



Special Overview and Scrutiny Management Board

31 July 2014

Extracts from Constitution

Article 12 – Decision Making

12.01 Responsibility for decision making

The Council will issue and keep up to date a 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.

12.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due regard to all relevant and material considerations and disregard of irrelevant considerations;
- (c) due consultation and the taking of professional advice from officers;
- (d) respect for human rights;
- (e) a presumption in favour of openness;
- (f) clarity of aims and desired outcomes;
- (g) the giving of reasons for decisions; and
- (h) of equality legislation and the Disability Discrimination Act 1995

12.03 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.

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 for the service or function to which the decision relates, or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council

(c) For the purposes of paragraph 12.03(b) above, the incurring of expenditure is not a key decision, if it is:-

- (i) to implement or give effect to a provision of the Council's Budget or Policy Framework and, where appropriate, for which financial provision has been made;
- (ii) to implement nationally or provincially agreed pay awards for officers of the Council in accordance with the terms of such award;
- (iii) expenditure incurred by the Corporate Director, Resources in the exercise of Treasury Management powers delegated to him.

(d) For the purposes of paragraph 12.03(b) above, any decision taken for the purpose of implementing an approved plan or strategy is not a key decision if it relates to a matter for which the plan or strategy makes provision.

12.04 Decision making by the full Council

Subject to Article 12.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.05 Decision making by the Executive

Subject to Article 12.08, the Executive will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.06 Decision making by Overview and Scrutiny Committees

The Overview and Scrutiny Management Board and the Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.07 Decision making by other Committees and Sub-Committees established by the Council

Subject to Article 12.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

12.08 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.