

# Public Document Pack



## East Midlands Combined County Authority

**Date:** Wednesday, 20 March 2024

**Time:** 11.00 am

**Venue:** The Town Hall, Rose Hill, Chesterfield

## **East Midlands Combined County Authority Board Meeting Membership**

You are hereby summoned to attend a meeting of the Combined County Authority at the Town Hall, Chesterfield on Wednesday 20 March 2024 at 11 am.

Councillor Baggy Shanker Leader of Derby City Council	Derby City Council
Councillor Nadine Peatfield	Derby City Council
Councillor Barry Lewis Leader of Derbyshire County Council	Derbyshire County Council
Councillor Simon Spencer	Derbyshire County Council
Councillor David Mellen Leader of Nottingham City Council	Nottingham City Council
Councillor Audra Wynter	Nottingham City Council
Councillor Ben Bradley Leader of Nottinghamshire County Council	Nottinghamshire County Council
Councillor Bruce Laughton	Nottinghamshire County Council

**NOTE FOR THE PUBLIC:** Members of the public are advised that they can watch proceedings via the East Midlands Combined County Authority website by visiting [www.eastmidlandsdevolution.co.uk](http://www.eastmidlandsdevolution.co.uk) Seating is available in the Council Chamber for those wishing to attend in person and will be allocated on a first-come, first-served basis.

## AGENDA

<b>1</b>	<b>Election of Chair</b>	
<b>2</b>	<b>Apologies for Absence</b>	
<b>3</b>	<b>Declarations of Interest</b>	
	<b>Governance Items</b>	
<b>4</b>	<b>Proposed Statutory Officer Structure</b> Report of the Interim Chief Officer.	1 - 6
<b>5</b>	<b>Combined County Authority Governance</b> Report of the Interim Chief Officer.  <b>This report contains, in accordance with section 42(1) of the Levelling Up and Regeneration Act 2023, a resolution to confirm that the mayor for the area be known by the title of the Mayor.</b>	7 - 188
<b>6</b>	<b>Mayoral Election</b> Report of the Interim Chief Officer.	189 - 192
	<b>People Items</b>	
<b>7</b>	<b>Combined County Authority Pay and Grading Framework</b> Report of the Interim Chief Officer.	193 - 200
	<b>Budget and Policy Framework Items</b>	
<b>8</b>	<b>Combined County Authority Budget 2024/25</b> Report of the Interim Chief Officer.	201 - 230
<b>9</b>	<b>Combined County Authority Strategic and Investment Framework</b> Report of the Interim Chief Officer.	231 - 264

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Lead, if possible before the day of the meeting.

Jodie Townsend  
Governance Lead  
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**Published: 12 March 2024**

If you have any queries about this meeting, please contact:  
Email: [devolution.team@nottsc.gov.uk](mailto:devolution.team@nottsc.gov.uk)



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## EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD

<b>Date</b>		<b>20 March 2023</b>			
<b>Report Title</b>		<b>Proposed Statutory Officers Structure</b>			
<b>Accountable EMCCA Board Member</b>		No Member identified due to nature of this being first EMCCA Board meeting			
<b>Accountable Chief Officer</b>		Mark Rogers Interim Chief Officer			
<b>Accountable Employee</b>		Amanda Mays Interim Operations and People Lead			
<b>Report has been considered by</b>		Informal Leaders Meeting			
<b>Key decision</b>	Yes	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By simple majority of Constituent Members

**Recommendations for action or decision:**

The East Midlands Combined County Authority (EMCCA) Board is recommended to:

- 1 **Appoint** interim Statutory Officers as part of the interim structure for the Combined County Authority as follows:
  - a. Mark Rogers (Interim Chief Office, East Midlands Devolution Programme) to the interim Head of Paid Service;
  - b. Mark Kenyon (Director of Finance and s151 Officer, Derbyshire County Council) to the interim Section 73 Officer;
  - c. Jodie Townsend (Interim Governance Lead, East Midlands Devolution Programme) to the interim Monitoring Officer; and
  - d. Jodie Townsend to the interim Senior Information Risk Owner.
- 2 **Approve** the establishment of an Appointments Panel for the Chief Officer roles of (a) Chief Executive and Head of Paid Service, (b) Executive Director Inclusive Growth, (c) Executive Director Place and (d) Executive Director Resources (S.73 Officer); and to delegate authority to that Panel to conduct the recruitment and selection process and nominate a candidate for each role (subject to the requirements of the EMCCA Constitution and any legislative requirements) for consideration by the EMCCA Board.

- 3 **Note that recruitment of the final Chief Officer post – the Monitoring Officer – will be subject to a subsequent Board Report.**
- 4 **Note in line with the Constitution the consultation, recruitment and appointment to roles excluding Chief Officer and/or statutory roles are delegated accordingly to the interim Head of Paid Service.**

## 1. Purpose

- 1.1 In order to ensure that the East Midlands Combined County Authority (EMCCA) has appropriate statutory officers, the EMCCA Board is asked to appoint interim Statutory Officers to be legally compliant with the Local Government and Housing Act 1989 and other legislation.

It is also asking the Board to approve the recruitment and appointment process for the Chief Officer roles of the Chief Executive (and Head of Paid Service), Executive Director Inclusive Growth, Executive Director Place and Executive Director Resources (and Section 73 Officer) which form part of the substantive and permanent EMCCA structure.

In addition to note that the consultation, recruitment and appointments to roles excluding Chief Officer and statutory roles is delegated to the interim Head of Paid Service, in line with the Constitution.

## 2. Background

- 2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.
- 2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.
- 2.3 The EMCCA Shadow Board considered the organisation design principles and accompanying "tier 1" senior staffing structure (of Chief Executive and direct reports) at their meeting of 29 January 2024. It was noted that in developing the proposed high-level structure the EMCCA should be a lean, agile, outward-facing organisation that works closely with stakeholders to deliver on the ambition for the region set out in the Devolution Deal and the Proposal. EMCCA's first year will be as a 'start-up' organisation to deliver the functions and level of investment agreed by the Board. Built into the organisation will be the potential to expand – investment, impact, etc – in its early years and in taking advantage of new opportunities as they arise.
- 2.4 The design of EMCCA ensures that all the required statutory officers will be in place and roles evaluated and graded in accordance with the EMCCA's Pay and Grading Framework. The Statutory Officers that are needed within EMCCA are Head of Paid Service, Section 73 Officer, Monitoring Officer, Scrutiny Officer and Data Protection Officer. In addition, EMCCA will appoint one of its officers, or one of the officers of a constituent council, to be the Combined County

Authority's Returning Officer (CCARO) in relation to the mayoral election. The CCARO appointment is included in a separate Board Report.

- 2.5 Various options to fulfil its statutory responsibilities, including interim appointments to the Statutory Officers and / or via Service Level Agreements (SLA) with the constituent councils have been considered. As can be seen in this report both SLAs and interim appointments are being proposed. This ensures that the roles are covered with people who have the required capability, capacity and qualifications (where necessary) to meet the required statutory duties.

### **3. Statutory Officers**

- 3.1 Now that the EMCCA has been created it should agree interim arrangements for the necessary statutory posts which enable it to operate whilst permanent arrangements are secured through new recruitment of the relevant officers.
- 3.2 It is important for the successful establishment of EMCCA that the knowledge gained to date of its ambitions, progress and ongoing activity continues. It is therefore recommended that Mark Rogers (interim Chief Officer, East Midlands Devolution Programme) is appointed as the interim Head of Paid Service. This contract will be temporary pending the permanent appointment to the role, which is covered later in this report, which is currently anticipated to be until October 2024.
- 3.3 Derbyshire County Council is providing financial services and systems to the East Midlands Devolution Programme, and this will continue until EMCCA has completed all necessary steps to ensure a stand-alone and robust financial system. It is therefore recommended that Mark Kenyon (Director of Finance and Section 151 Officer, Derbyshire County Council) is appointed as the interim Section 73 Officer. This will be confirmed by a Service Level Agreement with Derbyshire County Council. This provides continuity and ongoing necessary oversight. This agreement will continue until the permanent appointment to the role, which is covered later in this report, which is currently anticipated to be until October 2024.
- 3.4 Jodie Townsend (interim Governance Lead, East Midlands Devolution Programme) has been supporting the programme of work since January 2024. It is recommended that Jodie is appointed as the interim Monitoring Officer.
- 3.5 In addition, it is recommended that Jodie Townsend is also appointed as the interim Senior Information Risk Officer based on his skills and experience. This contract will be pending the permanent appointment to the role later in the year.
- 3.6 The appointment to the statutory roles of Scrutiny Officer and Data Protection Officer will be subject to a subsequent Board Report.

### **Substantive structure and Chief Officer recruitment**

- 3.7 The Combined County Authority has been created and will now need to appoint the relevant officers needed to ensure that the statutory posts are filled on a permanent basis. The structure for those relevant has been developed by the Shadow EMCCA Board and latterly considered by the constituent council leaders to inform this report. The Chief Executive (and Head of Paid Service) and three Executive Directors with responsibilities for Inclusive Growth, Place, Resources (and Section 73 Officer) will form the first permanent senior management structure. Work is underway to define the structure *below* Chief Officer level.
- 3.9 As proposed in the Constitution where the Combined County Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73(1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer, the Combined County

Authority will establish an Appointments Panel for the purpose of conducting an open and competitive recruitment and selection process. An Appointments Panel must consist of:

- The Mayor (or their nominee) once a Mayor is in place
- The Lead Constituent Council representative for each Constituent Council (or their nominee)

- 3.10 EMCCA Board approval is sought to establish an Appointments Panel for the recruitment of four Chief Officer posts: Chief Executive (Head of Paid Service); Executive Director Inclusive Growth; Executive Director Place; and Executive Director Resources (S.73 Officer).
- 3.11 The Appointments Panel will approve the job descriptions, broad timelines and range of remuneration. It will oversee the advertising and selection approach including longlisting, shortlisting, and final interviews and consider other elements of the recruitment process such as engagement panels and feedback from the technical assessment. Ultimately, the Appointments Panel will agree a recommended candidate for each role to the EMCCA Board.
- 3.12 Prior to any final appointment offers being made, all Members of the EMCCA Board will be informed by the Appointments Panel of the recommended candidate and have raised no objection within the specified period of two clear working days. Usual pre-employment checks will then commence in line with Human Resources and regulatory procedures and processes.
- 3.13 The Shadow EMCCA Board has previously agreed to appoint an Executive Search Partner to support the recruitment of these Chief Officer roles including to generate a strong candidate pool.
- 3.14 EMCCA has a commitment to fairness and equality and every effort will be made in the search and selection process to allow for a broad range of appropriately qualified candidates, representing the diverse background of the region. All recruitment activity will comply with EMCCA's responsibilities within the Public Sector Equality Duty.
- 3.15 Approval is therefore sought to establish of an Appointments Panel for the Chief Officer roles of (a) Chief Executive and Head of Paid Service), (b) Executive Director Inclusive Growth, (c) Executive Director Place and (d) Executive Director Resources (S.73 Officer); and to delegate authority to that Panel to conduct the recruitment and selection process and nominate a candidate for each role (subject to the requirements of the EMCCA Constitution and any legislative requirements) for consideration by the EMCCA Board.
- 3.16 Recruitment of the permanent Monitoring Officer will be subject to subsequent reports.
- 3.17 The structure below Chief Officer level is under development and, in line with the EMCCA Constitution, the interim Chief Executive has delegated responsibility to determine the structure and progress consultation, recruitment and appoint accordingly.

#### **4. Appendices**

None.

#### **5. Implications**

##### Financial Implications

- 5.1 Funding for the Chief Officer posts will be from the Investment Fund and has been included within the proposed EMCCA budget.

##### Legal Implications

5.2 EMCCA is required to designate one of its officers as Head of Paid Service, Monitoring Officer, Section 73 Officer and a Data Protection Officer under Section 4 of the Local Government and Housing Act 1989.

The Head of Paid Service is a statutory post with the duties set out in Section 4 (3) of the 1989 Act which include reporting (where they think it is appropriate) on the co-ordination of the discharge of the Combined County Authority's functions, the number and grades of staff required, the organisation of staff and their appointment and proper management. The Head of Paid Service cannot be the same person as the Monitoring Officer or the S.73 Officer. The EMCCA is also required to appoint a Statutory Scrutiny Officer and Data Protection Officer, this will be the subject of a future Board Report.

#### Other Significant Implications

5.3 The Chief Executive and Chief Officer appointments process will, in due course, follow the EMCCA's Constitution and appropriate Human Resources policies and procedures.

#### Background Papers

5.4 None

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## EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD

<b>Date</b>		<b>20 March 2024</b>			
<b>Report Title</b>		<b>EMCCA Governance Arrangements</b>			
<b>Accountable EMCCA Board Member</b>		No Member identified due to nature of this being first EMCCA Board meeting			
<b>Accountable Chief Officer</b>		Mark Rogers Interim Chief Officer			
<b>Accountable Employee</b>		Jodie Townsend Interim Monitoring Officer			
<b>Report has been considered by</b>		Informal Leaders Meeting			
<b>Key decision</b>	No	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By simple majority of Constituent Members

**Recommendation(s) for action or decision:**

The East Midlands Combined County Authority Board is recommended to:

- 1 **Approve the draft Constitution at Appendix A for adoption.**
- 2 **Delegate authority to make any urgent and necessary amendments to the Constitution to the Interim Monitoring Officer in consultation with the four Lead Members of the Constituent Councils as set out in 3.54, pending the Mayor taking office at which point consultation would extend to the Mayor as well, ensuring that any amendments are consistent with the provisions of the 2024 Regulations and are reported to the subsequent meeting of this Board.**
- 3 **Appoint the D2 Strategic Leadership Board (Derbyshire) and The City of Nottingham and Nottinghamshire Economic Prosperity Committee (Nottinghamshire) as nominating bodies to nominate representatives for appointment to the Combined County Authority as set out in paragraph 3.32 of this report, subject to the two joint committees accepting the designation as a nominating body.**

- 4 **Delegate to the Interim Monitoring Officer the power to:**
- (a) establish an Independent Remuneration Panel, including agreeing a terms of reference and reasonable allowances in consultation with the four Lead Members of the Constituent Councils, so that the Independent Remuneration Panel can, at the earliest opportunity, undertake a review and make recommendations regarding a scheme of allowances for the Combined County Authority to consider at a future meeting of this Board;
  - (b) advertise the vacancy for the Independent Person on the Audit & Governance Committee, noting that they will act as Chair of the Committee, and make recommendations for appointment at a future meeting of this Board; and
  - (c) advertise the vacancies for Independent Persons under Section 28 of the Localism Act 2011 for standards and make recommendations for appointment at a future meeting of this Board.
- 5 In accordance with section 42(1) of the Levelling Up and Regeneration Act 2023, confirm that the elected mayor for the Combined County Authority area is to be known by the title of the 'Mayor'.
- 6 Confirm approval of the EMCCA's Local Assurance Framework at Appendix B.

## 1. Purpose

- 1.1 This report seeks agreement on a number of important and procedural governance matters that are required at the first meeting of the Combined County Authority, this includes agreeing the title of the position of the Mayor, this is a decision required in accordance with section 42 (1) of the Levelling Up and Regeneration Act 2023 that needs to be taken at the first meeting.
- 1.2 This report sets out the initial governance framework of the Combined County Authority and recommends the approval of its first constitution. The draft Constitution sets out the roles and responsibilities within the governance framework, as well as the procedural rules, membership and voting arrangements for bodies within the governance framework.
- 1.3 The Constitution sets out the process nominating and confirming District and Borough Council representatives as non-constituent members of the Combined County Authority Board and Committees.
- 1.4 The report also recommends that the Interim Monitoring Officer be provided with initial delegations to enable the convening and review of allowances by an Independent Remuneration Panel and to advertise for Independent Persons for standards matters and the Independent Person to sit on the Audit & Governance Committee.
- 1.5 The report, by way of the Constitution, sets out that an 'appropriate person' rather than an 'independent person' will be Chair of the Overview and Scrutiny Committee.
- 1.6 The report further seeks to confirm the approval of the EMCCA's Assurance Framework.

## 2. Background

- 2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national

government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.

- 2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.
- 2.3 The East Midlands Combined County Authority Regulations 2024 ("the 2024 Regulations") came into force on 28 February 2024, with the majority of its provisions applying immediately and the remaining provisions coming into force with the election of a Mayor for the East Midlands Combined County Authority area in May 2024.
- 2.4 The constitution and the governance framework for the Combined County Authority have been drafted based on the following principles:
- **Form follows function** – governance arrangements should flow from the vision, purpose and functions of the CCA.
  - **Accountability** – decision-makers must clearly take responsibility and engage with those seeking to hold them to account. Decision-makers also need to have the confidence that systems are in place that allow them to benefit from the insight that those holding them to account can provide.
  - **Transparency** – it must be clear who is making decisions, on what, when, why and how.
  - **Effective decision making** – governance structures should enable effective and efficient decision making with appropriate scrutiny. Overly complicated and bureaucratic governance arrangements may prevent or slow decision making.
  - **Engagement** – effective public engagement and involvement and decision-making being informed by the views of the public and stakeholders should be seen as central to good governance.
- 2.5 In addition, the Constituent Councils agreed eight principles to be applied to the delivery of the devolution deal, the following of which are relevant to the development of the governance arrangements:
- **Principle 4: Appropriate Accountability** – the Constituent Councils have committed to developing a Constitution and Assurance Framework that will confirm, clarify and formalise the intention of institutions and local leaders to continue to be transparent and accountable, work closely with local businesses, seek the best value for taxpayers' money and maintain strong ethical standards.
  - **Principle five: Inclusivity** – the Constituent Councils have committed to creating as inclusive a model of governance as possible, in pursuit of agreed outcomes. Devolution of power and responsibilities will be to the Constituent Councils, however, the importance of the continued role of the eight Derbyshire and seven Nottinghamshire district and borough councils will be respected.
  - **Principle six: Subsidiarity** – the EMCCA will perform a role that adds value to existing governance arrangements – primarily focused on strategic place shaping functions such as plan making and strategic commissioning. The EMCCA will not create an additional layer of governance, but instead will bring the governance that currently sits at national government level down into the East Midlands, much closer to businesses and communities. Place making functions will be delivered through the existing local planning authority arrangements that are better placed to deliver functions for which they are statutorily responsible and as close to communities as is practicable.
  - **Principle eight: Choice** – the preferred governance model for the EMCCA will identify a mechanism for including district and borough councils in the geography. This model will respect the existing sovereignty of these lower tier local authorities. Individual councils will also be able to continue to exercise choice about participation at sub-CCA tiers of partnership working.

- 2.6 The Governance Group (consisting of Constituent Council Governance leads), working with external legal advisers and the Interim Governance Lead for the Combined County Authority, have developed constitutional content based on these principles.
- 2.7 Subsequent engagement with Constituent Council Chief Executives and Leaders (and in some cases Deputy Leaders) agreed a several key considerations that were to be reflected in the final proposals for the governance framework and constitutional content, these were as follows:
- initially limit the number of governance bodies and ensure structure is easy to understand through a consistency of approach (.i.e., all advisory committees to advise);
  - keep decision-making at Board level, delegations are anticipated to come later with transition of powers and development of strategy;
  - ensure that all Constituent Councils are equal within the framework (reflect equality through voting just amongst constituents);
  - ensure the framework reflects that the devolution of investment funding from Government is to the Constituent Councils;
  - create an ability for Non-Constituent Members, such as District and Borough Councils, to influence the strategic framework of the Combined County Authority; and
  - create a constitution that has the ability to be flexible as the Combined County Authority evolves
- 2.8 This process has at times involved the engagement of District and Borough Council representatives through the Shadow EMCCA Board, Programme Board and the Governance Group.

### **3. Proposed Combined County Authority Governance**

- 3.1 The approach identified above ensured that all the principles and key considerations have been considered in developing proposals for version 1.0 of the EMCCA governance framework and constitution.
- 3.2 The proposals developed within this report and its appendices are based on the legal basis of:
- Powers have been devolved to the Constituent Councils and the Mayor.
  - Legislation allows for 8 Non-Constituent and Associate Members on Board in total.
  - Non-Constituent Members have the potential to be able to vote at the Combined County Authority Board, but this is subject to Combined County Authority Board agreement.
  - There will be a statutory consents process in place where consenting rights sit with Districts & Borough Councils in respect of the exercise by the Mayor or Combined County Authority of some powers (but not all) – in effect providing a ‘veto’ on certain matters that require their approval.
- 3.3 The proposals that have been developed seek to demonstrate a commitment to good governance principles and to ensure effective accountability in the decision-making of the Combined County Authority. The Governance Framework has been developed to provide the platform for effective decision-making, strategy development and appropriate oversight and scrutiny, with the potential to build on that as the Combined County Authority develops.
- 3.4 The Constituent Councils are committed to working in collaboration and engagement with partners and stakeholders across the region to deliver for the people of the East Midlands, the Constituent Councils have agreed to a commitment to collaborate with the District and Borough Councils of the region in the ways of working and operation of the Combined County Authority that provides an ability for its strategic direction to be appropriately influenced.
- 3.5 The governance arrangements set out in this report, and the draft Constitution at **Appendix A**, are put forward as version 1.0 that are specifically tailored to fit the creation of the new organisation.
- 3.6 The principles from the deal and from the development process have been reflected in this version 1.0 proposal, the initial position being to provide clarity through voting arrangements that reflect simplicity

and that the devolution of investment funding from central government is to the Constituent Councils, noting that it is the Constituent Councils who therefore carry the financial liability.

- 3.7 The commitment for collaboration is demonstrated across the entire proposed governance arrangements with consistent Non-Constituent membership at Board and Committees.
- 3.8 The current legislative framework does not allow for Non-Constituents to have the ability to vote at Combined County Authority Committees and Sub-Committees. The Combined County Authority commits to work with central government to ensure legislation is developed that provides the ability for Non-Constituents to vote at committees of the Combined County Authority in the future, if Board is in agreement. Initial engagement with the Department for Levelling Up, Housing and Communities on this point has begun.
- 3.9 Constituent Councils are conscious that, although they have set out sound reasoning to support the proposed approach to voting at the Combined County Authority Board, they are not yet in a position to consider the views of an elected Mayor for the East Midlands on this point. Noting this, the intention is not to overcommit on this front before a Mayor is in place, and propose arrangements that whilst aligning with principles will allow the Mayor to be part of the evolution.
- 3.10 The views of a new Mayor on the exercise of these powers and functions is critical to get the balance right, given the reasoning set out in this report it is therefore considered premature to propose any voting rights beyond Constituent Councils at this stage.
- 3.11 The Board, including a Mayor, has a collective responsibility for decision-making, acting in the best interests of the East Midlands Combined County Authority area. The intention is to work to ensure any matters that require a decision are to be decided by consensus where possible to best reflect the broad range of perspectives and the diversity of the geography.
- 3.12 Constituent Councils are keen to emphasise a commitment to a principle of inclusivity when it comes to the involvement of District and Borough Councils, this commitment recognises District and Borough Councils as key partners and commits to:
- collaborate and engage on matters of strategy;
  - co-design approaches where appropriate;
  - continuously review arrangements to ensure the ability to influence is effectively enabled;
  - provide opportunity to impact decision-making through effective Overview & Scrutiny; and
  - work collaboratively to ensure communities feel engaged.
- 3.13 It is proposed that to ensure the appropriate balance between responsibility for the exercise of devolved powers within the Combined County Authority's unique two-tier area, and the recognised important stakeholder role of District and Borough Councils to the success of the area, that an early review of the constitution – that would include Non-Constituent voting rights – takes place within the first year of the draft constitution being adopted.
- 3.14 The principle of review is also embedded in the constitution through the inclusion of annual review processes. For example, the Audit & Governance Committee has a specific responsibility to keep governance arrangements (and the constitution) under review to ensure they are fit for purpose.

