

PART 2 – ARTICLES OF THE CONSTITUTION

Article 12 – Decision Making

12.1 Responsibility for decision making

There are a number of different decision makers who may be responsible for the various decisions of the authority:

- (i) Full Council
- (ii) A Committee or Sub-Committee of the Council
- (iii) The Cabinet
- (iv) A Committee of the Cabinet
- (v) The Leader or another individual Cabinet member
- (vi) An individual non-Cabinet member
- (vii) A Joint Committee or a Corporate Joint Committee
- (viii) An Officer

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 the Leader or individual Cabinet members
Arrangements may be made (under the Local Government Act 2000, section 15) to delegate executive functions to the Leader or individual members of the Cabinet. The Council's approved Scheme of Delegations currently makes no provision for the Leader or individual Cabinet member decision making. The members of the Cabinet exercise collective decision making, in accordance with the Cabinet Procedure Rules.

(e) Decision making by non-Cabinet members
Arrangements may be made (under the Local Government (Wales) Measure 2011, section 56) to delegate certain functions to non-Cabinet members, specifically, functions relating to the Member's electoral ward; or relating to their membership of another body to which they have been appointed by, or on behalf of, the Council. The Scheme of Delegations will include any such arrangements. There are currently no such arrangements in place.

(df) 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.

(eg) 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.

(fh) 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 Act 1998.