

## **PART 2 – ARTICLES OF THE CONSTITUTION**

### **Article 12 – Decision Making**

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#### **12.1 Responsibility for decision making**

The Authority will issue and keep up to date a Scheme of Delegations which records what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This Scheme is set out in Part 3 of this Constitution.

#### **12.2 Principles of decision making**

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

- (a) on the basis of merit and in the public interest;
- (b) with due consultation and after taking professional advice from employees;
- (c) with due regard for the need to promote equality of opportunity, sustainability, risk and human rights etc.;
- (d) in accordance with proper access to information; and
- (e) explaining the reasons for the decision, a record of any personal interest declared, any dispensation to speak granted by the Authority's Standards & Ethics Committee and details of any relevant consultation.

#### **12.3 Types of decision**

- (a) **Decisions reserved to the Council**  
Decisions relating to the functions listed in Article 4.1 will be made by the Council and not delegated.
- (b) **Decision making by the Council**  
Subject to Article 12.4, the Council meeting will follow the Council Meeting Procedure Rules when considering any matter.
- (c) **Decision making by the Cabinet**  
Subject to Article 12.4, the Cabinet will follow the Cabinet Procedures Rules when considering any matter.
- (d) **Decision making by Scrutiny Committees and any sub-committees of Scrutiny Committees**  
Scrutiny Committees and their sub-committees will follow the Committee Meeting Procedure Rules and the Scrutiny Procedures Rules when considering any matter.
- (e) **Decision making by other committees and sub-committees established by the Council**

Subject to Article 12.4, other committees and sub-committees will follow the Committee Meeting Procedures Rules as apply to them.

(f) **Decision making by Officers**

Officer decisions will be made in accordance with Part 3, Section 4 of this Constitution.

**12.4 Decision making by Council bodies acting as tribunals**

The Council, its committees, a Councillor or an employee 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 is compatible with the requirements of natural justice and the rights contained in the European Convention on Human Rights.