

## ARTICLE 14 - DECISION MAKING

### 1 Responsibility for Decision-Making

- 1.1 The Council will issue and keep an up to date 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 and includes the Scheme of Delegation.

### 2 Principles of Decision Making

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

- a) respect for human rights and equality of opportunity;
- b) presumption of openness and public accountability;
- c) clarity of aims and desired outcomes;
- d) decisions will be proportionate to the intended objective;
- e) having regard to the relevant facts, legislation and relevant considerations and disregarding irrelevant considerations;
- f) due consultation and taking professional advice from officers;
- g) explaining options considered and giving reasons;
- h) lawfulness and financial propriety;
- i) taking due account of council policy and procedures;
- ii) consideration of relevant implications?

### 3 Types of Decision

- 3.1 Decisions relating to the functions referred to in Article 4 will be made by Full Council and not delegated.

### 4 Key Decisions

- 4.1 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 to:

- a) 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
- b) be significant in terms of its effects on communities

4.2 For the purpose of the above, savings or expenditure are significant if they are equal to or greater than £500,000 or equal to or greater than £100,000 where the savings or expenditure exceeds 10% of the budget for the service plan area whichever is the less. Expenditure in excess of the above levels will not constitute a key decision if such expenditure is made as part of the implementation of a decision which itself was a key decision e.g. the award of a contract *or where the expenditure is routine expenditure as described in the Contract procedure rules.*

4.3 A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.

## 5 Decision Making by Full Council

5.1 The Council meeting will follow the Council procedure rules set out in Part 4 of this Constitution when considering any matter.

## 6 Decision Making by the Executive

6.1 The Executive will follow the **Executive procedure rules** set out in Part 4 of this Constitution when considering any matter.

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## 7 Decision Making by Policy & Scrutiny Committees

7.1 Policy & Scrutiny Committees will follow the Policy & Scrutiny procedures rules set out in Part 4 of this Constitution when considering any matter.

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

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

## **9 Decision Making by Individuals**

- 9.1 Where decisions are delegated to individual Councillors or Officers under the Council's Scheme of Delegation they will observe the procedure rules for such delegations as set out in Part 4 Rules of Procedure.

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## **10 Conflicts of Interest**

- 10.1 No Councillor or Officer will take, or participate in a decision in which he or she has a prejudicial interest (as defined by the Members' Code of Conduct and/or the Officers' Code of Conduct). Where an individual Executive Member has delegated power to take a decision but has a prejudicial interest the matter will be referred to the Executive for a decision or the matter may be determined by another Executive Member??.