

Part 2

Articles of the Constitution



Article 11: Decision-Making

11.1 Responsibility for Decision-Making

The Council will issue and keep up to date a Delegation Scheme as set out in Part 3 of this Constitution.

11.2 Principles of Decision-Making

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

- (a) The rule of law;
- (b) Reasonableness and proportionality (i.e. the action must be proportionate to the desired outcome) and a presumption in favour of openness;
- (c) the general principles of conduct contained in the Members' Code of Conduct
- (d) due consultation and the taking of professional advice from officers or appropriately qualified consultants;
- (e) respect for human rights and equality, and considerations of biodiversity, sustainability, and the impact on crime and disorder;
- (f) consideration of the Council's Corporate Strategy and Themes;
- (g) clarity of aims and desired outcomes

11.3 Record of Decisions

The record of decisions will include details of the options which were considered and the reasons for the decisions.

11.4 Types of Decision

(a) Decisions reserved to Full Council

Decisions relating to the functions listed in Article 4.3 will be made only by the full Council and not delegated.

(b) Key Decisions made by the Executive

A key decision is an Executive decision which is either:

- (i) likely to result in the Council 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.

For this purpose "significant expenditure or savings" shall mean:

Revenue – Any contract or proposal with an annual payment of more than £50,000; and

Capital – Any project with a value in excess of £100,000); 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, in the opinion of the Monitoring Officer (or the Senior Specialist - Democratic Services in his/her absence), in consultation with the respective local Ward Member(s)).

(NOTE: a decision taker may make a key decision only in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution).

11.5 Decision-Making by the Full Council

Subject to Article 11.9, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.6 Decision-Making by the Executive

Subject to Article 11.9, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.7 Decision-Making by Other Bodies Established by the Council

Subject to Article 11.9, other Council bodies will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

11.9 Decision-Making by Council Bodies Acting as Tribunals

The Council, or a body of the Council or an officer acting as a tribunal or in a quasi-judicial manner or determining or 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.

11.10 The Council's Strategies and Plans

The Council will make decisions in accordance with its key strategies and plans. The Council has a number of strategic documents and plans that guide its approach to achieving its vision to serve local communities and ensure that it remains financially sustainable.

Corporate Strategy

The Council has a 5 year Corporate Strategy which runs from 2018-2023. The core purpose of the Strategy is to make a positive impact on the lives of local people by providing valued and easy to use services. The Strategy is guided by six strategic corporate themes:

Council – Delivering efficient and effective services

Communities – Council and residents working together to create strong and empowered communities

Homes – Enabling homes that meet the needs of all

Environment – Protecting, conserving and enhancing our built and natural environment

Enterprise – Creating places for enterprise to thrive and business to grow

Wellbeing – Supporting positive and healthy lifestyles and helping those most in need

Achievements against these themes are monitored throughout the year through the Council's Overview and Scrutiny process.

Joint Local Plan

A key responsibility of the Council is to maintain an up to date development plan. The Joint Local Plan, prepared by West Devon, South Hams and Plymouth Councils sets out a strategy and detailed policies that establish a framework to steer housing and employment development to the most sustainable locations and to guide decisions on planning applications.

On 26 March 2019 the Plymouth and South West Devon Joint Local Plan was formally adopted. The Plan had been subject to examination by two independent Inspectors appointed by the Secretary of State. The adopted Plan which sets out a comprehensive 20 year strategy, meeting needs for homes, jobs, shopping and leisure needs in full. The Plan also guides development to locations in accordance with a sustainable development framework, based on a sound understanding of the precious natural resources of the Thriving Towns and Villages, including a full set of site allocation policies and development management policies.

Medium Term Financial Strategy

In September 2018, Council approved the Medium Term Financial Strategy which looks at financial planning and management over a five year strategy. It sets out the strategic intention for all of the different strands of funding available to the Council. The Council can now rely on this to inform future decisions. This also helps us to develop a sustainable budget over the medium term and will be reviewed annually. It incorporates key factors such as changes in Government funding, our spending plans, and the levels of savings we need to make to achieve a balanced budget.

The Asset Management Plan

Sets out the strategic direction for the Council both as a land owner and with respect to its asset portfolio. It is essential to have a long term plan, to facilitate day to day operational decisions. The key points of the plan are to:

- Commence a limited programme of residential development

- Grow the existing commercial portfolio of small starter units
- Facilitate community use of assets if appropriate
- Dispose of underperforming and nonstrategic assets for re-investment