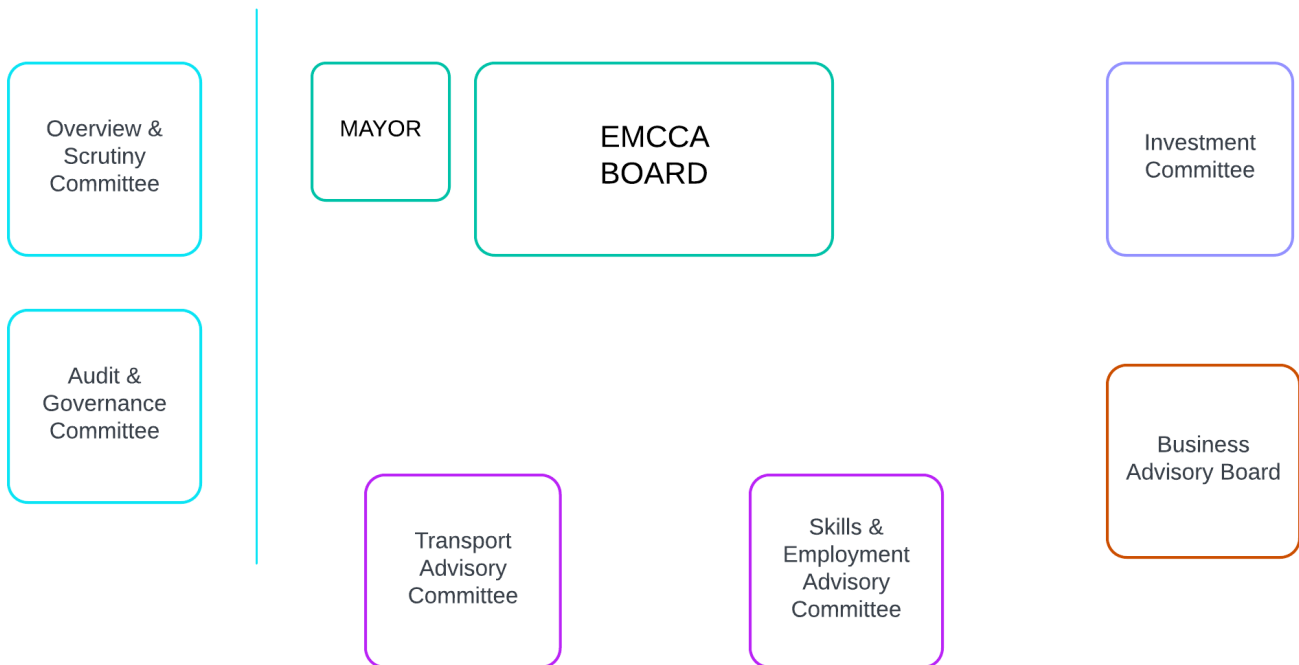
### **Governance Structure (Committees)**

- 3.15 The governance structure proposed and reflected in the draft constitution delivers a principle of alignment that maintains decision-making on non-mayoral functions at the Combined County Authority Board. Under the proposal the alignment of functions within the structure is as follows:

Sets the strategic objectives	Board
Approves strategy, key policy and frameworks	Board
Sets the Medium-Term Financial Plan	Board

Non-Mayoral function decision-making	Board
Develops strategy, framework and policy proposals	Advisory Committees
Provides investment guidance and advice	Investment Committee
Undertakes strategic level scrutiny	Overview & Scrutiny
Drives Mayoral and Board accountability	Overview & Scrutiny
Provides oversight and assurance of Standards and the Constitution	Audit & Governance
Provides oversight and assurance of sound financial management, governance and supporting frameworks	Audit & Governance
Provides the business voice	Business Advisory Board

- 3.16 The Mayor and Combined County Authority Board are the primary decision makers. The 2024 Regulations creating the Combined County Authority specifies that certain decisions must be taken by the Mayor and that the majority of decisions rest with the Board. The draft Constitution reflects these legal requirements. The functions reserved for the Combined County Authority Board are also detailed in Part 3 of the draft Constitution. In addition, Schedule 1 to the 2024 Regulations sets out specific voting and consent requirements which are also reflected in the Constitution.
- 3.17 The Mayor can exercise certain of their functions autonomously as these have been devolved directly from Central Government to that office, these powers are detailed within Part 3 of the Constitution.
- 3.18 The Combined County Authority will initially have two advisory committees supporting areas of significant devolution and change on transport and skills (the Transport Advisory Committee and the Skills & Employment Advisory Committee).
- 3.19 It will have an Investment Committee to advise the Board on investment decision-making, priorities and to provide assurance on extensive new funding.
- 3.20 A Business Advisory Board will create a strategic business advisory and engagement body in alignment with national policy on LEP integration and the English Devolution and Accountability Framework. This will create a business voice for the region that can provide that voice to the Mayor, the EMCCA Board and wider committees across the governance framework that create an opportunity for business to influence a wide range of strategic thematic policy.
- 3.21 The initial focus of the EMCCA Board and its supporting committees and the Business Advisory Board will be supporting the detailed development of the Combined County Authority strategic framework. This will involve undertaking evidence gathering, research and engagement in order to develop thematic strategy proposals for the Board to consider for approval.
- 3.22 There will be two regulatory committees, fulfilling the requirements of the Levelling Up and Regeneration Act 2023: Audit & Governance Committee; and Overview & Scrutiny Committee. The Terms of Reference for each of these bodies is set out in Part 3 of the proposed constitution.
- 3.23 The Combined County Authority intends to create an Innovation Board within its governance structure at the earliest opportunity, this will follow a review into the benefits of such a body including proposed membership and functions. It is intended that this review will be undertaken and will report within the first year of operation.
- 3.24 This approach would create the following governance structure:



## **The Constitution**

3.28 The draft Constitution sets out the functions and responsibilities of each element within the governance framework. The proposed constitution is initially presented with seven parts as follows:

- Part 1 – Introduction
- Part 2 – Articles of the Combined County Authority
- Part 3 – Responsibility for Functions
- Part 4 – Procedure Rules
- Part 5 – Protocols and Ethical Standards
- Part 6 – Allowances [to follow]
- Part 7 – Management Structure [to follow]

## **Membership**

3.29 The 2024 Regulations provide that the Membership of the Combined County Authority will be:

- The Mayor (who will Chair the Authority)
- Two Members from each Constituent Council
- The Constituent Councils will nominate one of these Members as “Lead Member” who gets special voting rights in certain circumstances.
- Each Constituent Council will nominate two substitute members.

3.30 The 2024 Regulations also allow for additional membership, stating that the Combined County Authority must have no more than eight non-constituent and associate members. This allows the Combined County Authority to appoint up to a maximum total number of 8 Non-Constituent Members and Associate Members.

3.31 The Levelling Up and Regeneration Act 2023 allows for Combined County Authorities to designate a nominating body for the purposes of nominating Non-Constituent Members of a Combined County Authority, on condition that those nominating bodies accept that designation.

3.32 The D2 Strategic Leadership Board (Derbyshire) and the City of Nottingham and Nottinghamshire Economic Prosperity Committee (Nottinghamshire) are proposed to be designated by the Combined County Authority as nominating bodies for District and Borough Council Non-Constituent Members at the Board and for the wider EMCCA Committees and Advisory Boards as detailed within the constitution.

- 3.33 Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).
- 3.34 If Board accepts the proposed nominating bodies, the Interim Monitoring Officer will prepare a report for each nominating body setting out the ask, the process, guidance on nominations to be made and detailing the appointments requested by the Combined County Authority across its governance framework. This process may require the nominating bodies to amend their terms of reference to enable these nominations to be made.
- 3.35 Based on the proposals within this report and the draft Constitution, the request would be for the following nominations:
- Combined County Authority Board - 2 representatives from each nominating body
  - Transport Advisory Committee - 2 representatives from each nominating body
  - Skills & Employment Advisory Committee - 2 representatives from each nominating body
  - Investment Committee - 2 representatives from each nominating body
  - Audit & Governance Committee - 2 representatives from each nominating body
  - Overview & Scrutiny Committee - 2 representatives from each nominating body
- 3.36 The requested nominations would come from the pool of elected members within the District and Borough Council membership.

### **Voting**

- 3.37 As stated above, the Mayor and Combined County Authority Board are the primary decision makers. The 2024 Regulations creating the Combined County Authority specify that certain decisions must be taken by the Elected Mayor and that other decisions rest with the Board. The Constitution reflects these legal requirements. In addition, Schedule 1 to the 2024 Regulations set out specific voting and consent requirements which are also reflected in the Constitution.
- 3.38 The Elected Mayor will provide overall leadership as the Chair of the Combined County Authority. They can propose to delegate certain mayoral functions to members of the Combined County Authority, subject to any proposal being approved by the Combined County Authority.
- 3.39 In alignment with the key principles and considerations set out in this report, the constitution would initially only provide votes to Constituent Council representatives and the Mayor. The majority of matters that are to be determined by the Combined County Authority are to be determined by a simple majority and that majority must include the vote of the Mayor.
- 3.40 There are a number of matters that require specific voting arrangements of the Combined County Authority, for example the approval or amendment of the CCA Budget requires that the majority must include all lead members designated by the Constituent Councils or, where any substitute members are acting in place of lead members, all lead members and all such substitute members. The full details of these voting arrangements are specified in the tables at section 2 in Part 3 of the Constitution and in the Procedural Rules in Part 4.

### **Functions**

- 3.41 The Mayor can exercise certain of their functions autonomously as these have been devolved directly from Central Government to that post, these functions are set out in Part 3 (Responsibility for Functions) Section 3 (Mayoral Functions).
- 3.42 Subject to the above, the Combined County Authority will be responsible for any function of the Combined County Authority which is not the responsibility of the Mayor. Proposed decisions can be put forward by the Mayor and any Combined County Authority Constituent member. Generally, the Mayor will have one vote as will other voting members.



- 3.43 The Non-Mayoral Functions are set out in Part 3 (Responsibility for Functions) Section 2 (Non-Mayoral Functions).

### **Independent Person for Standards**

- 3.44 The Localism Act 2011 provides that an Authority must also have at least one Independent Person who has a statutory duty to be consulted when complaints against councillors are made (best practice is to have two or more Independent Persons to ensure enough capacity to deal with potential conflicts or absences, etc). Independent Persons must be appointed after the vacancy has been advertised in such manner as the Authority considers is likely to bring it to the attention of the public. Therefore, it is recommended that delegation is given to the Interim Monitoring Officer to publicise the two vacancies and to make a recommendation for appointment at a future Combined County Authority meeting.
- 3.45 Consideration should be given in appointing potentially two Independent Persons to provide appropriate cover for the Authority.

### **Audit & Governance Independent Person(s)**

- 3.46 The Levelling Up and Regeneration Act 2023 states that the Combined County Authority must appoint to its Audit & Governance Committee at least one independent person and prospective amendments to the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 further provide that such person can only be appointed after the vacancy has been advertised in such manner as the Authority considers is likely to bring to the attention of the public and that person's appointment has been approved by a majority of the members of the Combined County Authority.
- 3.47 Therefore, it is recommended that delegation is given to the Interim Monitoring Officer to publicise the vacancy and to make a recommendation for appointment at a future Combined County Authority meeting.

### **Approving the Constitution**

- 3.48 The Combined County Authority is required to approve a governance framework that sets out how it is to operate, how decisions are to be made, and the procedures to be followed to ensure that decisions are transparent. The draft Constitution at **Appendix A** is proposed to the Combined County Authority for adoption.
- 3.49 The Constitution will certainly need to be developed further pending the election of the Mayor, as further legislation is put in place, and as any other functions transfer to the Combined County Authority. Further iterations of the Constitution will be brought to the Combined County Authority Board for approval. These iterations may include considerations around ensuring the Combined County Authority governance framework remains fit for purpose as the organisation evolves.
- 3.50 To enable this evolution a number of measures have been inserted into the proposed Constitution to ensure appropriate review around Board and Committee scope, membership, delegations and functions take place on an annual basis as a minimum.
- 3.51 The Board will note that by section 14(5)(a) of the Levelling Up and Regeneration Act 2023 in the case of a Mayoral Combined County Authority allows a simple majority that does **not** need to include the Mayor to consent to the review of the Constitution. In addition, that by section 14(5)(b) of the same Act amendments to the Constitution would require a majority in favour of changes proposed to include the Mayor.
- 3.52 It is proposed that for an interim period that:

- a. Financial Regulations of Derbyshire County Council are adopted whilst the Combined County Authority sets up its bank account arrangements and to provide scope for very early review and development once a Section 73 Officer is in place.
  - b. Procurement and Contract provisions of Nottinghamshire County Council are adopted to take account of the utilisation of Nottinghamshire provision of Procurement services support. This would also again provide scope for very early review and development once a Section 73 Officer is in place.
- 3.53 The Board will note that there are a number of references to policy and procedure in the draft Constitution that are yet to have been developed for this inaugural Board – the intent is to fill these gaps at the earliest opportunity, which include:
- Part 6: Member Allowances Scheme which will be developed and proposed to the Combined County Authority Board following a review by an Independent Remuneration Panel at the earliest opportunity.
  - Part 7: Management Structure which will be completed once the structure is agreed.
- 3.54 It is important that in these early days of the Combined County Authority the Monitoring Officer can keep the Constitution under review as there will be a requirement to make amendments as required, in the light of experience, operational requirements and policy development. It is proposed that the four Leaders of the Constituent Councils delegate:
- a. their ability to propose a review to the Constitution under section 14 of the Levelling Up and Regeneration Act 2023 to the Monitoring Officer; and
  - b. the acceptance of any proposed changes to the Monitoring Officer in consultation with the Leaders of the four Constituent Councils, pending the Mayor taking office at which point consultation would extend to the Mayor as well.
- 3.55 It is also proposed that upon the appointment of a permanent Section 73 Officer, the Financial Regulations, Procurement and Contract Standing Orders are reviewed to allow the officer the opportunity to propose any amendments.

### **Remuneration**

- 3.60 The Combined County Authority will need to establish an Independent Remuneration Panel to recommend allowances payable to the Mayor and others as appropriate.
- 3.61 The Combined County Authority may establish an independent remuneration panel to recommend a scheme to the Combined County Authority regarding the allowances payable to:
- (a) the Mayor;
  - (b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a Constituent Council;
  - (c) independent persons appointed under article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(1); and
  - (d) members of the overview and scrutiny committee and members of the audit committee.
- 3.62 An independent remuneration panel must consist of at least three members none of whom:
- (a) is also a member of the Combined County Authority or is a member of a committee or sub-committee of the Combined County Authority or a member of a constituent council of the Combined County Authority or a member of a district council; or
  - (b) is disqualified from being or becoming a member of the Combined County Authority.
- 3.63 The Combined County Authority may pay the expenses incurred by the independent remuneration panel in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined County Authority may determine.

- 3.64 The Combined County Authority may only pay an allowance to the people listed in paragraph 3.59 above if the Combined County Authority has —
- (a) considered a report published by the independent remuneration panel which contains recommendations for such an allowance; and
  - (b) approved a scheme for the payment of the allowance providing that scheme does not provide for the payment of allowances of an amount in excess of the amount recommended by the independent remuneration panel.
- 3.65 The Combined County Authority must consider a report from the independent remuneration panel before approving a scheme. Subject to the above, as set out in the EMCCA Regulations, no remuneration is to be payable by the Combined County Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined County Authority.
- 3.66 The intention will be to initially focus on the remuneration for the position of Mayor in order to ensure a report is brought back to the Combined County Authority at the earliest possible opportunity. The Independent Remuneration Panel would then continue its review into wider allowances in alignment with legislation and report back to the Combined County Authority again at the earliest opportunity.
- 3.67 The Combined County Authority is asked to delegate to the Interim Monitoring Officer the power to constitute an Independent Remuneration Panel for the purposes of a review as set out above. This delegation would include taking a decision on the approach to membership of the Panel and payment of reasonable allowances/expenses for the panel to perform its role.

### **Alternative Options**

- 3.68 This report sets out the governance arrangements and contains the proposals for the Combined County Authority constitution, which is legal requirement. There are a number of ways of creating committees that sit under the Combined County Authority to assist the discharge of the Combined County Authority functions.
- 3.69 It is proposed to adopt a pragmatic approach in creating a governance structure for day 1 of the Combined County Authority and then to review the initial structure on a periodic basis.

### **Mayoral Title**

- 3.70 Section 42 of the Levelling Up and Regeneration Act 2023 has a requirement entitled 'alternative mayoral titles. It requires the Combined County Authority, by resolution, to agree to:
- (a) provide that the mayor for the area of the CCA is to be known by the title of mayor, or
  - (b) change the title by which the mayor for the area of the CCA is to be known to an alternative title mentioned in subsection 2 of the Act.
- 3.71 The alternative titles are—
- (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the CCA considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the CCA.
- 3.72 The Combined County Authority is required to detail the resolution in the notice of the meeting, with that resolution required to be passed by a simple majority of the Combined County Authority members who vote on it.
- 3.73 It is proposed that the Combined County Authority confirm that the mayor for the area be known by the title of the Mayor.

## **Assurance Framework**

- 3.74 The Combined County Authority requires an Assurance Framework that will set out how the East Midlands Combined County Authority will use public money responsibly, openly and transparently, and accountably to achieve best value for money for the East Midlands region. This is a requirement of the English Devolution Accountability Framework, which the proposed Local Assurance Framework was developed in accordance with, as well as the HM Treasury Green Book
- 3.75 The Shadow EMCCA Board approved it in January 2024 and it been subsequent endorsed by DLUHC. The Combined County Authority is asked to formally approve the Assurance Framework at **Appendix B** for adoption.

## **4. Appendices**

- 4.1 Appendix A – Draft East Midlands Combined County Authority Constitution
- 4.2 Appendix B – East Midlands Combined County Authority Assurance Framework

## **5. Implications**

### Financial Implications

- 5.1 The financial implications of creating the Combined County Authority and the additional funding that the Devolution Deal provides have been considered in previous reports to the constituent councils. This report sets out the proposed governance structure for the operation of the Combined County Authority and notes plans to create an Independent Remuneration Panel for recommending on allowances that can be paid to members.

### Legal Implications

- 5.2 The legal implications of the proposed Constitution are contained in the body of this report. Constitutional requirements are derived from the Levelling up and Regeneration Act 2023, the Combined County Authority Regulations 2024 and the Combined Authority (Overview and Scrutiny Committees, Access to information and Audit Committees) Order 2017, which are currently subject to prospective amendments, together with a variety of underpinning Local Government legislation applicable to Combined County Authorities. The approach to the development of the Constitution has been to develop an initial constitution to enable the Combined County Authority to function from day one of its operation but with the scope to develop and evolve those arrangements, within the legislative framework, once a Mayor has been elected into office and the operations of the Combined County Authority are scaled up.
- 5.3 The provision for any allowance scheme has been made within the budget

### Other Significant Implications

- 5.4 Wider implications of creating the Combined County Authority and obtaining additional funding and powers under the Devolution Deal have been considered in previous reports to the constituent authorities. This report looks purely at the governance arrangements for the Combined County Authority.

### Background Papers

- 5.5 The East Midlands Combined County Authority Regulations 2024: [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

# East Midlands County Combined Authority Constitution



**March 2023**

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## **Part 7: Management Structure**

# PART 1 – INTRODUCTION

## 1. Background

- 1.1 The East Midlands Combined County Authority (the Combined County Authority) was established pursuant to the EMCCA Regulations on 28 February 2024 in order to bring together the four upper tier councils of Derbyshire, Nottinghamshire, Derby, and Nottingham, working collaboratively with Derbyshire and Nottinghamshire district and borough councils, and business and partners to champion the interests of the Derbyshire and Nottinghamshire nationally and internationally.
- 1.2 The Constituent Councils of the Combined County Authority are:
- Derby City Council
  - Derbyshire County Council
  - Nottingham City Council
  - Nottinghamshire County Council
- 1.3 The Non-Constituent Councils of the Combined County Authority are:
- Nominated representatives of Derbyshire and Nottinghamshire District and Borough Councils (*not yet appointed*)
  - Business Advisory Board representative (*not yet appointed*)
- 1.4 The Associate Members of the Combined County Authority are:
- None have been appointed
- 1.5 The Combined County Authority incorporates the role and responsibilities of the Business Advisory Committee for Derbyshire and Nottinghamshire which were formerly the D2N2 Local Enterprise Partnership.
- 1.6 The Combined County Authority is responsible for a range of functions across Derbyshire and Nottinghamshire, these include:
- **Adult education and skills functions** (enabling decision-makers to closer align spending on skills with the opportunities and needs in the local economy in order to engage adults and provide them with the skills needed for entering and sustaining employment, an apprenticeship, traineeship, or other further learning)
  - **Land and housing powers** (broad powers to acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration. Ability to invest to deliver housing for the area. Land assembly and compulsory purchase powers for housing purposes. The power to designate Mayoral Development Areas and to create Mayoral Development Corporations, which will support delivery on strategic sites across the region)
  - **Net Zero, energy and environment functions** (enabling the region to establish heat network zoning, evolve waste management in the region and exploit opportunities to re-use waste heat, flood alleviation)
  - **Business growth and innovation functions** (explore future trailblazer opportunities to secure greater private investment in local priorities, strengthen local innovation capacity to help realise the potential of local innovation assets and the innovation potential of small and medium enterprises, realise the global export potential of local businesses).
  - **Transport Functions** (Setting and delivering a transport strategy for the region, maximising opportunities for transport investment, providing oversight and assurance of investment delivery, establishing a key route network comprising the most important local roads and a single asset management policy. Development of public transport services across the region, facilitating the delivery of public transport improvements including, bus services, information, infrastructure, incentivised ticket schemes, concessionary fares and smart,



integrated ticketing. Influencing and enabling rail investment and powers relating to bus partnerships and franchising).

- 1.7 The functions of the CCA are those functions conferred or imposed on it by the EMCCA Regulations or any other enactment (whenever passed or made) or as may be delegated to it. EMCCA will exercise all its powers and duties in accordance with the law and this Constitution.

## 2. The Constitution

- 2.1 This Constitution sets out how the CCA works, makes decisions, and the procedures the CCA will follow to make sure its work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones the CCA have chosen to follow.

- 2.2 The Constitution has 7 parts, plus several appendices. These are outlined below as follows:

**Part 1: Introduction** to the Combined County Authority and the Combined County Authority's Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

**Part 2: Articles** of the Constitution which set out the underpinning legal framework of the Combined County Authority and signpost readers to relevant aspects throughout the Constitution.

**Part 3: Responsibility for Functions** setting out who is responsible for exercising each function of the Combined County Authority.

**Part 4: Procedure Rules** which govern how the Combined County Authority, and its decision-makers operate, including:

- formal meetings of the Combined County Authority and its committees,
- how to access information, and
- procedures relating to finance and contracts.

**Part 5: Ethical Standards** including codes of conduct for Members and officers of the Combined County Authority, and protocols relating to conduct, conflicts of interest and relationships between officers and members.

**Part 6: Member allowances scheme (to follow)**

**Part 7: Management structure (to follow)**

- 2.3 The purpose of the Constitution is to:

- enable the Combined County Authority to provide leadership to the community in partnership with councils, citizens, businesses, and other organisations.
- support the involvement of citizens in the process of local decision-making.
- enable decisions to be taken efficiently and effectively.
- provide ways to hold decision-makers to public account.
- ensure that no one reviews or scrutinises a decision in which they have been directly involved.
- clarify who takes decisions and ensure that decision-makers explain the reasons for decision, and
- help deliver the Combined County Authority's vision of a more prosperous East Midlands Combined County Authority area.

- 2.4 The Monitoring Officer will regularly monitor and review the operation of the Constitution, this will include an annual review to ensure that it remains fit for purpose.

- 2.5 The Monitoring Officer is authorised to make the following changes to the Constitution:  
(a) a minor variation

- (b) legal or technical amendments that do not materially affect the Constitution
- (c) required to be made to remove any inconsistency, ambiguity, or typographical error
- (d) required to be made so as to put into effect any decision of the Mayor or Committee, sub-Committee or officer exercising delegated powers; or
- (e) required to reflect any changes to job or role titles.

Any such amendments must be reported retrospectively to the EMCCA for noting.

