

Article 12 - DECISION MAKING

12.1 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.

12.2 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 officers;
- (c). respect for human rights and equality of treatment for all;
- (d). a presumption in favour of openness;
- (e). clarity of aims and desired outcomes and
- (f). due consideration of alternative options and a clear, reasoned record of decisions taken;
- (g). best value.

12.3 Types of decision

- (a). **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

12.4 Key Decisions

A “key decision” means an Executive decision which, is likely:

- (a). to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates ; or
- (b). 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.

In determining the meaning of “significant” for the purposes of paragraphs (a) and (b) above, regard shall be had to any guidance for the time being issued by the Secretary of State in accordance with section 38 of the 2000 Act. Following such guidance, the Council has decided that, so far as financial considerations are concerned, for the purposes of (b)(i)(a) above, a “key decision” should be where more than 0.50% of the net approved budget requirement for the financial year concerned is involved.

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

12.5 Decision making by Full Council

Subject to Article 12.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter

12.6 Decision making by the Executive

Subject to Article 12.8, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision making by Committees Discharging Overview and Scrutiny Function

Committees discharging Overview and Scrutiny functions will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.8 Decision making by other committees and sub-committees established by the Council

Subject to the general principles contained in this Article, 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.

12.9 Decision making by Council bodies acting as tribunals

The Council, a councillor, an officer or any Council body 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.