

ARTICLE 13 - DECISION MAKING

13.01 Responsibility for decision making

The Monitoring Officer 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 professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) an explanation of the options considered and the reasons for decisions.

13.03 Types of decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.01 will be made by the full Council and not delegated.
- (b) **Key decisions.**
A Key Decision is an executive decision which is likely:
 - (i) to result in the Council incurring expenditure or generating income 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
 - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution. In particular, key decisions should normally feature in the Forward Plan which is described in Rule 14 of the Access to Information Procedure Rules in Part 4 of this Constitution.

In deciding whether a decision is a key decision, the originator of the report will have regard for the following criteria:

- a decision which commits the Council to expenditure, savings or increases or reductions in income of £100,000 or more is a

- key decision;
- a decision which makes proposals to the Council in relation to the budget or the policy framework under Budget and Policy Framework Rule 2(a) is a key decision;
- a decision which will result in the closure of any facility from which Borough Council services are provided or a reduction by more than 10% in the level of a discrete service provided (for example in terms of funding, staffing or hours of operation) is a key decision;
- in other cases the impact of the decision will be considered in terms of the strategic nature of the decision, the effect on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected, the size of the area affected and the likely public interest in the decision.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Executive Procedure Rules and those parts of the Council Procedure Rules as apply to it set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by scrutiny bodies

Scrutiny bodies will follow the Overview and Scrutiny Procedure Rules and those parts of the Council Procedure Rules as apply to it 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 Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by council bodies acting as tribunals

Any Council body, 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.

13.09 Decision making by officers

Decisions capable of being made by an officer of the Council and delegations to particular officers are identified in Part 3 of the Constitution.