

## Article 13 - Decision Making

### 13.01 Responsibility for decision making

*Cabinet arrangements established under the Local Government Act 2000 change the basis of decision making in local authorities fundamentally. They require the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public.*

*Some decisions are for the Council to make or to delegate, or for it to delegate to Committees, Sub-Committees and/or officers, or to Joint Committees or joint arrangements or other authorities. Those delegations are recorded in the Council's Constitution and kept up to date.*

*Other decisions are for the Cabinet to make, and it is for the Cabinet to decide whether to delegate the power to make any of those decisions. Only the Cabinet may decide to delegate Cabinet functions to Area Committees, joint arrangements or other local authorities. Where it does so, those delegations also recorded in the Cabinet's scheme of delegations in Part 3 of the Constitution.*

*Where the power to take decisions is delegated by the Cabinet, the extent of the delegation is recorded, any limitations on the delegated power. Details of the person, body or forum to which the decision is delegated is recorded as is the extent of delegation on to others from them.*

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:

#### **PRINCIPLES OF DECISION MAKING**

*Under the Cabinet forms of Constitution decisions are no longer confined to Committees acting on officer reports or officers operating under delegated authority. A range of people and bodies potentially may take binding decisions, from an individual Cabinet member to a meeting of a Cabinet or an Area Committee. However, Councils should include at least the following principles of decision making:*

- (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.*

### **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.

A key decision included in the Forward Plan is an Cabinet decision which is likely:-

- (i) to be significant in terms of its effect on any single ward in the Borough; or
  - (ii) to result in the Council incurring expenditure or making savings exceeding £250,000;
- (c) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

### **13.04 Decision making by the Full Council**

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**

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

### **13.06 Decision making by Scrutiny Committees**

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 other Committees and Sub-Committees established by the Council**

Other Council Committees and Sub-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 part of a tribunal or in a quasi judicial manner of 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.