

# Article 13 - Decision Making

## 13.01 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.

## 13.02 Principles of Decision Making

All decisions made by or on behalf of the Council will be made in accordance with the following principles:

- ◆ Respect for human rights and equality of opportunity
- ◆ Presumption of openness
- ◆ Clarity of aims and desired outcomes
- ◆ Decisions will be proportionate to the intended objective
- ◆ Having regard to relevant facts and considerations, and disregarding irrelevant ones
- ◆ Due consultation and taking professional advice from Officers
- ◆ Explaining options considered and giving reasons

The Council operates a Local Code of Corporate Governance, the operation of which is overseen by the Audit Committee.

## 13.03 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 a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely:
    - (aa) to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or
    - (bb) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the Council.
  - (ii) For the purposes of (i)(aa) above, savings or expenditure are significant if they are equal to or greater than £500,000 or 20% of the gross expenditure of the relevant budget service area (as explained in the Financial Procedure Rules relating to virement) whichever is the less, but, subject to (i)(bb) above, does not include:
    - ◆ a decision concerning an application for grant or external funding;

- ♦ a decision taken on expenditure specifically identified within budget approved by Council on items necessary for normal operational service delivery;
- ♦ a decision taken on expenditure which is specifically identified on the Procurement Pipeline.

NB: Where the decision will also have a significant impact on more than one community (as well as the significant financial impact) then the above exclusions should not generally be relied upon.

(iii) For the purposes of (i)(aa) and (bb) above, a key decision does not include:

- ♦ a decision taken for the purpose of implementing an earlier key decision.

Access to information legislation sets out additional requirements upon local authority decision-making in relation to key decisions. These are incorporated in the Council's Access to Information Procedure Rules in Part 4 of the Constitution.

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

#### **13.04 Decision making by the full Council**

The Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.05 Decision making by the Executive**

The Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.06 Decision making by Overview and Scrutiny Committees**

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

#### **13.07 Decision making by other committees and sub-committees established by the Council**

Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **13.08 Decision making by individuals**

Where decisions are delegated to individual Councillors or Officers, the individual concerned will respect the principles set out in Article 13.02 in taking such decisions.

### **13.09 Conflicts of interest**

Subject to any right to speak under the Members' Code of Conduct and/or dispensation obtained from the Standards and Governance Committee or Monitoring Officer, no Councillor will take, or participate in, a decision in which they have an interest precluding participation under the Members' Code of Conduct; and where an individual Executive member has delegated power to take a decision, but, has such an interest, the matter will be referred to the Executive for a decision.