

## **Article 12 – Decision Making**

### **12.1 Responsibility for Decision Making**

The Council will issue and keep up to date a record which describes which part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **12.2 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 - including the taking of professional advice from employees;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due consideration to alternative options;
- g. accountability i.e., giving reasons for the decision (providing that this does not involve a breach of confidentiality);
- h. to take into consideration financial, legal, equalities and risk implications.

### **12.3 Types of Decision**

- a. Key decisions.

A key decision is a Cabinet 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.
- b. A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4.

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**Note:** The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.

Key decisions may not be taken by an individual Cabinet Member.

- c. Decisions relating to the functions listed in Article 4.2 will be made by the Full Council only and not delegated.
- d. Decisions relating to the functions listed in the delegations to the Cabinet and Cabinet Panels are referred to in Part 3.
- e. Decisions of individual Cabinet Members relating to their individual Cabinet responsibilities and are listed in Part 3.

### **12.4 Decision making by the Council**

Decision making by the full Council will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **12.5 Decision making by the Cabinet**

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

### **12.6 Decision making by the Scrutiny Board and Panels**

The Scrutiny Board and Panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **12.7 Decision making by Other Committees and Sub-Committee**

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.

### **12.8 Council Bodies acting as Tribunals**

The Council, a Councillor or an employee 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.

### **12.9 Urgent Decisions**

The Council, Cabinet and Regulatory and other Committees may in exceptional circumstances make urgent decisions. The procedure for making urgent decisions is set out below:

**Urgent Action Council**

The Leader (or in their absence the Deputy Leader) in consultation with the Chair of Scrutiny Board, Opposition Leader and Chief Executive, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council. Decisions made under this provision will be reported to the next meeting of the Council.

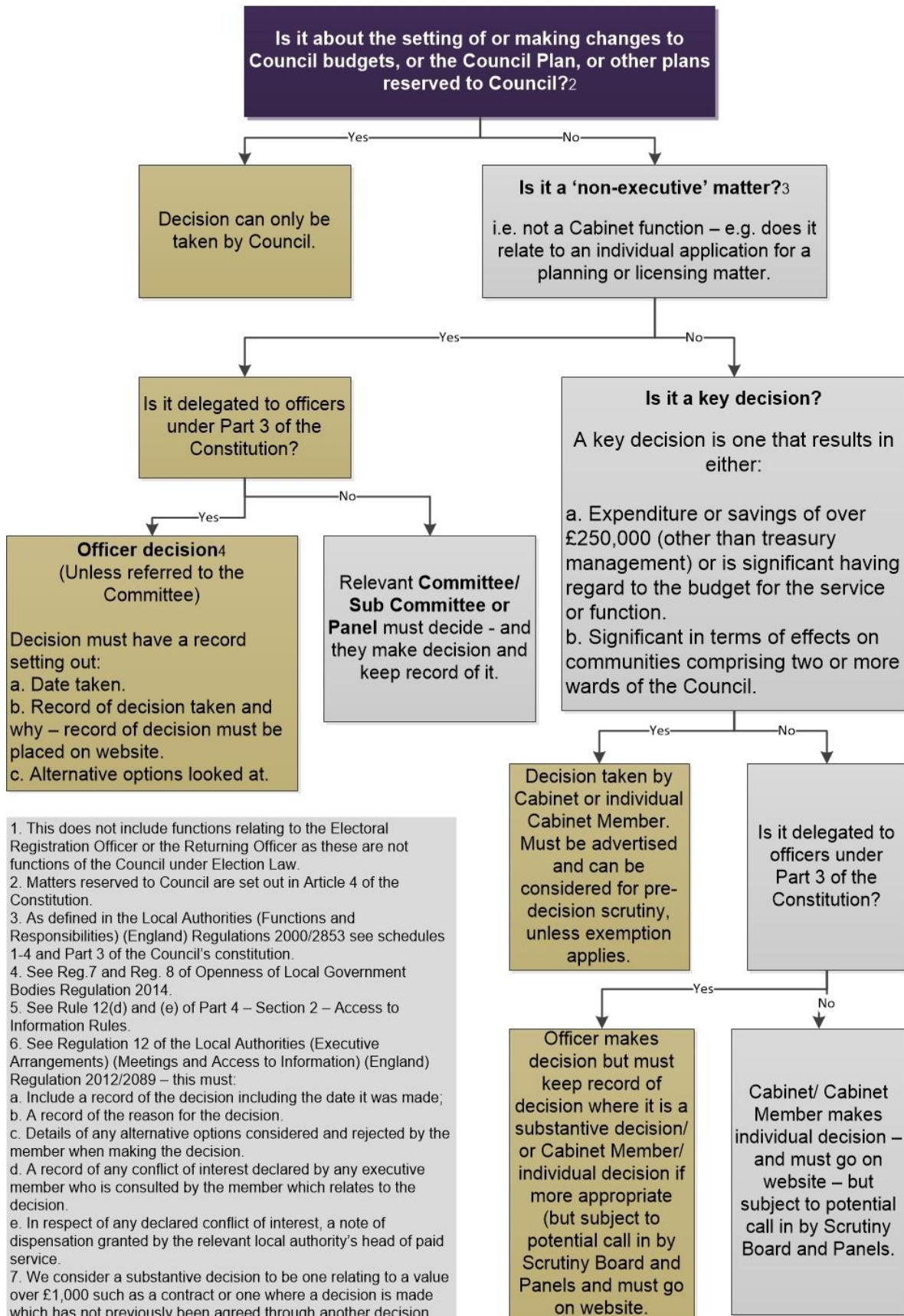
**Urgent Action Cabinet**

The Leader (or in their absence the Deputy Leader) in consultation with the Chair of Scrutiny Board, Vice Chair of Scrutiny Board and Chief Executive, shall be able to exercise the powers of the Cabinet in any matter of immediate urgency making the prompt exercise of the powers of the Cabinet desirable and which cannot await the next meeting of the Cabinet. Decisions made under this provision will be reported to the next meeting of the Cabinet.

**Urgent Action Regulatory or Other Committees**

The Chair of the relevant Committee in consultation with the relevant director, shall be able to exercise the powers of the Regulatory or Other Committees in any matter of immediate urgency making the prompt exercise of the powers of the Regulatory or Other Committees desirable and which cannot await the next meeting of the Regulatory or Other Committees. Decisions made under this provision will be reported to the next meeting of the Regulatory or Other Committees.

## Decision tree for Council functions<sup>1</sup>



1. This does not include functions relating to the Electoral Registration Officer or the Returning Officer as these are not functions of the Council under Election Law.  
 2. Matters reserved to Council are set out in Article 4 of the Constitution.  
 3. As defined in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 see schedules 1-4 and Part 3 of the Council's constitution.  
 4. See Reg.7 and Reg. 8 of Openness of Local Government Bodies Regulation 2014.  
 5. See Rule 12(d) and (e) of Part 4 – Section 2 – Access to Information Rules.  
 6. See Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulation 2012/2089 – this must:  
 a. Include a record of the decision including the date it was made;  
 b. A record of the reason for the decision.  
 c. Details of any alternative options considered and rejected by the member when making the decision.  
 d. A record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision.  
 e. In respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.  
 7. We consider a substantive decision to be one relating to a value over £1,000 such as a contract or one where a decision is made which has not previously been agreed through another decision i.e. not simply exercising administrative actions/ decisions (without the exercise of discretion) and not in relation to employment matters.