

ARTICLE 13 - DECISION MAKING

13.01 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.

13.02 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 advice from Officers
- (c) respect for human rights
- (d) a presumption in favour of openness
- (e) clarity of aims and desired outcomes
- (f) options will be clearly explained and the reasons for decisions will be given

13.03 TYPES OF DECISION

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in [Article 4.02](#) will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 state that a Key Decision means an Executive decision which, is likely:-
 1. 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
 2. to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

A decision will be considered financially significant if it results in incurring expenditure or making savings of £500,000 or greater; unless the specific expenditure or savings have previously been agreed by full Council. In determining whether a decision is significant in terms of its effect on communities consideration should be given to:-

- (a) the number of residents/service users that will be affected in the Wards concerned;
- (b) whether the impact is short term, long term or permanent;

- (c) the impact on the community in terms of the economic, social and environmental well-being.
- (ii) 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 the Constitution.

13.04 **DECISION MAKING BY THE FULL COUNCIL**

Subject to Article 13.08, the Council meeting will follow the [Council's Rules of Procedure](#) set out in Part 4 of this Constitution when considering any matter.

13.05 **DECISION MAKING BY THE EXECUTIVE**

Subject to Article 13.08, the Executive will follow the [Executive Procedures Rules](#) set out in Part 4 of this Constitution when considering any matter.

13.06 **OPERATION OF THE SCRUTINY COMMITTEES**

The Scrutiny Committees will follow the [Overview and Scrutiny Procedure Rules](#) set out in Part 4 of this Constitution when considering any matter.

13.07 **DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL**

Subject to Article 13.08, other Council Committees and sub-Committees will follow those parts of the [Council's Rules of Procedure](#) set out in Part 4 of this Constitution as apply to them.

13.08 **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 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](#).