

ARTICLE 13 - DECISION MAKING

13 Decision Making

13.1 Responsibility for decision making

13.1.1 The council will issue and keep up to date a record of what part of the authority or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.

13.2 Principles of decision making

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

Decisions reserved to council

13.2.2 Decisions relating to the functions listed in Article 4 and Appendix 3 will be made by the council and not delegated.

Key decisions

13.2.3 A "key decision" means a cabinet decision which, is likely -

- (i) to result in the council incurring expenditure which is, or making savings which are, significant in relation to the council's total budget for the service or function to which the decision relates (for these purposes the presumption is that "significant" means any sum exceeding whichever is greater of the thresholds established by the European Public Contracts Directive 2004/18/EC for Local Government in respect of contracts for supplies or services), or;
- (ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the Norwich city area.

13.2.4 A decision taker may only make a key decision in accordance with the requirements of the Cabinet procedure rules set out in Appendix 5 of this constitution.

13.3 Decision making by the council

13.3.1 Subject to Article 13, the council will follow the Council procedure rules set out in Appendix 1 of this constitution when considering any matter.

13.4 Decision making by the cabinet

13.4.1 Subject to Article 13, the cabinet will follow the Cabinet procedure rules set out in Appendix 5 of this constitution when considering any matter.

13.5 Decision making by overview and scrutiny committees

13.5.1 The scrutiny committee and any select committees will follow the Overview and scrutiny procedures rules set out in Appendix 6 of this constitution when considering any matter.

13.6 Decision making by other committees and sub-committees established by the council

13.6.1 Subject to Article 13, other council committees and sub-committees will follow those parts of the Council procedures rules set out in Appendix 1 of this constitution as applies to them.

13.7 Decision making by council bodies acting as tribunals

13.7.1 The council, 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.

13.8 Establishment of sub-committees, select committees, groups or panels

13.8.1 All requests to set up sub-committees, select committees, member-led groups or panels, shall be assessed by the executive head of business relationship management and democracy and the resource implications of supporting its work be reported back to council, cabinet or scrutiny committee, as appropriate for decision.