

## **ARTICLE 13 – DECISION MAKING**

### **13.1 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 primarily set out in relevant parts of Part 1 – Summary and Articles and Part 3 – Functions of the Council of the Constitution.

### **13.2 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;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

### **13.3 Types of decision**

- (a) Decisions reserved to Full Council. Article 4 – Full Council – Part 1 of this Constitution contains details of functions reserved to Full Council and which will not therefore be delegated.
- (b) A definition of a Key Decision is contained in the Access to Information Procedure Rules contained in Part 2 of the Constitution.

### **13.4 Decision making by Full Council**

To the extent they are relevant, meetings of Full Council will accord with the Council Procedures Rules and Budget and Policy Framework Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

### **13.5 Decision making by Overview Committees and Scrutiny Committees**

To the extent they are relevant, meetings of the Overview Committees and Scrutiny Committees will accord with the Overview and Scrutiny Procedures Rules and Council and Committee Procedure Rules set out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

### **13.6 Decision making by other Committees and Sub-Committees established by the Council**

To the extent they are relevant, meetings of other Council Committees and Sub-Committees will accord with the Council and Committee Procedures Rules, Executive Procedure Rules and Budget and Policy Framework Procedure Rules set

out in Part 2 of this Constitution when considering a matter provided that, where appropriate, regard shall be had to the provisions of this Article in relation to any issues relating to the interpretation or application of such rules.

#### **13.7 Decision making by Council bodies acting as tribunals**

Full Council, a Committee, Sub-Committee 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 is considered to accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

#### **13.8 Decision making by Officers**

Officers shall exercise powers delegated to them as primarily set out in Part 3 – Functions of the Council of the Constitution, recording relevant decisions as appropriate.

