

Article 16 - Decision making

16.01 Responsibility for decision making

The Council will issue and keep up-to-date a record of what part of the Council or which 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.

16.02 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 and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

16.03 Types of decision

(a) Decisions reserved to the Council

Decisions relating to the functions listed in Article 4.02 will be made by the Council and not delegated.

(b) Key decisions

(i) A key decision means an Executive decision which is likely:

- (a) 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
- (b) 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.

The sum of £100,000 has been agreed as the definition of "significant" for the purpose of paragraph (a).

(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.

16.04 Decision making by Council bodies acting as tribunals or in a quasi-judicial manner

Subject to Article 16/05 the Cabinet, Council and Overview and Scrutiny Committee will follow their respective Procedure Rules set out in Part 4 of this Constitution as apply to them. For other committees and sub-committees established by the Council the Council Procedure Rules will apply.

16.05 Decision making by Council bodies acting as tribunals or in a quasi-judicial manner

The Council, a councillor or an officer 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.