

Constitution



Part 2: Articles of the Constitution

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 set out in Part 3 of this Constitution.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- I. compliance with all legal and procedural requirements;
- II. proportionality (ie the action must be proportionate to the desired outcome);
- III. proper consultation and the taking of professional advice, particularly legal and financial advice, from officers;
- IV. compliance with the Human Rights Act and respect for human rights;
- V. a presumption in favour of openness;
- VI. clarity of aims and desired outcomes;
- VII. explaining reasons for the decisions;
- VIII. proper recording of declarations of interest and any dispensations granted.

13.3 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

13.4 Decision-making by the full Council

Subject to Article 13.7, the Council meeting will follow the Council Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.7, the Cabinet will follow the Cabinet Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.6 Scrutiny Committees

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

13.7 Decision-making by Council bodies acting as tribunals

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a quasi-judicial capacity. Standards Committees may also need to be particularly aware of issues relating to Article 6 of the European Convention on Human Rights.

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.