

## APPENDIX C

### Constitution - Part 2 - Governance - How we run the Council and make decisions

#### Guide to Decision Making

#### 1 - Principles of Decision Making

1.1 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) Appropriate consultation and the taking of professional advice from Officers
- (c) Respect for human rights
- (d) A presumption in favour of openness and reasonableness
- (e) Clarity of aims and desired outcomes
- (f) An explanation of any options considered and the reasons for the final decision.

#### 2. - Executive and Non-Executive Functions

##### 2.1 Executive functions

Within the Budget and Policy Framework set by full Council, the Cabinet is responsible for carrying out executive functions as defined in the Local Government Act 2000 and related statutory instruments. These are the majority of Council functions.

##### 2.2 Non Executive functions

The Local Government Act 2000 also provides that a number of important functions cannot be undertaken by Cabinet. These are non - executive functions and are carried out by Committees or may have been delegated to Officers.

### **3 - Powers of Delegation**

**3.1** Non-executive functions of the Council may be delegated by the Council to Committees, Sub-Committees or Officers under Section 101 of the Local Government Act 1972.

**3.2** Executive functions of the Council may be delegated by the Leader of the Council ("the Leader") to the Cabinet, Cabinet Sub -Committees, individual Cabinet Members or Officers under the Local Government Act 2000.

### **4- Types of Decision**

#### **4.1 Decisions that can only be made by Full Council**

Decisions relating to the functions listed in **Part x of this Constitution** will be made only by the Council and cannot be delegated without a specific resolution.

The Council meeting will follow the **Council Procedure Rules** set out in **Part x** of this Constitution when considering any matter before them.

**NB** Parts of the Council Procedure Rules also apply to the Cabinet and to Committees

#### **4.2 Key Decisions and Cabinet Decisions**

The Cabinet will follow the **Cabinet Procedure Rules** at **Part x** of this Constitution when considering any matter.

A **key decision** is defined as any decision relating to a Cabinet function which is either:

**(a)** Significant in terms of expenditure or savings. The financial threshold above which a matter becomes "significant" has been set at £ 75,000 and this figure is applicable to both revenue and capital budgets

**OR**

**(b)** Significant in terms of its effect on the communities living in an area comprising two or more Council wards. Significant in this context means important or far reaching

A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in **Part x** of this Constitution.

#### **4.3 Decision Making by Scrutiny and Standards Committees**

The Scrutiny Committee will follow the Scrutiny Procedure Rules set out in **Part x** of this Constitution when making any decisions.

There are specific guidelines which govern the Standards Committee when dealing with complaints and investigations under the Code of Conduct for Members. See the Standards Committee Procedure Rules set out at **Part x**

#### **4.4 My Neighbourhood Areas**

My Neighbourhood Areas will follow the My Neighbourhood Procedure Rules at **Part x** of the Constitution.

*Any decision at Neighbourhood Area Forums must be made with the interests of the whole Council in mind rather than the interests of any specific area.*

#### **4.5 Decision making by Other Committees established by the Council**

Other Committees will follow those parts of the Council Procedure Rules set out in **Part x** of this Constitution as apply to them when making delegated decisions.

### **5- Decision making by Council Bodies acting as tribunals**

Where any Committee or Officer acts as a tribunal, or in a quasi-judicial manner, proper procedures must be followed which comply with the requirements of natural justice and all relevant provisions of the Human Rights Act.

Examples would be Licensing Committee hearings or the Appeal Committee dealing with disciplinary related appeals.

## **6 - Decision making by Officers**

Any officer taking a delegated decision must do so in accordance with the Scheme of Delegation at Part x of the Constitution.