

# **Article 11 – Decision-Making**

## **11.01 Responsibility for decision-making**

The Council will issue and keep up to date a record of which part of the Council or which 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.

## **11.02 Principles of decision-making**

All decisions by the Leader of the Council, individual members, officers and of decision-making bodies and recommendations of all Council bodies (including working parties) will be made in accordance with the following principles:

- (i) Decision makers will consider any suggested and reasonable alternatives and, wherever reasonably possible, provide the public the opportunity to make representations.
- (ii) Decision makers must understand the legal requirements regarding the decision-making power and observe them.
- (iii) Decision makers will take into account all relevant matters, both general and particular, and ignore irrelevant matters.
- (iv) Decision makers will act for a proper purpose and for the public good.
- (v) Decision makers will observe the rules relating to local government finance.
- (vi) Decision makers will act with procedural propriety and in accordance with the rules of fairness and natural justice.
- (vii) Decision makers will ensure they are properly authorised to take decisions.
- (viii) Decision makers will act in accordance with the European Convention on Human Rights.
- (ix) Decision makers will be responsible for their decision and be prepared to account for them to councillors and the public.
- (x) Decision makers will have regard to the Code of Conduct and relevant protocols as set out in this Constitution.
- (xi) Decision makers will have regard to officer professional advice.

Subject to 11.08 below, all meetings will be held in accordance with the appropriate Standing Orders as set out in Part 4 of this Constitution.

## **11.03 Types of decision**

### **(a) Decisions reserved to the Council**

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

**(b) Key decisions and the content of the Forward Plan**

- (i) The Regulations define a key decision as a decision in relation to an Executive function which is likely to:

- (1) result in incurring expenditure or making of savings which are significant; or
- (2) be significant in terms of its effects in communities living or working in the area.

A proposed decision shall be regarded as a Key Decision by way of “incurring expenditure or making of savings which are significant” if any one or more of the following apply:

- (1) In the opinion of the Section 151 Officer (Chief Finance Officer), there is likely to be a budget variation (other than one within a Business Unit) of more than £250,000;
  - (2) In the opinion of the Chief Finance Officer, it is likely to result in capital expenditure above that provided for in the capital programme and it is likely to involve an additional call on the Council’s internal resources of more than £250,000;
  - (3) In the opinion of the relevant Director, the decision is likely to have a material effect on Council services, including where:-
    - an existing service will be reduced by more than 10 per cent or will cease all together;
    - a service which is currently provided in house will be outsourced (or vice versa); or
    - a partnership will be entered with a third party which is likely to involve a material element of risk transfer to the Council;
  - (4) The proposal involves the acquisition or disposal of land having a value estimated by the Chief Finance Officer to be likely to exceed £250,000;
  - (5) The proposal involves the disposal of a capital asset (other than land) having a value estimated by the Chief Finance Officer to be likely to exceed £250,000;
  - (6) Where in the opinion of the Head of Human Resources the proposal is likely to result in compulsory redundancies or major changes to the terms and conditions of employment of 25 or more employees across the Council’s functions;
- (ii) Decisions taken by the Chief Finance Officer under delegated authority in connection with Treasury Management shall not be regarded as key decisions irrespective of the value of the transactions involved.
- (iii) A proposed decision shall be regarded as a Key Decision by way of being “significant in terms of its effects in communities living or working in the area” if the relevant Director or Divisional Director, in consultation with the relevant

Cabinet member, considers that it ought to be included in the Forward Plan having regard to all the circumstances including the following principles:

- (1) A decision may affect a great number of people, or a number of wards, but not significantly and these decisions shall **not** normally be regarded as key;
  - (2) A decision that has a significant impact on communities living or working in only one ward will normally be treated as a key decision e.g. a school closure or the introduction or amendment of traffic calming measures;
  - (3) Where a decision is only likely to have a significant impact on a very small number of people in one ward it will **not** normally be key. But the people affected shall be informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision-making process;
  - (4) Consideration shall be given to the level of public interest in the decision. The higher the level of interest the more appropriate it is that the decision shall be considered to be key.
- (iv) The Forward Plan is published upon receipt of any changes or new entry and contains brief details of key decisions that are anticipated to be made.
- (v) The Council will also include in the Forward Plan the following:-
- (1) Any decision that forms part of the development of or a change to the Policy Framework;
  - (2) Any decision that is, in the opinion of the Chief Finance Officer, not in accordance with the Council's Budgetary Framework. This shall include any decision which has financial implications not provided for within the revenue budget, capital programme or under the virement rules;
  - (3) A brief description of any relevant risks associated with all proposed decisions.