PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 11 – DECISION MAKING

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1. RESPONSIBILITY FOR DECISION MAKING

1.1 The Council will issue, and keep up to date, a record of what part of the Council or what 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.

2. PRINCIPLES OF DECISION MAKING

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

(a) Proportionality (i.e. the action should be proportionate to the desired outcome).

(b) Due consideration of all relevant factors and options, taking into account the results of any consultation undertaken and the professional advice of Officers.

(c) Respect for human rights and equal opportunity.

(d) A presumption in favour of openness.

(e) Clarity of aims and desired outcomes.

3. TYPE OF DECISION

a) **Decisions Reserved to Council** - Decisions relating to the functions referred to in Article 4 and specified in Part 3 of this Constitution will be made by the Council and will not be delegated.

b) **Decisions made by Committees appointed by the Council** – Power to make such decisions is delegated by the Council as set out in the Terms of Reference contained in Part 3 of this Constitution, in accordance with Section 101 of the Local Government Act 1972.

c) Decisions made by Sub-Committees appointed either by the Council or the main Committees with power delegated to them to make decisions in accordance with the terms of reference contained in Part 3 of the Constitution.

d) Decisions made by officers in accordance with the scheme of delegation contained in Part 3 of the Constitution.

4. DECISION MAKING BY THE COUNCIL

4.1 Subject to the general principles contained in this Article, the Council meeting will follow the Council and Committee Procedure Rules set out in Part 4 of this Constitution when considering any matter.

5. DECISION MAKING BY OTHER COMMITTEES ESTABLISHED BY THE COUNCIL

5.1 Subject to the general principles contained in this Article, other Council Committees will follow the Procedure Rules relating to Committees and Sub-Committees set out in Part 4 of this Constitution when considering any matter.

6. DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

6.1 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.

7. ACCESS TO INFORMATION

7.1 The Access to Information Procedure Rules in Part 4 of this Constitution apply to decisions taken under this Article.