

Article 12 – Decision Making

12.01 Responsibility for decision making

The Council will issue and keep up to date a record of the responsibility of the Council, its committees, Executive members and officers 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 (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 (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.
- (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) Key decisions.
 - (i) A key decision is defined as being any decision of the Executive which is likely:
 - (a) to result in the local authority carrying out expenditure which is, or the makings of saving which are, significant having regard to the local 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 or electoral divisions in the area of the local authority.

In determining what is significant, regard has to be had to any guidance issued by the Secretary of State.

- (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.

12.04 Decision making by the full Council

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

12.05 Decision making by the Executive

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

12.06 Decision making by scrutiny committees

Scrutiny committees will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council Procedures 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.

12.09 Decision making by Officers

All decisions made by officers shall be in accordance with the principles and requirements of this constitution. Any key decisions and any decisions made in consultation with the portfolio holder will be recorded and held for inspection by councillors on application to the Democratic Services Manager or the Human Resources Transactional Services Manager as appropriate.

12.10 Use of Enforcement Powers

The Council will follow the principles of good enforcement practice set out in the Government's Enforcement Concordat. In particular, enforcement will be open, helpful, proportional and consistent.