensure that all its decisions whether they are the responsibility of the executive or not, are made in accordance with the following principles:

Principles of Decision Making

- Proportionality (i.e. the action taken is proportionate to the desired outcome);
- Decisions are taken on the basis of due consultation and professional advice from officers (Decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer/s);
- Respect for human rights and giving due regard to the Public Sector Equality Duty;
- A presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended)(see Part 4 Access to Information Rules – Rule 10);
- Clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take).

13.03 **Types of Decision**

- (i) **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.
- (ii) **Key decisions** - an executive decision which is likely:
 - (a) to result in the Council incurring expenditure which exceeds that included in any approved revenue or capital budget or the limits set out within an approved borrowing or investment strategy and was not the subject of specific grant; or
 - (b) to result in the Council incurring expenditure, the making of savings or the generation of income amounting to £1million or more:
 - (c) to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the Borough.

13.04 **Decision Making by the Full Council**

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this constitution when considering any matter.

13.05 **Decision Making by the Executive**

Subject to Article 13.08, the executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision Making by Scrutiny Bodies

Scrutiny Boards and Panels will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision Making by Other Committees and Sub-Committees Established by the Council

Subject to Article 13.08, 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.

13.08 Decision Making by Council Bodies Acting as Tribunals

The Council, a councillor or an officer, when acting as a tribunal or in a quasi-judicial manner or when 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 Article 6 of the European Convention on Human Rights.

13.09 Decision Making by Partners and Service Delivery Organisations

Where the Council has entered into partnering or service delivery arrangements, as referred to in Article 11.06 of this Constitution, the Council will expect the partner or service delivery organisation (“the body”) to comply with such terms and procedures as may be set out in the partnering agreement, contract or other legal arrangement between the body and the Council, regarding the consideration and determination of relevant matters.