

CHAPTER 1 - 1 INTRODUCTION TO DECISION MAKING

The Authority (Melton Borough Council) and Members make decisions, relating to matters within the Borough of Melton. This part of the Council's Constitution sets out how these decisions are made and who is responsible for particular types of decisions.

The Cabinet has delegated decision-making powers to individual members of the Cabinet (Portfolio Holders) through a Cabinet Scheme of Delegation.

1.0 Principles of decision-making

1.1 The following principles will apply to all decision makers. Decision makers will:

- take into account all relevant considerations
- undertake a realistic evaluation of alternatives and options
- carry out consultation (where appropriate)
- take decisions which are proportionate to the desired outcome
- consider relevant professional advice
- ensure best value
- be open and transparent (wherever possible)
- consider the rules of Natural Justice
- comply with all legislation including the Humans Rights Act 1998 and the European Convention on Human Rights

2.0 Types of decision and the decision-takers

2.1 Council

2.2 The Council Meeting is a meeting of all the Members where they discharge the functions contained within the Council Functions and Procedure Rules. This is the meeting that approves the Budget and Policy Framework which is the framework within which Cabinet operates.

2.3 There are different types of Council Meeting:

- The Annual Meeting of the Council, which is held in May
- Ordinary meetings; and
- Extraordinary meetings, which are called as and when required, in accordance with the Meetings General Procedure Rules.

2.4 When decisions are made at the Council Meeting, they will comply with the Council Functions and Procedure Rules and the Meeting General Procedure Rules.

2.5 Members will set the Council's budget each year at the Council Meeting. The budget has a number of elements as follows:

- The allocation of financial resources to different services and projects
- Proposed contingency funds
- The Council tax base
- Setting the Council tax
- The Council's borrowing requirement
- The Council's capital expenditure
- The setting of virement limits

3.0 **Cabinet**

3.1 The Cabinet make decisions within the Budget and Policy Framework as approved at the Council Meeting. This means that the Cabinet is responsible for administering the budget set by Council and working within the strategies set by it.

The Cabinet is responsible for all policy decisions which are not Council functions or regulatory such as Licensing, Audit and Standards or Planning decisions.

3.2 When the Cabinet makes decisions, it will comply with the Cabinet Functions and Procedure Rules.

3.3 **Key Decisions**

3.4 A Key Decision is a Cabinet decision which is likely to result in the Council:

- Incurring expenditure of £50,000 or more, or;
- Making savings or generate income of £50,000 or more, and/or
- Has a significant impact on two or more wards in the Borough and on communities living or working in those areas.

3.5 A Key Decision can be taken by Cabinet, Portfolio Holders and/or Officers with delegated authority, in line with the Cabinet Scheme of Delegation. Except in cases of urgency, these types of decision must be published so that members of the public and Members are able to consider the implications of the decision and have an opportunity to make representations before the decision is made. The Scrutiny Committee can also “call in” the decision through the Call In Procedure.

3.6 Further guidance on Key Decisions can be found in the Access to Information Procedure Rules.

4.0 **Scrutiny Committee**

4.1 When the Scrutiny Committee makes decisions, it will comply with the Scrutiny Functions & Procedure Rules.

5.0 **Committees & Sub-Committees**

5.1 Council or Cabinet may choose to delegate some of its functions to a Committee, such as decisions relating to planning applications.

5.2 By law, the Council must have Committees exercising licensing and audit functions.

5.3 The Council has delegated through the Council Functions and Procedure Rules some functions to Planning Committee, Licensing Committee, Audit and Standards Committee and Employment Committee.

Joint Arrangements

5.4 Arrangements to promote well being

The Council may work with other Councils, public bodies, commercial and voluntary organisations to promote the economic, social or environmental well being of the District.

5.5 Joint Arrangements for Council Functions

The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating Authorities or to advise the Council. Such arrangements may involve the appointment of a joint committee with those other Committees. The Council does not currently have any joint committees.

5.6 Joint arrangements for Cabinet Functions

The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with those other local authorities and will reflect political balance requirements.

5.7 Delegation to and from other Local Authorities

The Council may delegate non Cabinet functions to another Local Authority or in appropriate circumstances to a Cabinet of another Authority.

The decision as to whether to delegate a function shall be reserved to Council. All functions can be delegated except as prevented by law.

5.8 Contracting Out

In certain circumstances, where legislation permits, certain functions may be contracted out