

Article 9: Decision making

9.01 Responsibility for decision making

The Council and/or the Leader, as appropriate, 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.

9.02 Principles

All decisions will be made:

- (a) proportionately (meaning that the action must be proportionate to the desired outcome)
- (b) after due consultation and the taking of professional advice
- (c) with respect for human rights as set out in the Human Rights Act 1998 and having regard to the council's public sector equality duty.
- (d) with the presumption in favour of openness
- (e) with clarity of aims and desired outcomes
- (f) after due consideration for the interests of residents and other stakeholders, and
- (g) in accordance with the Policy Framework.

Decisions will be recorded in an appropriate manner. The record of executive decisions will provide an explanation of the options considered in making the decision and will give the reasons for the decision.

9.03 Executive Decisions

“Executive decisions” are those that are required to be taken by the Leader or in accordance with delegations agreed by the Leader to Cabinet, to individual members of the Cabinet or to specific officers.

Decisions made by the Health and Wellbeing Board are also Executive Decisions as this is a statutory executive committee.

9.04 Non Executive Decisions

Decisions that are not executive decisions shall be taken by the Council, by a Committee to which Council has delegated power to act on its behalf, or by specific officers to whom powers have been delegated. In reaching such decisions, officers to whom powers have been delegated may consult the

Chairman of the relevant Committee where to do so is expedient, and shall do so where an earlier decision so requires.

9.05 Referral of decision making to higher authority

An individual or body to whom power to make a decision has been delegated may decline to make that decision and refer it for decision by the relevant Committee, Cabinet Member, the Leader or by Council as appropriate.

Decisions of the Health and Wellbeing Board cannot be referred to other parts of the Council, i.e. Cabinet, where the statutory decision making power rests solely with the Board.

Decisions of The Strategic Planning Committee and the Planning Committee cannot be referred to another body (except officers), including to the Council.

9.06 Decision making

Subject to paragraph 9.07 below

- (a) the Council meeting will follow the Council Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (b) the Executive will follow the Executive Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (c) the Overview and Scrutiny Board and Sub-Committees will follow the Committee and Overview & Scrutiny Procedure Rules set out in Part 4 of this constitution when considering any matter.
- (d) The Strategic planning Committee and the Planning Committee will additionally follow the Planning Procedure Rules set out in Part 4 of this constitution.
- (d) other Council Committees and Sub-Committees will follow those parts of the Committee Procedure Rules set out in Part 4 of this constitution as apply to them.

9.07 Decision making by Council bodies acting as tribunals

Quasi-judicial decisions of the Council, Cabinet, Committee or an officer shall be taken in accordance with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

9.08 Party Whip

There shall be no Party Whip at meetings of:

- the Strategic Planning Committee and the Planning Committee when determining planning matters;
- Overview & Scrutiny Board and Sub-Committee;
- the Adjudication & Review Sub-Committee when it is conducting an investigation of hearing;
- the Licensing Committee when it is determining licences and conducting hearings; and
- any other committees where the committee meets to determine applications, hearings, appointments or acts in any quasi-judicial matter.

The Party Whip is understood to mean any instructions given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote, or the application or threat to apply any sanctions by the group in respect of that Councillor should they speak or vote in any particular manner.