

## **Chapter 13**

### **Decision making**

#### **13.1. Responsibility for decision making**

Some decisions are for the council to make or to delegate, or for it to delegate to committees, sub-committees and/or officers, or to joint committees or joint arrangements or other authorities. Those delegations will be recorded in the council's constitution.

Other decisions are for the Cabinet to make, and it is for the Cabinet to decide whether to delegate the power to make any of those decisions. Only the Cabinet may decide to delegate cabinet functions to area committees, joint arrangements or other local authorities. Where it does so, those delegations will be recorded in the Cabinet's scheme of delegations in Part 2 of the Constitution.

Where the power to take decisions is delegated by the Cabinet, the extent of the delegation will be recorded, together with any limitations on the delegated power. Details of the person or body to which the decision is delegated will be recorded.

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 2 of this Constitution.

#### **13.2. Principles of decision making**

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

- Fairness and equity;
- Openness and transparency;
- Due consultation, where appropriate, and with the benefit of professional advice from officers where appropriate;
- With respect for human rights;
- Within the law;
- Within the letter and spirit of the Constitution.

#### **13.3. Types of decision**

##### **13.3.1. Decisions reserved to full council.**

Decisions relating to the functions listed in (Part 1) Chapter 4 will be made by the Full Council and not delegated.

### 13.3.2. Key decisions.

#### **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 local authority's budget for the service or function to which the decision relates, or
- be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the city's administrative area.

The city council has agreed the following parameters for key decisions -

*That the city council's financial thresholds in relation to key decisions be £250k or 25% of the relevant budget whichever is the greater in relation to expenditure and savings, with the following exceptions —*

- *expenditure to be incurred (and paid for by third parties) in respect of legal agreements entered into in pursuance of planning decisions shall not be included (on the basis that the principle of the work has already been approved when planning permission was granted).*
- *Decisions relating to funding to which pre-conditions have been attached, for example in respect of projects or schemes being funded by central government regeneration budgets or by European funding shall not be included.*
- *The letting of tenders for contracts for projects shall not be key decisions, where the principle of or approval to a particular scheme has already been given.*
- *Decisions taken by the director for finance under delegated authority in connection with Treasury Management.*

*In relation to the significance of decisions in terms of their effects on communities living or working in the area, the Chief Executive after consultation with the Monitoring Officer and the appropriate Cabinet Member be authorised to make individual determinations.*

A decision taker may only make a key decision in accordance with the requirements of the executive procedure rules set out in Part 3 of this Constitution.

### **13.4. Decision making by the Full Council**

Subject to 13.8, the council meeting will follow the council's standing orders set out in Part 3 of this Constitution when considering any matter.

### **13.5. Decision making by the Cabinet**

Subject to 13.8, the Cabinet will follow the executive procedures rules set out in Part 3 of this Constitution when considering any matter.

**13.6. Decision making by Scrutiny Management Panel**

Policy & Review (Overview and Scrutiny) Panels will follow the Policy & Review (Overview and Scrutiny) Procedures set out in Part 3 of this Constitution when considering any matter.

**13.7. Decision making by other committees and sub-committees established by the council**

Subject to 13.8, other council committees and sub-committees will follow those parts of the council's standing order set out in Part 3 of this Constitution as apply to them.

**13.8. Decision Making by Officers**

Officers have full authority for operational decision making and for any necessary action within their sphere of responsibility, including those matters delegated under the scheme of delegations set out in Part 2 of the Constitution. They are answerable to the Chief Executive in their capacity as Head of Paid Service.

**13.9. 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 or 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.