- 2.6 A majority of the Combined County Authority Constituent representatives can propose a review of the Constitution, without the majority needed to include the Mayor.
- 2.7 Any amendments or changes proposed by such a review require a majority vote which does include the Mayor in order to be accepted.
- 2.8 Changes to the Constitution will only be approved by the EMCCA Board unless arrangements are solely the responsibility of the Mayor.
- 2.9 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 2.10 The Monitoring Officer shall make any final decision regarding the application of the Constitution.

### 3. Definitions

3.1 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

'the 2023 act'	the Levelling Up and Regeneration Act 2023
'the Combined County Authority or EMCCA'	the East Midlands Combined County Authority
'the Constituent Councils'	Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council
'the Deputy Mayor'	the member of the EMCCA appointed by the Mayor to be the Mayor's deputy pursuant to section 29(1) of the 2023 Act
'The EMCCA Regulations'	(a) the East Midlands Combined County Authority Regulations 2024 (b) Such other secondary legislation made by the Secretary of State in relation to the EMCCA pursuant to the 2023 Act
'the Mayor'	the person elected as mayor by the local government electors for the Combined County Authority Area
'Mayoral functions'	any function of the EMCCA which is exercisable only by the Mayor (or the Mayor's delegate) by virtue of the EMCCA Regulations or any other enactment (whenever passed or made)
'Nominating body'	a body designated by the EMCCA under section 11(1) of the 2023 Act
'Non-Constituent Member'	A non-constituent member is an individual nominated as a representative by a nominating body designated as such by the CCA in accordance with section 11 of the Levelling-up and Regeneration Act 2023

'Associate Member'	An associate member is an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-up and Regeneration Act 2023
'concurrent function'	Any function of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2024 Order which is exercisable concurrently with the Constituent and/or the District and Borough/ Councils of the EMCCA area. That is, both the EMCCA and Constituent and/or District and Borough Councils of the EMCCA may exercise the function independently of one another.

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## PART 2 – Articles

The Articles of the Constitution set out the underpinning legal framework of the Combined County Authority and signpost readers to relevant aspects throughout the Constitution.

### Article 1. The Combined County Authority (EMCCA)

- 1.1 The EMCCA was established pursuant to the EMCCA Regulations on 28 February 2024 as the combined county authority.
- 1.2 The Mayor and the Combined County Authority Board, and its supporting governance framework will work together in collaboration, in the interests of the people of the East Midlands. This Constitution sets out arrangements to ensure the effective conduct of the Combined County Authority's business, in this spirit of collaboration, mutual respect and transparency.
- 1.3 All members will strive to work on the basis of consensus, taking decisions through agreement wherever possible. These principles shall apply irrespective of the statutory basis for the exercise of those powers, whether through the powers and responsibilities of the Mayor or the Combined County Authority.
- 1.4 The powers of the Mayor are to be exercised through collaboration within the Combined County Authority Board, and in partnership with all relevant stakeholders wherever possible.

#### 1. Membership of EMCCA

- 1.5 The Combined County Authority comprises eight Constituent members in addition to the Mayor, who is a member of the Combined County Authority by virtue of that office.
- 1.6 Each of the Constituent Councils will appoint two of its elected members to be a Member of the Combined County Authority.
- 1.7 Each of the Constituent Councils must designate one of the members appointed at Article 1.6 above as the Lead Member.
- 1.8 In addition, each Constituent Council will appoint two named elected members for each member appointed at Article 1.6 above, who will act as a Member of the Combined County Authority in the absence of the member appointed under Article 1.6 ('the Substitute Members').
- 1.9 The Mayor must appoint one of the members of the Combined County Authority Board to be the Deputy Mayor.
- 1.10 Except to the extent that various functions are to be exercised only by the Mayor (or may be exercised by the Mayor's delegate) all Members will:
  - (a) collectively be the ultimate policy makers of Combined County Authority
  - (b) bring views of their communities into the Combined County Authority decision-making process; and
  - (c) maintain the highest standards of conduct and ethics
- 1.11 Members will at all times observe the Code of Conduct for Members set out in **Part 5** of this Constitution.
- 1.12 A person will cease to be a Member or a Substitute Member of the Combined County Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.

- 1.13 A person may resign as a member or substitute member of the Combined County Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.
- 1.14 Where a member or substitute member of the Combined County Authority's appointment ceases by virtue of 1.13 or 1.14 above the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined County Authority and appoint another of its elected members in that person's place.
- 1.15 A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined County Authority and appoint another one of its elected members in that person's place.
- 1.16 Where a constituent council exercises its power under sub-paragraph 1.16 above, it must give written notice of the new appointment and the termination of the previous appointment to the Combined County Authority and the new appointment takes effect and the previous appointment terminates at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- 1.17 The Combined County Authority Board may also appoint up to 8 non-constituent and associate members in total.
- 1.18 Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).
- 1.19 An associate member appointed under section 12(1) of the 2023 Act (associate members of a CCA) must nominate another person to act as a member of the Combined County Authority in their absence.

## **2. Chair of EMCCA**

- 2.1 The Mayor is the Chair of the Combined County Authority.
- 2.2 The EMCCA may appoint at least two and no more than three of its Members as Vice-Chair(s).
- 2.3 The procedure for the appointment of the Vice-Chair(s) is set out in the EMCCA Procedure Rules in **Part 4** of this Constitution

## **3. Meetings and Procedure**

- 3.1 The Combined County Authority will usually meet bi-monthly (*once every 2 months*), but additional meetings may take place within the monthly period should the need arise.
- 3.2 There are three types of Combined County Authority meeting:
- (a) the annual meeting;
  - (b) ordinary meetings; and
  - (c) extraordinary meetings.

they will be conducted in accordance with the Combined County Authority Rules of Procedure set out in **Part 4** of this Constitution.

## **4. Responsibility for Functions**

- 4.1 Only the Combined County Authority will exercise EMCCA functions set out in **Part 3.1** of this Constitution.

- 4.2 Only the Mayor will exercise mayoral functions set out in **Part 3.2** of this Constitution.
- 4.3 The Combined County Authority may delegate the discharge of its functions which are not reserved to the Combined County Authority to committees, sub-committees, officers, joint committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 4.4 The Mayor may delegate the discharge of mayoral general functions (which are not reserved to the Mayor) to the Deputy Mayor or any member or officer of the Combined County Authority provided that the Mayor's political adviser is not to be treated as an officer for the purpose of this Article.
- 4.5 The Combined County Authority has delegated the discharge of the Combined County Authority functions to committees and officers in accordance with the scheme of delegation contained in Part 3. Section 6 of this constitution.
- 4.6 The Mayor has delegated the discharge of mayoral general functions in accordance with the scheme of delegation contained in Part 3. Section 6 of this constitution.
- 4.7 The Combined County Authority and the Mayor will review their scheme of delegation regularly.

## **5. Committees of the Combined County Authority**

- 5.1 The Combined County Authority is required to appoint an audit committee and one or more overview and scrutiny committee. These are statutory committees – see **Part 3** for relevant terms of reference
- 5.2 The Combined County Authority has established a number of Committees to discharge the functions set out in Part 3 of this Constitution.
- 5.3 The Combined County Authority may establish such other committees as it thinks fit to discharge its functions.
- 5.4 The Combined County Authority may appoint a committee to advise the Combined County Authority on any matter relating to the exercise of functions of the Combined County Authority.
- 5.5 The functions which a committee may exercise are set out in the committee's terms of reference – see further **Part 3** of the Constitution

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## Article 2. The Mayor

### 1. Election of the Mayor

- 1.1 The Mayor is elected by the local government electors for the Combined County Authority's Area.
- 1.2 The first election for the return of a Mayor for the Area is to take place on 2nd May 2024.
- 1.3 Subsequent elections for the return of a mayor for the Area are to take place:
- (a) on the ordinary day of election in 2028, and
  - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- 1.4 The term of office of the mayor returned at an election in 2024 for the return of a mayor for the Area:
- (a) begins with 7th May 2024, and
  - (b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area
- 1.5 The term of office of the Mayor returned in each subsequent fourth year:
- (a) begins with the fourth day after the day of the poll at the election for the return of the Mayor for the Area; and
  - (b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area

### 2. General

- 2.1 The Mayor is the Chair of the Combined County Authority.

### 3. Deputy Mayor

The Mayor must appoint one of the Combined Authority Members to be the Mayor's deputy (the Deputy Mayor).

The Mayor must notify the Monitoring Officer of any such appointment in writing. The Monitoring Officer shall report the appointment to the next meeting of the Combined County Authority.

### 4. Incapacity or Vacancy of the Mayor

- 4.1 The Deputy Mayor must act in place of the Mayor if for any reason:
- the Mayor is unable to act, or
  - the office of Mayor is vacant.
- 4.2 If for any reason:
- the Mayor is unable to act, or the office of Mayor is vacant, and
  - the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other Combined County Authority Members must act together in place of the Mayor, taking decisions by a simple majority

### 5. Mayoral Functions

- 5.1 The Mayoral Functions of the Combined County Authority are functions of the Combined County Authority exercisable only by the Mayor.

- 5.2 For the purposes of the exercise of the Mayoral Functions, the Mayor has the general powers of the CCA set out in section 49 of the 2023 Act
- 5.3 The Mayor may exercise the general powers referenced in 5.2 above subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.
- 5.4 The Mayor may exercise their power under section 12 of the Automated and Electric Vehicle Act 2018 to ask the Secretary of State for Transport to make regulations under [Section 11 of the Automated and Electric Vehicle Act 2018](#) requiring large fuel retailers and service area operators to provide public charging points and to ensure public charging points are maintained and easily accessible. The power would be limited to large fuel retailers in the area within their authority.

## **6. Mayoral Decision-Making**

- 6.1 The Mayor must comply with the Mayoral Procedure Rules in **Part 4** and make decisions in accordance with the principles of decision-making set out in Article 8 (Decision-making).

## **7. Nominations to Lead Member Responsibilities and to Committees**

- 7.1 The Mayor and the Combined County Authority Board shall agree lead member responsibilities in respect of the Combined County Authority functions.
- 7.2 The Mayor shall nominate the agreed lead member responsibilities and position to any member of the constituent councils on the Board, subject to any rules within the terms of reference of those committees.
- 7.3 The nominations to lead member responsibilities and the nominated membership and chairs of any thematic committees shall be reported to the Combined County Authority Board for formal approval by a simple majority vote which must include the Mayor

## **8. Mayoral Advisory Groups (MAGs)**

- 8.1 The Mayor may appoint a Mayoral Advisory Group to inform the development of strategic and policy matters which relate to any Mayoral General Function. The Mayor cannot delegate authority to any Mayoral Advisory Group to act on behalf of the Mayor nor on behalf of the Combined County Authority

## **9. Conduct**

- 9.1 The Mayor must comply with any applicable Code or Protocol set out in **Part 5** of the Constitution, including the Members' Code of Conduct.

## **10. Remuneration**

- 10.1 Any allowance payable to the Mayor shall not exceed a sum determined by the Independent Remuneration Panel. The Mayor's allowance is set out in the Members' Allowances Scheme in **Part 6** of this Constitution.

## **11. Budget and Finance**

- 11.1 The Mayor must comply with the **Part 4** of this Constitution including Budget and Policy Procedure Rules, Contracts Standing Orders and Financial Regulations; see further also Article 9 (Finance, Contracts and Legal matters).



## 12. Mayor's Political Adviser

- 12.1 The Mayor may appoint one person as the Mayor's political adviser. Any such appointment is an appointment as an employee of the Combined County Authority.
- 12.2 No appointment under paragraph 12.1 above may extend beyond:
- (a) the term of office for which the Mayor who made the appointment was elected; or
  - (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office
- 12.3 A person appointed under 12.1 above is to be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 (political restriction of officers and staff) as holding a politically restricted post under a local authority.

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# Article 3. Citizens and the Combined County Authority

## 1. Voting

1.1 Local government electors for the Combined County Authority’s Area have the right to vote directly for the Mayor<sup>1</sup> on the ordinary polling day every fourth year from 2024.

## 2. Information

The Access to Information Rules in **Part 4** of the Constitution set out the public’s rights to information held by the Combined County Authority, including:

- in relation to meetings of the Combined County Authority and its committees and sub-committees, (subject to exceptions including in relation to confidential or information information), rights:
  - to attend meetings,
  - to inspect agendas of and reports to meetings and background documents,
  - to access documents after a meeting including minutes, and
  - to report on and record a meeting.
- to inspect the Forward Plan to find out about:
  - any Key Decision to be made by the Combined County Authority, and
  - any request to be made to a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability,
- to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor,
- to inspect written records of decisions made by officers,
- to access information generally held by the Combined County Authority
- to inspect a list of Combined Authority Members

## 3. Consultation

3.1 The Combined Authority must consult with citizens in accordance with any statutory requirement to do so.

## 4. Petitions

4.1 The Combined County Authority does not operate a Petitions Scheme.

## 5. Complaints

5.1 Citizens have the right to complain to the Combined County Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Combined County Authority’s complaints scheme).

5.2 Citizens may submit any complaint about the conduct of a Combined County Authority Member to the Combined County Authority’s Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members’ Code of Conduct in **Part 5** of this Constitution. This includes complaints about the conduct of the Mayor.

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## Article 4. Joint Arrangements

- 1.1 The Combined County Authority has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 1.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.
- 1.3 The Mayor may enter into arrangements jointly with the Combined County Authority and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of Mayoral Functions listed in Regulation 26 of the EMCCA Regulations.
- 1.4 Where a joint transport committee is established in accordance with 1.3 above the members of the joint committee must be appointed in accordance with the following requirements:
- (a) The members appointed by the Combined County Authority must be members or substitute members of the Combined County Authority
  - (b) The members appointed by the Constituent Councils must be members of those councils.
  - (c) The members appointed by the Mayor must be members of the Combined County Authority or of the Constituent Councils.
  - (d) In appointing members to the joint transport committee, the Combined County Authority and the Constituent Councils must ensure that the members of the committee appointed from among the members of the Combined County Authority and the Constituent Councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils.
  - (e) Questions relating to the apportionment of membership under Article 6.4 (d)(ii) require a unanimous vote in favour by all members, or substitute members acting in place of those members, of the Combined County Authority to be carried.
- 1.5 Where a joint transport committee is established in accordance with Article 6.3:
- (a) the Mayor must in each year appoint the chair of the joint transport committee from among the members of that committee; and
  - (b) if a vacancy arises in the office of the chair, the Mayor must make an appointment to fill the vacancy at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

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## Article 5. Officers

### 1. Statutory Officers

- 1.1 The Combined Authority is required to appoint or designate the following statutory officers:
- Head of Paid Service
  - Monitoring Officer, and
  - Section 73 Chief Finance Officer
- 1.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined County Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

### 2. Chief Officers

- 2.1 Chief Officers for the purposes of **Part 3** (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Monitoring Officer, the Executive Director of Resources (Section 73 Officer), the Executive Director of Place, and the Executive Director of Inclusive Growth

#### Head of Paid Service – Statutory Functions

- 2.2 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined County Authority setting out their proposals in relation to:
- the manner in which the discharge by the Combined County Authority of its different functions is coordinated,
  - the number and grades of staff required by the Combined County Authority for discharging its functions,
  - the organisation of the Combined County Authority's staff, and
  - the appointment and proper management of the Combined County Authority's staff.
- 2.3 The Combined County Authority must consider any such report at a meeting within three months of the report first being sent to the Combined County Authority Members.
- 2.4 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Combined County Authority by the holder for the time being of that post and may give directions to the Combined County Authority to include a post in the list of politically restricted posts.

#### Monitoring Officer – Statutory Functions

- 2.5 If it appears to the Monitoring Officer that any proposal, decision, or omission by the Combined County Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined County Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined County Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined County Authority Members.

The Combined County Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

#### Section 73 Officer – Statutory Functions

- 2.6 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined County Authority, in accordance with Section 73 of the Local Government Act 1985.

- 2.7 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Combined County Authority:
- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
  - has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
  - is about to enter an item of account unlawfully.
- 2.8 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined County Authority incurred in a financial year is likely to exceed the resources available to the Combined County Authority.
- 2.9 The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Combined County Authority Member. The Combined County Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined County Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

### 3. Statutory Scrutiny Officer

- 3.1 The Combined County Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.

### 4. Data Protection Officer

- 4.1 The Combined County Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.

### 5. Head of Internal Audit

- 5.1 The EMCCA must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.

### 6. General

- 6.1 The Combined County Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.
- 6.2 Officers will comply with the Code of Conduct for Officers.

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## 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 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 Decisions

#### (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**

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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# Article 7. Finance, Contracts and Legal Matters

## 1. Financial Management

- 1.1 The management of the Combined County Authority’s financial affairs will be conducted in accordance with the Financial Procedures set out in [Part 4](#) of the Constitution.

## 2. Legal Proceedings

The Monitoring Officer is authorised to institute, settle, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Combined County Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Combined County Authority interests.

## 3. Authentication of Documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Combined County Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Combined County Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) Any contract with a value exceeding £50,000 entered into by the Combined County Authority shall be made in writing. Such contracts must be signed by a duly authorised officer of the Combined County Authority or made under the Common Seal of the Combined County Authority attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the Combined County Authority attested by an authorised officer.

## 4. Common Seal of the Combined County Authority

The Common Seal of the Combined County Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined County Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.

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# PART 3 – Responsibility for Functions

## 1. Introduction

Part 3 sets out the responsibility for the functions of the Combined County Authority and functions of the Mayor

### 1. Combined County Authority (CCA) Functions

1.1 CCA Functions are functions of the Combined County Authority which are not exercisable by the Mayor. **Part 3 - Section 2** sets out an overview of the CCA Functions, including those conferred by the EMCCA Regulations.

1.2 CCA Functions are exercised by the Combined County Authority at a meeting of the CCA or in accordance with arrangements agreed by the CCA.

1.3 Certain CCA Functions can only be exercised with the consent of a relevant constituent council, district or borough council or the Peak District National Park. These are identified in **Part 3 - Section 2**.

1.4 The CCA may make arrangements for any CCA Function, except those reserved to the CCA, to be exercised:

- by a committee or sub-committee of the CCA,
- by an officer of the CCA,
- by another local authority, or
- under joint arrangements with one or more other local authorities.

1.5 **Part 3 – Section 4** sets out the CCA Functions which have been reserved to the CCA and must be taken at a meeting of the CCA.

1.6 **Part 3 - Section 5** sets out the CCA Functions which have been delegated to committees or sub-committees of the CCA and the terms of reference agreed for those committees and sub-committees.

1.7 **Part 3 - Section 6** sets out the CCA Functions which have been delegated to officers of the CCA.

1.8 **Part 3 - Section 7** sets out the CCA Functions which are to be exercised by another local authority or under joint arrangements with one or more other local authorities.

1.9 Where a CCA Function has been delegated under arrangements, this does not prevent the CCA exercising the function.

### 2. Mayoral Functions

2.1 Mayoral Functions are functions of the Combined County Authority exercisable only by the Mayor. **Part 3 - Section 3** sets out an overview of the Mayoral Functions, including those conferred by the East Midlands Combined County Authority Regulations.

2.2 Mayoral Functions are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor.

2.3 Certain Mayoral Functions can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority. These are identified in **Part 3 - Section 3**.

- 2.4 Certain Mayoral Functions can only be exercised with the consent of a constituent council, relevant district council or the Peak District National Park. These are identified in [Part 3 - Section 3](#).
- 2.5 The Mayor may arrange for any of the following to exercise any Mayoral Function, except those reserved by law to the Mayor:
- the Deputy Mayor,
  - another CCA member, or
  - an officer of the CCA.
- 2.6 The Mayor may enter into arrangements jointly with the Combined County Authority, the Constituent Councils and other Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Functions.
- 2.7 The Mayoral Functions which have been delegated to the Deputy Mayor or another Member of the Combined County Authority will be set out in the Constitution once they have been made.
- 2.8 [Part 3 - Section 6](#) sets out the Mayoral Functions which have been delegated to officers of the CCA.
- 2.9 Where a Mayoral Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.
- 2.10 The Mayor may amend their arrangements at any time.

### **3. Statutory Consents**

- 3.1 The Protocol for the exercise of Statutory Consents shall be followed in respect of:
- a. CCA Functions that can only be exercised with the consent of a relevant district council or Peak District National Park;
  - b. Mayoral Functions that can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority; and
  - c. Mayoral Functions that can only be exercised with the consent of a relevant district council or Peak District National Park.

## 2. Combined County Authority Functions

Combined County Authority Functions conferred by the 2024 Order.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent	Voting
<b>Finance, Investment, Innovation and Trade</b>					
Duty to prepare assessment of economic conditions	Section 69 Local Democracy, Economic Development and Construction Act 2009	Reg 31(1)	Y	N	Simple majority which includes the Mayor
<b>Housing and Planning</b>					
Power to compulsorily acquire land for development/planning purposes	Section 226 Town and Country Planning Act 1990	Reg 8(1)(f)	Y (and concurrent with Districts)	Y - requires the consent of: <ul style="list-style-type: none"> <li>the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member;</li> <li>each district council whose local government area contains any part of the land subject to the</li> </ul>	Simple majority which includes the Mayor

				proposed compulsory acquisition; and <ul style="list-style-type: none"> <li>the Peak District National Park Authority if the Combined County Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park</li> </ul>	
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Reg 8(1)(g)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Reg 8(1)(h)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to acquire land for exchange	Section 230(1) Town and Country Planning Act 1990	Reg 8(1)(i)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Reg 8(1)(j)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Reg 8(1)(k)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor

Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Reg 8(1)(l)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Reg 8(1)(m)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Reg 8(1)(n)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Reg 8(1)(o)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Reg 8(1)(p)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to provide housing or other land	Section 5 Housing and Regeneration Act 2008	Reg 7(1)(a)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Power for regeneration, development or effective use of land	Section 6 Housing and Regeneration Act 2008	Reg 7(1)(b)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to infrastructure	Section 7 Housing and Regeneration Act 2008	Reg 7(1)(c)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers to deal with land	Section 8 Housing and Regeneration Act 2008	Reg 7(1)(d)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor

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Power to acquire land (other than compulsory acquisition)	Section 9 Housing and Regeneration Act 2008 (exc Section 9(2))	Reg 7(1)(e)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Restrictions on disposal of land	Section 10 Housing and Regeneration Act 2008	Reg 7(1)(f)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to acquired land	Section 11 Housing and Regeneration Act 2008	Reg 7(1)(g)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to and for statutory undertakers	Section 12 Housing and Regeneration Act 2008	Reg 7(1)(h)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to burial grounds and consecrated land etc	Paragraphs 19 and 20 of Schedule 3 Housing and Regeneration Act 2008	Reg 7(1)(i)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Extinguishment or removal powers, counter-notices and notification of proposal to make order	Paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 Housing and Regeneration Act 2008	Reg 7(1)(j)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Duty to conduct periodical review of Housing needs	Section 8 Housing Act 1985	Reg 8(1)(a)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to make provision of board and laundry facilities	Section 11 Housing Act 1985	Reg 8(1)(b)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to make provision of shops, recreation grounds, etc	Section 12 Housing Act 1985	Reg 8(1)(c)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to acquire land for housing development (other than compulsory purchase)	Section 17 Housing Act 1985 (exc 17(3))	Reg 8(1)(d)	Y (and District Councils)	N	Simple majority which includes the Mayor

Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Reg 8(1)(e)	Y (and District Councils)	N	Simple majority which includes the Mayor
<b>Transport</b>					
Duties of Integrated Transport Authority to apply to Metropolitan District Councils	Section 113 Transport Act 2000	Reg 15(1)	N	During transition period, unanimous vote in favour required	Simple majority which includes the Mayor
Power to make Advanced Quality Partnership Scheme	Section 113C Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to impose Registration Restrictions in connection with Quality Partnership Schemes	Section 113D Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Facilities, measures and standards of advanced quality partnership schemes	Section 113E Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Requirements relating to advanced quality partnership schemes including traffic regulation orders	Section 113F Transport Act 2000 Section	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties relating to notice and consultation	Section 113G Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Requirements for inclusion in scheme	Section 113H Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers to postpone schemes	Section 113I Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Duties in respect of schemes	Section 113J Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Regulations about schemes involving existing facilities or measures	Section 113K Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary or revoke scheme	Section 113L Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Supplementary provisions relating to variation of schemes	Section 113M Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make regulations about schemes	Section 113N Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to issue guidance about schemes	Section 113O Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to make quality partnership scheme	Section 114 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Notice and consultation duties in respect of quality partnership schemes	Section 115 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to include certain specifications in schemes	Section 116 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to postpone schemes	Section 117 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Obligations in respect of implementation of schemes	Section 118 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor



