

PART 2

Article 13 - Decision Making

13.1 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 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.

13.2 Principles of decision making

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

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the consideration of professional advice from officers;
- (iii) respect for human rights;
- (iv) a presumption in favour of openness;
- (v) clarity of aims and desired outcomes; and
- (vi) Wednesbury reasonableness (i.e. the decision must not be so unreasonable that no reasonable Council could have reached it, having taken into account all relevant considerations, and having ignored irrelevant considerations).

13.3 Types of decision

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.

Key decisions are those as defined in regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations (see Council Constitution Part 1 - How Decisions are Made, Summary and Explanation).

- (i) A “key decision” means a Cabinet decision, which is likely
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant authority’s budget for the service or function to which the decision relates; or

- (b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority;

subject to any guidance issued by the Secretary of State in relation to the meaning of significant.

- (ii) In the absence of such guidance, a key decision is
 - (a) any decision of the Cabinet incurring expenditure or making savings in excess of 10% of the relevant budget head or £500,000, whichever is the smaller, unless
 - the specific expenditure or saving has previously been agreed in full Council or
 - it is a decision taken in accordance with the Council's Treasury Management Policy

or

- (b) any decision of the Cabinet which, in the view of the Leader, will have a significant effect on a significant number of people.

In addition to the above, and for the avoidance of doubt, any decision approving proposals for the making of a plan or budget which requires the approval of full Council shall be treated as a key decision.

13.4 Decision making by the full Council

Subject to Article 13.8, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Cabinet

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by Overview and Scrutiny Committees

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

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8, 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.

13.8 Decision making by Council bodies acting as tribunals

The Council, a committee or sub-committee, 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.