

## **ARTICLE 12 - DECISION MAKING**

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### **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) the rule of law;
- (b) clarity of aims and desired outcomes.
- (c) proportionality (ie the action must be proportionate to the desired outcome);
- (d) due consultation and the taking of professional advice from officers and/or appropriately qualified consultants;
- (e) respect for human rights (see below for further details); and
- (f) a presumption in favour of openness.

### **12.3 Decision making by the Full Council**

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

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

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

## **12.5 Decision making by the Licensing Committee**

The Licensing Committee has adopted the provisions of the Local Government Act 1972 in respect of the proceedings of its meetings and subject to Article 12.07, will follow the Access to Information Procedure Rules and those parts of the Council Procedure Rules applicable to committees and panels set out in Part 4 of this Constitution Council Procedure Rules

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

Subject to Article 12.07, other Council Committees and sub-Committees (with the exception of the Licensing Committee) will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

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

The Council, a 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. This must accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.