Regulations about schemes involving existing facilities	Section 119 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary/revoke scheme	Section 120 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Supplementary powers and duties relating to variation of schemes	Section 121 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Regulations about schemes	Section 122 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Guidance about schemes	Section 123 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to make franchising scheme	Section 123A Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to assess proposed franchising scheme	Section 123B Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to seek consent of SoS in relation to franchising schemes	Section 123C Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to seek audit report in relation to proposed franchising scheme	Section 123D Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to consult on franchising scheme	Section 123E Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Requirements of consultation document	Section 123F Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to publish report in response to consultation	Section 123G Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties relating to making and publication of scheme	Section 123H Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to postpone local service contracts	Section 123I Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Effect of local service contracts	Section 123J Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Powers/duties in relation to entering local service contracts	Section 123K Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Exceptions to 123K	Section 123L Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to vary scheme	Section 123M Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Power to revoke scheme	Section 123N Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to provide interim service	Section 123O Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to grant service permit	Section 123P Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Requirements relating to application for service permit	Section 123Q Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to publish notice of conditions attached to service permit	Section 123R Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to revoke or suspend service permit	Section 123S Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Appeal of refusal of service permit	Section 123T Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
SoS may make regulations about schemes	Section 123U Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

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SoS may make regulations making transitional provisions about schemes	Section 123V Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
SoS may issue guidance about schemes and duty to have regard	Section 123W Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Application of TUPE to local service contracts	Section 123X Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to make advanced ticketing schemes	Section 134C Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duties to give notice and consult on advanced ticketing schemes	Section 134D Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Powers and duties relating to making of scheme	Section 134E Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Effect of scheme	Section 134F Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
SoS may issue guidance, duty to have regard	Section 134G Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Power to make joint and through ticketing schemes	Section 135 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duties to give notice and consult on advanced ticketing schemes	Section 136 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor

Powers and duties relating to making of scheme	Section 137 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Effect of scheme	Section 138 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Power to make enhanced partnership plans or schemes	Section 138A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Further parties to scheme	Section 138B Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of local services	Section 138C Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Nature of enhanced partnership scheme	Section 138D Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary or revoke	Section 138E Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to prepare proposal, give notice and consult in relation to scheme	Section 138F Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers to make scheme	Section 138G Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of content of scheme	Section 138H Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to postpone all or part of scheme	Section 138I Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

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Effect of plans and schemes	Section 138J Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary scheme	Section 138K Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of variation	Section 138L Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers and duties in respect of making variation	Section 138M Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Supplementary requirements in respect of variation	Section 138N Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to revoke enhanced partnership plan or scheme	Section 138O Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make regulations in respect of plan or scheme	Section 138P Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS may make regulations re transitional provisions about schemes	Section 138Q Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS may issue guidance, duty to have regard	Section 138R Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Application of TUPE	Section 138S Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to determine availability of bus information	Section 139 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

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Duty to make information available	Section 140 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to have regard to combination of economy, efficiency and effectiveness in respect of bus information	Section 141 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to require provision of information about bus services	Section 141A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Traffic regulation to reduce or limit pollution	Section 142 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to obtain information about local services	Section 143 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to obtain information in relation to franchising schemes	Section 143A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to obtain information for purpose of preparing enhanced partnership schemes	Section 143B Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers and duties in respect of mandatory concessions	Section 145A Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Supplementary provisions relating to mandatory concessions	Section 146 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Power to enforce mandatory concessions	Section 148 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duty to reimburse operators for providing concessions	Section 149 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor

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Duties regarding procedure for reimbursement arrangements in respect of mandatory concessions	Section 150 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Concessions in Greater London	Section 151 Transport Act 2000	Reg 15(1)	N	N	Simple majority which includes the Mayor
Agreements providing for service subsidies	Section 152 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Competition tests for the exercise of functions and agreements relating to buses	Section 153 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make grants to bus operators	Section 154 Transport Act 2000	Reg 15(1) and Reg 19(1)	Y during transition period	N	Simple majority which includes the Mayor
Sanctions against operators of bus service failing to comply	Section 155 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make grants for the purpose of carrying out transport functions	Section 157 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Abolition of financial plans of Passenger Transport Executives	Section 159 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Provisions in relation to making of regulations and orders	Section 160 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Minor and consequential amendments	Section 161 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Passenger



Interpretation	Section 162 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers in relation to workplace parking levy	Chapters 2 and 3 of Part 3 of the 2000 Act	Reg 18(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Provisions relating to workplace parking levy	Workplace Parking Levy (England) Regulations 2009	Reg 18(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads. (Enabling power of SoS/HE)	Section 6 Highways Act 1980	Reg 16(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Reg 16(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Powers in respect of Passenger Transport Authorities and Executives	Section 57 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Amendments in respect of Passenger Transport Authorities and Executives	Section 58 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor

Transfer of bus undertakings of Executives to companies owned by Authorities	Section 59 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Exclusion of public sector co-operation requirements and bus operating powers.	Section 60 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Power of SoS to give direction on proposals to divide undertaking	Section 61 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Duties of passenger transport executives to protect employee benefits on transfer or division of bus undertakings	Section 62 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Duty in non-metropolitan counties to secure appropriate public passenger transport services	Section 63 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties regarding consultation and publicity with respect to policies and services	Section 64 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to co-operate with TfL or any subsidiaries	Section 65 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exclusion of powers to provide services which require PSV operator's licence	Section 66 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to form bus companies to run council bus undertakings	Section 67 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor

Duties with regard to transfer schemes for bus undertakings	Section 68 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty to submit proposals to SoS in respect of joint undertakings	Section 69 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Supplementary duties relating to transfer to joint undertakings	Section 70 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exemption for councils running small bus undertakings	Section 71 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Definitions relevant to public transport companies	Section 72 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duties of controlling authority in respect of public transport companies	Section 73 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Disabilities of directors of public transport companies	Section 74 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Powers to subscribe/acquire shares	Section 75 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty of controlling authority to exercise control to appoint auditors	Section 76 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Powers of passenger transport executives to enter agreements	Section 78 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Powers of passenger transport executives to make loans	Section 79 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties not to inhibit competition	Section 80 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Powers for provision, maintenance and operation of bus stations and associated facilities	Section 81 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Restrictions on discriminatory practices in relation to provision/operation of bus stations and facilities	Section 82 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Supplementary provisions in relation to provision, maintenance and operation of bus stations and facilities	Section 83 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provisions regarding compensation for loss of employment	Section 84 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provisions relating to incorporation of passenger transport executives	Section 85 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provision for modification of enactments of SoS	Section 86 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Interpretation	Section 87 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor

Duties in respect of expenditure for public passenger transport services	Section 88 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty to invite tender for subsidised services	Section 89 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duties in relation to obligation to tender for subsidised services	Section 90 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exceptions to duty to invite tender for subsidised services	Section 91 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty to have regard to interest of public and of persons providing public passenger transport services in their area	Section 92 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to establish travel concession scheme	Section 93 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provisions relating to administration of concession schemes	Section 94 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties in relation to publicity requirements for concession schemes	Section 95 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Obligation to admit operators to concession schemes	Section 96 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Powers to oblige participation in travel concession schemes	Section 97 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties relating to the issue of participation notices	Section 98 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to release operator from compulsory participation	Section 99 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Supplementary provisions relating to powers to oblige participation in concession schemes	Section 100 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Powers to enforce participation in travel concession schemes	Section 101 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Obligations relating to subsidies for travel concessions	Section 103 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Obligations of Passenger Transport Executives in exercising powers	Section 104 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to offer travel concessions in operation of public passenger transport services	Section 105 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to make grants for transport facilities and services	Section 106 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor

Power to make grants for bus services	Section 106A Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Interpretation	Section 112 Transport Act 1985	Reg 14(1)	N	N	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Part 6, and paragraph 10 of schedule 8, Traffic Management Act 2004	Reg 17(1)(a)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	Reg 17(1)(b)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022	Reg 17(1)(c)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Preparation of permit schemes	Section 33 Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Implementation of permit schemes of strategic highways companies and local highways authorities in England	Section 33A Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Variation and revocation of permit schemes	Section 36 Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Functions of constituent councils as Permit Authorities	Traffic Management Permit Scheme (England) Regulations 2007	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
<b>Public Health</b>					
Duty to take steps appropriate for improving health of people in its area	Section 2B National Health Service Act 2006	Reg 22(1)	Y	N	Simple majority voting which includes the Mayor
Duty to have regard to guidance	Section 73B National Health Service Act 2006	Reg 23(1)	Y	N	Simple majority voting which includes the Mayor
SoS power to make regulations/publish guidance in relation to prescription of health-related functions	Section 75 National Health Service Act 2006	Reg 24(1)	Y	N	Simple majority voting which includes the Mayor
Duty to have regard to NHS constitution	Section 2 Health Act 2009	Reg25(1)	Y	N	Simple majority voting which includes the Mayor

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### 3. Mayoral Functions

Mayoral Functions conferred by the 2024 Order.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Consent Requirements
<b>Finance</b>				
Powers relating to impose a business rate supplement	Business Rate Supplements Act 2009 except Section 3(5)	Reg 29 and Reg 26(1)(e)	N	N
<b>Housing and Planning</b>				
Power to acquire land by agreement, or with authorisation of the Secretary of State, compulsorily	Section 17(3) of the Housing Act 1985	Reg 8(1)(d) and Reg 26(1)(a)	Y (and district councils)	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>- Lead member for constituent council whose local government area contains any part of the relevant land, or a substitute member acting in place of such a member,</li> <li>- Each district councils whose local government area contains any part of the land subject to the proposed compulsory acquisition; and,</li> <li>- The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council</p>

Appendix

				requires the consent of the lead member of that council.
Power to acquire land compulsorily if authorised by secretary of state	Section 9(2) of the Housing and Regeneration Act 2008	Schedule 2 Part 1 Para 2 and Reg 26(1)(d)	Y (concurrently with Homes England)	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>- Lead member for constituent council whose local government area contains any part of the relevant land, , or a substitute member acting in place of such a member,</li> <li>- Each district councils whose local government area contains any part of the land subject to the proposed compulsory acquisition;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>- The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
<b>Transport</b>				
Power to pay grants towards expenditure of local authority	Section 31 Local Government Act 2003	Reg 21 and 26(1)(c)	N – concurrent with Minister of crown	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to prepare Local Transport Plans	Section 108 of the 2000 Act	Reg 15(1)(a) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority

				Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to keep local transport plan under review, powers to replace, duties in respect of consultation and publication	Section 109 of the 2000 Act	Reg 15(1)(a) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to have regard to guidance and transport needs of disabled persons	Section 112 of the 2000 Act	Reg 15(1)(b) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Power to pay grants to operators of eligible bus services	Section 154(1) of the Transport Act 2000	Reg 15(1)(f) Reg 26(1)(b)	N - concurrent with Secretary of State	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
<b>Mayoral Development Area (MDA) Functions</b>				
Power to designate Mayoral Development Area	Section 197 of the Localism Act 2011	Reg 26(1)(f)	N	Requires consent of: - Lead member for constituent council whose local government area contains any part of the relevant land, , or a substitute member acting in place of such a member,

				<ul style="list-style-type: none"> <li>- District Council whose are contains any part of the area to be designated, and</li> <li>- The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
Power to exclude land from Mayoral Development Area by altering boundaries	Section 199 of the Localism Act 2011	Reg 26(1)(f)	N	Requires consent of each member of constituent council in whose area it is proposed function will be exercised or substitute members acting in their place. Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Transfers of property to a Mayoral Development corporation	Section 200 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Planning functions in relation to Mayoral Development Area	Section 202 of the Localism Act 2011	Reg 26(1)(f)	N	Requires consent of: <ul style="list-style-type: none"> <li>- District Council whose are contains any part of the area to be designated, and</li> <li>- The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul>

				Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Removal or restriction of planning powers in relation to mayoral development corporation	Section 204 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to grant discretionary relief from non-domestic rates to Mayoral Development Corporation	Section 214 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Duty to review existence of Mayoral Development Corporations	Section 215 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to make transfer scheme for transfer of property, rights or liabilities	Section 216 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to request dissolution of Mayoral Development Corporation	Section 217 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give guidance to MDC	Section 219 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

Power to give direction to MDC	Section 220 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give/revoke relevant consents	Section 221 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Duty to appoint members	Para 1 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Terms of members' appointments	Para 2 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Agreement of Staff terms and conditions	Para 3 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to determine rates and eligibility for remuneration of members and staff	Para 4 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to agree committee members who are not members of the MDC	Para 6 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

Proceedings and meetings subject to mayoral direction	Para 8 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
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## 4. The Combined County Authority Board (Reserved Functions)

4.1 The Combined County Authority Board has collective responsibility for decision-making, acting in the best interests of the East Midlands Combined County Authority area. The following functions are reserved to the Combined Authority Board:

### 4.2 Key Functions of the Combined County Authority Board

4.2.1 The following key functions sit within the responsibility of the Combined Authority Board:

- (a) To set, review, keep up to date and revise the long-term vision of the Combined County Authority.
- (b) To agree, review, keep up to date and revise the strategic objectives for the Combined County Authority.
- (c) To agree key strategy and policy for the Combined County Authority.
- (d) To adopt, amend or withdraw any major strategy or policy.
- (e) To ensure the Combined County Authority undertakes statutory and appropriate communication and consultation in the setting of the budget and policy framework.
- (f) Overall responsibility for the implementation and delivery of the Strategic Plan
- (g) To drive future devolution and lobbying of Government.
- (h) To agree prioritisation and re-purposing of funds.
- (i) To agree approval of projects and programmes in line with the Scheme of Delegations.
- (j) To consider and agree employment and human resources policy
- (k) To exercise General powers of the Combined County Authority
- (l) Responding to Gateway Reviews
- (m) Consenting to the making of Regulations under the Levelling Up and Regeneration Act 2023
- (n) Agreeing to change the name of the CCA
- (o) Agreeing that the mayor for the area of the CCA is to be known by the title of mayor or approving an alternative title
- (p) Consenting to proposals for changing existing arrangements relating to the CCA
- (q) All other matters which, by law, must be reserved to CCA

### 4.3 Functions Reserved to the Combined County Authority Board

4.3.1 The following functions are reserved to the Combined County Authority Board:

#### Strategy and Policy

4.3.2 The adoption of, and any amendment to or withdrawal of any major strategy or policy  
Of the Combined County Authority



## Frameworks

- 4.3.3 The adoption of, and any amendment to or withdrawal of the following framework documents:
- (a) Assurance Framework;
  - (b) Monitoring & Evaluation Framework;
  - (c) Performance Management Framework;
  - (d) Risk Management Framework

## Financial Matters

- 4.3.4 Approving the Non-Mayoral Combined County Authority budget
- 4.3.5 Approving the estimates of income and expenditure and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992
- 4.3.6 In relation to the Mayor's General Budget:
- approving the draft budget (or revised draft budget), or
  - the decision to veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations as to the relevant amounts and calculations
- 4.3.7 The issuing of the Mayoral Combined County Authority precept pursuant to section 40 of the Local Government Finance Act 1992
- 4.3.8 Approving the borrowing limits of the Combined County Authority, including determining the borrowing limits of the Combined County Authority in relation to transport matters pursuant to section 3 of the Local Government Act 2003
- 4.3.9 Approving the Treasury Management Strategy and the Investment Strategy of the Combined County Authority
- 4.3.10 Approving the capital programme of the Combined County Authority and approving new transport schemes
- 4.3.11 The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009

## People

- 4.3.12 Approving the appointment of the Head of Paid Service, Monitoring Officer, Executive Director Resources (S73 Officer), Executive Director Place, and Executive Director Inclusive Growth
- 4.3.13 Approving the appointment of the Returning Officer and making any decisions relating to the mayoral election
- 4.3.14 Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto)
- 4.3.15 Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000
- 4.3.16 The determination of collective terms and conditions of staff

## Governance

- 4.3.17 Decisions related to:

- (a) Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act;
- (b) Establishment and membership of Committees and Sub-Committees;
- (c) Establishment and membership of Joint Committees and Commissions;
- (d) Approve the nomination of lead member responsibilities and membership and chairs of committees and sub-committees upon recommendation from the Mayor;
- (e) Approval of Mayoral Allowance and any other allowance schemes;
- (f) Appointment of an Independent Person of the Audit and Governance Committee;
- (g) Appointment of Statutory Officers;
- (h) Delegation of functions to third parties;
- (i) Establishment of Trading Companies;
- (j) Any other matters reserved to the Board.

4.3.18 The Combined County Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and S73 Officer.

#### **4.4 Voting**

4.4.1 Voting arrangements are set out in the Combined County Authority Procedure Rules in [Part 4](#) of the constitution.

#### **4.5 Membership**

4.5.1 The Combined County Authority Board membership consists of the following:

- (a) The Mayor
- (b) Two elected member appointments by each Constituent Authority
- (c) Up to a maximum of eight Non-Constituent and Associate Members

4.5.2 Further details regarding membership are set out in [Article 1](#) of the constitution.

#### **Designation of a Nominating-Body**

4.5.3 The Combined County Authority can:

- Agree the designation of a nominating body or the removal of such a designation
- Agree the number of nominating bodies that may be designated by the Combined County Authority
- Agree the number of non-constituent members that may be appointed by a nominating body of the Combined County Authority
- Agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or substitute member
- Approve the appointment or removal of non-constituent members and substitute members
- Agree the process for the appointment, disqualification, resignation or removal of an associate member or substitute member
- Approve the appointment or removal of associate members or substitute members.

4.5.4 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period, they cease to be a Member of the Combined County Authority.

## 4.6 Executive Bodies

4.6.1 The Combined County Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

## 4.7 Commissions and Working Groups

4.7.1 The Combined County Authority may establish Commissions. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Combined County Authority.

4.7.2 The Combined County Authority will determine the remit, terms of reference, membership and budget for Commissions.

4.7.3 The Combined Authority may establish informal working groups. These groups will be non-decision-making groups of Officers and Members.

## 4.8 Quorum

4.8.1 The Quorum details are set out in the Combined County Authority Procedure Rules.

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## 5. Terms of Reference of Committees

4.1 The Terms of Reference for the following committees and governance bodies are set out in this section:

- A. Transport Advisory Committee**
- B. Skills & Employment Advisory Committee**
- C. Investment Committee**
- D. Business Advisory Board**
- E. Audit & Governance Committee**
- F. Overview & Scrutiny Committee**

## 5A. Transport Advisory Committee

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Transport matters in support of the exercise of Combined County Authority and Mayoral functions.

The Transport Advisory Committee will seek to act in a regional capacity to support the development of the transport vision for the Combined County Authority area (to develop the collective infrastructure and create the best possible transport system for its citizens) and make recommendations to the Combined County Authority on:

- (a) The area-wide Local Transport Plan/Transport Strategy;
- (b) The creation of a transport budget, including but not confined to the allocation of Government transport funding for Integrated Transport and Highway Maintenance (both the Needs and Incentive elements) Block funding, Pothole fund;
- (c) The development and delivery of the Transport Investment Programme;
- (d) Funding bids to Government;
- (e) Any other transport matters requested by the EMCCA Board;
- (f) Transport matters within the powers of the EMCCA.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Transport Advisory Committee shall consist of:

#### Voting Membership:

- Combined County Authority Lead Member for Transport (Chair)
- Mayor
- Lead Member for Transport from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (not represented on Committee through Combined County Authority Lead Member position)

#### Non-Voting Membership

- District & Borough representative appointed by Derbyshire Senior Leadership Board (nominating body) x 2
- District & Borough representative appointed by Nottinghamshire Economic Prosperity Committee (nominating body) x 2
- Business Advisory Board representative
- Midlands Connect Sub-National Transport Body (Member representative from outside the Combined County Authority area)

In appointing members to the Transport Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

### Chairing the Committee

The Transport Advisory Committee shall be chaired by the Combined County Authority Lead Member for Transport.

A Vice-Chair will be appointed by the Transport Advisory Committee from amongst the Constituent Authority membership.

The Mayor is a voting member of the Committee in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

### Quorum

The quorum will be 4 voting members including the Chair (or Deputy Chair)

### Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### Frequency

There will be a minimum of four Transport Advisory Committee meetings each municipal year.

Transport Advisory Committee meetings shall be held in public with provision for Public Forum.

### Functions

The Transport Advisory Committee will take a lead on and advise the Combined County Authority, subject to the Transport Advisory Committee exercising these functions in accordance with the strategic and budgetary framework agreed by the Combined County Authority:

- (a) Monitoring and overseeing the delivery of transport activities to secure the policy objectives of the Combined County Authority
- (b) Ensuring that the transport outcomes can be appropriately delivered from within the funding allocations approved by the Combined County Authority
- (c) Nominating Combined County Authority representatives on transport bodies.
- (d) Holding to account those bodies involved in the delivery and operation of transport activities within the Combined County Authority area.
- (e) Responsibility for the discharge of specified transport functions delegated by the Combined County Authority.
- (f) Ensuring that the Combined County Authority secures the provision of appropriate supported public transport passenger services.
- (g) Considering and approving the creation and development of
  - i. Ticketing Schemes under s135-138 of the Transport Act 2000
  - ii. Concessionary Travel Schemes under s93-104 of the Transport Act 1985
- (h) Determining what local bus information should be made available, and the way it should be made available, under s139-143 of the Transport Act 2000

- (i) Formulating, developing and monitoring procedures for public consultation of the Combined County Authority's transport policies
- (j) Considering issues arising from the implementation of schemes for the introduction of smart ticketing systems and innovative technologies
- (k) Determining the operation, performance, contract management and development of tendered bus services, bus stations/interchanges and passenger transport services within the agreed Combined County Authority budget.

### Lead Member Functions

Support the Lead Member for Transport by:

- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Transport Advisory Committee

The role and arrangements of the Transport Advisory Committee will be reviewed on an annual basis by the Combined County Authority

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## 5B. Skills & Employment Advisory Committee

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Skills and Employment matters in support of the exercise of Combined County Authority and Mayoral functions.

The Skills & Employment Advisory Committee will engage and seek advice from a range of key stakeholders including Combined County Authority area Local Authorities, FE Colleges and Independent Training Providers, key Government Agencies such as the Department for Work and Pensions as well as employers in relation to developing the emerging AEB priorities that will meet the local need for year one, as well as advising on future AEB funding priorities.

The Committee will:

- Develop for Board consideration, the emerging AEB priorities and advise on future AEB funding priorities through engagement with key stakeholders
- Develop for Board consideration, thematic strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the Combined County Authority's strategic objectives.
- To act in a regional capacity to support the development of the skills and employment vision for the Combined County Authority area

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Skills & Employment Advisory Committee shall consist of:

#### Voting Membership:

- Combined County Authority Lead Member for Skills & Employment (Chair)
- Mayor
- Relevant Lead Member from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (not represented on Committee through Combined County Authority Lead Member position)

#### Non-Voting Membership

- District & Borough representative appointed by Derbyshire Senior Leadership Board (nominating body) x 2
- District & Borough representative appointed by Nottinghamshire Economic Prosperity Committee (nominating body) x 2
- Business Advisory Board representative

In appointing members to the Skills & Employment Advisory Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

### Chairing the Committee

The Skills & Employment Advisory Committee shall be chaired by the Combined County Authority Lead Member for Skills & Employment



A Vice-Chair will be appointed by the Skills & Employment Advisory Committee from amongst the Constituent Authority membership.

The Mayor is a voting member of the Committee in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

### Quorum

The quorum will be 4 voting members including the Chair (or Deputy Chair)

### Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### Frequency

There will be a minimum of four Skills & Employment Advisory Committee meetings each municipal year.

Skills & Employment Advisory Committee meetings shall be held in public with provision for Public Forum.

