

## 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 ;
- (f) considerations of biodiversity, sustainability, and the impact on crime and disorder;
- (g) consideration of the Council's priorities and Corporate Planning Documents;
- (h) 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 the Overview & Scrutiny Panel~~

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

### 11.8 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.