

Article 13 – Decision Making

13.01 Principles of decision making

All decisions of the Council will be made in accordance with the law and 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 (see below for further details);
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) explain what options were considered and give reasons for decisions taken.

13.02 Types of decision

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) **Key decisions.**
 - (i) A key decision means a Cabinet decision which is likely –

to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget namely above £500,000 per annum.

OR

- to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the County.
 - (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

13.03 Decision making by the full Council

Subject to Article 13.07, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.04 Decision making by the Cabinet

Subject to Article 13.07, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by overview and scrutiny committees

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

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

Subject to Article 13.07, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.07 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.