

# **Article 13 – Decision-Making**

## **13.1 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.

## **13.2 Principles of decision-making**

All decisions of the Council 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 staff;
- (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) reasonableness.

## **13.3 Types of decision**

### **(a) Decisions reserved to Council.**

Decisions relating to the functions listed in Article 4.2 will be made by the Council and not delegated.

### **(b) Key Decisions**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 state that a key decision means an executive decision which is likely -

- (i) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

Subject to any guidance issued by the Secretary of State in relation to the meaning of 'significant', for the Council's purposes a key decision is:-

- any executive decision which results in a significant expenditure or saving of £164,000 or more; or

- any executive decision which has a significant effect on communities living or working in an area comprising two or more wards.

A decision taker may only make a key decision in accordance with the requirements of the Access to Information Rules.

### **13.4 Decision-making by the Council**

Subject to Article 13.8, the Council meeting will follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

### **13.5 Decision-making by the Cabinet**

Subject to Article 13.8, the Leader and Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.6 Decision-making by Overview and Scrutiny Committee**

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

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

Subject to Article 13.8, other Council Committees and Sub-Committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

### **13.8 Decision-making by Council bodies acting as tribunals**

The Council, a councillor or a member of staff, 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 Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.