

Article 10 – Decision Making

10.1 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 Appendices 2, 2A, 3, 4 and 5.

10.2 Principles of Decision Making

These principles will underpin the way the Council makes its decisions: -

- (1) Actions agreed will be in proportion with what the Council wants to achieve.
- (2) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers.
- (3) Decisions will reflect the spirit and requirements of Equalities and Human Rights legislation.
- (4) The presumption that all decisions made by the Council, the Executive and Committees should be made in public with only those issues that need to be exempt by virtue of the Access to Information Rules will be taken in private.
- (5) Decisions will be clear about what they aim to achieve and the results that can be expected.

In addition, in the case of all decisions taken by the Executive or a Committee or individual member of the Executive, a statement will be published which includes details of the options considered and the reasons for the decision.

10.3 Types of Decision

- (1) Decisions reserved to full Council.

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

- (2) Key decisions

- (i) A decision taker may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules set out in Appendix 13.

- (ii) A key decision is defined as either:

- (a) any decision in relation to an executive function which results in the local authority incurring expenditure which is, or the making of

savings which are, in excess of £1.25m having regard to the local authority's budget for the service or function to which a decision relates; or

- (b) any decision which is likely to have a significant impact on communities living or working in an area comprising two or more electoral divisions.

For this purpose, the Council has agreed that a key decision is any decision which:

- recommends a budget to the full Council;
- proposes an amendment to the Council's Policy Framework (as defined in Article 4.1 of this Constitution);
- involves the expenditure or savings of more than £1.25M over one accounting year unless expressly provided for in the adopted budget or Policy Framework;
- involves the acquisition or disposal of land and buildings or any interest in land and buildings in excess of the value of £1.25M unless covered by a specific item in the budget;
- involves a budget virement of funding in excess of the virement limits set out in Appendix 15 (financial regulations) of this Constitution;
- recommends the promotion or amendment of local legislation;
- involves significant public, private and voluntary partnership working in Norfolk.

Together with any other decision which the Monitoring Officer, in consultation with the Leader and Head of Paid Service, considers to be a key decision within the Regulations.

10.4 Procedures of the Full Council

Subject to Article 10.8 the Council meeting will follow the Council Procedure Rules set out in Appendix 7 when considering any matter.

10.5 Procedures of the Executive

Subject to Article 10.8 the Executive will follow the Cabinet Procedure Rules set out in Appendix 9 when considering any matter.

10.6 Procedures of the Scrutiny Committee

The Scrutiny Committee will follow the Scrutiny Procedure Rules set out in Appendices 8 and 10 when considering any matter.

10.7 Procedures of Other Committees and Sub-committees Established by the Council

Subject to Article 10.8 other Council committees and sub-committees will follow the Committee Procedure Rules set out in Appendix 8 and (so far as relevant to their responsibilities) will comply with the provisions of the Code of Best Practice for Planning Procedures set out in Appendix 18 and the procedures for Public Speaking at Committees in Appendix 26.

10.8 Decision Making by Council Bodies Acting as Tribunals

The Council, a 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 Human Rights Act 1998.