

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

The Council will observe the following principles when making decisions:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from employees;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) explanation of options considered and reasons for decisions;
- (g) due regard to the statutory framework, guidance and codes of conduct;
- (h) previously taken Council decisions.

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.

(b) Key decisions

- (1) A key decision is likely
 - (i) To result in the Council incurring expenditure which is, or in the making of savings which are deemed significant in financial terms:
 - (a) By not being in the Annual Budget and Capital Programme approved by the Full Council;
 - (b) In the case of revenue expenditure, any projects and new commitments likely to exceed £100,000 per annum;
 - (c) In the case of capital expenditure, any projects if they involve entering into new commitments in excess of £500,000;
 - (d) Any contract awards exceeding £500,000

NOTE: 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

OR

- (ii) To be significant in terms of its effects (impacts) on communities (eg. A significant number of people) living or working in an area

comprising two or more wards or electoral divisions in the area of the Council.

- (2) A decision taker may only make a key decision in accordance with the requirements of the Leader and Cabinet Procedure Rules set out in Part 4 of this Constitution.
- (3) Generally, a key decision will only be made by the Leader/Cabinet/Cabinet Members, a Committee of the Cabinet, a Joint Committee (or Sub Committee thereof) or an area Committee (if any).

(c) **Significant Operational Executive (Non Key) Decisions**

A Significant Operational Decision:

- (i) Results in revenue expenditure or making savings (including the receipt or loss of income) between £80,000 and £99,999 per year;
- (ii) Results 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;
- (iii) Takes place when, in the opinion of the Chief Executive, Deputy Chief Executive, Head of Service or Monitoring Officer, a published record of the decision is required to provide openness and transparency. A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).

12.4. **Decision Taking by Full Council**

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

12.5. **Cabinet Decisions**

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

(a) **Decisions taken by the Cabinet**

Such decisions will be taken in accordance with Access to Information Procedure Rule 20.

(b) **Decisions taken by Individual Cabinet Members of the Cabinet**

Such decisions will be taken in accordance with Access to Information Procedure Rule 21.

(c) **Decisions taken by an Officer**

Such decisions will be taken in accordance with Access to Information Procedure Rule 21.

12.6. Decision Making by the Overview and Scrutiny Commission

The Overview and Scrutiny Commission (and its panels) will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.7. Decision Making by Other Committees and Sub-Committees Established by the Council

Subject to Article 12.8, other Council Committees or Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution and apply them.

12.8. Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an employee 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.