

## **Article 9 – Decision Making**

### **9.1 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.

### **9.2 Principles of Decision Making**

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

Before taking any decision the following matters must be taken into account where relevant:

- (i) the facts upon which the decision must be based;
- (ii) any legislative requirements, including the need to secure value for money;
- (iii) the strategies and policies of the Council including any plans, objectives relating to their service or the Council;
- (iv) any relevant national or regional guidance;
- (v) the available options;
- (vi) the financial, staffing and legal implications following advice from the Director of Resources, and the Head of Legal and Democratic Services as appropriate.
- (vii) the views/advice of any appropriate statutory officer;
- (viii) any consultations undertaken, the views of any consultees and any other representations received;
- (ix) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place;
- (x) the need to inform the appropriate Members such as the Chairman or Vice-Chairman of the appropriate committee or the Leader or Deputy Leader or Ward Members;
- (xi) The Council's Constitution, including the Contract Procedure Rules, Standing Orders and Financial Regulations;
- (xii) the need to take account of any human rights issues including the principle of proportionality (i.e. the action taken must be proportionate to the desired outcome).

### **9.3 Decision Making by the Full Council**

Subject to Article 9.5 the Council meeting will follow the Council's Standing Orders as set out in part 4 of this Constitution when considering any matter.

### **9.4 Decision making by Committees and Sub-Committees established by the Council**

Subject to Article 9.5 other Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

### **9.5 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 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.