

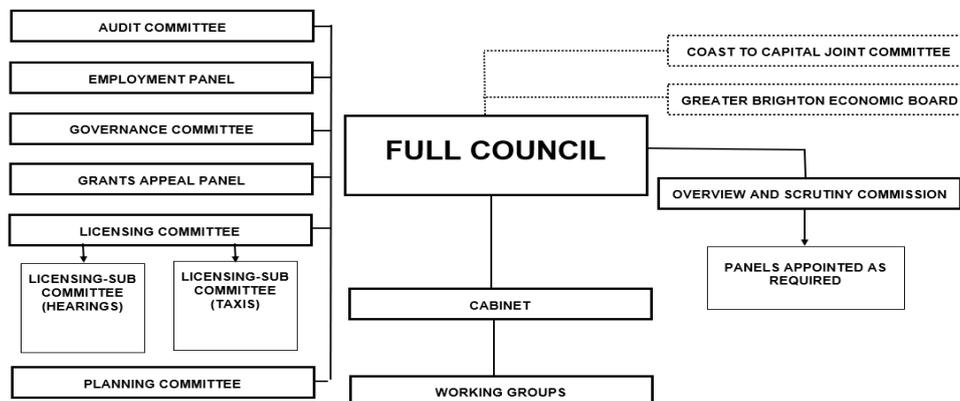
## INTRODUCTION TO DECISION MAKING

### 1. SCOPE

- 1.1. This section of the Constitution explains who holds responsibility for the functions of this Council, any delegation of those functions and any limits imposed.
- 1.2. All the responsibilities of this Council are either allocated to the Full Council or the Leader (who holds responsibility for all “Executive” functions). Those responsibilities, where appropriate, may be delegated to ensure efficient, effective, lawful and accountable decision-making.
- 1.3. This Council operates on the principles of openness and transparency. All decisions will be taken in accordance with the Principles of Decision Making (see below) and the Procedure Rules, including the Access to Information Procedure Rules.

### 2. FULL COUNCIL

- 2.1. The Full Council is the supreme body for Crawley Borough Council as a Local Authority and constitutes all Borough Councillors. It approves the Council’s Budget each year, appoints the Leader of the Council and also sets the policy framework (via the Policy Framework Documents) under which the Leader and their “Executive” functions will operate.
- 2.2. It has responsibility for all aspect of decision-making which legislation states:
  - **Must** be the responsibility of the Full Council (such as Regulatory functions).
  - **Must not** be the responsibility of the “Executive”.
- 2.3. There are certain decisions which are reserved for the Full Council, either by legislation or through its own choice, and as such these will only be taken by the Full Council.
- 2.4. The Full Council has established Committees to discharge the majority of its remaining functions. These Committees delegate operational day-to-day decisions relating to the management of service areas to the Chief Executive who may delegate them further through the Council’s Cascade System.
- 2.5. This Council operates under the following Committee structure:



