

PART 3: WHO TAKES DECISIONS?

Introduction

This section of the constitution sets out who can take what decision.

Each meeting of the council and decision makers are listed in this section. Each part provides details of:

- the role and functions of the meeting or decision maker – this is a broad description of the areas of responsibility, sometimes known as the “terms of reference”
- the matters reserved for decision – these can only be taken by the named meeting or decision maker.

Any area of responsibility that is not specifically listed under the matters reserved for a meeting or individual decision maker is deemed to be delegated to the senior officers in the relevant department; the senior officers are the chief officers and the heads of service who report to them.

Any issue that is delegated can be taken by the parent body, i.e. the body who originally delegated the decision. Although in practice any decision maker can refer a decision up to a parent body, all decision makers should endeavour to exercise the authority as delegated to it by council assembly unless exceptional circumstances apply.

Strong leader and delegations by the leader

During the course of the year the leader of the council can at any time vary the delegation of executive functions in a number of ways:

- On the forward plan the leader can specify that a decision is to be taken by a particular decision maker. Any variations approved via the forward plan process must be accompanied by a notice of variation form. The proper constitutional officer will notify all councillors of the change at the same time the forward plan is published.
- By submitting a notice of variation to the monitoring officer, the leader can change the delegations set out in the constitution. The proper constitutional officer will then notify all councillors of the change.
- In a report to full cabinet by agreeing a separate recommendation, the leader can give authority to delegate to a cabinet member or chief officer individually, including details of the limitation on their authority.
- By removing or replacing members of the cabinet or making changes to portfolios.

The decision maker can further delegate a decision, but there are some limitations. Cabinet can delegate to cabinet committees and chief officers, but not to individual cabinet members; however, the leader can make such delegations. Individual cabinet members can delegate to chief officers.