

## **ARTICLE 13 - DECISION MAKING**

### **13.1 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.

### **13.2 Principles of decision making**

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

- (a) proportionality (i.e. 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;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) reasonableness; and
- (g) providing information on the options considered and giving reasons for the decision taken.

### **13.3 Types of decision**

#### **(a) Decisions reserved to full Council.**

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

#### **(b) Key Decisions**

- (i) Key decisions are those:
  - likely to result in expenditure release of any securities (except where any release is pursuant to a contractual obligation), or savings of at least £100,000 or £100 million if it relates to treasury management matters, or

there may otherwise be an impact on the Council's financial standing<sup>1</sup>; or

- likely to have a significant impact on people or organisations in two or more wards within the Borough
- which are made in the course of developing proposals to the Council to amend the policy framework.

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules.

#### **13.4 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.

#### **13.5 Decision making by the Leader/Executive**

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

#### **13.6 Decision making by scrutiny committees**

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

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

Subject to Article 13.8, other Council committees and sub-committees will follow the Committees, Sub Committees and Other Bodies Procedure Rules set out in Part 4 of this Constitution as apply to them.

#### **13.8 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 and the Human Rights Act 1998.

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<sup>1</sup> Contract Standing Orders at Part 4 of this Constitution set out how this is applied in relation to the length and value of a contract.

### 13.9 Mandatory Training

In order to facilitate good quality decision-making, Members are encouraged to attend all relevant training sessions provided by the Council. However the following training is deemed to be mandatory and members who have not undertaken the required training will not be able to take part in the decision-making process:

| <u>Training</u>         | <u>Decision-making</u>   | <u>Required</u>   |
|-------------------------|--|---|
| (a) Planning            | Determination of planning applications and any other related consent applications              | Annually - All Members of the Planning Applications Committee<br>All Members of the Council when determining large scale planning applications in accordance with Article 4.2 (n) |
| (b) Licensing           | Determination of applications for licenses under the Licensing Act 2003 and Gambling Act 2005. | <u>Biennially</u> - All Members of the Licensing Committee in order to be eligible to be appointed to the Licensing Sub Committees <u>participating in a Sub Committee</u> .      |
| (c) Standards           | The hearing and determination of complaints of member misconduct.                              | <u>Biennially</u> - All members of the Audit and Standards Committee <u>participating in a Standards Sub Committee</u>  |
| (d) <del>Equality</del> | <del>All decisions</del>   | <del>All Members</del>  |
| (e) Human Resources     | All decisions made by the Employment Committee and its sub committees.                         | <u>Biennially</u> - <del>Annually</del> - All members <del>of the Employment Committee</del> <u>participating in a Hearing Sub Committee or Appeals Sub Committee</u>             |