

Part 2 - Articles

Article 13 – Decision Making

Principles of Decision Making

13.1 All decisions of the Combined Authority, including those made by or on behalf of the Mayor, or by a committee or an officer, should be made in accordance with the following principles:

- proportionality (that is the action must be proportionate to the desired outcome),
- due consultation and the taking of professional advice from officers,
- having regard to relevant and material considerations and disregarding irrelevant considerations,
- guarding against any form of predetermination in any decision-making process,
- consideration of any alternative options,
- respect for human rights,
- a presumption in favour of openness and transparency,
- clarity of aims and desired outcomes,
- the giving of reasons for the decision and the proper recording of those reasons.

13.2 All decision-makers are expected to make decisions in accordance with this Article and subject to:

- statute or other legal requirements, including the principles of public law, statutory guidance and statutory codes of practice,
- the Human Rights Act 1998 and the Equality Act 2010, including the Public Sector Equality Duty¹,
- this Constitution, including the standing orders in Part 4 of the Constitution,
- the revenue and capital budgets of the Combined Authority, subject to any variation permitted by the Combined Authority's Financial Regulations in Part 4 of the Constitution, and
- any policy or direction of the Combined Authority, or any committee sub-committee or joint committee acting in exercise of functions delegated to it by the Combined Authority.

¹ Section 149 of the Equality Act 2010.

Key Decisions

- 13.3 A Key Decision² means a decision of a decision-maker in the exercise of Non-Mayoral or Mayoral General Functions that is likely to:
- result in the Combined Authority incurring significant expenditure, or the making of significant savings, having regard to the Combined Authority's budget for the service or function to which the decision relates, or
 - be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the Combined Authority's Area.
- 13.4 The Access to Information Rules in Part 4 of this Constitution set out the procedure for publishing the intention to make a Key Decision (that is publication on the Forward Plan), and the provisions for making urgent decisions.
- 13.5 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
 - Combined Authority Procedure Standing Orders, or
 - Mayoral Procedure Rules
- in Part 4 of this Constitution.
- 13.6 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee - see further Article 8 (Overview and Scrutiny) and the Overview and Scrutiny Standing Orders in Part 4 of this Constitution.

Decision-makers Acting as Tribunals

- 13.7 The Combined Authority, a Combined Authority Member 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.

Recording Decisions

- 13.8 Any decision taken at a meeting of the Combined 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.

² Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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