

Article 11 – Decision Making

11.1 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.

11.2 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.

11.3 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 3.

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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. These are known as Red Decisions.
- d. Decisions relating to the functions listed in the delegations to the Cabinet and Cabinet Panels are referred to in Part 3. These are known as Amber Decisions.
- e. Decisions of individual Cabinet Members relating to their individual Cabinet responsibilities and are listed in Part 3. These are known as Green Decisions.

11.4 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.

11.5 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.

11.6 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.

11.7 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.

11.8 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.

11.9 Urgent Decisions

The Cabinet and Regulatory and other Committees may in exceptional circumstances make urgent decisions. The procedure for making urgent decisions by the Cabinet is set out in Article 6 and by Regulatory and other Committees in Part 7 of Part 2.