

Part 4

Section 4.4 - Mayoral Procedure Rules

A: Introduction

Scope

- 2.1. These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.

Decision-Making Principles

- 2.2. The decision-maker should make decisions in accordance with the principles set out in Article 13 (Decision-making) in Part 2 of the Constitution.

Advice from Statutory Officers

- 2.3. In relation to a Key Decision or any decision relating to PCC Functions of significant public interest, the decision-maker may make a decision only after considering a **written report** setting out advice from the Section 73 Chief Finance Officer and the Monitoring Officer.

Conflict of Interest Provisions

- 2.4. The decision-maker must comply with any applicable Code or Protocol set out in Part 5 of the Constitution, including the relevant Code of Conduct.

B: Mayoral General Functions

Key Decisions

- 2.5. The decision-maker must give **notice of any Key Decision** on the Forward Plan, in accordance with the Access to Information Rules in Part 4 of the Constitution, subject to the general exception and cases of special urgency provisions.
- 2.6. Where the decision-maker is the Mayor or any other Combined Authority Member the Key Decision must be taken **at a meeting of the Combined Authority**, unless the decision-maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot be deferred.

Statutory Consent Requests for Mayoral General Functions

- 2.7. A Statutory Consent is required in relation to the exercise of Mayoral General Functions as follows:
 - where the function is a **Concurrent Function** conferred by the 2021 Order¹ which requires the Statutory Consent of a Constituent Council Combined Authority Member (or Substitute Member), or

¹ See further Section 3.1 Part 3 of the Constitution.

- any decision of the Mayor which gives rise to a **financial liability for a Constituent Council** requires the Statutory Consent of the Constituent Council Combined Authority Member appointed by that Constituent Council (or Substitute Member).
- 2.8. Where a Statutory Consent is required, the Statutory Consent Request should be sought at a meeting of the Combined Authority.
- 2.9. The Mayor must seek any Statutory Consent Request in a timely way. To facilitate this and to promote transparency, the Mayor should publish a notice of the Statutory Consent Request (a Statutory Consent Request Notice) on the Combined Authority's **Forward Plan** at least 28 clear days before the meeting of the Combined Authority at which the Statutory Consent Request will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 2.10. Any Statutory Consent given will be **recorded in the minutes** of the meeting.

Other Decisions

- 2.11. The decision-maker may take any decision which is not a Key Decision nor a Statutory Consent Request outside of a meeting of the Combined Authority, subject to the requirements below in relation to recording and publishing decisions².

Recording and Publishing Decisions

- 2.12. A decision-maker must record and publish any decision in respect of a Mayoral General Function in accordance with the Access to Information Rules in Part 4 of the Constitution.

C: PCC Functions

- 2.13. A decision-maker must record and publish any decision of significant public interest, in accordance with the Access to Information Rules in Part 4 of the Constitution.

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² At the discretion of the Mayor, the Mayor or other Combined Authority Member may also take any other decision in relation to a Mayoral General Function at a Combined Authority meeting, in accordance with the Procedure Standing Orders