

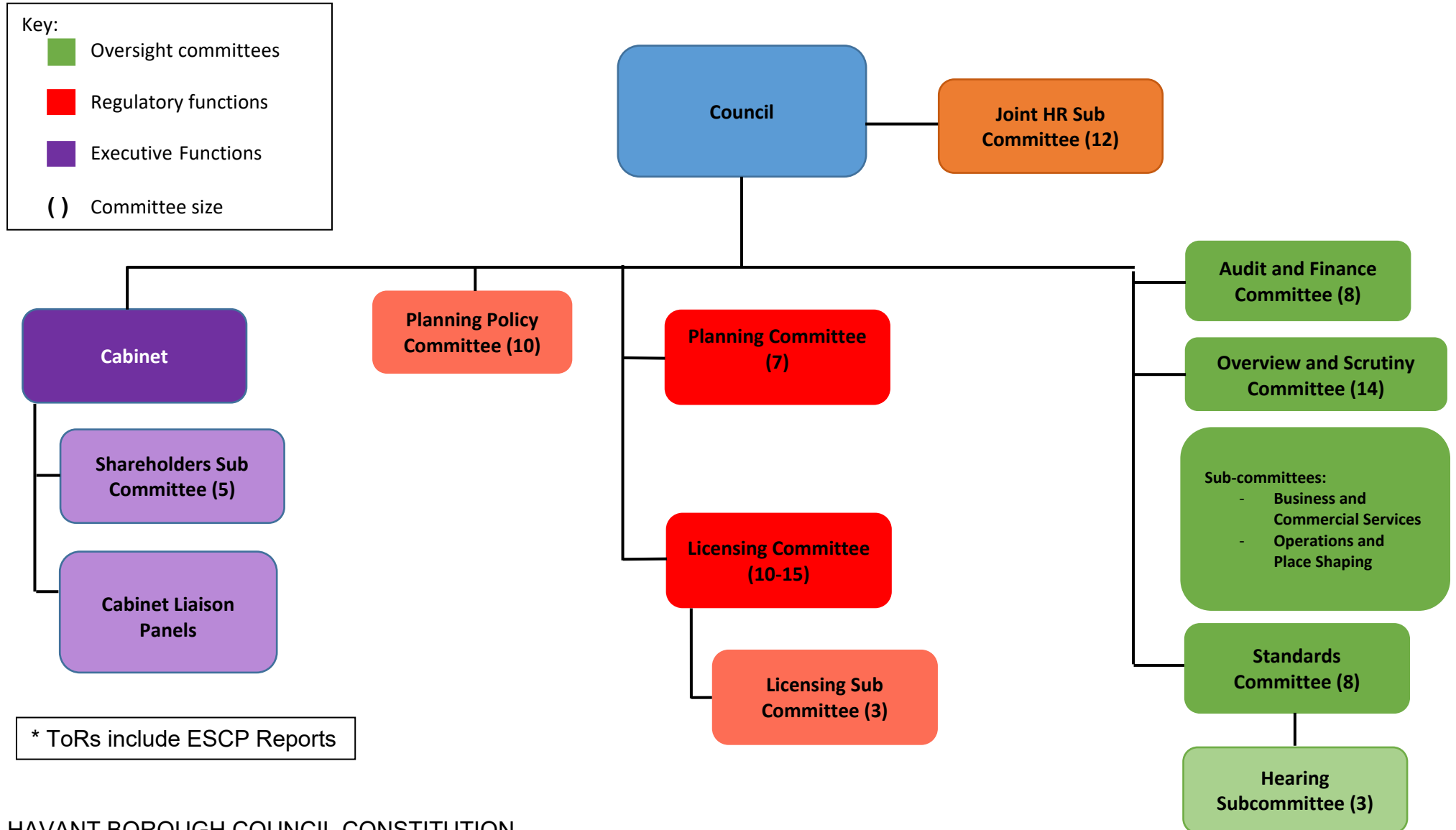
Part Two, Section A Introduction to Decision Making

Management Structure

Details of the Council's Executive Leadership Team can be found at :

[Management structure | Havant Borough Council](#)

Decision Making Structure



1. Introduction to Decision Making

The Council makes many decisions relating to matters within its area. This Part of the Council's Constitution sets out how these decisions are made so that members of the public are clear about what decisions are made and which part of the Council or individual has responsibility for particular types of decisions.

2 The Council's functions may be lawfully exercised by:

- a. The **Full Council**;
- b. The **Executive** (the collective term for the Leader, individual **Cabinet members**, the Cabinet or a committee of the Cabinet);
- c. Committees and sub-committees of the Full Council or the Cabinet;
- d. **Joint Committees**; and
- e. Officers.

