

## **Chapter 1 Part 2: DECISION- MAKING AND TYPES OF DECISIONS**

### **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 function.

### **2. Principles of Decision-Making**

All decision-making must comply with the relevant Procedure Rules, applicable legislation and the below principles, and

decision-makers will:-

- 2.1 be open and transparent;
- 2.2 act within their authority;
- 2.3 take into account all relevant considerations and ignore irrelevant considerations;
- 2.4 evaluate alternative options;
- 2.5 undertake consultation as required or as may be appropriate;
- 2.6 make decisions which are reasonable and proportionate to the desired outcome;
- 2.7 obtain and consider professional advice as may be required or appropriate;
- 2.8 ensure best value;
- 2.9 have regard to the Council's Constitution and relevant policies, rules and procedures;
- 2.10 have regard to the rules of natural justice;
- 2.11 comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty.

### **3. Decisions Reserved to Full Council (Non-Executive Decisions)**

Decisions relating to the functions detailed in Chapter 2, Part 1& 2 will be made by the Council.

### **4. Cabinet Decisions (Executive Decisions)**

Decisions which under the law or in accordance with this Constitution cannot be made by full Council or a Committee of the Council. The Leader has the power to decide

how Cabinet decisions will be made and has determined that that they will be made by the Cabinet collectively, and that Cabinet Members will not be delegated individual decision-making authority. Cabinet decisions must be made in compliance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 and the terms of this Constitution.

**5. Non-Executive Decisions**

Non-Executive decisions made by a Committee or an individual Officer under delegated authority must be published as soon as reasonably practical and in accordance with the provisions of this Constitution and the Openness of Local Government Bodies Regulations 2014, where required unless otherwise prescribed by legislation specific to the decision.

**6. Key Decisions**

A Key Decision is defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and is a decision made or to be made in connection with the discharge of an Executive function which is likely to:-

- 6.1 result in the Council incurring revenue or capital expenditure or savings of £250,000 or more; or
- 6.2 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 Council's area.

Notice of Key Decisions to be taken must be published in advance (except in cases of urgency) so that members of the public and Members are able to consider the implications of the decision and have an opportunity to make representations before the decision is made. The Overview and Scrutiny Committee can also "call in" the decision through the Call-In Procedure.

**7. Administrative Decisions**

An administrative decision is an operational decision made by an Officer in the performance of their day to duties or a decision made by an Officer which implements or gives effect to an Executive, Non-Executive or Key Decision which has already been made. An Officer making an administrative decision:-

- 7.1 Does not need to prepare or publish a formal report, but should ensure consultation is undertaken where appropriate;

- 7.2 Does not have to maintain a record of administrative decisions for the purpose of 2012 Regulations (see above at 4) or the 2014 Regulations (see above at 5) but must retain a record of decisions, with reasons, for audit purposes;
- 7.3 Must ensure those who need to know of the decision are promptly informed of it.

**8. Committees Making Decisions Concerning Licences etc.**

Where a Committee or Sub-Committee is determining the grant, refusal or sanction of a permit, licence, permission or right at a hearing it must follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial under Article 6 of the European Convention on Human Rights.

**9. Urgent Decisions**

- 9.1 A decision will be urgent if any delay would seriously prejudice the Council's or the public's interests.
- 9.2 The record of the decision and the notice by which it is made public shall include whether in the opinion of the decision-maker the decision is an urgent one and therefore not subject to Call-In.
- 9.3 Where applicable and reasonably possible the decision-maker should consult with the Leader or in their absence the Deputy Leader (in respect of Executive Decisions) and the Chair or in their absence the Vice-Chair of the relevant Committee (Non-Executive Decisions). The Monitoring Officer and where appropriate the Section 151 Officer (or in their absence their deputies) should also be consulted.
- 9.4 The Chair of the Overview & Scrutiny Committee or in their absence the Vice-Chair must agree that the decision is urgent and cannot be deferred. In the absence of the Chair or Vice-Chair of the Overview & Scrutiny Committee, the agreement of the Mayor, in their absence the Deputy Mayor, must be obtained.
- 9.5 Decisions taken as a matter of urgency must be published in accordance with applicable legislative requirements and reported to the next available meeting of the Council together with the reasons for urgency.