

ARTICLE 13 – DECISION MAKING

Responsibility for decision making

- 1 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.

Principles of decision making

- 2 All decisions of the Council will be made and recorded in accordance with the terms of this Constitution.
- 3 Whichever body or individual is responsible for making a decision, the decision should be made, as far as possible, in accordance with the following principles:
 - (a) there should be a presumption in favour of decision-making being open and transparent, with Members of the public being afforded effective access to relevant information and the processes by which decisions are taken;
 - (b) due consultation should take place with those likely to be affected by a decision. So far as practicable, decision-making should be planned in advance and the public given due notification of forthcoming decisions;
 - (c) where a decision is likely to have wide-ranging or significant impact on the community, additional time and emphasis should be given to consultation and Members of the public actively encouraged to contribute their views;
 - (d) decisions must be made with regard to all relevant considerations and ignoring all irrelevant matters;
 - (e) decisions should be made having regard to any approved policies or procedures of the Council;
 - (f) decisions should be made having regard to appropriate professional advice obtained from suitably-qualified officers;
 - (g) the action required by a decision must be proportionate to the desired outcome;
 - (h) decisions must be made in accordance with any relevant statutory requirements and with respect for human rights.

Types of decision

- 4 The following types of decision exist:
 - (a) **Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.

(b) **Key decisions**

A key decision is an Executive decision which:

(a) is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;

or

(b) is likely to be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.

A decision is significant for these purposes if it involves expenditure or the making of savings/receipt of income of an amount in excess of £1 million for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question. Revenue expenditure or savings should be calculated by reference to an annual figure, unless the expenditure will bind the Council for multiple years. Capital expenditure and capital receipts should be calculated based on total figures for the duration of the project or contractual term.

A decision taker may only make a key decision in accordance with the requirements of the Executive and Access to Information Procedure Rules set out in this Constitution.

Decision making by the Council

5 Subject to Paragraph 9 below, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

Decision making by the Executive

6 Subject to Paragraph 9, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

Decision making by Overview and Scrutiny Committee

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

Decision making by other Committees and Sub-Committees established by the Council

8 Subject to Paragraph 9 below, 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.

Decision making by Officers

9 Where a function has been delegated to an officer the decision may be taken by such delegated officer(s) in accordance with the Scheme of Delegation to Officers.

Decision making by Council bodies acting as tribunals

- 10 The Council, a Member or an officer acting as a tribunal or in a quasi judicial manner of 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.