

## **Article 12- – Decision Making**

### **12.1 Responsibility for Decision Making**

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 decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **12.2 Principles of Decision Making**

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

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights (see below for further details);
- d) a presumption in favour of openness; and
- e) clarity of aims and desired outcomes;
- f) the reasons for the decision are recorded together with, a record of any personal interest declared, any dispensation to speak granted by the authority's standards committee and details of consultation undertaken.

### **12.3 Decisions Reserved to full Council**

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated unless otherwise indicated.

### **12.4 Decision Making by the full Council**

Subject to Article 12.8 below, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **12.5 Decision Making by the Cabinet**

Subject to Article 12.8 below, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **12.6 Decision Making by Scrutiny Committees**

Scrutiny Committees will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **12.7 Decision Making by Other Committees Established by the Council**

Subject to Article 12.8 below, other Council committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

### **12.8 Decision making by Council Bodies Acting as Tribunals**

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.