

## Part One: Chapter 11 - Decision making

### Responsibility for decision making

- 11.1 The Council will issue, and keep up to date, a record of which part of the Council, or which individual, is responsible for particular types of decisions or decisions relating to particular areas or functions. This record is currently as set out in Part Two of this Constitution.

### Principles of decision making

- 11.2 All decisions of the Council will be made in accordance with the following principles:
- a) openness and transparency;
  - b) fairness and equality;
  - c) with respect for human rights;
  - d) within the letter and spirit of the Constitution;
  - e) within the law; and
  - f) with due consultation and the benefit of professional advice, where appropriate.

### Types of decision

- 11.3 Decisions relating to the functions listed in Chapter 4 of this part of the Constitution will be made by the Council and not be delegated.

### Key decisions

- 11.4 Key decision means an Executive decision that is likely:
- a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
  - b) to be significant in terms of its effects on the communities living or working in an area comprising two or more wards or electoral divisions.
- 11.5 Key decisions may only be made in accordance with the Executive Procedures set out in Part Three of this Constitution.

### Decision making by the Council

- 11.6 Subject to paragraph 11.3 above, meetings of Council will follow the Council's Standing Orders with respect to Meetings. These Orders regulate the proceedings of the Council when considering any matter and are as set out in Part Four of this Constitution.

Last Updated – October 2018

### Decision making by the Executive

- 11.7 Subject to paragraph 11.10 below, the Executive will follow the Executive procedures and the Council's Standing Orders with respect to Meetings, set out in Part Four of this Constitution, when it considers any matter.

### Decision making by the Scrutiny Panels

- 11.8 The Scrutiny Panels will follow the overview and scrutiny procedures and the Council's Standing Orders with respect to Meetings, set out in Part Four of this Constitution, when they consider any matter.

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

- 11.9 Subject to paragraph 11.10 below, other Council committees and sub-committees will follow those parts of the Council's Standing Orders with respect to Meetings, set out in Part Four of this Constitution, which apply to them.

### Decision making by Council bodies acting as tribunals

- 11.10 If the Council or an officer acting in a quasi-judicial manner, or as a tribunal, or is determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, then the Council or officer will follow the proper procedures that meet the requirements of natural justice and the right to a fair trial (contained in Article 6 of the European Convention on Human Rights).

### Decision making by officers

- 11.11 The Council's officers have full authority for operational decision making and any necessary action within their remit. They are answerable to the Chief Executive Officer (Head of Paid Service).

Last Updated – October 2018