

Article 14 – Decision making

14.1 Responsibility for Decision Making

14.1.1 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 function. This record is set out in Part 3a of this Constitution.

14.2 Principles of Decision making

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

14.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);

14.2.2 due consultation and the taking of professional advice from the Monitoring Officer and other Officers;

14.2.3 respect for human rights (see Article 14.5);

14.2.4 a presumption in favour of openness; and

14.2.5 clarity of aims and desired outcomes.

14.3 Types of Decision

Decisions Reserved to Full Council

14.3.1 Decisions relating to the functions listed in Article 4.2 will be made by the Council unless otherwise stipulated in the Responsibility for Functions or the Scheme of Delegation in Part 3 of this Constitution.

Key Decisions

14.3.2 A Key Decision is a decision made or to be made in connection with the discharge of a function which is the responsibility of the Leader under the terms of the Council's Constitution, which is likely to:

- i. Result in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates; or
- ii. Be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's area;

14.3.3 and, without prejudice to the generality of the foregoing, in determining whether resulting expenditure, savings or effects of a decision are significant, regard shall be had to the following principles:

- i. Expenditure under a contract of a value (determined in accordance with Procedure Rule 8 – Contract) of more than £250,000 should be regarded as significant;
- ii. The making of savings in the costs of the provision of a service representing 10% of the budget allocated to that particular service is to be regarded as significant

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- iii. Major land disposals and acquisitions of a value of more than £250,000, to which Contract Procedure Rules apply, are significant;
- iv. Decisions involving the compulsory acquisition of any land should be treated as Key Decisions;
- v. Decisions involving the recommendation to the Full Council of changes to the Budget and Policy Frameworks are to be regarded as Key Decisions; and
- vi. Decisions resulting in a major impact on a locality in the Council's area shall be treated as significant, even though they affect only one Ward.

14.3.4 A decision maker may only make a Key Decision in accordance with the requirements of Procedure Rule 3 – Executive Functions and Procedure Rule 1 – Access to Information, set out in Part 4 of this Constitution, and the legislative requirements regarding Key Decisions.

14.4 Decision Making

14.4.1 All decision making shall comply with the relevant Articles and Procedure Rules set out in the Constitution.

14.5 Decision Making by Council Bodies Acting as Tribunals

14.5.1 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.