

Article 13 - Decision-Making

13.01 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.

13.02 Principles of Decision-Making

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

- (a) proportionality (i.e. 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;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) Wednesbury reasonableness (ie. the decision must not be so unreasonable that no reasonable Council could have reached it, having taken into account all relevant considerations and having ignored irrelevant considerations).

13.03 Types of Decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions
 - (i) The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 state that a key decision means an executive decision which is likely -

a) to result in the local authority 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

b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority subject to any guidance issued by the Secretary of State in relation to the meaning of significant.

(ii) In the absence of such guidance, a key decision is

- any decision of the Cabinet incurring expenditure or making savings in excess of 10% of the relevant portfolio or £500,000, whichever is the smaller, unless

(i) the specific expenditure or saving has previously been agreed by full Council;

(ii) it is a decision taken in accordance with the Council's Treasury Management Policy;

or

- any decision of the Cabinet which, in the view of the Leader, will have a significant effect on a significant number of people living or working in two or more wards of the Authority.

For the avoidance of doubt, any decision approving proposals for the making or amendment of a plan or budget which requires the approval of full Council shall be treated as a key decision.

(iii) A decision-taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision-making by the Full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules when considering any matter.

13.05 Decision-making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Executive Procedure Rules when considering any matter.

13.06 Decision-making by Overview and Scrutiny Commission and Committees

Overview and Scrutiny Commission and Committees will follow the Overview and Scrutiny Procedures Rules when considering any matter.

13.07 Decision-making by other Committees and Sub-Committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedure Rules as apply to them.

13.08 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 right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.09 Decision-making by Outside Bodies upon which the Council is represented

Where an elected member is appointed by the Council to be its representative on an outside body or is on the outside body by virtue of his/her role on Council, the elected member concerned shall follow the decision-making principles set out in 13.02 and act only in the interests of the Borough of St

Helens in any contribution to the decisions made by the relevant outside body.