

Article 6. Decision-Making

1. Responsibility for Decision-Making

- 1.1 The Combined County Authority and the Mayor will issue and keep up to date a record of what part of the Combined County Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in **Part 3** of this Constitution.

2. Principles of Decision-Making

- 2.1 All decisions of the Combined County Authority should be made in accordance with the following principles:
- (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
 - (b) where appropriate, the realistic evaluation of alternatives;
 - (c) proportionality (i.e., the action must be proportionate to the desired outcome);
 - (d) due consultation and the taking of professional advice from officers;
 - (e) respect for human rights and equalities;
 - (f) a presumption in favour of openness;
 - (g) clarity of aims and desired outcomes; and
 - (h) reasons being given for the decision, as appropriate.

3. Key Decisions

- 3.1 A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:
- (a) result in the Combined County Authority or the Mayor spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
 - (b) have a significant effect on communities living or working in an area made up of two or more electoral divisions in the area.
- 3.2 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant
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amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.

- 3.3 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
 - Combined County Authority Procedure Standing Orders, or
 - Mayoral Procedure Rules
- 3.4 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee.

4. Types of Decision

(a) Decisions reserved to the Combined County Authority

Decisions relating to the functions listed in **Part 3** of this Constitution will be made by the Combined County Authority and not delegated. The Combined County Authority meeting will follow the Rules of Procedure set out in **Part 4** of this Constitution when considering any matter.

(b) Decisions reserved to the Mayor

Decisions relating to the Mayor's general functions listed in **Part 3** of this Constitution specified as being reserved to the Mayor will be made by the Mayor and not delegated, apart from those functions that can be delegated to a Deputy Mayor.

(c) Decision making by Committees and Joint Committees established by the Combined County Authority

Committees and Joint Committees established by the Combined County Authority will follow those parts of the Rules of Procedure set out in **Part 4** of this Constitution as apply to them.

(d) Decision making by Officers

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in **Part 3** of this Constitution and other provisions of this Constitution.

5. Recording Decisions

- 5.1 Any decision taken at a meeting of the Combined County Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in **Part 4** of this Constitution.

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