

ARTICLE 13 DECISION MAKING

13.1 RESPONSIBILITY FOR DECISION MAKING

The Authority will issue and keep up-to-date a record of the respective responsibilities of the Council and its Committees, the Cabinet, **Cabinet 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.

13.2 PRINCIPLES OF DECISION MAKING

All decisions of the Council **and its Committees**, the Cabinet, **Cabinet Members** and **Officers** will be made in accordance with the following principles:

- (a) the action must be lawful and in accordance with all appropriate statutory and regulatory requirements and this Constitution, including the Financial Rules **and Contract Rules**;
- (b) the action must be proportionate to the desired outcome;
- (c) decisions should be taken following due consultation and on the taking of professional advice from **Officers**;
- (d) respect for human rights;
- (e) a presumption in favour of openness;
- (f) clarity of aims and desired outcomes;
- (g) due consideration of all objections; and
- (h) explaining what options were considered and giving the reasons for the decision.

13.3 **SPECIFIC TYPES OF DECISION**

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

Decisions relating to the functions listed in [Article 4](#) (Functions of the Full Council) will be taken by the Full Council **unless lawfully** delegated **to a Committee or an Officer**.

(b) **Key Decisions (executive functions only)**

A **Key Decision** **is defined by law to** mean any decision **in exercise of an executive function** which is likely:-

- (i) to result in the **Authority** incurring **expenditure** which is, or the making of **savings** which are, **significant** having regard to the **Authority's** budget for the service or function to which the decision relates; or

- (ii) to be significant in terms of its effects on communities living or working in an area comprising **two or more wards** in the **Authority's area**

The Authority has agreed the following local definition of Key Decision -

A Key Decision is **a decision made in exercise of an executive function which:-**

- requires a budget expenditure or **budget** saving of £100,000 or more;
- relates to the acquisition or disposal of land or an interest in land with a value in excess of **£250,000; or**
- **is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough**

Additionally (in accordance with Section 38 of the Local Government Act 2000) in determining the meaning of "significant" for these purposes regard shall be had to any guidance issued by the Secretary of State.

(c) **Significant Decisions (non-executive functions only)**

A Significant Decision means any decision in exercise of a non-executive function which:-

- **requires a budget expenditure or budget saving of £100,000 or more; or**
- **is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough**

13.4 **DECISION MAKING BY FULL COUNCIL**

Subject to [Article 13.8](#), the Council meeting will follow the **Council** Procedure Rules set out in [Part 4A](#) of this Constitution when considering any matter.

13.5 **DECISION MAKING BY THE CABINET**

Subject to [Article 13.8](#), the Cabinet and any Committee of the Cabinet will follow the Cabinet **Procedure** Rules set out in [Part 4B](#) of this Constitution when considering any matter.

13.6 **DECISION MAKING BY OVERVIEW AND SCRUTINY COMMITTEES**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Rules set out in [Part 4D](#) of this Constitution when considering any matter.

13.7 **DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL**

Subject to [Article 13.8](#), all Committees and Sub-Committees established by the Council will follow those parts of the Procedure Rules set out in [Part 4C](#) of this Constitution as apply to them when considering any matter.

13.8 **DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

The Council, the Cabinet, **a Cabinet Member**, a Committee or an **Officer** acting as a tribunal or in a quasi judicial manner or as a Regulatory Committee or determining and/or 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 hearing contained in Article 6 of the European Convention on Human Rights.

13.9 DECISION MAKING BY OFFICERS

When making decisions within the powers delegated to them under Part 3H of the Constitution (Employee Delegation Scheme), Officers will ensure that the financial implications or expenditure resulting from the exercise of that delegation does not exceed the limit of their authorised level of expenditure.

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