

# **Article 12 – Decision Making**

## **12.01 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in these Articles and in Part 3 of this Constitution.

## **12.02 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.

## **12.03 Decision Making by Full Council**

Subject to Article 12.06, Full Council will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

## **12.04 Decision Making by Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

## **12.05 Decision Making by Other Committees and Sub-Committees Established by Full Council**

Subject to Article 12.06, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

## **12.06 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.