

ARTICLE 15 - DECISION-MAKING

References:

Chapter 7 DETR Guidance

The Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000

The Local Authorities (Executive Arrangements)(Access to Information)(England) (Amendment) Regulations 2001

15.01 **Responsibility for Decision-Making**

Responsibility for decision-making is as set out in the **Scheme of Delegation (Part 3)**. The Monitoring Officer will keep the **Scheme of Delegation** up to date in accordance with delegation decisions made from time to time by the Council Meeting, the Cabinet, Individual Members of the Cabinet or Committees and Sub-Committees.

15.02 **Principles of Decision-Making**

All decisions of the Council Meeting, the Cabinet, Committees and Officers, will be taken in accordance with the following principles:

Principles of decision-making

- Clarity of aims and desired outcomes;
- Presumption in favour of openness;
- Proportionality (meaning the action must be proportionate to the results to be achieved) and reasonableness;
- Consideration of relevant professional advice;
- Appropriate consultation with stakeholders and those persons or organisations likely to be affected;
- Respect for human rights;
- Timeliness;
- Due diligence and financial prudence.

15.03 **Types of Decision**

(a) **Decisions reserved to the Council Meeting**

Decisions reserved to the Council Meeting relating to the functions listed in **Article 4** will be made by the Council Meeting and not delegated.

(b) **Key Decisions.**

A decision of the Cabinet, an Area Committee, or of a Corporate Director acting in accordance with the Scheme of Delegation will be a Key Decision if it comes within one or more of the following categories:

- (i) It is likely to result in the Council incurring expenditure or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) it is likely to be significant in terms of its effects on communities living or working in 2 or more Stockport wards.
- (iii) it forms part of the development of, or the development of a change to, the Policy Framework or Budget.

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- (iv) it involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.
- (v) it involves capital expenditure that is not provided for within:
 - a) the capital estimate for a specific scheme; or
 - b) a lump sum capital estimate;
 - c) the capital programme at all, subject to rule 3.13 of the Financial Procedure Rules, which permits the Executive to utilise released capital funding for other projects where approved scheme costs are reduced or the approved scheme is deleted (unless the resources were specifically ring fenced).
- (vi) it involves a significant reduction in or significant change to a service or facility provided by the Council, such reduction or change not being within the Policy Framework or Revenue Budget.
- (vii) it consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements.
- (viii) it involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed ~~£500,000~~.
- (ix) it involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of ~~£500,000~~ per annum or a premium of ~~£500,000~~.
- (x) its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees.

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A Key Decision may only be taken in accordance with the requirements of the **Cabinet Procedure Rules (Part 5 PR3)** and **Access to Information Rules (Part 5 PR7)**.

15.04 Decision-making by the Council Meeting

Subject to **para 15.08**, the Council Meeting will follow the **Council Meeting Procedure Rules (Part 5 PR1)** when considering any matter.

15.05 Decision-making by the Cabinet

Subject to **para 15.08**, the **Cabinet** will follow the **Cabinet Procedure Rules (Part 5 PR3)** when considering any matter.

15.06 Decision-making by Scrutiny Committees

Scrutiny Committees will follow the **Scrutiny Procedure Rules (Part 5 PR4)** when considering any matter.

15.07 Decision-making by Ordinary Committees

Subject to **para 15.08**, Ordinary Committees will follow those parts of the **Council Meeting Procedure Rules (Part 5 PR1)** as are stated in those Rules to apply to them.

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15.08 Decision-making by Council bodies acting quasi-judicially

When 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, the Council Meeting, Committees, the Cabinet, and officers will follow a procedure which accords with the principles of natural justice and the requirements of the Human Rights Act 1998.