

ARTICLE 12 – DECISION MAKING

12.1 Responsibility for decision making

Responsibility for particular types of decisions or decisions relating to particular areas or functions are 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) the Rule of Law;
- (b) clarity of aims and desired outcomes;
- (c) having regard to all relevant and material considerations;
- (d) proportionality (i.e. the action must be proportionate to the desired outcome);
- (e) due consultation and the consideration of professional advice from Officers and/or appropriately qualified consultants;
- (f) a presumption in favour of openness;
- (g) respect for human rights; and
- (h) having due regard to appropriate national, strategic, local policy and guidance.

12.3 Types of Decisions

- (a) **Decisions Generally:** All decision-making will follow the procedural requirements and processes set out in the Rules of Procedure in Part 4 of this Constitution and identified as being relevant to the particular part of the Council.
- (b) **Decisions by the Council:** Decisions reserved to Council will be made by the Council and may not be delegated unless specifically authorised in the Rules of Procedure contained in Part 4 of this Constitution.
- (c) **Decisions where Council is acting in a quasi-judicial capacity:** Where a Committee or an Officer is making a quasi-judicial decision or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, it/he/she will observe the above stated principles and follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing.

12.4 Decision making by the Overview and Scrutiny Committee

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

12.5 Decision making by other Committees established by the Council

Subject to Paragraph 12.3 other Council Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.