All of the Council's functions are either "executive" or "non-executive". **Executive functions** are the responsibility of the **Executive** or one of its committees, sub-committees, **joint committees**, or an officer. **Non-executive functions** are the responsibility of the Full Council or one of its committees, sub-committees, **joint committees**, or an officer. "Functions" include all of the Council's powers and duties under legislation, that is, all of the activities the Council undertakes.

The **Executive** is the part of the Council which is responsible for most day-to-day decisions, including **key decisions**. The Executive is made up of the **Leader** and a number of executive Councillors (**Cabinet members**) selected by the Leader and which make up the **Cabinet**. The Executive might also establish committees and sub-committees. All key decisions will be published in advance in the Forward Plan in so far as they can be anticipated.

The Cabinet will ordinarily carry out all of the Council's **executive functions** that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally or allocate them to an individual Cabinet member or a committee of the Cabinet.

Under the Local Government Act 2000 ("the 2000 Act") functions are "**executive functions**", and the responsibility of the **Executive**, unless in law they are prevented from being exercised by the Executive. **Non-executive functions** (or Council functions) are specified in Regulations issued under the 2000 Act and include functions such as those relating to officers, planning and licensing. Non-executive functions may be delegated to committees, sub-committees or officers under Section 101 of the Local Government Act 1972 ("the 1972 Act"). Unless specified as a non-executive function, a function is presumed to be an executive function.

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 decision or decisions relating to

particular areas or functions. This record is set out in this **Part 2** of this Constitution, along with schemes of further delegation maintained by the Council's **Designated Officers**.

Where a function is delegated under this Constitution, that does not prevent the person or body that has delegated the function from removing the delegation or exercising the function concurrently, for example in the absence of a delegate making a decision.

1. Principles of decision-making

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

- a. take into account all relevant considerations and ignore those which are irrelevant;
- b. take decisions which are proportionate to the desired outcome;
- c. undertake appropriate consultation where required and based on professional advice from officers;
- d. undertake a realistic evaluation of alternatives and options, giving reasons for their decision;
- e. consider relevant professional advice;
- f. have regard to statutory duties, such as Best Value and to environmental consideration and impacts
- g. respect human rights and equality of opportunity; and
- h. approach decision making on a transparent and open basis.

2. Record of decision-making

2.1 The Council supports transparency of decision-making in the public interest. When decisions are taken, the decision record and/or minutes must be produced which will include the following information:

- a. who took the decision (the person or body);
- b. the details of the decision including the date it was made;
- c. the reasons for the decision;
- d. a summary of any alternative options considered and rejected by the officer, Councillor or decision-making body when the decision was made;

- e. details of any conflict of interest relating to the matter declared by any member of the decision-making body or by a Councillor who is consulted by the officer or Councillor who made the decision; and
- f. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer or **Standards Committee**.

3. Types of decision and the decision-takers

- 3.1 When the **Full Council** makes decisions, it will comply with the Council Standing Orders.
- 3.2 When the **Executive** makes decisions, these will comply with the Cabinet Standing Orders.
- 3.3 When the Overview and Scrutiny Committee makes decisions, these will comply with the Overview and Scrutiny Standing Orders.
- 3.4 When committees and sub-committees make decisions, these will comply with the Committee Standing Orders.
- 3.5 On occasions, the Council, a Councillor or an officer will act as a tribunal or in a quasi-judicial manner when they determine the civil rights, obligations or criminal responsibility of an individual. When this happens, they 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.
- 3.6 Any area of responsibility that is not specifically listed under the matters reserved for Councillors in Sections B-F of this **Part 2** is deemed to be delegated to officers – **Designated Officers**.
- 3.7 **Part 2** Section B sets out the **non-executive functions** which are reserved to the **Full Council**.
- 3.8 **Part 2** Section C sets out the “local choice” functions, which are those that the Council can allocate to either the **Full Council** or the **Executive** for decision, and sets out which body has been allocated them.
- 3.9 **Part 2** Section D sets out the executive functions that are the responsibility of the **Leader**, individual **Cabinet members**, the **Cabinet** and any committees or sub-committees it establishes.
- 3.10 **Part 2** Section E sets out the **non-executive functions** which are reserved to the committees established by the **Full Council**.
- 3.11 **Part 2** Section F sets out the functions which are reserved to **joint committees** established by the Council.

- 3.12 **Part 2** Section G sets out the principles of the **Officer Scheme of Delegation** for all functions and powers not otherwise reserved to Councillors. Section H sets out functions reserved to the **Proper Officers** of the Council.