

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, including those executive functions allocated by the Council in accordance with Section 15(2) of the Local Government Act 2000. 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) due consideration to the interests of residents and other stakeholders;
- (d) due process;
- (e) in accordance with legislative requirements;
- (f) respect for human rights;
- (g) a presumption in favour of openness;
- (h) clarity of aims and desired outcomes; and
- (i) integrity and a high standard of propriety.

A record of what options were considered and giving the reasons for the decision will be prepared (in accordance with the requirements of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000).

13.03 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.
 - (i) An executive decision which is likely
 - 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; or
 - to 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.
 - (ii) 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.

13.04 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 Executive

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

13.06 Decision making by Overview and Scrutiny Committees

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

13.07 Decision making by other Committees established by the Council

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

13.08 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.

13.09 Decision making in the period following Local Elections

Should an urgent Executive or non-Executive matter arise in the period following the Borough Council elections and before the Annual Council meeting, the Head of Paid Service shall have delegated authority to take or authorise all necessary steps to deal with the matter sufficiently to protect the Council's and the public's interests, provided that she or he shall first consult the Chief Finance Officer and/or the Monitoring Officer and the Mayor (or in his/her absence the Deputy Mayor).

13.10 Urgent decision making

In the event that any matters arise in circumstances rendering it impossible for the Executive or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the Council's and the public's interests, provided that she or he shall first consult the Chief Finance Officer and/or the Monitoring Officer and, if possible, either the Leader (or in his/her absence, one of the Deputy Leaders) (in respect of Executive functions) and the Mayor (or in his/her absence, the Deputy Mayor or Chair of the relevant Committee) (in respect of Non-Executive functions).

HOW KEY DECISIONS WILL BE MADE

KEY DECISION =

Legally defined as an **Executive** decision which is likely

- 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; or

to 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.