### Functions

To make recommendations to the Combined County Authority in relation to:

- Approval and review of the AEB Assurance Framework
- Approval of AEB programme plan each year and oversight of its implementation.
- Employment Strategy
- Skills Strategy
- Local Skills Improvement Plan (LSIP)
- Relevant governance and decision-making arrangements
- Approval of the annual budget, including the main budget categories, including Grant, procured provision and admin costs, but also other key budget headings (such as an innovation pot).
- AEB commissioning strategy, including 'indicative' and 'final' provider allocations
- In-year budget changes where funding is transferred between the main budget Categories
- Strategic direction and priorities (including those identified through stakeholder consultation activities).
- Policy decisions that cannot be aligned to the overall strategic direction.
- Annual agreement of 'draft' and 'final' AEB Funding Rules and Rates.
- Termination of an AEB contract for services/grant agreement.
- Substantive in-year changes to AEB Funding Rules and Rates to improve provider management or to implement new GLA policies,

- Any novel, contentious or repercussive decisions, and any decisions referred to MD by the AEB Mayoral Board.

### Lead Member Functions

Support the Lead Member for Skills & Employment by:

- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Skills & Employment Advisory Committee

The role and arrangements of the Skills & Employment Advisory Committee will be reviewed on an annual basis by the Combined County Authority

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## 5C. Investment Committee

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Investment matters in support of the exercise of Combined County Authority and Mayoral functions.

The Investment Committee will seek to promote and support the inclusive economic growth of the East Midlands region, supporting economic productivity and the development of strategic direction and oversight across the Combined County Authority investment funding programmes.

The Combined County Authority Investment Fund and variety of devolved funding programmes represent a significant asset base through which the Combined Authority can influence, enable, facilitate and directly deliver a broad base of activities to support growth across the economy. This includes transport, green energy transition, business support, walkable connected neighbourhoods/communities, business innovation.

The Investment Committee will:

- promote Inclusive Growth across the Combined County Authority region
- provide strategic direction and oversight across the Combined County Authority investment funding programmes
- in accordance with the Assurance Framework and the Constitution of the Combined County Authority, advise on investment decisions and make recommendations to the Board on investment decisions
- play a key part in the overall assurance arrangements of the Combined County Authority through the delivery of its functions
- serve as the designated strategic advisory body to the Combined County Authority on all matters relating to Investment
- develop proposals for strategy and key policy, engaging key stakeholders and partners to develop proposals to assist delivery of the Combined County Authority's strategic objectives
- act in a regional capacity to support development of the investment vision for the Combined County Authority area

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Investment Committee shall consist of:

#### Voting Membership:

- Mayor
- Combined County Authority Lead Member for Investment (Chair)
- Relevant Lead Member from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (not represented on Committee through Combined County Authority Lead Member position)

#### Non-Voting Membership

- District & Borough representative appointed by Derbyshire Senior Leadership Board (nominating body) x 2

- District & Borough representative appointed by Nottinghamshire Economic Prosperity Committee (nominating body) x 2
- Business Advisory Board representative (to be Chair or Vice Chair of the Business Advisory Board)

In appointing members to the Investment Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

### Chairing the Committee

The Investment Committee shall be chaired by the Mayor (in accordance with the Assurance Framework)

A Vice-Chair will be appointed by the Investment Committee from amongst the Constituent Authority membership.

The Mayor is a voting member of the Committee in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

### Quorum

The quorum will be 5 voting members including the Chair (or Deputy Chair)

### Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### Frequency

There will be a minimum of four Investment Committee meetings each municipal year.

Investment Committee meetings shall be held in public with provision for Public Forum.

### Functions

To provide advice and make recommendations to the Combined County Authority in relation to:

- Consideration of investment proposals and to make appropriate challenges to these proposals
- Consideration of and make appropriate recommendations to the Combined County Authority on investment proposals
- oversee and monitor all investments made through the Combined County Authority Investment Programme
- add conditions to any funding decision that falls within its delegated authority and to make recommendations of conditions to the Combined County Authority (*In all cases minimum conditions should specify the Availability Period, Conditions to Drawdown of Funds, Conditions for withdrawal of support and terms of clawback, start date and completion date for the Project or Programme, but shall also include any specific conditions that the Board deem appropriate on a case by case basis*)
- instruct the Combined County Authority to oversee preparation of funding agreements on its behalf and as appropriate and to delegate this duty, provided always that the Combined County Authority make no material deviation from the conditions added to the funding decision

- consideration of and recommendation to the Combined County Authority the monitoring and evaluation criteria related to any funding decision and to have the ability to delegate oversight of this function where appropriate
- where oversight of monitoring and evaluation applies to the Investment Committee, to consider whether a formal review of a project or program is required and to consider this review itself or instruct the Technical Officer Group that is in place to do so on its behalf
- to instruct Funding Recipients to issue the necessary information for the Combined County Authority to advise the Investment Committee as to the rationale behind any material delay or change in a project or program
- on completion of a review, where reasonable, to instruct Funding Recipients to complete a Change Request via the Combined County Authority process
- monitor the Combined County Authority project pipeline and make recommendations to the Combined County Authority Board on prioritisation and re-prioritisation to support active management of the Combined County Authority's Investments.
- act as the lead for the Combined County Authority, acting as a sounding board regarding domestic and international inward investment. This should include highlighting critical challenges to delivering economic growth, agree collective responses to directly input into national government policy and other relevant national & international policies and strategies.
- broker and coordinate strategic collaborations & relationships across other Combined/Devolved bodies

### Lead Member Functions

Support the Lead Member for Investment by:

- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Investment Committee

The role and arrangements of the Investment Committee will be reviewed on an annual basis by the Combined County Authority

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## 5D. Business Advisory Board

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance through representation of the 'business voice' in support of the exercise of Combined County Authority and Mayoral functions.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's roles or responsibilities.

### Membership

The membership of the Business Advisory Board shall consist of a maximum of *[to be determined following further engagement with Constituent Councils and the Mayor (once elected)]* total members, of that number the following will be included:

#### Voting Membership:

*The membership will be determined following further engagement with Constituent Councils and the Mayor (once elected)*

#### Non-Voting Membership

- Mayor (or nominee)
- Combined County Authority relevant Lead Member

### Chairing the Committee

The Business Advisory Board Chair will be a Business Representative, who is nominated by the Mayor and confirmed by the Combined County Authority.

In the absence of the appointed Chair the Business Advisory Board will appoint a Chair for the meeting.

The Chair of the Business Advisory Board will become an Associate Member of the Combined County Authority Board.

### Representing the Business Voice

The Business Advisory Board will nominate a representative to sit as an embedded non-voting member of the following Combined County Authority governance bodies:

- Transport Advisory Committee
- Skills & Employment Advisory Committee
- Investment Committee

### Quorum

The quorum will be *[to be determined following further engagement with Constituent Councils and the Mayor (once elected)]* voting members including the Chair (or Deputy Chair)

### Voting

Any matters that are to be decided by the Business Advisory Board are to be decided by consensus where possible.

When a vote is required, only voting members of the Business Advisory Board will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### Frequency

There will be a minimum of four Business Advisory Board meetings each municipal year, meetings are not required to be held in public with provision for Public Forum.

## Functions

The Business Advisory Committee:

- sits as the strategic business voice to the Combined County Authority Board, the Mayor, Combined County Authority Committees and Officers. Providing strategic business advice on economy, business, skills, transport, employment, housing, UKSPF and future devolution deals
- act as the lead business voice to the Combined County Authority for the region, representing business to the Combined County Authority
- take a lead role in the development of economic growth strategy iterations for the Combined County Authority through close working with the Combined County Authority and the responsible Chief Officer, and the relevant Combined County Authority Lead Member
- develop proposals for strategy and key policy for Combined County Authority consideration, engaging key stakeholders and partners in order to assist delivery of the Combined County Authority's strategic objectives
- engage specific business sectors as and when required to provide advice, guidance and responses to consultation to the Combined County Authority
- membership will individually act as sector champions for their areas of expertise – leading on engaging with local and national networks, bringing insight into Combined County Authority discussions, and supporting stakeholder engagement with Combined County Authority officers on specific pieces of work
- work with the Combined County Authority to identify key opportunities to engage the business community on influencing priorities with Government and maintain a role of developing local networks to support this.

## Lead Member Functions

Support the Mayor, Combined County Authority and the relevant Lead Member by:

- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

## Review

The terms of reference are to be reviewed on an annual basis by the Investment Committee. The role and arrangements of the Investment Committee will be reviewed on an annual basis by the Combined County Authority

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## 5E. Overview & Scrutiny Committee

### Terms of Reference

This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.

The function of the Overview & Scrutiny Committee is to:

- review or scrutinise any decision made, or other action taken, in connection with any Non-Mayoral Function or Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority, with respect to any Non-Mayoral Function of the Combined Authority.
- make reports or recommendations to the Mayor, with respect to any Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority or the Mayor on any matter that affects the Combined County Authority's Area or the inhabitants of the Combined County Authority's Area

The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Overview & Scrutiny Committee shall consist of:

#### Voting Membership:

- 2 representatives from each Constituent Council

#### Non-Voting Membership

- District & Borough representatives appointed by Derbyshire Senior Leadership Board (nominating body) x 2
- District & Borough representatives appointed by Nottinghamshire Economic Prosperity Committee (nominating body) x 2

In appointing members to the Overview and Scrutiny Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

For the purposes of political balance considerations, the members of the committee as a whole refers to the voting members of the Committee.

### Chairing the Committee

The Combined County Authority will appoint the Chair of the Committee.

The Chair will be an 'appropriate person' (not of the same political party as the Mayor) in line with regulation 5 of the amended Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.



## Quorum

The quorum will be two thirds of voting members of the Committee (5 voting members)

## Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

## Frequency

There will be a minimum of four Overview & Scrutiny Committee meetings each municipal year, meetings shall be held in public with provision for Public Forum.

## Functions

The Overview & Scrutiny Committee has the following key tasks to deliver in fulfilling its functions:

- hold the Mayor, Lead Members and the Combined County Authority Board to account for the delivery of priority objectives
- hold the Mayor to account for delivery of Mayoral Priorities
- undertake pre-Scrutiny of Board decision-making
- utilise the Call-In power if decisions have not been taken in accordance with the principles of decision-making set out in the Constitution
- undertake policy review when approached to undertake or if gap/ issue identified through performance review and decision-making accountability
- undertake Strategic Performance Review of Corporate KPIs
- hold focused meetings on cross-cutting matters and/or issues of significant concern
- undertake focused budget scrutiny on MTFP alignment/ delivery and consultation
- undertake deep dives or establish scrutiny task and finish or working groups as and when required
- appoint Rapporteurs to shadow lead member portfolios and/ or advisory committees

## Review

The terms of reference are to be reviewed on an annual basis by the Overview & Scrutiny Committee

The role and arrangements of the Overview & Scrutiny Committee will be reviewed on an annual basis by the Combined County Authority

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## 5F. Audit & Governance Committee

### Terms of Reference

This is a regulatory committee to the Combined County Authority; these are Committees that the Combined County Authority must have by law.

The function of the Audit & Governance Committee is to:

- review and scrutinise the Combined County Authority's financial affairs
- review and assess the Combined County Authority's risk management, internal control and corporate governance arrangements
- review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Combined County Authority's functions
- make reports and recommendations to the Combined County Authority in relation to reviews conducted under paratha bullets above
- implement the obligation to ensure high standards of conduct amongst Members.

The Combined County Authority must appoint an Audit Committee whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in [Part 4](#) of the Constitution.

### Membership

The membership of the Overview & Scrutiny Committee shall consist of:

#### Voting Membership:

- 2 representatives from each Constituent Authority

#### Non-Voting Membership

- District & Borough representatives appointed by Derbyshire Senior Leadership Board (nominating body) x 2
- 2 District & Borough representatives appointed by Nottinghamshire Economic Prosperity Committee (nominating body) x 2
- Independent Person (at least 1)

In appointing members to the Audit and Governance Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

For the purposes of political balance considerations, the members of the committee as a whole refers to the voting members of the Committee.

### Chairing the Committee

The Combined County Authority has resolved that the Chair of the Committee will be an Independent Member.

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

### Quorum

The quorum will be two thirds of voting members of the Committee (5 voting members)

### Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote as they are a non-voting member of the Committee.

## Frequency

There will be a minimum of four Audit & Governance Committee meetings each municipal year, meetings shall be held in public with provision for Public Forum.

## Audit & Governance Committee Sub-Committee for Code of Conduct Matters

To consider and determine any allegation of failing to comply with the Code in accordance with the arrangements for investigating and making decisions about allegations of failing to comply with the Code.

## Functions

The Audit and Governance Committee shall undertake the following for the Combined County Authority:

### Accounts

- Approve the annual statement of accounts.

### Governance

- Review corporate governance arrangements against the good governance framework.
- Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships.
- Monitor the Combined County Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances.
- Monitor the anti-fraud and whistle blowing policies and the complaint process.

### Internal Audit

- The Combined County Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners.
- Review internal audit requirements undertaken by the Combined County Authority
- Approve the internal audit plan.
- Consider reports and assurances from the Chief Finance Officer in relation to:
  - i) Internal Audit performance;
  - ii) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
  - iii) Risk management and assurance mapping arrangement;
  - iv) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

### External Audit

- Review the annual accounts.
- Consider the annual external audit of the Combined County Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns.

### Financial Reporting

- Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined County Authority Board.
- Consider any issues arising from External Auditor's audit of the account.
- Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with [CIPFA's Code of Practice](#).

- Maintain an overview of the Combined County Authority's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary.

Code of Conduct

- Ensure the Combined County Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- Assisting the Members and Co-opted Members to observe the Code of Conduct.
- Advising the Combined County Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct.

General

- To review any issue referred to the Committee by the Chief Executive, Directors, s73 Officer, the Monitoring Officer or any Combined County Authority Member.
- Report and make recommendations to the Combined County Authority in relation to the above.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

Review

The terms of reference are to be reviewed on an annual basis by the Audit & Governance Committee

The role and arrangements of the Audit & Governance Committee will be reviewed on an annual basis by the Combined County Authority

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# 5F. Joint Committees

The terms of reference for any Joint Committees created by the Combined County Authority will subsequently be detailed in this section of the constitution.

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# 6. Scheme of Delegation of Functions to Chief Officers and Schedule of Proper Officers

## 1 Introduction

### General roles and responsibilities of Officers

- 1.1 The Combined County Authority and the Mayor approve strategies and policies which determine the framework in which operational decisions are made – see further the Budget and Policy Procedure Rules in **Part 4** of the Constitution.
- 1.2 Officers implement decisions made by the Combined County Authority (or any decision-making committee of the Combined County Authority) and the Mayor. Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
- 1.3 Officers must comply with Article 6 (Decision-making) in **Part 2** of the Constitution when exercising authority delegated to them.
- 1.4 Decision-making by officers is subject to other control measures. These include:
  - Standing Orders including the Contracts Standing Orders and Financial Regulations in **Part 4** of the Constitution
  - Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts of Interest Policy and Protocols in **Part 5** of the Constitution
  - Identified organisational values
  - an anti-fraud, bribery, and corruption policy, and
  - internal audit and risk management arrangements.
- 1.5 When exercising their delegated authority, an officer must:
  - ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Combined County Authority and the Mayor, and
  - follow approved practices and procedures of the Combined County Authority including the East Midlands County Combined Authority Assurance Framework, relevant Government guidance and industry/professional best practice.

### Delegation to Officers

- 1.6 This Officer Delegation Scheme sets out:
  - Combined County Authority Functions delegated to officers by the Combined County Authority, and
  - Mayoral Functions delegated to officers by the Mayor.
- 1.7 The Combined County Authority or the Mayor may also delegate decisions outside of this Scheme to a Combined County Authority officer in relation to any specific matter, subject to statutory restrictions.
- 1.8 The Combined County Authority's Standing Orders in **Part 4** of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers or post-holders.
- 1.9 Where the Combined County Authority have appointed a committee to discharge functions, that committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an officer.

- 1.10 The Combined County Authority (or a committee) or the Mayor may continue to exercise any function which it has delegated to an officer.

### Sub-Delegations

- 1.11 Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally (although they will remain responsible for any decision taken on their behalf). Such an officer (in their absence) may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.

### Referral of Matters to the Combined County Authority or Relevant Committee – Combined County Authority Functions

- 1.12 An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined County Authority or a relevant committee

### Referral of Matters to the Mayor – Mayoral Functions

- 1.13 An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Mayor.

### Key Decisions

- 1.14 The Access to Information Rules in **Part 4** of the constitution apply where an officer exercises their delegated authority to take a Key Decision.

- 1.15 A key Decision is defined in Article 6: Decision-Making in Part 2 of the Constitution.

### Call-in of Officer Decision

- 1.16 Any Key Decision taken by an officer under delegated authority is open to call-in, in accordance with the Overview & Scrutiny Standing Orders in **Part 4** of the constitution.

### Recording Officer Decisions

- 1.17 An officer is required to complete a written record of their decision in accordance with the Access to Information Rules in **Part 4** of the Constitution. All reports and officer decisions shall be held by the Monitoring Officer.

### Concurrent Functions

- 1.18 An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Combined County Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation.

### Statutory Consents

- 1.19 No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent.

- 1.20 An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.

## 2. Officer Delegation Scheme: Delegations

- 2.1 The Chief Executive may direct a Director not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter for determination:

- in respect of any Combined County Authority Function to a relevant committee to the Combined County Authority, or (where the delegated authority is of a general delegation), to the Chief Executive, or
- in respect of any Mayoral Function to the Mayor.

### General Delegations (Combined County Authority Functions) to the Chief Executive or Chief Officers

2.2 Each Officer is authorised to carry into effect without reference to the Combined County Authority or to any of its committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:

#### (a) Expenditure

2.2.1 To incur expenditure within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in **Part 4** of the Constitution.

2.2.2 To incur expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the East Midlands County Combined Authority Assurance Framework.

#### (b) Human Resources

2.2.3 To appoint officers within the approved funded staffing structure in accordance with the Combined County Authority's Recruitment Policy.

2.2.4 To appoint officers on a temporary basis to provide cover for absences within approved budgets.

2.2.5 With the exception of:

- granting voluntary redundancy requests,
- releasing preserved pension benefits on ill health grounds, and
- payments to any officer for loss or damage to property arising out of their employment with the Combined County Authority

to determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, following consultation with the section 73 Officer and Monitoring Officer.

### Proper Officer Functions

2.2.6 Each Executive Director is appointed the Proper Officer for any function within their remit.

### Miscellaneous

2.2.7 To implement and ensure compliance with requirements relating to:

- health and safety
- data protection, freedom of information and transparency,
- surveillance activities,
- human rights,
- risk management,
- equality and diversity; and
- safeguarding

## 3. Chief Executive



- 3.1 The Chief Executive is designated the Head of Paid Service of the Combined County Authority and is authorised to exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 3.2 With the exception of any matter which the Mayor has directed should be referred to the Combined County Authority for determination, the Chief Executive is authorised to exercise any Combined County Authority Function which is not:
- expressly reserved to the Combined County Authority,
  - a function of any other officer in their capacity as a statutory officer, always provided that:
    - I. exercising this authority to approve any economic development loan is subject to the conditions set out below and in consultation with the Section 73 Officer, and
    - II. any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person representing the Business Voice or of non-constituent member of the Combined County Authority is taken in accordance with the Conflicts of Interest Protocol
- 3.3 The Chief Executive is further authorised to take decisions which would have been taken by a committee and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.
- 3.4 The Chief Executive, in consultation with the Section 73 Officer and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials or services provided that the spend is within the Combined County Authority's approved budget. Prior to exercising this delegation the Chief Executive must consult the Mayor, and the Lead Member, and following the decision, must publish an Officer Decision Notice.
- 3.5 In order to exercise 3.4 above, the business case or procurement must be approved by the Combined County Authority Board within the MTFP and, in the case of a tender or quotation, must be approved in accordance with the Authority's Contracts Procedure Rules, ie:
- the decision relates to the delivery of the agreed business plan for that business area;
  - the decision accords with any officer decision making guidance issued to officers;
  - once the decision has been made the officer complies with the transparency requirements of [The Openness of Local Government Bodies Regulations 2014](#).
  - decisions taken will be reported to the next available Combined County Authority as part of a Delegated Authority report
- 3.6 To commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Combined County Authority, save for those earmarked funds and reserves which the Combined County Authority specifically reserves the right to itself or another Committee to approve, and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next meeting of the Combined County Authority after the commitment is made.

#### **4. Executive Director of Resources - Section 73 Officer**

- 4.1 The Executive Director Resources is the Section 73 Chief Finance Officer of the Combined County Authority, and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined County Authority's financial affairs.
- 4.2 The Executive Director Resources is authorised to exercise the following Combined County Authority functions with the exception of any matter:
- expressly reserved to the Combined County Authority,
  - expressly within the terms of reference of a Combined County Authority committee\_or

- which the Chief Executive has directed the Executive\_Director, Resources to refer to the Combined County Authority or any Committee for determination

to carry out any function in relation to:

- i. Finance
- ii. Commercial and Procurement
- iii. Audit and Risk
- iv. Funding Plan & Investment portfolio
- v. Commercial and Procurement
- vi. HR, OD and Learning
- vii. Digital and Technology
- viii. Corporate Services
- ix. Corporate Development
- x. Strategic Facilities and Asset Management
- xi. Equalities and Inclusion
- xii. Marketing
- xiii. Communications and External Affairs

## 5. Director Legal, Governance and Compliance – Monitoring Officer

5.1 The Director, Legal, Governance and Compliance is designated the Monitoring Officer for the Combined County Authority, and as such exercises any statutory function of the Monitoring Officer.

5.2 With the exception of any matter:

- expressly reserved to the Combined County Authority or
- which the Chief Executive has directed the Director, Legal, Governance and Compliance to refer to the Combined County Authority or any Committee for determination

to carry out the following functions:

### Legal Proceedings and Settlements

5.2.1 To take any legal action to implement a decision of the Combined County Authority.

5.2.2 To institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the Combined County Authority or to protect the interests of the Combined County Authority, and to take all necessary steps in relation to such proceedings or disputes.

5.2.3 To make payments or provide other benefits in cases of maladministration

5.2.4 Defend and settle all actual and prospective claims made against the Combined County Authority up to £500,000

5.2.5 To authorise the affixing of the seal of the Combined County Authority (and to authorise any other Solicitor of the Combined County Authority to authorise the affixing of the seal) and hold a register kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has authorised the affixing of the seal.

5.2.6 Make orders or take any other steps in relation to any legislation when instructed by the officer with the relevant area of responsibility

5.2.7 To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined County Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined County Authority (however described) and to issue any necessary certificates of authority.

### Governance

- 5.2.8 To discharge secretarial and other functions in relation to meetings of the Combined County Authority and its committees
- 5.2.9 To make any changes to any governance document of the Combined County Authority which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
  - to enable them to be kept up to date, or
  - for the purposes of clarification only
- 5.2.10 To make any changes to the East Midlands Combined County Authority Assurance Framework which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
  - to enable it to be kept up to date, or
  - for the purposes of clarification only
- 5.2.11 To make any change to the membership of any committee of the Combined County Authority, provided that the appointment has no impact on the political balance for the committee and only in accordance with any nomination by the designated nominating body.

### Members Allowances

- 5.2.12 To administer the Members' Allowances Scheme in [Part 6](#) of the constitution.

### Interests in Land

- 5.2.13 To obtain particulars of persons interested in land in alignment with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
- 5.3 To act as the Combined County Authority Senior Information Risk Officer (S.I.R.O)
- 5.4 With the exception of any matter:
- expressly reserved to the Combined Authority, or
  - which the Chief Executive has directed the Section 73 Officer or the Monitoring Officer to refer to the Combined County Authority or the Governance and Audit Committee for determination
- 5.5 To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

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# Part 4: Procedure Rules

## 4.1 Combined County Authority Procedure Rules

### 1 Annual Meetings

- 1.1 In a year when there is an ordinary mayoral election, the Annual meeting of the Combined County Authority Board shall take place within 21 days from the retirement of the outgoing Mayor. In any other year, the Annual meeting shall take place on such day between 1<sup>st</sup> March and 30<sup>th</sup> June in line with Schedule 12, paragraph 6A of the Local Government Act 1972.
- 1.2 At the Annual meeting the Combined County Authority Board will:
- (a) Note the Mayor and constituent council members and substitute members;
  - (b) Receive apologies for absence;
  - (c) Receive any declarations of interest from Members;
  - (d) Approve the minutes of the last meeting;
  - (e) Receive any announcements from the Mayor or the Chief Executive;
  - (f) Receive details of the Mayor's appointments of the Deputy Mayor and arrangements in respect of Mayoral General Functions;
  - (g) Appoint non-constituent members and associate members and their substitutes;
  - (h) Approve a programme of Ordinary meetings of the Combined County Authority for the year;
  - (i) Approve committee arrangements and appointments to committees including appointing at least one Overview and Scrutiny Committee, and an Audit and Governance Committee and such other committees and advisory boards as required;
  - (j) Receive nominations and appoint Members to serve on outside bodies;
  - (k) Consider any other business set out in the summons convening the meeting;
  - (l) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Combined County Authority.