### 3. LEADER (“EXECUTIVE” FUNCTIONS)

- 3.1. The Council uses a ‘Strong Leader’ model of Governance, which means all the Executive functions are bestowed upon the Leader of the Council (“the Leader”). The Executive functions are defined as all functions which are not the responsibility of any other part of the local authority, whether by law or defined within this Constitution.
- 3.2. The Leader will determine a Scheme of Delegation for the discharge of these functions and in doing so determine which functions are to be exercised by them personally and which are to be exercised by the Cabinet, Cabinet Committees, Individual Cabinet Members, Joint Arrangements or Officers.
- 3.3. There are different categories of Executive decisions: Key Decisions and Non-Key Decisions.
- 3.4. **Key Decisions:** Key Decisions are major/key Executive decisions, and as such they must follow a defined decision making route that is open and transparent as set out in the Access to Information Procedure Rules. Key Decisions are defined as any decision which is likely to either:
- a) Significantly impact or affect a “significant” number of people/communities living or working in the Borough (usually this is defined as impacting **two or more wards**).
  - b) Result in the Council incurring expenditure which is, or in the making of savings which, are deemed significant in financial terms:
    - By not being in the Annual Budget and Capital Programme approved by the Full Council.
    - In the case of **revenue** expenditure, any projects and new commitments likely to **exceed £100,000** per annum.
    - In the case of **capital** expenditure, any projects if they involve entering into new commitments in excess of **£500,000**.
    - Any **contract** awards exceeding **£500,000**.
- NB: Expenditure in excess of the above levels will not constitute a Key Decision if such expenditure is made as part of the implementation of, and in accordance with, a decision which itself was a Key Decision.*
- 3.5. Key Decisions are normally taken by the Cabinet or individual Cabinet Members (including the Leader).
- 3.6. **Non-Key Decisions:** Non-Key Decisions are categorised into either Significant Operational Decisions or Operational Decisions (“day-to-day”). The category of a decision will determine how it is taken and recorded.
- 3.7. **Operational Decisions (“day-to-day”):** The majority of Executive decisions are “day-to-day” Operational Decisions relating to the management of service areas and as such are delegated by the Leader to the Chief Executive who may delegate them further through the Council’s Cascade System. A public record of such decisions is not usually required and a departmental record suffices.

- 3.8. **Significant Operational Decisions:** These are Non-Key Decisions which necessitate a public record to ensure openness and transparency (in line with statute). Such decisions include any that:
- a) The Chief Executive, Monitoring Officer or another Chief Officer decides should be made publicly available (such as subsequent decisions relating to a previously agreed Key Decision).
  - b) Result in revenue expenditure or making savings (including the receipt or loss of income) between £80,000 and £99,999 per year.
  - c) Result in capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or **contract awards of between £250,000-£499,999.**

#### 4. PRINCIPLES OF DECISION MAKING

- 4.1. 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.
  - d) A presumption in favour of openness.
  - e) Clarity of aims and desired outcomes.
  - f) Relevant matters have not been ignored.
  - g) Consideration and evaluation of alternatives and reasons for decisions.
  - h) Due regard to the statutory framework, guidance and Codes of Conduct.
- 4.2. **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 and have regard to any other of the applicant's human rights or those of any other persons as may be affected by the outcome of that decision.

#### 5. SCRUTINY

- 5.1. The Overview and Scrutiny Commission supports and scrutinises the work of the Cabinet and the Council as a whole. One of the main roles of the Commission is to be consulted and provide advice to the Cabinet and the Full Council on the Policy Framework Documents, the Budget and service delivery in general. The Commission also monitors the decisions of the Cabinet and whether, in its opinion, the decisions are appropriate; and this may lead to recommendations to the Cabinet for its consideration. The Commission may also hold public inquiries/Scrutiny Panels to investigate matters of local concern which allows citizens to have a greater say.
- 5.2. The Commission has the ability to Call-In "Executive" decisions to enable further consideration of a decision and to allow an opportunity for alternative options to be considered.

## **6. MEMBERSHIP OF COMMITTEES AND APPOINTMENTS TO OUTSIDE BODIES**

- 6.1. **Membership of Committees:** The Full Council will establish formal meetings of the Council including their size, Terms of Reference and allocation of seats to the political groups. The Head of Governance, People & Performance will have the authority, during the Council year, to vary these appointments to give effect to the wishes of a political group in relation to their allocation.
- 6.2. **Chair and Vice Chair of Committees:** The positions of Chair and Vice Chair for each Committee shall be elected by a simple majority at the Annual Meeting of the Full Council. The appointment of the Chair and Vice Chair of a Committee should not include Councillors from the same political group (where possible). The Independent Member to the Audit Committee will not be the Chair nor Vice Chair of that Committee.
- 6.3. **Appointments to Outside Bodies:** When the Full Council, normally at the Annual Meeting, appoints representatives to a Council Outside Body with two or more Council seats, at least one position will be given to each of the largest political Groups on the Council (where those Groups have made a nomination). The Head of Governance, People & Performance will have the authority, during the Council year, to vary these appointments to give effect to the wishes of a political group in relation to their allocation.