

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.

13.2 Principles of decision making

All decisions taken by or on behalf of the Council will accord with the following principles:

- (a) proportionate (i.e. the action must be proportionate to the desired outcome);*
- (b) due consultation with interested parties;*
- (c) having regard to professional advice from officers;*
- (d) taking fully into account, and explaining subsequently, alternative options considered;*
- (e) a published rationale/reason for the decision*
- (f) respect for human rights*
- (g) a presumption in favour of openness; and*
- (h) clarity of aims and desired outcomes.*

13.3 Types of decision - Decisions reserved to full Council

Decisions relating to the functions listed in paragraph 4.1 of Article 4 above will be made by the full Council and not delegated.

13.4 Types of decision – Key (Executive) Decisions

A “key decision” is defined in law as one which is likely to:

- (a) result in the local authority incurring expenditure, or the making of savings, over a financial threshold of £500k; and/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 local authority.

The definition of key decision does not apply to proposals or decisions of the Leader acting in their capacity as Shareholder of a Local Authority Company owned or operated by the Council.

13.5 Those taking “key decisions” will do so in accordance with the requirements of the Access to Information and Executive Procedure Rules set out in this Constitution.

13.6 Decision making by the full Council

The Council meeting will follow the [Council Procedures Rules](#) set out in Part 4A of this Constitution when considering any matter.

13.7 Decision making by the Cabinet

The Cabinet, a Cabinet Member, or any Committees established by the Cabinet will follow the [Executive Procedures Rules](#) set out in Part 4D of this Constitution when considering any matter.

13.8 Decisions delegated from Cabinet to officers

When a Cabinet resolution delegates responsibility to an officer to take action, this must be recorded. Part 4(B), rule 21 refers.

13.9 Considerations by Policy Development &Scrutiny Panels

Policy Development & Scrutiny Panels will follow the [Overview and Scrutiny Procedures Rules](#) set out in Part 4E of this Constitution.

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

Other Council committees and sub-committees will follow those Council Procedure Rules set out in this Constitution as apply to them or as set out in the Non-Executive Procedure Rules set out in Part 4F of this Constitution.

13.11 Decision making by Council bodies acting as tribunals

The Council, committee, sub-committee 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

13.12 Access to information

All meetings will be conducted in accordance with the Access to Information Procedure Rules contained in Part 4B of this Constitution.