

3. DECISION MAKING AND RESPONSIBILITY FOR FUNCTIONS

Decision Making Principles

- 3.1 All decisions are made in accordance with the rules set out in this Constitution, all applicable legislation and the following principles:
- (a) Proportionality (ie the action must be proportionate to the desired outcome);
 - (b) Due consultation and the taking of professional advice from officers;
 - (c) Respect for human rights and where needed balancing different rights;
 - (d) A presumption in favour of openness;
 - (e) Clarity of aims and desired outcomes; and
 - (f) Explaining the reasons for a decision and the options considered and rejected, and reasons for their rejection.

Types of Decision

- 3.2 There are two types of decision: executive decisions and non-executive decisions.
- 3.3 Executive decisions are:
- (a) Decisions including Key Decisions which at the Leader's discretion must be made by the Leader, the Cabinet as a whole, or an individual Cabinet Member and in accordance with the Executive Arrangements and Cabinet Procedure Rules set out under Part 4 of this Constitution; or
 - (b) Decisions other than Key Decisions which are delegated by the Leader to an officer of the Council under the Scheme of Delegation to officers set out under Part 7 of this Constitution.
- 3.4 Non-executive decisions are:
- (a) Decisions which must be made by the Council as a matter of law; or
 - (b) Decisions which the Council has decided to reserve to itself; or
 - (c) Decisions delegated by the Council to a Committee of the Council or an officer of the Council under the Scheme of Delegation to officers set out under Part 7 of this Constitution.
- 3.5 Unless delegated to an individual, decisions are determined by simple majority of those councillors physically present and eligible to vote on the matter. Where there is an equality of votes, the Chair of the meeting shall have a casting vote.

Key Decisions

- 3.6 In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Key Decisions are decisions which:

- (a) Result in the 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; or
- (b) Is deemed to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Council's administrative area;
- (c) For the purpose of paragraph (a) above the level of expenditure or saving (the Key Decision Financial Threshold) which is deemed to be significant is £500,000.

3.7 The procedure for taking, recording and publishing decisions is set out in the Cabinet Procedure Rules under Part 4 Executive Arrangements of this Constitution.

Responsibility for Functions

Council Functions

3.8 The functions listed in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Regulations) that are the responsibility of the Council and any arrangements for the general delegation of the function by the Council are set in Table A of Appendix 1 Responsibility for Functions of this constitution.

3.9 The functions which as a matter of law must also be the responsibility of the Council and the delegation arrangements for the discharge of these functions are set out in Table B of Appendix 1 Responsibility for Functions of this constitution.

Executive (Cabinet) Functions

3.10 The functions which are the responsibility of the Executive (Cabinet) are set out under Part 4 – Executive Arrangements of this Constitution.

3.11 Unless specified otherwise in the Regulations or under this Constitution, a function is presumed to be an executive function to be discharged or delegated by the Executive (Cabinet).

Local Choice Functions

3.12 Those functions detailed in the Schedule 2 of the Regulations which may be, but do not have to be, the responsibility of either the Council or the Executive (Cabinet) are known as (local choice functions). It is for the Council to decide whether a local choice function is discharged by the Council or the Executive (Cabinet).

3.13 The Council has decided that local choice functions shall be discharged by the Council subject to the Council's delegation of the discharge of a local choice function.

3.14 The local choice functions which shall be discharged by the Council and the delegation arrangements for the discharge of local choice functions are set out in Table C of Appendix 1 – Responsibility for Functions of this Constitution.