

## **Part 2 - Articles of the Constitution**

### **Article 13: Decision-Making**

# Article 13 – Decision-Making

## 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.

## 2. **Principles of Decision-Making**

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (ie 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 - it is important that human rights are considered at an early stage of the decision-making process;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes.
- (f) The record or decisions will include details of the options which were considered, and the reasons for the decisions as required by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.
- (g) in reaching decisions, Members shall have regard to the general principles of conduct contained in the Members' Code of Conduct.

## 3. **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 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 or electoral divisions in the area of the local authority.

### 3. **Types of Decision**

#### (c) **Key decisions (cont'd)**

- 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.

### 4. **Decision-Making by the Full Council**

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

### 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.

### 6. **Decision-Making by Scrutiny and Policy Development Groups**

Scrutiny and policy development groups will follow the Scrutiny and Policy Development Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### 7. **Decision-Making by Other Bodies Established by the Council**

Subject to Article 13.8, other Council bodies will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

### 8. **Decision-Making by Council Bodies Acting as Tribunals**

The Council, or a body of the Council 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.