

ARTICLE 13 - DECISION MAKING

13.01 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.

13.02 Principles of Decision Making

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

- (a) proportionality (i.e. 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.

13.03 Types of Decision

- (a) Decisions reserved to Council

Decisions relating to the functions listed in Part 3 will be made by the full Council and not delegated.

- (b) Key decisions

- (i) A “key decision” means a decision taken by the Cabinet, a committee of the Cabinet, an area or joint committee in connection with the discharge of a function which is the responsibility of the Cabinet and which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Authority’s budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

- (ii) For the purposes of (a) above:

- (a) £100,000 shall be regarded as significant in terms of expenditure except where:

The expenditure is in relation to a contract for goods and services and:

- 1) The term of the contract is for more than 1 year and less than 5 years, and
- 2) The aggregated value of the contract does not exceed more than £250,000 over its term, and
- 3) The value of the contract does not exceed £100,000 in any one year term

And

- (b) £100,000 shall be regarded as significant in terms of savings.

- (iii) For the purposes of (b) above any issue which, in the opinion of the Leader, is likely to have an impact on people shall be regarded as significant in terms of impact on communities. In deciding whether an issue is significant the Leader shall have regard:

to whether the decision may incur a significant social, economic or environmental risk

to the likely extent of the impact of the decision both within and outside the District

to whether the decision is likely to be a matter of political controversy

to the extent to which the decision is likely to result in substantial public interest

a decision taker when making a decision may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision Making by the Full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision Making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision Making by Scrutiny

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

13.07 Decision Making by Groups Established by the Council

Subject to Article 13.08, other Council groups will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision Making by Council Bodies Acting as Tribunals

The full Council, the Cabinet or any body, group or committee, or any 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.