### 2 Ordinary Meetings

- 2.1 Ordinary meetings of the Combined County Authority shall take place in accordance with a programme decided at the Combined County Authority's Annual meeting. Ordinary meetings will:
- (a) Receive apologies for absence;
  - (b) Approve the minutes of the last meeting;
  - (c) Receive any declarations of interest;
  - (d) Receive any announcements from the Mayor or the Chief Executive;
  - (e) Deal with any business adjourned from the last Combined County Authority meeting;

- (f) Respond to any questions from members of the public;
- (g) Consider reports and recommendations from any Committee or Advisory Board of the Combined County Authority;
- (h) Consider reports and recommendations from any Officer of the Combined County Authority;
- (i) Consider motions on notice;
- (j) Consider any other business specified in the summons to the meeting, and for debate;

### **3. Extraordinary Meetings**

3.1 The Monitoring Officer, Chief Financial Officer and Head of Paid Services may call, and those listed below may require the Monitoring Officer to call, Extraordinary Combined County Authority Board meetings in addition to Ordinary meetings:

- (a) The Combined County Authority;
- (b) The Mayor (by resolution in their capacity as the Chair of the Combined County Authority);
- (c) Any five Combined County Authority Members who have signed requisition which has been presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within 5 clear working days of the presentation of the request.

Only business specified in the summons may be transacted at an Extraordinary Combined County Authority Board meeting.

### **4. Chair**

4.1 The Mayor, or in their absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Combined County Board.

4.2 Where the Deputy Mayor is acting in place of the Mayor they cannot also act in their capacity as a Combined County Member. The substitute member for the Deputy Mayor may act in the place of the Deputy Mayor in their capacity as a Combined County Member.

4.3 If for any reason the Mayor is unable to act or the office of Mayor is vacant and the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other members of the Combined County must act together in the place of the Mayor, taking decisions by a simple majority. In such circumstances the Combined County Board will elect a Member, other than a Non-Constituent or Associate Member, to chair the meeting as its first item of business.

### **5. Quorum**

5.1 No business may be transacted at a meeting of the Combined County Authority unless the following persons are present:

- (a) the Mayor or the deputy mayor acting in place of the Mayor, and
- (b) at least three members of the Combined County Authority appointed by constituent councils, or substitute members acting in their place.

5.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place with the agreement of the Chair.

5.3 If during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is

no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Combined County Authority.

## **6. Time, Place and Duration of Meetings**

6.1 Combined County Authority meetings are held at any place within or outside the Combined County Authority Area as the Combined County Authority directs during daytime unless the Combined County Authority or the Mayor decides otherwise. Any changes to the date, time and place of meetings or cancellation of meetings will be determined by the Chief Executive in consultation with the Mayor

6.2 The Mayor shall interrupt proceedings where any meeting has lasted for three hours, whereupon all Members shall stop speaking. The Mayor shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.

6.3 If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.

## **7. Suspension, Variation, Revocation, and Interpretation of Procedure Rules**

7.1 Any motion to vary or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Combined County Authority Board.

7.2 Procedure Rules may be suspended in respect of any business at a meeting of the Combined County Authority Board where its suspension is moved and seconded, except where this would be in contravention of statute.

7.3 A motion to suspend Procedure Rules shall not be moved without notice unless there are present at least three of the Members of the Combined County Authority appointed by Constituent Councils or Substitute Members acting in their place.

7.4 The ruling of the Mayor as to the construction or application of Procedure Rules, or as to any proceedings of the Combined County Authority, shall not be challenged. The Mayor may consult with the Monitoring Officer or their nominee on any question of interpretation.

## **8. Items of Business**

8.1 No item of business may be considered at any meeting except:

- The business set out in the Summons,
- Business required by law to be transacted at the annual meeting, or
- Business brought before the meeting as a matter of urgency by reason of special circumstances, which shall be specified in the minutes, and the Mayor is of the opinion that the item should be considered at the meeting as a matter of urgency.

## **9. Order of Business**

9.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Mayor decides otherwise.

## **10. Record of Attendance**

10.1 The Monitoring Officer will ensure that the name of any Member present during the whole or part of a meeting is recorded.

## **11. Confirmation of Minutes and Declarations of Interest**

- 11.1 Minutes of the last Combined County Authority meeting shall be confirmed at the next Ordinary meeting of the Combined County Authority.
- 11.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded, and voted upon. Where no issues are raised, or after the motion has been dealt with, the Mayor shall initial each page and sign the minutes.
- 11.3 Any Member with a Disclosable Pecuniary Interest in a matter being discussed should declare the nature of the interest and withdraw from the meeting during the item.
- 11.4 Any Member with an Other Registrable Interest or Non-Registrable Interest in a matter being discussed should declare the nature of the interest and should withdraw from the meeting during the item, if required to do so under the Members' Code of Conduct.

## 12. Motions on Notice

- 12.1 **Notice.** Except for Procedural Motions which can be moved without notice, written notice of every motion, signed by at least one Member, must be delivered to the Monitoring Officer, not later than midday, at least seven clear working days before the date of the meeting.
- 12.2 Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 12.3 No more than one motion may be proposed by any individual Member for each meeting.
- 12.4 **Scope.** Each motion must:
- (a) clearly and succinctly identify the matter to be debated;
  - (b) be capable of being passed as a formal resolution; and
  - (c) be about matters for which the Combined County Authority has a responsibility, or which specifically affect the Combined County Authority area.
- 12.5 The Monitoring Officer may, reject a motion which, in their opinion:
- (a) is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
  - (b) refers to legal proceedings taken or anticipated by or against the Combined County Authority;
  - (c) requires the disclosure of confidential or exempt information;
  - (d) names or identifies specific service users, members of staff or members of staff of partner organisations without the mover demonstrating they have provided consent;
  - (e) relates to the Member's own personal circumstances;
  - (f) expresses support or objection to proposals where the Combined County Authority is in the process of consulting with the public or responding to a formal consultation process.
- 12.6 **Alteration.** A proposer may alter a motion on which they have given notice when they come to move it, in which case the amendment becomes part of the substantive motion without debate. Only alterations that could be made as an amendment may be made.
- 12.7 **Withdrawal.** Where a motion on notice is before the Combined County Authority having been formally moved and seconded, the mover may subsequently withdraw it only with the consent of

the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the Motion after the proposer has asked permission to withdraw it unless permission is refused.

12.8 **Motions not moved.** If a motion set out in the summons is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Combined County Authority, be treated as withdrawn and shall not be moved without fresh notice.

12.9 **Rescission of earlier resolutions.** No motion or amendment may be proposed to rescind any resolution of the Combined County Authority passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless:

(a) It is proposed by a committee of the Combined County Authority,

(b) It is required to comply with a statutory duty; or

(c) Notice of such motion has been given and signed by at least one third of the total number of members who include members from more than one political group.

### 13. Amendments

13.1 An amendment to a motion must:

(a) Be relevant to the motion;

(b) Add and/or delete a word or words;

(c) Not introduce a new topic;

(d) Not negate the motion;

(e) Be worded so that, if it is agreed by the Combined County Authority, it can be passed as a valid resolution.

13.2 The Mayor, following consultation with the Monitoring Officer, may reject an amendment on the grounds set out in Rule 12.5 or 13.1. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Combined County Authority Board.

13.3 **Number of Amendments.** Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

13.4 **Status of Amendments.** If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

13.5 After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.

### 14. Public Questions

14.1 At Ordinary meetings of the Combined County Authority, questions may be asked by members of the public of the Mayor, Combined County Authority Members and/ or Committee Chairs.

14.2 The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.



- 14.3 No person may submit more than one question at any one meeting and no more than two questions may be asked on behalf of any one organisation.
- 14.4 Questions must be submitted in writing at least seven clear working days before the meeting and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put. Questions so received will be referred to the Monitoring Officer for consideration and inclusion at a meeting.
- 14.5 The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the Combined County Authority has a responsibility, or which specifically affects the Combined County Authority;
  - (b) is defamatory, vexatious, frivolous, or offensive;
  - (c) is substantially the same as a question which has been put at a meeting of the Combined County Authority in the past six months;
  - (d) requires the disclosure of confidential or exempt information;
  - (e) refers to legal proceedings taken or anticipated by or against the Combined County Authority;
  - (f) relates to a day-to-day Combined County Authority function or the provision of a Combined County Authority service and has not been asked first of the relevant service area
  - (g) is not related to policy or budget issues;
  - (h) is a statement rather than a question;
  - (i) names or identifies individual service users, members of staff or members/staff of partner agencies;
  - (j) makes or relates to allegations against, or comprise comments about, the conduct of individual Members or officers;
  - (k) relates to an individual or the questioner's own particular circumstances;
  - (l) would more appropriately be responded to under the Freedom of Information Act 2000 or the Data Protection Act 1998;
  - (m) is from, or on behalf of, a political party, or bears the name, insignia, or other device of a political party.
- 14.6 All approved questions will be listed in the summons for the meeting of the Combined County Authority in the order that they were received (except the Mayor may decide to group similar questions together).
- 14.7 Those persons who submitted questions and who are present at that meeting of the Combined County Authority will be invited to read aloud the questions put. Questioners may by written notice nominate a substitute to ask a question in their place. One supplementary question is allowed.
- 14.8 If a member of the public or their nominated substitute who has submitted notice of a question is unable to be present at the meeting, the question falls. However, the Combined County Authority will nevertheless provide a written response to the questions put.

## **15. Motions and Amendments that may be moved without Notice**

15.1 **Procedural motions.** The following motions and amendments may be moved without notice for consideration when a Chair is in place for the meeting:

- (a) Relating to the accuracy of the minutes of the Combined County Authority, a committee or sub-committee;
- (b) For a change in the order of business;
- (c) Extending the time limit for speeches;
- (d) That the meeting proceeds to the next business;
- (e) That the question be now put;
- (f) That the debate be now adjourned;
- (g) That the meeting does now adjourn;
- (h) To suspend Procedure Rules;
- (i) Giving consent where consent of the Combined County Authority is required by the Procedure Rules
- (j) Reference of a matter to a committee or sub-committee;
- (k) Appointment of or appointment to committees or sub-committees occasioned by an item mentioned in the summons to the meeting;
- (l) That a Member should not be heard further or should leave the meeting;
- (m) Adoption of recommendations of committees and subcommittees and any consequent resolutions;
- (n) That leave is given to withdraw a motion;
- (o) That leave is given to alter a motion by the mover of that motion;
- (p) Receipt of reports of officers and any consequent resolutions;
- (q) Amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons;
- (r) Authorising the sealing of documents;
- (s) To exclude the press and public

15.2 **Closure motions.** Motions designed to close a debate, e.g. (e)-(h) above, may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded, or already spoken in the debate. No person may intervene in discussion on a motion by moving more than one closure motion.

15.3 When one of the following motions has been seconded, the Mayor shall proceed as follows:

- (a) **On a motion to proceed to next business** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business.

- (b) **On a motion that the question, be now put** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote.
- (c) **On a motion to adjourn the debate or the meeting** - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.
- (d) **On a motion to exclude the public** - they shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer. If members of the public may be lawfully excluded, the Mayor will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the Mayor may, at their discretion, either immediately require the public to leave the room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- (e) On a motion that a named Member, be not further heard or leave the meeting - they shall put the motion to the vote without discussion. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter or shall be required to leave the room.

## 16. Rules of Debate

- 16.1 **Motions and Amendments.** No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further debated or put to the meeting.
- 16.2 **Seconders' Speech.** When seconding a motion or amendment, a Member may advise the Mayor that they will reserve their right to speak until a later period in the debate.
- 16.3 **Content and length of speeches.** A Member will confine their speech to the question under discussion, a personal explanation, or a point of order. All speeches shall not exceed five minutes.
- 16.4 **When a Member may speak again.** A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - (a) To speak once on an amendment moved by another Member;
  - (b) If the motion has been amended since they last spoke, to move a further amendment;
  - (c) If their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
  - (d) Where the mover of a motion exercises their right to reply:
    - (i) at the close of the debate on the motion, immediately before it is put to the vote;
    - (ii) if an amendment is moved, at the close of the debate on the amendment (but they shall not otherwise speak on it). The mover of an amendment shall have no right of reply to the debate on their amendment.
  - (e) On a point of order referring to a specific Procedure Rule or statutory provision (which must be cited);
  - (f) By way of personal explanation.

## **17. Points of Order and Personal Explanations**

- 17.1 A Member may raise on a point of order or in personal explanation and shall be entitled to be heard immediately. A Member raising a point of order must specify a Procedure Rule or statutory provision and the way in which they consider it has been breached.
- 17.2 A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.
- 17.3 The Mayor will hear the Member and give a ruling on the point of order or the admissibility of the personal explanation before the debate continues. The Mayor may consult on any question of interpretation with the Monitoring Officer or their nominee prior to making a ruling. The ruling of the Mayor on the matter shall not be open to discussion and will be final.

## **18. Voting**

- 18.1 Subject to the following Standing Order, any question that is to be decided by the Combined County Authority Board is to be decided by:
- (a) a vote of the members of the Combined County Authority, and any substitute members acting in place of members of the Combined County Authority, and the Mayor or the deputy mayor acting in place of the Mayor present and voting on that question at a meeting of the Combined County Authority, and
  - (b) a majority of those voting that includes the Mayor, or the deputy Mayor acting in place of the Mayor.
- 18.2 The Mayor, and each Member of the Combined County Authority appointed by a constituent council, or substitute Member acting in that Member's place, is to have one vote.
- 18.3 A non-constituent member will not be entitled to vote unless a resolution is passed pursuant to 18.1 above resolving to give voting rights to non-constituent members on individual matters within meetings. Any such resolution will provide voting rights for the duration of one meeting only.
- 18.4 Associate members are not entitled to vote.
- 18.5 Neither the Mayor, Deputy Mayor nor any member or substitute member is to have a casting vote.
- 18.6 If a vote is tied on any matter, it is deemed not to have been carried.
- 18.7 For questions relating to the following matters, the majority under Standing Order 18.1(b) must include all lead members designated by the constituent councils or, where any substitute members are acting in place of lead members, all lead members and all such substitute members:
- (a) approval or amendment of a budget;
  - (b) the setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder; and
  - (c) such other plans and strategies as may be determined by the Combined County Authority and set out in its standing orders.
- 18.8 For questions relating to the following matters, the majority under Standing Order 18.1(b) must include the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a lead member:

- (a) The exercise of the functions by the Combined County Authority conferred by regulations 7, 8 and 12 of the East Midlands Combined County Authority Regulations 2024 in section 17(3) of the Housing Act 1985 (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the Housing and Regeneration Act 2008, section 226 of the Town and Country Planning Act 1990 and section 197(1) of the Localism Act 2011.
- 18.9 The following matters concerning the Mayor's budget must be decided by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the Authority:
- (a) Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations.
- (b) Any decision to determine the relevant amounts and calculations that are to be used for the financial year where the Mayor has failed to notify the Combined County Authority of the Mayor's draft budget before 1st February.
- 18.10 Any exercise by the Mayor of the general functions mentioned in regulation 26(1) of the East Midlands Combined County Authority Regulations 2024 which results in a financial liability falling on a constituent council requires the consent of the lead member of that constituent council. Such consent is to be given at a meeting of the Combined County Authority.
- 18.11 Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the Localism Act 2011 (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Combined County Authority whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Combined County Authority.
- 18.12 Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the Localism Act 2011 (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of the lead members of the Combined County Authority whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Combined County Authority. (These powers also require the consent of the district council and the Peak District National Park if the functions are to be exercised within their areas).
- 18.13 Any exercise by the Mayor of the functions conferred by sections 108, 109 and 112 of the Transport Act 2000 requires them to consult with the Combined County Authority and the members of the Combined County Authority may amend plans made pursuant to sections 108, 109 and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the Authority.
- 18.14 **Offices and appointments.** If on a vote no person receives more than half of the votes cast, the name of the person with the fewest number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.

## 19. Method of Voting

- 19.1 Whenever a vote is taken at meetings of the Combined County Authority it shall be by a show of hands.
- 19.2 On the requisition of any Member of the Combined County Authority eligible to vote, supported by two other Members (also eligible to vote) who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against or abstained from voting.

## 20. Matters Affecting Officers

- 20.1 If any question arises at a meeting at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Combined County Authority, such question shall not be the subject of discussion until the Combined County Authority has decided whether or not to exclude the public.

## 21. Conduct at Meetings

- 21.1 Whenever the Mayor rises during a debate at a Combined County Authority meeting, the meeting shall be silent.
- 21.2 Mobile phones and other electronic devices must be switched to 'silent' during meetings.
- 21.3 Filming or recording of any meeting of the Combined County Authority is permitted, subject to the following:
- (a) Filming or recording is done openly.
  - (b) That the Mayor has been notified at the commencement of the meeting.
  - (c) That anybody attending the meeting, with the exception of Members and officers, may request not to be filmed or recorded.
  - (d) Filming or recording may only take place when members of the public are entitled to attend in person.
- 21.4 Placards are not permitted during meetings.
- 21.5 **Member not to be heard further.** If a Member persistently disregards the ruling of the Mayor by continued irrelevance or repetitions, by behaving improperly or offensively, or by willfully obstructing the business of the Combined County Authority, the Mayor may direct the Member to stop speaking. If, following a direction from the Mayor to stop speaking, the Member continues to speak, the Mayor (or any other Member) may move that the Member be not heard further. If seconded, the Mayor shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again during the meeting.
- 21.6 **Member to leave the meeting.** If a Member persistently disregards the ruling of the Mayor by continued irrelevance or repetitions, by behaving improperly or offensively, or by willfully obstructing the business of the Combined County Authority, the Mayor may request them to leave for the remainder of the meeting or for any lesser period. If following a request to leave the meeting, the offending Member does not leave, the Mayor (or any other Member) may move that the Member named leave the meeting. The motion shall be put and, if seconded, voted upon without discussion. If carried, the Mayor shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings.
- 21.7 **Removal of member of the public.** If a member of the public interrupt's proceedings, causes a disturbance or behaves improperly, offensively, or willfully obstructs the business of the Combined County Authority, the Mayor will warn the person concerned. If the member of the public, having been warned, continues their conduct, the Mayor may order their removal from the meeting room.
- 21.8 **General disturbance.** If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

## 22. Substitute Members

- 22.1 A substitute member may only act for the Combined County Authority Member for whom they are the designated substitute.

22.2 With the exception of the substitute member for the Deputy Mayor where the Deputy Mayor is acting in the place of the Mayor, a substitute member may only act when the Combined County Authority Member is absent from the meeting.

22.3 A substitute member may not exercise any special powers or duties exercisable by the Member for whom they are substituting.

## 24. Attendance at Meetings

24.1 The Mayor may invite the Chair of any advisory committee, committee, or sub-committee of the Combined County Authority to attend and speak at any meeting of the Combined County Authority to;

- Present any reports or recommendations of the committee or sub-committee;
- Answer questions about any matter in the minutes of that committee or sub-committee, or
- Contribute to the discussions about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are chair.

24.2 The Mayor may invite any person to attend and speak at meetings. In such circumstance the Mayor is required to notify the Monitoring Officer at the earliest opportunity providing the details of the person(s) invited to speak and the agenda item they have been invited to speak in relation to.

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## 4.2 Mayoral Procedure Rules

### 1 Introduction

- 1.1 These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.
- 1.2 The decision-maker should make decisions in accordance with the principles set out in Article 6 (Decision-making) in **Part 2** of the Constitution
- 1.3 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.

### 2 Mayoral General Functions

- 2.1. 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.
- 2.2 Where the decision-maker is the Mayor or any other Combined County Authority Member the Key Decision must be taken at a meeting of the Combined County 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

- 2.3 A Statutory Consent is required in relation to the exercise of Mayoral General Functions where the function is a Function conferred by the 2024 Order which requires:
  - the Statutory Consent of a Constituent Council Combined County Authority Member (or Substitute Member), or
  - the Statutory Consent of a district or borough council who local government area is affected by the exercise of the function, or
  - the Statutory Consent of the Peak District National Park Authority if the function is to be exercised within the Peak District National Park, or
  - the Statutory Consent of the Constituent Council Combined County Authority Member appointed by a Constituent Council (or Substitute Member) where the decision of the Mayor gives rise to a financial liability for a Constituent Council.
- 2.4 Where a Statutory Consent is required, agreement to seek a consent will be agreed at the Combined County Authority meeting, and then said Statutory Consent will be sought ahead of the next meeting where it is presented in writing to the Combined County Authority meeting for agreement.
- 2.5 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 County Authority's Forward Plan at least 28 clear days before the meeting of the Combined County Authority at which the Statutory Consent will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 2.6 Any Statutory Consent given will be recorded in the minutes of the meeting.

#### Other Decisions

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



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## 4.3 Budget and Policy Rules

### 1 General

- 1.1 These rules reflect specific statutory requirements relating to the approval of budgets and policies by the Combined County Authority and the Mayor, or other decision-makers on their behalf.
- 1.2 Decision-makers should consider whether any consultation is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
- 1.3 Decision-makers should also engage with a Combined County Authority Overview and Scrutiny Committee (and any other committee of the Combined County Authority) as appropriate in the development and scrutiny of proposals.
- 1.4 When approving budgets or policies, decision-makers must comply with the provisions relating to Key Decisions in the Access to Information Rules in [Part 4](#) of the Constitution.

### 2 Mayor's General Budget

- 2.1 The Mayor must prepare a draft budget for the Mayoral Functions by 1 February. The draft budget must:
  - set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
  - include the relevant amounts and calculations.
- 2.2 If the Mayor fails to present a draft budget to the Combined Authority by 1 February, the Combined Authority must determine the relevant amounts and calculations for the financial year. The decision must be made by a majority of the Combined County Authority Members present and voting, such majority to include the Mayor and Lead Member from each Constituent Council (or their substitute).
- 2.3 The Combined County Authority must review any draft budget presented by the Mayor and may make a report on the draft budget to the Mayor.
- 2.4 The Mayor's draft budget shall be deemed to be approved by the Combined County Authority, unless the Combined County Authority makes such a report by 8 February.
- 2.5 Any report made by the Combined County Authority:
  - must set out whether or not the Combined County Authority would approve the draft budget in its current form, and
  - may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- 2.6 Where the Combined County Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may:
  - decide whether or not to make any revisions to the draft budget, and
  - notify the Combined County Authority of the reasons for that decision and, where revisions are made, provide a copy of the revised budget.
- 2.7 Where any specified period has expired, the Combined County Authority must decide (taking into account the reasons given by the Mayor) whether to:
  - approve the Mayor's draft budget, or the revised draft budget; or
  - veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations contained in the report to the Mayor.

2.8 The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined County Authority's report commences.

### 3. Approval of Policy – Non-Mayoral Functions

3.1 The Combined County Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined County Authority by the 2024 Order, approval of that policy requires the support of the Mayor.

### 4. Approval of Policy – Mayoral Functions

4.1 Preparing and reviewing a Local Transport Plan under section 108 of the Transport Act 2000 is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 4.4 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.

4.2 In preparing and keeping the Local Transport Plan under review, the Mayor must consult:

- each local traffic authority for the Combined County Authority's Area,
- the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
- each county council and district council in the area of the Combined County Authority

4.3 In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate:

- operators of any network or station, or of any railways services in the Combined County Authority's Area,
- operators or providers of other transport services in the Combined County Authority's Area, or representative organisations,
- organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined County Authority's Area, and
- other persons whom they consider appropriate.

