

# Article 7 – Decision-Making

## 7.1 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 which are not the responsibility of the Cabinet. The Leader will do the same with respect to Cabinet functions. These records are collectively set out in Appendix 1 of this Constitution (Scheme of Delegation of Responsibility for Functions) and may change from time to time.

## 7.2 Principles of decision-making

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

- (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
- (b) where appropriate, the realistic evaluation of alternatives;
- (c) proportionality (i.e. the action must be proportionate to the desired outcome);
- (d) due consultation and the taking of professional advice from officers;
- (e) respect for human rights and equalities;
- (f) a presumption in favour of openness;
- (g) clarity of aims and desired outcomes; and
- (h) reasons being given for the decision, as appropriate.

## 7.3 Key decisions

- (a) A 'key decision' is one made in the exercise of a Cabinet function which is likely to:
  - (i) result in the County 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. The County Council has set this level at £500k; or

- (ii) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the county area.
- (b) The Leader, Cabinet Member or Cabinet may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Appendix 3 of this Constitution, the Financial Regulations set out at Appendix 8(a) to this Constitution and the provisions of the Access to Information Rules set out in Appendix 6 of this Constitution.
- (c) An officer may be specifically delegated authority to take a key decision but in general a key decision shall not constitute an action or decision taken by a Chief Officer under delegated powers which is in the furtherance of the day to day administration of the service for which the Strategic Director is responsible.

#### **7.4 Decision-making by the Full Council**

The County Council meeting will follow the Council Procedure Rules set out in Appendix 3 of this Constitution when considering any matter.

#### **7.5 Decision-making by the Cabinet**

The Cabinet will follow those parts of the Council Procedure Rules set out in Appendix 3 which may apply to it and the Cabinet Procedure Rules set out in Appendix 4 of the Constitution when considering any matter. The procedures relating to the taking of key decisions are set out in Appendix 6 of the Constitution (Access to Information Rules).

#### **7.6 Decision-making by Improvement and Scrutiny Committees**

- (a) Improvement and Scrutiny Committees will follow the Improvement and Scrutiny Procedures Rules set out in Appendix 5 of the Constitution when considering any matter.
- (b) Improvement and Scrutiny Committees have no Cabinet decision-making powers in relation to the functions within their scope, nor does any Improvement and Scrutiny Working Group.
- (c) Scrutiny Task Groups will follow those parts of the Improvement and Scrutiny Procedure Rules set out in Appendix 5 as apply to them.

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

Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Appendix 3 of the Constitution as apply to them.

### **7.8 Decision-making by Officers**

Certain officers are empowered to take decisions on behalf of the County Council in accordance with the provisions of the Constitution and Scheme of Delegation to Officers in Appendix 1 of this Constitution. These provisions relate to both Cabinet and non-Cabinet functions.

### **7.9 Decision-making by Council bodies acting in a quasi-judicial or appellate capacity**

The Council, Councillors, a Councillor or an officer acting as a tribunal or as an appellate body 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 proceed in accordance with the requirements of natural justice and the Human Rights Act 1998.