

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 which officer 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:

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- clarity of aims and desired outcomes;
- account being taken of relevant considerations and options; and
- an explanation of the reasons for a decision

13.3 TYPES OF DECISION

The decisions made by the Council are of several types and are identified within Part 3 of this Constitution. The types of decision are:

(1) 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.

(2) Non-Executive Decisions

Decisions relating to functions which are not to be the responsibility of the Cabinet. In particular, these relate to certain quasi-judicial functions, such as licensing and development control.

(3) Local Choice Decisions

Decisions relating to functions which may either be the responsibility of the Cabinet, the full Council, a Committee or an officer.

(4) Executive Decisions

All decisions which are not identified as non-executive, local choice or decisions reserved for the full Council are the responsibility of the Cabinet.

(5) Key Decisions

- A key decision means an executive decision which is likely
 - to result in the Council incurring expenditure or making savings which are significant in as much as they will have a material effect on the level of council tax or balances or contingencies in relation to the Council's overall budget; or
 - to be significant in terms of its effect on communities living or working in an area comprising two or more wards within the Borough.
- A decision taker may make a key decision only in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

13.4 RECORDING OF DECISIONS

As soon as reasonably practicable after an executive decision has been taken, a written statement will be produced in respect of the decision. A copy of the written statement and any report (either whole or in part) considered by the decision maker should be made available for public inspection, subject to the Access to Information Procedure Rules set out in Part 4.

Executive decisions relate to those taken by:

- the Cabinet
- an individual Member of the Cabinet
- a committee or other decision making body of the Cabinet
- an officer where the decision is a "key decision"

13.5 DECISION MAKING BY THE FULL COUNCIL

Subject to Article 13.9, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 DECISION MAKING BY THE CABINET

Subject to Article 13.9, executive decisions will be made in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.7 DECISION MAKING BY THE POLICY AND REVIEW PANELS

The Policy and Review Panels will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.8 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 13.9, other Council committees and sub-committees will follow those parts of the Council and Committee Procedures Rules (Standing Orders) set out in Part 4 of this Constitution as apply to them.

13.9 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council, a committee 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.

