

Article 13 - Decision Making

1 Responsibility for Decision-Making

The Council will issue and keep up to date a record of which Constitutional Body or individual of the Council 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

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

- a) proportionality – any action taken must be proportionate to the aim(s) being pursued;
- b) due consultation and the taking of professional advice from appropriate officers;
- c) respect for human rights;
- d) presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) proper recording of reasons for the decision, any personal interest declared and any dispensation to speak granted by the Authority's Standards Committee together with details of any consultation.

3 Decision Making Rules and Procedures

All Constitutional bodies have their own Procedure rules, set out in **Part 4**.

If a Constitutional Body has not adopted its own rules, or if they are silent on a point, then the Council Procedure Rules shall be applicable to that Constitutional Body (Note: References to the Presiding Member in these circumstances shall be taken to mean the Chair).

4 Decision Making by the Council Meeting

Decisions reserved to the Council Meeting. These are listed in **Article 4.4**, and will be made by the Council Meeting and not delegated.

Subject to **Article 13.7**, the Council Meeting will follow the Council Procedure Rules and other relevant Procedures set out in Part 4 of this Constitution when considering any matter.

5 Decision Making by the Cabinet

The Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

6 Decision Making by Overview & Scrutiny Boards

Overview & Scrutiny Boards will follow **Overview & Scrutiny Board Procedure Rules set out in Part 4** of this Constitution when considering any matter.

7 Decision Making by Other Constitutional Bodies

Council, Committees and Sub-Committees will follow those parts of the Council Procedure Rules and/or appropriate Procedures adopted and set out for the Committee as are set out in **Part 4** of this Constitution as apply to them. Should there be any conflict the Council Procedure Rule shall take precedence.

8 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 the appropriate Procedure set out for the decision maker, and all such proper Procedures which accord with the requirements of natural justice and the right to fair trial contained in Article 6 of the European Convention of Human Rights.

9 Implementation of Decisions Taken by Council, Cabinet and Council Bodies

All decisions made and to be implemented by Council, Cabinet or a Council Body shall be implemented within 6 months of the date of the meeting where the decision was made;

If any of the decisions mentioned in paragraph a) above are not implemented within this 6 month period then, the matter will be subject to a formal review by Council or Cabinet as appropriate.

10 Tracking of Decisions Taken by Council, Cabinet and Council Bodies

Council/Cabinet will be made aware of progress on each of the decisions it has made based on a decision tracking system.