

## ARTICLE 8 – DECISION MAKING

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| <b>8.01</b>  | <b>Responsibility for Decision Making</b> |
| <p>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 the Constitution.</p>  |   |
| <b>8.02</b>  | <b>Principles of Decision Making</b>      |
| <p>Under the Constitution decisions are likely to be taken by the full Council, the Executive (collectively and/or by individual members of the Executive), committees and sub-committees and by officers. Whichever body or individual is responsible for taking a decision, all decisions of the Council will be made in accordance with the following principles:-</p>  |   |
| <ul style="list-style-type: none"><li>- decisions should be taken reasonably, with regard to relevant considerations and ignoring irrelevant factors;</li><li>- realistic alternatives should be evaluated prior to decisions being taken;</li><li>- there should be a presumption in favour of openness and transparency with members of the public being afforded effective access to relevant information and the processes by which decisions are taken;</li><li>- due consultation should take place with those likely to be affected by a decision, especially where the decision is likely to have a wide ranging or significant impact on the community;</li><li>- decision making should, so far as practicable, be planned in advance with due public notification of forthcoming decisions;</li><li>- decisions should have regard to proportionality – i.e. the action must be proportionate to the desired outcome;</li><li>- appropriate professional advice should be obtained from suitably qualified officers of the authority;</li><li>- decisions should be taken on the basis of clear aims and desired outcomes from the resultant actions;</li><li>- decisions should have regard to relevant approved policies and adopted procedures of the Council; they must be lawful, and sufficient budgetary provision should exist;</li></ul> |   |

- decisions taken must be formally recorded in accordance with the requirements of the Constitution; in respect of executive decisions, the formal record should state what options were considered and give the reasons for the decision taken.

In some cases (e.g. where urgent action is necessary or where confidential matters are under discussion) it may not be possible to fully comply with all of the above principles. Decision makers should satisfy themselves that they have been complied with so far as reasonably practicable in the circumstances.

**8.03 Types of Decision**

**(a) Decisions reserved to Full Council**

Decisions relating to the functions listed in Article 4.02 (Functions of the Full Council) will be made by the full Council and not be delegated.

**(b) Key Decisions**

(i) A 'key decision' means an executive decision which is likely either:

- 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.

For the purpose of subsection (b) (i) above, the term 'significant' when applied to expenditure or savings shall mean a sum more than £100,000 or such other sum as may be specified in any enactment or other statutory provision.

**8.04 Decision making by the Full Council**

The Council meeting will follow the Council and Committee Procedures Rules set out in Part 4 of this Constitution when considering any matter, subject to Article 8.08

**8.05 Decision making by the Executive**

The Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter, subject to Article 8.08

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| <b>8.06</b>   | <b>Decision making by Overview and Scrutiny Committee</b>                                |
| Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.   |  |
| <b>8.07</b>   | <b>Decision making by other committees and sub-committees established by the Council</b> |
| Other Council committees and sub-committees will follow those parts of the Council & Committee Procedures Rules set out in Part 4 of this Constitution as apply to them, subject to Article 8.08  |  |
| <b>8.08</b>   | <b>Decision making by Council bodies acting as tribunals</b>                             |
| The Council, a councillor or an officer acting as tribunals 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 lawful procedure which will be made available to all parties. |  |