

## **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 or which 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.

### **12.02 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 the full Council**

Subject to Article 12.05, the Council meeting will follow the Council & Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **12.04 Decision making by Committees and Sub-Committees**

Subject to Article 12.05, Committees, Sub-Committees, Working Parties and Panels will follow:

- (a) those parts of the Council & Committee Procedure Rules set out in Part 4 of this Constitution as apply to them; and
- (b) such other procedures set out in Part 3 of this Constitution (Responsibility for Functions) as are specified in respect of that Committee, Sub-Committee or Panel.

### **12.05 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.

### **12.06 Urgent Decisions**

- (1) Where urgent matters need to be dealt with and time does not allow for convening a meeting of Council or a Committee, executive power is and shall be vested in the Head of Legal & Governance (or in his absence the Chief Executive or Head of Finance & IT) in consultation with the Leader of the Council and the Executive Committee Member(s) with the relevant service portfolio (or where that is the Leader of the Council, the Deputy Leader) or for planning (policy) matters, the Planning Committee Chairman.
- (2) No decision shall be made or instructions issued under this Article 12.06 which is contrary to an expressed resolution of the Council or an established practice.
- (3) A report of all decisions taken under this Article 12.06 shall be made to the next meeting of the Executive or Planning Committee as appropriate.

## 12.07 **Decision making by officers**

Where a committee or sub-committee has delegated a decision to an officer, or an officer in consultation with a portfolio holder and other member, a record of its implementation will be forwarded to Democratic Services

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