
DRAFT STATUTORY INSTRUMENTS

2016 No.

The Combined Authorities (Overview and Scrutiny Committees,
Access to Information and Audit Committees) Order 2016

PART 3

Key decisions

Key decisions

11.—(1) In this Order—

- (a) a “key decision” means a decision of a decision maker, which in the view of the overview and scrutiny committee for a combined authority is likely—
 - (i) to result in the combined authority or the mayor 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
 - (ii) to 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 area of the combined authority;
- (b) “decision maker” includes a mayor or a person exercising functions pursuant to arrangements under section 107D(3)(a) or (b) of the 2009 Act.

(2) Where a decision maker intends to make a key decision, that decision must not be made until a notice has been published which states—

- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the combined authority;
- (b) the matter in respect of which the decision is to be made;
- (c) the decision maker’s name, and title if any;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure under article 8(2), copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

(3) At least 28 clear days before a key decision is made, the notice referred to in paragraph (2) must be—

- (a) published—
 - (i) if the combined authority has a website, on its website; or

- (ii) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and
 - (b) made available for inspection by the public at the offices of the combined authority.
- (4) Where, in relation to any matter—
- (a) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
 - (b) documents relating to the decision need not, because of article 8 (confidential information), be disclosed to the public,

the notice referred to in paragraph (2) must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

(5) In paragraph (4), “confidential information” and “exempt information” have the meanings given by article 8(6).