

## **Section 16 – Decision Making**

### **Contents**

1 Responsibility for decision making .....	1
2 Principles of decision making .....	1
3 Types of decision .....	1
4 Decision making by the full Council.....	2
5 Procedures of the Overview and Scrutiny Committee .....	2
6 Decision making by other committees and sub-committees.....	2
7 Decision making by Council bodies acting as tribunals .....	2

### **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 functions. This record is set out in Sections 4-14 for Committees and Section 19 for Officers of this Constitution.

### **2 Principles of decision making**

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

- a) Any action decided upon must be proportionate to the desired outcome;
- b) Decisions should be taken after due consultation and after taking professional advice from officers;
- c) Decisions and action taken should be in accordance with the Human Rights Act and have regard to the public sector equality duty and transparency;
- d) There should be a presumption in favour of openness;
- e) The decision-maker must be clear as to the aims and desired outcomes;
- f) The decision-maker should not take into account any irrelevant matters, should not refuse or neglect to take into account any relevant matters and decisions taken should be reasonable in all respects.

### **3 Types of decision**

- (a) Decisions relating to the functions listed in Section 4, Paragraph 2 will be made by the Full Council and not delegated.
- (b) Key decisions.
  - (i) A key decision is an executive decision which is likely

# Gedling Borough Council Constitution

---

- (aa) to result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned; or
- (bb) to be significant in terms of its effect on communities living or working in an area comprising two or more wards

and the Full Council will in each year determine the financial thresholds for each service or function above which expenditure or saving is to be regarded as significant.

- (ii) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Rules set out in Section 18 of this Constitution.

## **4 Decision making by the full Council**

Subject to Paragraph 16.7, the Council meeting will follow the Rules of procedure set out in Section 4 of this Constitution when considering any matter.

## **5 Procedures of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Section 5 of this Constitution when considering any matter.

## **6 Decision making by other committees and sub-committees**

Subject to paragraph 16.7, other Council committees and sub-committees will follow those parts of the procedure rules set out in Section 4 of this Constitution as they apply to them.

## **7 Decision making by Council bodies acting as tribunals**

The Council, a committee or sub-committee, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/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.