

# Article 13

## Decision-making

### Introduction

**This Article provides for the recording of decisions of the Council and the Executive and the principles governing those decisions**

#### 13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or which individual has the responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Allocation of Responsibilities in Part 3 of the Constitution.

#### 13.02 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- ❑ proportionality (i.e. the action must be proportionate to the desired outcome);
- ❑ due consultation and the taking of professional advice from officers;
- ❑ respect for human rights;
- ❑ due regard to the public sector Equality Duty;
- ❑ a presumption in favour of openness;
- ❑ clarity of aims and desired outcomes;
- ❑ a recording of options considered and rejected.

#### 13.03 Type 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 may not be delegated.

## **(b) Key Decisions**

A Key Decision is an executive decision which:

- (i) 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
- (ii) 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 the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m 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.

Decision takers may only take key decisions in accordance with the requirements of Rule 23 of the Executive Procedure Rules set out in Part 4 of this Constitution.

### **13.04 Decision making by the Council**

Subject to Article 13.09, the Council, the Executive, Overview and Scrutiny Committee and other Committees, sub-committees and panels established by the Council will follow the Procedure Rules relating to that body set out in Part 4 of this Constitution when considering any matter.

### **13.05 Decision making by the Executive**

Subject to Article 13.09, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **13.06 Decision making by Overview and Scrutiny Committee and Scrutiny Sub-committees**

Overview and Scrutiny Committee and Scrutiny sub-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 13.09, other Council Committees and sub-committees and panels will follow those parts of the Committee Procedure Rules set out in Part 4 of the Constitution as apply to them.

### **13.08 Decision making by Advisory Panels and Consultative Forums established by the Council**

Subject to Article 13.09, or approval otherwise by the Cabinet, Advisory Panels and Consultative Forums will follow the Advisory Panel and Consultative Forum Procedure Rules set out in Part 4 of the Constitution.

### **13.09 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 or considering (other than for the purposes of giving advice) the civil rights 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.