

# Article 11 – Decision-Making

## 11.1 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.

## 11.2 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 reasonableness

## 11.3 And in accordance with the Council's objectives for establishing a Committee system:

- (a) Accountability – responsibilities and accountability should be clear within the Council and to residents
- (b) Credibility – governance should assist good decision-making which involves proper and early scrutiny
- (c) Transparency – the decision-making process should be open and transparent to members and the public
- (d) Collaboration – decision-making should be collaborative across parties and less combative
- (e) Timeliness – decision-making should be both quick and effective and where necessary allow for urgent decision-making.

## 11.4 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**

A key decision is a decision which, in the view of the Head of Paid Service, is likely:

- (i) to result in significant expenditure or savings of £250,000 or more; and/or

- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

**NOTE** - Whilst it is recognised that 'key decision' is a term required under executive arrangements, the term has been retained as it continues to provide a useful definition under committee system governance arrangements.

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

Subject to Article 11.7, the Council meeting will follow the Council Standing Orders set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 11.7, 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.

### **11.7 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.