

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for decision making

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 this Constitution.

13.2 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 and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) reasonableness; and
- (g) providing information on the options considered and giving reasons for the decision taken.

13.3 Types of decision

(a) Decisions reserved to full Council.

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

(b) Key Decisions

- (i) Key decisions are those:
 - likely to result in expenditure or savings of at least £100,000 or £100 million if it relates to treasury management matters; or
 - likely to have a significant impact on people or organisations in two or more wards within the Borough
 - which are made in the course of developing proposals to the Council to amend the policy framework.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules.

13.4 Decision making by the full Council

Subject to Article 13.8, the Council meeting will follow the Standing Orders for Meetings and General Purposes set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Executive

Subject to Article 13.8, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by scrutiny committees

Scrutiny committees will follow the Scrutiny Procedure Rules set out in Part 4 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, other Council committees and sub-committees will follow those parts of the Standing Orders for Meetings and General Purposes set out in 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

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 and the Human Rights Act 1998.