4.4 In the transition period the Local Transport Plan must be approved by the Combined County Authority by a unanimous vote. After the end of the transition period, by a 2/3 majority vote, the Combined County Authority may amend any Local Transport Plan made by the Mayor. The Combined County Authority must have regard to any relevant statutory guidance when discharging this function.

4.5 As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must:

- publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
- cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
- supply a copy to any person on request.

4.6 The Mayor will approve any other policy in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor's arrangements.

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## 4.3 Access to Information Rules

Rights to attend meetings, inspect documents and record proceedings

### Part 1: Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Combined County Authority include meetings of any ordinary or statutory committee or sub-committee appointed by the Combined County Authority. These provisions do not affect any other rights to information arising under any standing orders of the Combined County Authority, or by law.

#### 1. Public Access to a Combined County Authority Meeting

1.1 Any meeting of the Combined County Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

##### A Confidential Information

1.2 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

1.3 Confidential information means:

- information given to the Combined County Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

##### B Exempt Information

1.4 The Combined County Authority may resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

1.5 Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

#### Description

<b>Paragraph 1</b>	Information relating to any <b>individual</b> .
<b>Paragraph 2</b>	Information which is likely to reveal the <b>identity of an individual</b> .
<b>Paragraph 3</b>	Information relating to the financial or <b>business affairs of any particular person</b> (including the Combined County Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. "Financial or business affairs" includes contemplated, as well as past or current, activities.
<b>Paragraph 4</b>	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any <b>labour relations matter</b> arising between the Combined County Authority or a Minister of the Crown and employees of, or officer-holders under the Combined County Authority
<b>Paragraph 5</b>	Information in respect of which a claim to legal professional privilege could be maintained in <b>legal proceedings</b> .
<b>Paragraph 6</b>	Information which reveals that the Combined County Authority proposes: (a) to give under any enactment a <b>notice</b> under or by virtue of which requirements are imposed on a person, or (b) to make an <b>order or direction</b> under any enactment.
<b>Paragraph 7</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of <b>crime</b> .

- 1.6 Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.
- 1.7 Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 1.8 A resolution to exclude the public from a meeting must:
- identify the proceedings, or the part of the proceedings, to which it applies,
  - state the description of the exempt information giving rise to the exclusion of the public, and
  - confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **C General Disturbance**

- 1.9 Procedure Standing Order 21.7 in Part 4.1 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

## **2. Public Access to Agenda and Reports of a Combined County Authority Meeting**

- 2.1 The Monitoring Officer shall make the following open to public inspection, at the offices of the Combined County Authority in accordance with the Combined County Authority's Procedure Standing Orders in Part 4 of the Constitution:
- copies of the agenda for a meeting of the Combined County Authority, and
  - copies of any report for the meeting open to the public

## **3. Public Access to Copies at a Combined Authority Meeting**

- 3.1 The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of:
- the agenda, and
  - those reports open to the public

## **4. Public Access to Documents After a Combined Authority Meeting**

- 4.1 The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:
- the minutes of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
  - a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
  - the agenda for the meeting, and
  - reports relating to items when the meeting was open to the public.

## **5. Public Access to Background Papers to a Combined County Authority Meeting Report**

- 5.1 The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:
- disclose any facts or matters on which the report or an important part of the report is based, and
  - have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or

- papers which disclose exempt or confidential information.

5.2 The Monitoring Officer will:

- publish a list of each of the background documents listed on the Combined County Authority's website at the same time as the report is available for public inspection, and
- make a copy of each available to the public at the offices of the Combined Authority, on payment of a reasonable fee

5.3 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

## **6. Reporting and Recording a Combined County Authority Meeting**

6.1 The Combined County Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.

6.2 A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.

6.3 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

6.4 Any person reporting on a meeting is expected to comply with the attached Code of Practice.

6.5 Meetings of the Combined County Authority may be recorded and made available for public viewing on the intranet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

## **7. Forward Plan: Non-Mayoral and Mayoral General Functions**

### **A Definition of a Key Decision**

7.1 A Key Decision means a decision of a decision maker, which in the view of an overview and scrutiny committee of the Combined Authority is likely:

- to result in the Combined County Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Combined County Authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on persons living or working in an area comprising two or more electoral divisions in the area of the Combined County Authority.

7.2 For the purposes of (i) above, this includes any decision likely to result in the Combined County Authority incurring expenditure or making savings (including the receipt or loss of income) of £500,000 or more in any financial year.

7.3 For the purposes of (i) and (ii) above, the following shall not be treated as a Key Decision:

- any decision which is a direct consequence of implementing a previous Key Decision,
- any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision,
- a Treasury Management decision in relation to the making, payment or borrowing of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined County Authority is a party.
- any decision relating to the acceptance of funding

## **B Notice Provisions**

- 7.4 Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:
- that a Key Decision is to be made in relation to the discharge of functions which are the Combined County Authority's responsibility,
  - the matter in respect of which the decision is to be made,
  - the decision maker's name and title if any,
  - the date on which, or the period within which, the decision is to be made,
  - a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
  - the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
  - that other documents relevant to those matters may be submitted to the decision maker, and
  - the procedure for requesting details of those documents (if any) as they become available.
- 7.5 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined County Authority's website at least 28 clear days before the Key Decision is made and make it available for public inspection at the Offices of the Combined County Authority (subject to C and D below).
- 7.6 Where in relation to any matter:
- 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
  - documents relating to the decision need not (because of confidential information) be disclosed to the public,
  - the notice 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.

## **C General Exception**

- 7.7 Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:
- where the Monitoring Officer has informed the Chair of any relevant overview and scrutiny committee by notice in writing of the matter about which the decision is to be made,
  - where the Monitoring Officer has published the notice on the Combined County Authority's website and made the notice available for public inspection at the Combined County Authority's offices, and
  - after 5 clear days have elapsed following the day on which the Monitoring Officer made the copy of the notice available.
- 7.8 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a notice setting out the reasons why it was impracticable to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

## **D Cases of Special Urgency**

- 7.9 Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where 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 reasonably be deferred.
- 7.10 As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must make available to the public at the Combined County Authority's offices a notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred; and publish that notice on the Combined County Authority's website.

## **E Requests for Statutory Consents – Non-Mayoral and Mayoral General Functions**

7.11 The 2024 Order provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, (“Statutory Consent”), to safeguard the Constituent Councils’ role in local decision-making and delivery – see functions tables in **Part 3** of the constitution.

### **8. Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions**

8.1 A decision-making Officer is required to produce a written record of their decision if the decision has been delegated:

- under a specific express authorisation, or
- under the Officer Delegation Scheme where the effect of the decision
- is to:
  - (a) grant a permission or license,
  - (b) affect the rights of an individual, or
  - (c) award a contract or incur expenditure which, in either case, materially affects the Combined County Authority’s financial position.

8.2 For the purposes of c) above, any award of a contract or expenditure of £500,000 or over will be deemed to materially affect the Combined County Authority’s financial position.

8.3 An Officer must also record and publish any Key Decision they make, whether or not it is outside the criteria set out above.

8.4 An Officer may also,

- (a) record, or
- (b) record and publish, any other decision outside of 8.1, if they consider this to be in the public interest

8.5 As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4 b, the Monitoring Officer shall make any written record and any background papers

- available for inspection by the public:
- at all reasonable hours, at the offices of the Combined County Authority,
- on the Combined County Authority’s website, and
- by such other means that the Combined County Authority considers appropriate.

8.6 On request the Monitoring Officer will provide:

- a copy of the written record, and
- a copy of any background papers.

8.7 The Combined County Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.

8.8 The Combined County Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

### **9. Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)**

Any decision taken at a meeting of the Combined County Authority will be recorded in the minutes of the meeting.

Where a decision has been taken outside of a Combined County Authority meeting:

- any Key Decision taken by the Mayor or a Combined County Authority Member acting on the Mayor’s behalf will be recorded and published on the Combined County Authority’s



website, together with a copy of the written report considered in respect of the decision, and

- any decision taken by an Officer will be recorded as a written record of their decision in accordance with the Access to Information Rule 8 above.

## **Part 2: Press Access to a Combined County Authority Meeting**

- 1.1 The Monitoring Officer shall supply on request for any newspaper:
  - a copy of the agenda and those reports open to the public,
  - any further statements necessary to indicate the nature of the items on the agenda, and
  - if the Monitoring Officer thinks fit, copies of any other documents supplied to Combined County Authority Members in connection with the item.
- 1.2 Procedure Standing Order 45 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

## **Part 3: Freedom of Information (FOI) and the Local Government Transparency Code**

- 1.1 The Freedom of Information Act 2000 and Environmental Information Regulations 2004 apply to the Combined County Authority, which therefore publishes information under a Publication Scheme. The Scheme specifies:
  - the classes of information which the Combined County Authority publishes or intends to publish,
  - how information in each class is, or is intended to be, published, and
  - whether the material is, or is intended to be, available to the public free of charge or on payment.
- 1.2 The public also has a general right of access to information held by the Combined County Authority, but this is subject to exemptions
- 1.3 A request for information must be submitted to and dealt with by the Monitoring Officer.
- 1.4 A request for information under the FOIA must:
  - be in writing
  - state the name of the applicant
  - state an address for correspondence, and
  - describe the information requested.
- 1.5 A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.
- 1.6 The Combined County Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
  - spending and expenditure including grants,
  - procurement information including contracts,
  - organisation chart detailing senior management personnel, and
  - land and assets

## **Part 4: Members' Access**

### **1. General**

- 1.1 Any member of the Combined County Authority is entitled to inspect any document which:
  - is in the possession of or under the control of the Combined County Authority, and
  - contains material relating to any business to be transacted at a meeting of the Combined County Authority.

- 1.2 unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), other than the following (which will be open for inspection by members):
- (a) Information relating to the financial or business affairs of any particular person including the Combined County Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined County Authority in the course of negotiations for a contract), or
  - (b) Information which reveals that the Combined County Authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
    - to make an order or direction under any enactment
- 1.3 These rights are in addition to any other rights the member may have (such as those arising from a member's need to know at common law).
- 1.4 The accounts of the Combined County Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts.

## **2. Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee**

- 2.1 Subject to the exceptions outlined below, a member of an overview and scrutiny committee or sub-committee is entitled to a copy of any document which is in the possession or under the control of the Combined County Authority and contains material relating to any business that has been transacted at a meeting of the Combined County Authority or at a decision-making committee of the Combined County Authority. The member must make any request for such a document in writing to the Monitoring Officer, who shall consider any such request on behalf of the Combined County Authority.
- 2.2 The document must be provided as soon as reasonably practicable and, in any case, no later than 10 clear days after the Monitoring Officer receives the request.
- 2.3 No member of an overview and scrutiny committee or sub-committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information, unless that information is relevant to:
- an action or decision that the member is reviewing or scrutinising, or
  - any review contained in any programme of work of the committee or sub-committee.
- 2.4 Where the Monitoring Officer determines that a member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

## **Part 5: List of Members**

- 1.1 The Monitoring Officer will publish a list stating:
- the name and address of all current members of the Combined County Authority and the constituent or non-constituent council they represent, and
  - the name and address of all current members of the other Committees and any sub-committees.
- 1.2 A member of the public may inspect the list.

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## 4.4 Overview and Scrutiny Procedural Rules

1. The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

### 2. Membership

- 2.1 Members of an overview and scrutiny committee are appointed in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.
- 2.2 The Combined County Authority shall appoint at least two elected members of each Constituent Council to each overview and scrutiny committee.
- 2.3 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils.
- 2.4 Neither the Mayor nor any other Combined County Authority Member or substitute member may be a member of an overview and scrutiny committee or sub-committee.
- 2.5 Within 28 days of any appointment to any overview and scrutiny committee, the Combined County Authority Monitoring Officer will publish a notice about the appointment on the Combined County Authority website setting out:
  - that it has made an appointment,
  - identifying each member of the committee who has been appointed
  - specifying the period for which the members of the committee have been appointed.
- 2.6 The Combined County Authority has determined that it shall have a single Overview and Scrutiny Committee which shall be appointed by the Combined County Authority and shall have a total of 8 Constituent Council members comprising of 2 members from each Constituent Council. These will be the voting members of the Committee.
- 2.7 The Combined County Authority has determined that there will be 4 Non-Constituent non-voting members appointed to the Committee by the designated nominating bodies (2 appointments each).
- 2.8 In appointing members to the Overview and Scrutiny Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

### 3. Remuneration

- 3.1 The Combined County Authority may (subject to the consideration of recommendations of an independent remuneration panel) agree to pay allowances to members of the overview and scrutiny committee/s.

### 4. Chairing

- 4.1 The Combined County Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.
- 4.2 The Chair (and any Vice Chair) must be:
  - an independent person, or
  - an appropriate person who is a member of one of the Constituent Councils (that is a person who is not a member of a registered political party of which the Mayor is a member).

## **5. Quorum**

- 5.1 For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

## **6. Voting**

- 6.1 Each member of the Overview and scrutiny Committee or of an Overview and Scrutiny Sub-Committee appointed from a Constituent Council has one vote.
- 6.2 Any member of an Overview and Scrutiny Committee (or sub-committee) not from a Constituent Council is non-voting unless the Combined County Authority has resolved to give such a member voting rights.
- 6.3 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.

## **7. Conflicts of Interest**

- 7.1 No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.
- 7.2 Such a member may only attend the overview and scrutiny committee or sub-committee to:
- make representations,
  - answer questions, or
  - give evidence about the decision.

## **7. Working Groups (Deep Dives)**

- 7.1 An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, including by making recommendations

## **8. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee**

- 8.1 Each overview and scrutiny committee or sub-committee will set its own work programme.
- 8.2 The Combined County Authority, any of its committees or the Mayor may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- 8.3 The following matters may be referred to an overview and scrutiny committee:
- (a) A member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,
  - (b) A member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
  - (c) A Combined County Authority Member may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and
  - (d) any member of a Constituent Council or the Non-Constituent Council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.
- 8.4 Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 8.3 (c) or (d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member

referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

- 8.5 An overview and scrutiny committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 8.3 (c) or (d) above.

## **9. Meetings**

- 9.1 Overview and scrutiny committees will schedule regular meetings and meet as often as required to effectively discharge their functions.
- 9.2 An extraordinary meeting of an overview and scrutiny committee may be called by:
- the Chair of the committee, or
  - any five members of the committee from at least two different Constituent Councils.

## **10. Attendees**

- 10.1 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined County Authority Member or an officer of the Combined County Authority to attend before it to answer questions or to provide information about any matter within its terms of reference.
- 10.2 Where a committee or sub-committee requires the Mayor or any other Combined County Authority Member or officer to attend, the Scrutiny Officer shall inform that person in writing giving at least 5 clear working days' notice of the meeting. The notice will state:
- the date of the meeting they are required to attend,
  - the nature of the item, and
  - whether they must produce any papers for the committee.
- 10.3 The Mayor, any other Combined County Authority Member, or officer must comply with any notice they are given.
- 10.4 Where, in exceptional circumstances, the person is unable to attend on the required date, the overview and scrutiny committee shall consult with the person to arrange an alternative date.
- 10.5 An overview and scrutiny committee or sub-committee may invite other people to attend any meeting to:
- address it, provide information,
  - discuss issues of local concern, and/or
  - answer questions.
- 10.6 Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 10.7 Attendees assisting the committee must be treated with respect and courtesy.

## **11. Reports and Recommendations**

- 11.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined County Authority or the Mayor.
- 11.2 If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.

- 11.3 An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.
- 11.4 Where in the opinion of an overview and scrutiny committee, any report or recommendation is of particular significance to any Constituent Council or the Non-Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

## **12. Notice**

- 12.1 An overview and scrutiny committee or sub-committee may by notice require the Combined County Authority or the Mayor within 2 months of receiving any report or recommendations or (if later) the notice, to:
- consider the report or recommendations,
  - respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined County Authority or the Mayor proposes to take,
  - publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 13 below.
- 12.2 The Combined County Authority or the Mayor must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee, within 2 months beginning with the date on which the Combined County Authority or Mayor received the notice, and subject to Standing Order 13 below.

## **13. Publishing a Document: Confidential and Exempt Information**

- 13.1 Standing Order 13.2 applies to the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a response of the Combined County Authority or the Mayor to any such report or recommendations.
- 13.2 In publishing the document, the overview and scrutiny committee, sub-committee, the Combined County Authority or the Mayor must exclude any confidential information and may exclude any relevant exempt information.
- 13.3 When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Combined County Authority, or the Mayor may exclude any confidential information or relevant exempt information.
- 13.4 Where information is excluded, the overview and scrutiny committee, sub-committee, the Combined Authority or Mayor:
- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
  - must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

## **14. Call-in of Decisions**

- 14.1 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is to:
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
  - recommend that the decision be reconsidered
- 14.2 The following decisions may be called-in for scrutiny:
- any decision of the Combined County Authority or of any decision-making committee of the Combined County Authority, and

- any Key Decision taken by the Mayor, other Combined County Authority Member (on behalf of the Mayor) or an officer.

with the exception of:

- any decision which the decision-maker has resolved is urgent
- any decision relating to approving or amending governance arrangements.

- 14.3 Five members of the overview and scrutiny committee to include at least one member from two different Constituent Councils may call-in a decision eligible for call-in by notifying the Monitoring Officer or the Statutory Scrutiny Officer by 4pm on the fifth working day following publication under Standing Order 14.4 or 14.5.
- 14.4 The Monitoring Officer shall publish details of any decision taken at a meeting of the Combined County Authority or committee eligible for call-in within 2 clear working days of a meeting.
- 14.5 Any other Key Decision taken by the Mayor, a Combined County Authority Member (on behalf of the Mayor) or taken by an officer will be published as a written record within 2 clear working days of the decision being made, see further Article 6 (Decision Making) in **Part 2**, and the Access to Information Rules in **Part 4** of the Constitution.
- 14.6 When submitting a request for a call-in Members must set out the reasons for the call-in, such as how the decision has not been taken in line with the Combined County Authority decision-making principles set out in Article 6 of **Part 2** of the constitution.

#### Implementing call-in of eligible decisions

- 14.7 An urgent decision may be implemented immediately.
- 14.8 Any other decision of the Combined County Authority or a committee, or Key Decision taken by the Mayor, any other Combined County Authority Member (on behalf of the Mayor) or an officer may be implemented after midday of the sixth clear working day after the publication of the decision, unless it is called in.
- 14.9 On receipt of a call-in request, the Statutory Scrutiny Officer shall:
- notify the decision-maker of the call-in,
  - consult with the Chair of the relevant overview and scrutiny committee about whether to issue a direction under Standing Order 14.10 below,
  - and
  - call a meeting of the overview and scrutiny committee, to scrutinise the decision
- 14.10 Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant overview and scrutiny committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.
- 14.11 An overview and scrutiny committee must scrutinise the decision within 14 days of the Monitoring Officer or Statutory Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.
- 14.12 Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 14.13 below.
- 14.13 The Statutory Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the overview and scrutiny committee, within 2 clear working days of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.



- 14.14 The decision-maker must reconsider any decision not later than 10 days after the date on which the recommendations of an overview and scrutiny committee are received.
- 14.15 The Chair of the overview and scrutiny committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 14.16 The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 13.
- 14.17 A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

## 15. Guidance of the Secretary of State

- 15.1 An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State.

## 16. Statutory Scrutiny Officer

- 16.1 Any references in these Standing Orders to the Statutory Scrutiny Officer are to the officer designated as such by the Combined County Authority, see further [Article 5 \(Officers\)](#) at [Part 2](#) of this Constitution.

The Combined Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.

The statutory functions of the Statutory Scrutiny Officer are:

- to promote the role of any overview and scrutiny committee or sub-committee,
- to provide support and guidance to any overview and scrutiny committee or sub-committee and its members, and
- to provide support and guidance to members of the Combined County Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

## 17. Additional Rights of Access to Documents

- 17.1 Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Rules in [Part 4](#) of the Constitution.

## 18. Interpretation

- 18.1 The Chair of an overview and scrutiny committee meeting or sub-committee, in consultation with the Monitoring Officer (or their representative) and the Statutory Scrutiny Officer (or their representative) shall make any final decision at that meeting about:
  - how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
  - any question of procedure not provided for by the Scrutiny Standing Orders.
- 18.2 The Monitoring Officer shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting

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## 4.5 Officer Employment Procedural Rules

### 1. General

- 1.1 The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.
- 1.2 The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.
- 1.3 The functions of appointment and dismissal of and taking disciplinary action against Chief Officers must be discharged by the Combined County Authority.
- 1.4 This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers
- 1.5 The Combined County Authority Chief Officers are, in accordance with the Local Government and Housing Act 1989, defined as follows:
  - a. a statutory chief officer (e.g., the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer);
  - b. a non-statutory chief officer (e.g., an officer who reports directly to the Head of Paid Service)

### 2. Recruitment and Appointment

- 2.1 The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.
- 2.2 No candidate so related to a Member, or an officer will be appointed without the authority of the Head of Paid Service, or an officer nominated by them.
- 2.3 The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- 2.4 No Member will seek support for any person for any appointment with the Authority.
- 2.5 Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

### 3. Appointments

- 3.1 Where the Combined County Authority proposes to appoint a Head of Paid Service (Chief Executive), Monitoring Officer, an officer with the responsibilities set out in Section 73 (1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer, the Combined County Authority will appoint an Appointments Panel.
- 3.2 The Appointments Panel will draw up a statement specifying:
  - a. the pay range for the post;
  - b. the duties of the Officer concerned; and
  - c. any qualifications or qualities to be sought in the person to be appointed.
- 3.3 The Combined County Authority will:
  - a. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- b. make arrangements for a copy of the written statement mentioned above to be sent to any person on request.
- 3.4 The appointment of any other officer is a matter for the Head of Paid Service.
- 3.5 The Appointments Panel will conduct a competitive interview process and determine appointment when appointing Chief Officers, that Appointments Panel consists of:
  - The Mayor (or their nominee) (to apply if a Mayor is in place)
  - The Lead Constituent Council representative for each Constituent Council
- 3.6 The Appointments Panel will undertake the following only when a Mayor is in place:
  - a. Interview all qualified applicants for the post, or
  - b. Select a shortlist of such qualified applicants and interview those included on the shortlist.
- 3.7 Upon completion of this process the Appointments Panel will make a recommendation to the Combined County Authority for confirmation.
- 3.8 Prior to a final appointment offer being made to the successful applicant, all Members of the Combined County Authority must be informed of the details of the intended appointee, and have raised no objection within the specified period, (2 clear working days). Usual pre-employment checks will then commence in line with Human Resources and regulatory procedures and processes.
- 3.9 The Combined County Authority will, following the recommendation of such an appointment by the Appointments Panel, approve the appointment of:
  - Chief Executive (Head of Paid Service)
  - Executive Director Resources (S.73 Officer)
  - Director of Governance, Legal and Compliance and the Monitoring Officer (direct report to S.73)
  - Executive Director Place
  - Executive Director Inclusive Growth
- 3.10 Where no qualified person has applied, the Combined County Authority shall make further arrangements for advertisement in accordance with Rule 3.3 (a)

#### **4. Disciplinary Action**

- 4.1 The Head of Paid Service, the Monitoring Officer or Chief Finance Officer, and any other Chief Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 4.2 No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 4.3 Members will not be involved in the disciplinary action against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

#### **5. Dismissal**

- 5.1 Members will not be involved in the dismissal of any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

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## 4.6 Financial Procedural Rules

*It has been proposed to Board to adopt the Derbyshire County Council Financial Regulations on an interim basis, these shall be added if Board agrees*

*It has been proposed to Board to adopt the Nottinghamshire County Council Procurement and Contract Standing Orders on an interim basis, these shall be added if Board agrees*

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## 4.7 Recruitment and appointment procedure for Business Advisory Committee

*This section will be developed in consultation with the 4 Constituent Councils and the Mayor (once elected)*

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# PART 5 – Protocols and Ethical Standards

## 1. The East Midlands Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

### Parties

1. **THE EAST MIDLANDS COMBINED COUNTY AUTHORITY**, of (“Combined County Authority”).
2. **DERBYSHIRE COUNTY COUNCIL**, of County Hall, Matlock DE4 3AG.
3. **NOTTINGHAMSHIRE COUNTY COUNCIL**, of County Hall, West Bridgford, Nottingham NG2 7QP.
4. **DERBY CITY COUNCIL**, of Council House, Corporation Street, Derby DE1 2FS.
5. **NOTTINGHAM CITY COUNCIL**, of Loxley House, Station Street, Nottingham NG2 3NG.

