

## 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 this Constitution.

### 12.02 Principles of decision making

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

- a) proportionality (ie the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) explaining what options were considered and giving the reasons for the decision.

### 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) Decisions which are Key decisions may be taken in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution. A Key Decision is one which:-
  - i) results in the Council incurring revenue or capital expenditure of more than £50,000 or the making of revenue savings of more than £50,000 for the service or function to which the decision relates; or
  - ii) is significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

In calculating whether expenditure is at the threshold level:-

- i) a decision which commits expenditure for more than one financial year will be aggregated to ascertain the expenditure level;
- ii) where expenditure by the Council is pooled with expenditure of other agencies, the aggregate figure is not to be used unless the funds from partner agencies will first be paid over to the Council and may therefore properly count as expenditure of the Council;
- iii) where a series of decisions is being taken on a capital project, ancillary decisions do not need to be considered Key Decisions unless the decision to progress the project cannot be made until an ancillary decision has been made and acted upon. This does not include applications for planning permission, but does include, for example, expenditure related to applications for grant funding to support projects which would not otherwise progress.

Savings are deliberate cuts in a budget, not underspends against a budget.

**12.04 Decision making by the full Council**

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

**12.05 Decision making by the Cabinet**

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

**12.06 Decision making by the Scrutiny Committee**

The Scrutiny Committee will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

**12.07 Decision making by other Committees established by the Council**

Subject to Article 12.08, other Council Committees will follow those parts of the Council Procedure Rules set out in Part 4 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.