

## 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 an Executive 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.