

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. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision Making

- (a) All decisions of the Council will be made in accordance with the following principles:
 - (i) proportionality;
 - (ii) due consultation and the taking of professional advice from officers;
 - (iii) respect for human rights;
 - (iv) a presumption in favour of openness;
 - (v) clarity of aims and desired outcomes.
- (b) Recording of Decisions
 - (i) As soon as reasonably practicable after a meeting of a decision making body at which an Executive decision has been made, a written statement will be produced in respect of every Executive decision made at that meeting containing:
 - (aa) a record of the decision;
 - (bb) a record of the reasons for the decision;
 - (cc) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made;
 - (dd) a record of any conflict of interest in relation to the matter decided which is declared by any Member of the decision making body which made the decision; and
 - (ee) in respect of any declared conflict of interest, a note of any dispensation granted by the Standards Committee.
 - (ii) As soon as is reasonably practicable after an officer has made a decision which is a key decision, a written statement will be produced containing:
 - (aa) a record of the decision;
 - (bb) a record of the reasons for the decision;
 - (cc) details of any alternative options considered and rejected by the officer at the time when he/she made the decision; and

- (dd) a record of any conflict of interest declared in relation to the decision and a note of any dispensation granted by the Standards Committee.

13.03 Types of Decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 except 4.02(h) will be made by the full Council and not delegated.
- (b) Key Decisions
 - (i) A Key Decision means an Executive decision with is likely:
 - (aa) to result in the Council incurring expenditure or making savings which amounts to either £50,000 or 25% (whichever is the larger) of the budget for the service or function to which the decision relates; or
 - (bb) to be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District of North Wiltshire.

13.04 Decision Making by the Full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision Making by the Executive

Subject to Article 13.08, the Executive will follow the Executive Procedures set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Overview and Scrutiny Committee

Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution 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 Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision Making by Council Bodies acting as Tribunals

The Council, a Councillor or any officer acting as a tribunal or in a quasi judicial manner or determining or considering (other than for the purpose 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 fair trial contained in Article 6 of the European Convention on Human Rights.