

ARTICLE 13 - DECISION MAKING

1. RESPONSIBILITY FOR DECISION MAKING

- 1.1 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.

2. PRINCIPLES OF DECISION MAKING

- 2.1 All decisions of the Council will be made in accordance with the following principles:
- a) proportionality, that is the action must be proportionate to the desired outcome;
 - b) due consultation and the taking of professional advice from Officers;
 - c) compliance with all legal requirements;
 - d) a presumption in favour of openness;
 - e) clarity of aims and desired outcomes;

3. TYPES OF DECISION

Decisions reserved to full Council

- 3.1 Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

Key Decisions -

- 3.2 These are defined as:
- a) Any executive decision which has significant financial implications, having regard to the Council's budget for a service or function. "Significant" means financial implications above £100,000.
 - b) Those decisions which although unlikely to involve significant expenditure or savings are nevertheless likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards of the Borough.
- 3.3 A decision taker may only make a key decision in accordance with the requirements of the Access to information Procedure Rules set out in Part 4 of this Constitution.

- 3.4 Executive Decisions in this Constitution are governed by Article 6 (Overview and Scrutiny arrangements) Article 7 (the Cabinet, the Cabinet Procedure Rules and the table of the Executive functions in Part 3 and Article 11 (Joint arrangements) insofar as any joint arrangements determine executive decisions and this Article 13 (Decision making) and the Access to Information Procedure Rules.

4. DECISION MAKING BY THE FULL COUNCIL

- 4.1 Subject to Article 13.8 the Council meeting will follow the [Council's Procedure Rules](#) set out in Part 4 of the Constitution when considering any matter.

5. DECISION MAKING BY THE CABINET

- 5.1 Subject to Article 13.8 the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of the Constitution when considering any matter.

6. DECISION MAKING BY THE OVERVIEW AND SCRUTINY COMMITTEE

- 6.1 The Overview and Scrutiny Committee will follow the Protocol for the Operation of the Overview and Scrutiny Committee set out in Part 4 of the Constitution when considering any matter.

7. DECISION MAKING BY OTHER COMMITTEES AND BOARDS AND PANELS ESTABLISHED BY THE COUNCIL

- 7.1 Subject to point 8.1, other Council Committees, Boards and Panels will follow those parts of the Council's Procedure Rules set out in Part 4 of the Constitution as apply to them.

8. DECISION MAKING BY COUNCIL BODIES WHICH DETERMINE THE RIGHTS OF INDIVIDUALS

- 8.1 The Council, Cabinet, a Member or an Officer determining the rights, obligations or the responsibility of any person will follow a fair procedure which accords with the requirements of natural justice.

- 8.2 Section 100(G)(2) Local Government Act 1972 requires that the Council shall maintain a list:

- a) specifying those powers of the Council which, for the time being, are exercisable from time to time by officers of the Council in pursuance of arrangements made under this Act or any other enactment for their discharge by those officers; and
- b) stating the title of the officer by whom each of the powers so specified is for the time being so exercisable;

but this subsection does not require a power to be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.