

Article 12 - Decision Making

12.01 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 the Constitution.

12.02 Principles of decision making

The Council has adopted the following principles to underpin all decision-making in the Council:

- proportionately (the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from Officers;
- respect for human rights and compliance with the Council's Human Rights Policy and procedure;
- a presumption to favour of openness and inclusive decision-making;
- clarity of aims and desired outcomes in compliance with the Council's Community Strategy and other adopted Plans and Strategies.

When the Cabinet or Officers take an executive decision it will include consideration of any alternative options considered and rejected and a record of the decision will be maintained in accordance with Regulation 3 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

12.03 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** - A key decision is 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. The Council has decided that the relevant threshold at or above which the decision is significant will be £500,000 or 20% whichever is higher for the relevant budget heading, for capital expenditure and £250,000 or 20%, whichever is higher for the relevant budget heading, for revenue expenditure. A budget heading is, for the purposes of this Article, the budget head set out each year in the annual budget book in the Service Summary.

Money delegated to schools as part of the Scheme of Financial Management of Schools exercise is exempt from these thresholds, once it is delegated to the school.

The financial amounts given above will be reviewed each year.

- 2) Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

12.04 Decision-making by the Council

Subject to Article 12.08, the Council meeting will follow the Council Procedures Rules set out in Part 4A of this Constitution when considering any matter.

12.05 Decision-making by the Cabinet

Subject to Article 12.08, the Cabinet will follow the Executive Procedure Rules set out in Part 4D of this Constitution when considering any matter.

12.06 Decision-making by the Overview and Scrutiny Panels

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

12.07 Decision-making by other Committees, Forums and Panels established by the Council.

Subject to Article 12.08, other Council Committees, Forums and Panels will follow those parts of the Council Procedures Rules set out in Part 4A of this Constitution as apply to them.

12.08 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.