

	Decision Making	APPENDIX A
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17.01 Responsibility for decision making

The Council will issue and keep 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.

17.02 Principles of decision making

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

PRINCIPLES OF DECISION MAKING

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

17.03 Decisions reserved to full Council

Decisions relating to the functions listed in Articles 4.01 and 4.02 will be made by the full Council and not delegated.

17.04 Decision making by the full Council

Subject to Article 16.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

17.05 Decision making by the Cabinet

Subject to Article 16.08, the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

17.06 Decision making by Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

17.07 Decision making by other Committees and Sub-Committees established by the Council

Subject to Article 17.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

17.08 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.

Recommendation 17.01, 17.02, 17.06, 17.07, 17.08 to be added to MWC after section 1.2.1 as shown below

1. How the Council Operates

- 1.2.1 The Council is comprised of Councillors elected every four years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 The Council will issue and keep 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.
- 1.2.3 All decisions of the Council will be made in accordance with the following principles:
 - (a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - (b) due consultation and the taking of professional advice from officers;
 - (c) respect for human rights (see below for further details);

- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

1.2.4 Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

1.2.5 Subject to paragraph 1.2.6, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

1.2.6 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.