

## Article 12 – Decision Making

### 12.01 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.

### 12.02 Principles of Decision Making

All decisions of the Council (whether they are the responsibility of the Leader or Cabinet or not) will be made in accordance with the following principles:

- Proportionality (i.e. the action should be proportionate to the desired outcome);
- Due consideration of professional advice from officers;
- Respect for human rights;
- Presumption in favour of openness; and
- Clarity of aims and desired outcomes.

### 12.03 Types of Decision

(a) **Decisions reserved by the full Council and which cannot be delegated.**

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) **Key decisions (Executive functions only).**

The following are key decisions:

- (i) A decision in relation to an Executive function which results in the Local Authority incurring expenditure or making of a saving which is significant having regard to the budget for the service or function to which the decision relates.
- (ii) A decision that is likely to have a significant impact on two or more wards within the Local Authority.
- (iii) A decision in relation to budget expenditure or budget savings in excess of £100,000.
- (iv) A decision in relation to any contract valued in excess of £500,000 or relates to the acquisition or disposal of land or an interest in land with a value in excess of £250,000

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. (See Forward Plan)

(c) **Significant Decisions (*non-Executive Functions only*)**

A Significant Decision means any decision in exercise of a non-Executive Function which:-

- (a) requires a budget expenditure or budget saving in excess of £100,000 ; or
- (ii) is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the City

(c) **Urgent Decisions**

An urgent decision means a decision made in circumstances where:-

(a) a decision is required by statute or otherwise within a specified timescale; or

(b) any delay likely to be caused by not making the decision would seriously prejudice the Council's or the public's interests; or

(c) any delay likely to be caused by not making the decision would be likely to expose the Council, its members or its residents to a significant level of risk, loss, damage or disadvantage.

#### **12.04 Decision Making by the Full Council**

Subject to Article 12.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.05 Decision Making by the Cabinet**

Subject to Article 12.08, the Cabinet will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **12.06 Decision Making by Overview and Scrutiny Committees**

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

#### **12.07 Decision Making by Other Committees and Sub-Committees established by the Council**

Subject to Article 12.08, other Council committees and sub-committees will follow the parts of the Council Procedures Rules set out in part 4 of this Constitution that apply to them.

#### **12.08 Decision Making by Council Bodies Acting as Tribunals**

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.