

# Part 1: Chapter 13

## Decision Making

### 13.1 Responsibility for decision making

The County Council will issue, and keep up to date, a record of what part of itself, or which individual is responsible for particular types of decisions or decisions relating to particular areas or functions. This record is currently as set out in Part 2, Chapter 1 of this Constitution.

### 13.2 Principles of decision making

All County Council decisions will be made in line with the following principles:

- 13.2.1 fairness and equality;
- 13.2.2 openness and transparency;
- 13.2.3 respect for human rights;
- 13.2.4 the letter and spirit of the Constitution;
- 13.2.5 the law;
- 13.2.6 with due consultation and the benefit of professional advice, where appropriate.

### 13.3 Decision making by the County Council

County Council Meetings will follow County Council's Standing Orders. These orders as set out in Part 3, Chapter 1 of this Constitution regulate the proceedings of the County Council when considering any matter;

### 13.4 Decision making by Committees, Sub-Committees and Standing Panels established by the County Council

Committees, Sub-Committees and Standing Panels of the County Council will follow those parts of the County Council's Standing Orders set out in Part 3, Chapter 1 of this Constitution which apply to them;

### 13.5 Decision making by the Executive

The Executive will follow the Executive Procedures set out in Part 3, Chapter 2 of this Constitution when it considers any matter;

### **13.6 Decision making by Select (Overview and Scrutiny) Committees**

Select Committees will follow the Select (Overview and Scrutiny) Procedures Rules set out in Part 3, Chapter 4 of this Constitution when they consider any matter;

### **13.7 Decision making by County Council bodies acting as tribunals**

If the County Council or an Officer is acting in a quasi-judicial manner, or as a tribunal, or is determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, then the County Council or Officer will follow the proper procedures that meet the requirements of natural justice and the right to a fair trial (contained in Article 6 of the European Convention on Human Rights), in line with Standing Orders in Part 3, Chapter 1 of this Constitution;

### **13.8 Decision making by Officers**

Officers have full authority for operational decision making, and for any necessary action within their remit, and they are answerable in the first instance to the Chief Executive (Head of Paid Service) and ultimately to the County Council through the Cabinet and Leader.