

Article 12 Decision Making

12.01 Responsibility for decision making

Principles of decision-making

All decisions of the Council will be made in accordance with the Decision-Making Protocol in Part 5 and 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 the European Convention of Human Rights as applied by the Human Rights Act 1998;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.
- (f) explaining what options were considered and giving the reasons for the decision.

12.02 Types of decision

(a) Decisions reserved to full Council

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

(b) Key decisions:

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

These are decisions which are likely:-

- (i) 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
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Council will treat decisions on the following matters as key decisions:

- Statutory plans - policy framework plans, which need full Council approval in any event.

- Any matter on which Cabinet will require full Council approval.
- Contracts involving expenditure or income of over £250,000 (Contracts over £5,000,000 expenditure will need Council approval anyway) in respect of any single contract.
- Virement between budget heads of more than 10% for any amount exceeding £250,000.
- Proposal for Council development on any land which is not "permitted development" under the Permitted Development Order (i.e. which requires an application for planning permission) except for development which involves temporary consent.
- Any proposal which changes charges to any users of a service.
- Any proposal to cease to provide a Council service (other than temporarily) at any premises.
- Any proposal to make substantive changes to any service provided by the Council.
- Consideration of budget estimates.

12.03 Decision making by the full Council

Subject to Article 12.07, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.04 Decision making by the Cabinet

Subject to Article 12.07, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.05 Decision making by Overview and Scrutiny Boards

Overview and Scrutiny Boards will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

12.06 Decision making by other committees and sub-committees established by the Council

Subject to Article 12.07, other Council committees, Task and Finish Groups and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

12.07 Decision making by Council bodies acting as tribunals

- (a) The Council, a Member 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 as applied by the Human Rights Act 1998.