

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 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 authority, whether made by Council, Executive Board Councillors collectively¹ or officers, 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
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- An explanation of the options considered and details of the reasons for the decision
- Natural justice
- Positive promotion of equality of opportunity

13.3 DECISION MAKING BY THE FULL COUNCIL

Subject to Article 13.9, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

• Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.2 or detailed in Part 3 of this Constitution as matters reserved to full Council will be made by the full Council and not delegated.

13.4 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 13.9, 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.

13.5 DECISION MAKING BY THE EXECUTIVE

Subject to Article 13.9, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

¹ For example in Committees or Regulatory Panels

Article 13 - Decision Making

The Executive² is empowered to make decisions in relation to executive functions of the Council only. Some of the decisions the Executive will make will be more important than others. For this reason decisions are placed into one of four categories: Key Decisions, Major Decisions, Significant Operational Decisions and Administrative Decisions.³

• Key decisions

These are decisions which are likely to:

- (a) result in the authority incurring expenditure or making savings which is/are significant having regard to the authority's budget for the service or function to which the decision relates; or
- (b) 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 authority.

By way of defining "significant" for the Council's purposes, a Key Decision is:

- an Executive decision likely to incur expenditure/make savings over £250,000 pa⁴; or
- an Executive decision which is likely to have a significant effect on communities living or working in an area comprising two or more wards

and which is not a decision which is a direct consequence of implementing a previous Key Decision⁵.

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 this Constitution.

13.6 DECISION MAKING BY AREA COMMITTEES

The Executive shall determine from time to time the executive functions⁶ that may be exercised by Area Committees. These functions will be exercisable concurrently

² The executive may be the Executive Board itself or any other committee or officer acting under authority delegated by the Leader or the Executive Board as set out in Part 3 of this Constitution

³ Further details of the definition of Major Decisions, Significant Operational Decisions and Administrative Decisions can be found in the Guidance notes on delegated decision making set out in Part 3 of this Constitution

⁴ Except where:-

- a) [this expenditure or saving will result from a Treasury Management decision in relation to the making, payment or borrowing of a loan; or](#)
- b) [this expenditure will result from a decision to purchase energy under the terms of an energy supply contract which has been awarded following the appropriate procurement process; or](#)
- c) this expenditure will result from a decision to approve a care plan which specifies residential or nursing care which the council has a duty to provide under Section 21 or Section 29(4) National Assistance Act 1948, Section 117 Mental Health Act 1983, Section 17 and Section 20 Children Act 1989 or Section 2 Local Government Act 2000.

⁵ Under the capital programme, a decision to **authorise expenditure** over £250,000 will be a **key** decision, but a decision to **award a contract** over the value of £250,000 will constitute an **administrative** decision.

⁶ Part 3 Sections 3C and 3D of the Constitution provide details of the extent of the delegation determined by the executive.

by the Executive Board and, in accordance with the Officer Delegation Scheme (Executive Functions), by Directors.

13.7 DECISION MAKING BY SCRUTINY BOARDS

Scrutiny Boards have power to make recommendations only in relation to executive functions and some non-executive functions.

Scrutiny Boards will follow their respective Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.8 DECISION MAKING BY OFFICERS

Officers will follow the Officer Delegation Scheme and its Guidance Notes set out in Part 3 of this Constitution when considering any matter.

Officers will have regard to the definitions of Major, Significant Operational and Administrative decisions set out in the Guidance notes on Delegated Decision Making and the requirements which apply to each of those categories of decisions.

13.9 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purpose 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.