Each a **party** together the **parties**, and the parties (2) to (5) above collectively the “**Constituent Councils**” of the Combined County Authority.

### 1. Background and Introduction

- 1.1 The East Midlands Combined County Authority Regulations 2024 made on February 28 2024 (“the 2024 Regulations”) provide for:
- the election of a mayor for the area of the Combined County Authority (“Mayor”) from May 2024,
  - the following functions to be conferred on the Combined County Authority:
    - functions of the Homes and Communities Agency (now known as Homes England) relating to housing and regeneration (to be exercised concurrently with Homes England),
    - functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral
    - Development Corporation (to be exercised by the Mayor),
    - functions in relation to local passenger transport services including grants to bus service operators,
    - Power to pay grant (exercisable concurrently with a Minister of the Crown).
    - functions in relation to Business Rates Supplements (to be exercised by the Mayor),
    - functions of the Constituent Councils to be exercised concurrently by the Combined County Authority relating to:
      - housing, regeneration and planning, and
      - transport (including in relation to highways functions: permit schemes and civil enforcement of road traffic contraventions; and in relation to local transport functions: bus ticketing schemes and concessions, and workplace parking levy licensing schemes).
      - the provision for protection or improvement of public health

### Concurrent Functions

- 1.2 The tables of functions in **Part 3** to this protocol sets out each function (that is, power or duty) of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2024 Regulations. This table includes detail of whether functions are exercisable concurrently with the Constituent Councils (a “Concurrent Function”) and whether that concurrency is continuing or available for the duration of the transport transition period (“a Transitional Concurrent Function”).
- 1.3 Under the 2024 Regulations, there is:
- no transfer of any Concurrent Function to the Combined County Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
  - no requirement for the joint exercise of any Concurrent Function by the Combined County Authority with Constituent Councils – that is, that they are not required to act together, and
  - no requirement for a Constituent Council to involve, consult or seek the consent of the Combined County Authority in relation to the exercise of any Concurrent Function by a Constituent Council.
- 1.4 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2024 Regulations.
- 1.5 For the duration of the Transition Period, a Transitional Concurrent Function, the statements set out at 1.3 and 1.4 are applicable. It is envisaged that the exercise of Transitional Concurrent Functions by the Combined County Authority and the Constituent Councils will be governed by an Inter-Authority Agreement which will set out the detailed position in relation to the transition of transport functions to the CCA.

### Statutory Consents

- 1.6 The 2024 Regulations provide that the Combined County Authority’s exercise of specified functions is subject to a consent provision, (“Statutory Consent”), to safeguard the Constituent Councils’ role in local decision-making and delivery.

### Aim of this Protocol

- 1.7 The aim of this protocol is to promote:
- **co-operation** and **collaboration** between the Combined County Authority and the Constituent Councils in a spirit of partnership,
  - **transparency** of roles and processes to engender mutual trust and confidence, and
  - the **best use of resources** through co-ordination and reducing duplication between the parties.
- 1.8 The Combined County Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.
- 1.9 The Combined County Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement about how the Combined County Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

### Miscellaneous

- 1.10 For the functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (Duty to prepare an assessment of economic conditions)), the 2024 Regulations provide that a Constituent Council’s duty to exercise the Concurrent Function is met when the Combined County Authority carries it out. This means that provided the Combined County Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.



- 1.11 The 2024 Regulations provide for a Statutory Consent in relation to some functions of the Combined County Authority which are to be exercised by the Mayor, including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
- 1.12 It is envisaged that in any matters relevant to a Mayoral Development Corporation or any other like body, the principles of this protocol shall be applied.
- 1.13 Where the Combined County Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined County Authority and Constituent Council may agree a bespoke protocol to govern the way the Combined County Authority exercises that Concurrent Function . In particular, it is anticipated that for the purpose of concurrency of transport functions, an Inter Authority Agreement will be agreed between the Constituent Councils and the Combined County Authority to govern the use and transition of functions in the transition period.
- 1.14 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.15 This protocol does not address the **scrutiny** of the Combined County Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

## 2. Concurrent Functions – Underlying Principles

- 2.1 This protocol sets out how the Combined County Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit. The Combined County Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined County Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 2.2 The Combined County Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3 The Combined County Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined County Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010 .
- 2.4 The Combined County Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary** to the exercise of the Concurrent Function by any Constituent Council.
- 2.5 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined County Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 2.6 The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined County Authority or any Constituent Council.
- 2.7 The Combined County Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined County Authority.

- 2.8 The Combined County Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined County Authority.
- 2.9 It is anticipated that the areas in which it is anticipated that the Combined County Authority will exercise concurrent functions will be identified early as part of the Annual Plan. This will enable early engagement and discussion with the Constituent Councils before the formal consultation stage under this protocol.

### 3. Concurrent Functions: Consultation with Constituent Councils

- 3.1 The Combined County Authority will consult the Constituent Councils about any proposal by the Combined County Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.
- 3.2 The Chief Executive will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined County Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined County Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the Combined County Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.
- 3.3 The Chief Executive will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised
- 3.4 Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined County Authority with a view to reaching agreement on the exercise of the Concurrent Function.

### 4. Statutory Consents: Procedure

- 4.1 There are two ways in which the 2024 Regulations require consent relating to the constituent councils. These are either:
- The consent of the lead member of a Constituent council, or
  - The consent of the constituent council
- 4.2 The 2024 Regulations also provide for circumstances in which the consent of a district or borough council or the Peak District National Park Authority are required.
- 4.3 The 2024 Regulations provide for any **Statutory Consent** of lead members **to be given at a meeting of the Combined County Authority**. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined County Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.4 Where Statutory Consent is required from a constituent council, the Combined County Authority will seek that Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.5 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined County Authority who may provide a Statutory Consent, the Combined County Authority's Chief Executive will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory

Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

- 4.6 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined County Authority agrees that this is subject to the Combined County Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.
- 4.7 Where Statutory Consent is required from a district or borough council or the Peak District National Park, the Combined County Authority will seek that Statutory Consent in a timely way. To facilitate this, the Combined County Authority will engage as soon as possible with the relevant council. A notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.8 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the Council who may provide a Statutory Consent, the Combined County Authority's Chief Executive will notify the Chief Executive of the relevant Council as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

## 5. Dispute Resolution

- 5.1 The Combined County Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2 Any dispute between the Combined County Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Chief Executive of the Combined County Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 5.3 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined County Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

## 6. Review

The Combined County Authority and the Constituent Councils agree to review this protocol **annually**, and before any additional concurrent functions which may be conferred on the Combined County Authority in the future by any other Regulations which are exercisable by the Combined County Authority.

The Combined County Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Chief Executive of the Combined County Authority and the Chief Executive of each Constituent Council.

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## 2. Arrangements for appointment, disqualification, dismissal of Non-Constituent members

### 1. Background and Introduction

- 1.1 The Combined County Authority may designate a body, other than a constituent council, as a nominating body. Such a nominating body must consent to the designation. A nominating body may nominate a representative of that body for appointment by the Combined County Authority as a non-constituent member. The non-constituent members are non-voting members of the Combined County Authority, unless the Combined County Authority resolves otherwise.
- 1.2 The East Midlands Combined County Authority Regulations 2024 permit the Combined County Authority to appoint up to 8 non-constituent and associate members in total.

### 2. Appointment

- 2.1 The Combined County Authority will:
  - Approve the designation of a nominating body
  - Agree the number of nominating bodies that may be designated by the Combined County Authority
  - Agree the number of non-constituent members that may be nominated by a nominating body of the Combined County Authority
- 2.2 A nominating body may nominate such representatives of that body for appointment by the Combined County Authority as a non-constituent member as determined by the Combined County Authority.
- 2.3 A nominating body must nominate a substitute member for each non-constituent member nominated.
- 2.4 A nominating body may nominate a representative of the nominating body as a representative for appointment to the Combined County Authority.
- 2.5 Written notice must be served on the Monitoring Officer of the Combined County Authority confirming who the nominating body has agreed to nominate as a representative of that body for appointment by the Combined County Authority as a non-constituent representative.
- 2.6 The appointment of a non-constituent member or substitute will only take effect when the nomination is approved by the Combined County Authority.

### 3. Term of Office and Role

- 3.1 The term of office shall be for a maximum of two years.
- 3.2 A non-constituent member or substitute shall act as a representative of the nominating body that nominated them.

### 4. Disqualification

- 4.1 A person immediately ceased to be a non-constituent member or substitute if they cease to be eligible to be the representative of the nominating body that nominated them

### 5. Resignation

- 5.1 A person may resign as a non-constituent member or substitute by written notice served on the Monitoring Officer of the Combined County Authority and the resignation takes effect on receipt of the notice by the Monitoring Officer.

## 6. Withdrawal of nomination

- 6.1 A nominating body may at any time terminate its nomination of a non-constituent member or substitute nominated by it and nominate another one of its members in that person's place. Written notice shall be served on the Monitoring Officer of the Combined County Authority and the termination of membership of the Combined County Authority as a representative of the nominating body takes effect on receipt of the notice by the Monitoring Officer.

## 7. Dismissal

- 7.1 The Combined County Authority may dismiss a non-constituent member if they fail throughout a period of six consecutive months to attend any meeting of the Combined County Authority, unless their absence is due to a reason which has previously been approved by the Combined County Authority Board.
- 7.2 The Combined County Authority may dismiss a non-constituent member or substitute if there is a finding of breach of the Combined County Authority Code of Conduct by them.

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## 3. Member Code of Conduct

### 1. Definitions

- 1.1 For the purposes of this Code of Conduct, a “Member” means a member of the East Midlands Combined County Authority (“EMCCA”) including the directly elected Mayor and substitute and co-opted members. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
- (a) is a member of any committee or sub-committee of the authority, or;
  - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### 2. General Principles of Member Conduct

- 2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 2.2 Building on these principles, the following general principles have been developed specifically for the role of a Member.
- 2.3 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of Member.
- 2.4 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
  - I do not improperly seek to confer an advantage, or disadvantage, on any person
  - I avoid conflicts of interest
  - I exercise reasonable care and diligence; and
  - I ensure that public resources are used prudently in accordance with the Combined County Authority and my local authority’s requirements and in the public interest.

### 3. Application of the Code of Conduct

- 3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor or are appointed as a Member of the Combined County Authority and continues to apply to you until you cease to hold office or cease to be a Member of the Combined County Authority.
- 3.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:
- you misuse your position as a Member
  - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member
- 3.3 The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.

- 3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.
- 3.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

## 4. Standards of Member Conduct

- 4.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.
- 4.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

## 5. General Conduct

### Respect

- 5.1 **As a Member:**
- **I treat other Members and members of the public with respect.**
  - **I treat Combined County Authority employees, employees and representatives of partner organisations and those volunteering for the Combined County Authority with respect and respect the role they play.**
- 5.2 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.
- 5.3 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.
- 5.4 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Combined County Authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and Combined County Authority employees, where concerns should be raised in line with the Combined County Authority's member-officer protocol.

### Bullying, harassment and discrimination

- 5.5 **As a Member:**
- **I do not bully any person.**
  - **I do not harass any person.**
  - **I promote equalities and do not discriminate unlawfully against any person.**
- 5.6 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 5.7 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions.

It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

- 5.8 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.9 The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Combined County Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### Impartiality of officers of the Combined County Authority

- 5.10 **As a Member:**
- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined County Authority.**
- 5.11 Officers work for the Combined County Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### Confidentiality and access to information

- 5.12 **As a Member:**
1. **I do not disclose information:**
    - a. **given to me in confidence by anyone**
    - b. **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
      - i. **I have received the consent of a person authorised to give it;**
      - ii. **I am required by law to do so;**
      - iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
      - iv. **the disclosure is:**
        1. **reasonable and in the public interest; and**
        2. **made in good faith and in compliance with the reasonable requirements of the Combined County Authority; and**
        3. **I have consulted the Monitoring Officer prior to its release.**
  2. **I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**
  3. **I do not prevent anyone from getting information that they are entitled to by law.**
- 5.13 Combined County Authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the EMCCA must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.



## Disrepute

- 5.14 **As a Member:**
- **I do not bring my role or the Combined County Authority into disrepute.**
- 5.15 As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or the Combined County Authority and may lower the public's confidence in you or the Combined County Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Combined County Authority into disrepute.
- 5.16 You are able to hold the Combined County Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Combined County Authority whilst continuing to adhere to other aspects of this Code of Conduct.

## Use of Position

- 5.17 **As a Member:**
- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**
- 5.18 Your position as a Member of the Combined County Authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## Use of Combined County Authority resources and facilities

- 5.19 **As a Member:**
- **I do not misuse Combined County Authority resources.**
  - **I will, when using the resources of the Combined County Authority or authorising their use by others:**
    - (a) act in accordance with the Combined County Authority's requirements; and**
    - (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined County Authority or of the office to which I have been elected or appointed.**
- 5.20 You may be provided with resources and facilities by the Combined County Authority to assist you in carrying out your duties as a Member.
- 5.21 Examples include:
- office support
  - stationery
  - equipment such as phones, and computers
  - transport
  - access and use of Combined County Authority buildings and rooms.
- 5.22 These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Combined County Authority's own policies regarding their use.

## Complying with the Code of Conduct

- 5.23 **As a Member:**
- I undertake Code of Conduct training provided by the Combined County Authority.
  - I cooperate with any Code of Conduct investigation and/or determination.

- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

5.23 It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Combined County Authority or its governance. If you do not understand or are concerned about the Combined County Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## 6. Protecting your reputation and the reputation of the Combined County Authority

### Interests

#### 6.1 As a Member:

- I register and disclose my interests.

6.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

6.3 You need to register your interests so that the public, Combined County Authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

6.4 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

6.5 **Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### Gifts and Hospitality

#### 6.6 As a Member:

- I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Combined County Authority or from persons who may apply to the Combined County Authority for any permission, licence or other significant advantage.
- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

6.7 In order to protect your position and the reputation of the Combined County Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

### A The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### B Registering Interests

- 1 Within 28 days of becoming a Member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
- 2 "**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.
- 3 "**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.
  1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
  2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
  3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

## Non-participation in case of disclosable pecuniary interest

- 4 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- 5 Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

## Disclosure of Other Registerable Interests

- 6 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

- 7 Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.
- 8 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 9 Where a matter arises at a meeting which **affects** –  
a. your own financial interest or well-being;  
b. a financial interest or well-being of a relative or close associate; or  
c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
- 10 Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:  
a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;  
b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest
- 11 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
- 12 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 13 Where a matter (referred to in paragraph 12 above) affects the financial interest or well-being:  
a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;  
b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

- 14 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
- 15 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the Combined County Authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the Combined County Authority.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the Combined County Authority for a month or longer

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- c) any body
  - i. exercising functions of a public nature
  - ii. directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

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## 4. Member – Officer Protocol

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The purpose of this Protocol is to guide Members and officers of the East Midlands Combined County Authority (EMCCA) in their relations with one another.

## Introduction

1. This Protocol applies to Combined County Authority Members and Non-Constituent, Associate and Co-opted Members<sup>1</sup> as well as those on any working group or committee created by the Combined County Authority or the Mayor (together referred to, for the purposes of this Protocol, as “Members”).
2. It also applies to officers of the Combined County Authority.
3. The Protocol is not prescriptive, and it may not cover all situations. However, it does provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
4. The Protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty.
5. It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government.
6. Members and officers are servants of the public and they depend on each other in carrying out the work of the Combined County Authority. Members who are elected are responsible to the electorate. All Members serve only so long as their term of office or co-option lasts, while officers are accountable to the Combined County Authority as their employer. Their job is to give advice to the Combined County Authority, as well as to individual Members, and to carry out the Combined County Authority’s work under the direction and control of the Combined County Authority and the Mayor.
7. Mutual respect between Members and officers is essential to good local government. However, close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers.
8. The relationship has to function without compromising the ultimate responsibilities of officers to the Combined County Authority as a whole, and with due regard to such technical, financial, professional and legal advice that officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and officers

## Roles Of Members

9. Members undertake many different roles. Broadly these include:
  - expressing political values and supporting the policies of the party or group to which they belong (if any) – see further the section entitled “Political Activity” at paragraph 46 onwards,
  - representing their area and advocating for the citizens who live in the area,
  - participation in active partnerships with other organisations as community leaders,
  - contributing to the decision-making by the Combined County Authority, or any joint committees, outside bodies and partnership organisations to which the Member has been appointed,
  - developing and reviewing policy and strategy, and
  - monitoring and reviewing policy implementation and service quality

## Roles Of Officers

10. Briefly, officers have the following main roles:
  - ensuring that the Combined County Authority always acts in a lawful manner,
  - implementing agreed policy,
  - managing and providing the services for which the Combined County Authority has given them responsibility and being accountable for the efficiency and effectiveness of those services,
  - providing advice to the Combined County Authority and to individual Members in respect of the services provided (see further the section entitled “Provision of Advice and Information to Members” from paragraph 21 onwards below and the section entitled “Confidentiality” from paragraph 35 onwards), and



- initiating policy proposals.

## Respect and Courtesy

11. For the effective conduct of the Combined County Authority business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays a very important part in the Combined County Authority's reputation and how it is seen in public. It is very important that both Members and officers remember their respective obligations to enhance the EMCCA's reputation and to do what they can to avoid criticism of other Members, or other officers, in public places.

## Undue Pressure

12. It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position.
13. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office. Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles which Members must understand and respect. Members should have particular regard to any advice given by them.
14. A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined County Authority property and services.
15. Similarly, an officer must neither seek to use undue influence on an individual Member to decide in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.

## Familiarity

16. Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
17. Such familiarity could also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.
18. For these reasons close personal familiarity must be avoided, and Members and officers should address each other formally in public (whether in person or in writing).

## Breach of Protocol

19. If a Member considers that they have not been treated with proper respect or courtesy, they may raise the issue with the officer's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an officer if the circumstances warrant it.
20. If an officer considers that a Member has contravened the Protocol, they should consult their line manager who will, if necessary, involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint. Many complaints will be capable of informal resolution. The Monitoring Officer or the Head of Paid Service will assist in this process if necessary. Nothing in this Protocol shall prevent an officer expressing a relevant concern under the Combined County Authority's Whistleblowing Policy.*(add link once policy is approved)*

## Provision of Advice and Information to Members

21. Members are free to approach officers of the Combined County Authority to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as Member. This can range from a request for general information about some aspect of Combined County Authority 's activities to a request for specific advice on a matter.

### *Information*

22. Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry.
23. The legal rights of Members to inspect Combined County Authority documents are covered partly by statute and partly by common law. The Access to Information Rules in Part 4 of the Constitution explain the position with regard to access to papers relating to the business of the Combined County Authority.
24. The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Combined County Authority. Mere curiosity is not sufficient.
25. The information sought by a Member should only be provided by officers as long as it is within the limits of the resources available. For their part, Members should seek to act reasonably in the number and content of the requests they make.
26. It is important for officers to keep Members informed both about the major issues concerning the Combined County Authority and, more specifically, about issues and events affecting the area that they represent. Members should be informed about proposals that affect their area and should also be invited to attend Combined County Authority initiated events within their area.
27. Members may be entitled under the Freedom of Information (FOI) Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Combined County Authority's Data Protection Officer will be able to advise in consultation, if necessary, with the Monitoring Officer on whether any request would fall within the Freedom of Information Act 2000.

### *Advice*

28. Officers are responsible for the provision of professional expertise to the Combined County Authority and Members are entitled to ask relevant questions and seek advice on available courses of action as they discharge their role as a Member. The response of an officer to a Member would not usually be shared with other Members without specific agreement, however Members should remember that the officer's primary duty is to the Combined County Authority as a whole and officers will therefore share their advice if they consider it appropriate to do so.
29. Sometimes officers will need to advise Members that a certain course of action cannot be carried out. Members sometimes assume that this is a case of officers deliberately obstructing the wishes of politicians. In fact, this is never the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such officers are invaluable to the Combined County Authority.

### *Members with Special Responsibilities*

30. Combined County Authority Members and other Members who hold additional responsibilities (such as the Mayor, Committee Chairs and those with a portfolio of responsibility) will receive additional information from senior officers to help them discharge their responsibilities. This is likely to take the form of briefings on service issues, proposals and policy development. The frequency of briefings will depend

on the issues concerned and the requirements of the Member involved, and the content of the informal briefing will remain confidential between the officers and Member concerned.

31. Senior officers will always be fully responsible for the contents of any report submitted in their name and reports will be amended only where the amendment reflects the professional judgement of the author of the report.
32. Members who have additional responsibilities are likely to work more closely with officers but must still respect the impartiality of officers. Officers and Members who work closely together must ensure that they do not publicly give the appearance of personal familiarity.

### ***Members of Constituent Councils with Special Responsibilities***

33. Officers of the Combined County Authority may also be asked to provide information and advice to appropriate Members of Constituent Councils, such as those Members with special responsibility for a portfolio or in relation to a specific project. This is likely to take the form of briefings and the frequency of briefings will depend on the issues concerned and the requirements of the Member involved. If the Combined County Authority has assigned a portfolio lead for the subject matter, that Member should be made aware of the information provided.

### ***The Mayor's Political Adviser***

34. The Mayor is able to appoint one political adviser<sup>5</sup>. However, the nature of this role is different to that of other officers of the Combined County Authority – see further below re political restrictions.

## **Confidentiality**

35. Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules in Part 4 of the Constitution, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information<sup>6</sup> and exempt information<sup>7</sup>.
36. Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-
  - they have the consent of a person authorised to give it,
  - they are required by law to do so,
  - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
  - the disclosure is –
    - reasonable and in the public interest, and
    - made in good faith and in compliance with the reasonable requirements of the authority.
37. Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the committee.
38. Information and correspondence about an individual's private or business affairs will normally be classed as exempt or confidential.
39. Officers should make it clear to Members if they are giving them confidential or exempt information. If a Member is not sure whether information is confidential or exempt from disclosure, they should ask the relevant officer, and not disclose the information in the meantime.
40. Any Combined County Authority information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties.

41. If a Member receives exempt or confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so, then they must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

## Provision of Support Services to Members

42. The only basis on which the Combined County Authority can lawfully provide support services (for example stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Combined County Authority. Such support services must therefore only be used on Combined County Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.

## Correspondence

43. Official letters on behalf of the Combined County Authority should be sent in the name of the appropriate officer, rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Combined County Authority should never be sent out in the name of a Member.

## Media

44. Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while officers provide factual information. If a Member is unsure about the circumstances of a particular issue, they should contact the appropriate Director or Head of Service concerned.

## The Combined Authority's Role as Employer

45. In their dealings with officers, Members should recognise and have regard to the Combined County Authority's role as employer. Members should be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Combined County Authority.

## Political Activity

46. There are a number of constraints that apply to an officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989 . However, there are variations in the extent of restrictions applied - for example, the Mayor's political adviser is an employee in a politically restricted post but has freedom to become involved with political issues relevant to the Mayor.
47. In summary, politically restricted officers may be prevented from:
- being a Member of Parliament, European Parliament or local authority,
  - acting as an election agent or sub-agent for a candidate for election as a member of any of those bodies,
  - being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if their duties would be likely to require them to:-
    - participate in the general management of the party or branch; or
    - act on behalf of the party or branch in dealings with persons other than members of the party;
  - canvassing on behalf of a political party or a candidate for election to any of those bodies,
  - speaking to the public with the apparent intent of affecting public support for a political party, and
  - publishing any written or artistic work of which they are the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit

any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

48. It is common for party groups to give preliminary consideration to matters of Combined County Authority business in advance of such matters being considered by the relevant decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, for example chairperson or spokesperson. Officers should be required to give information and advice to political groups on Combined County Authority business only and not on matters which are purely of a party-political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of officers is preserved, and that group confidentiality is maintained by officers.
49. Usually, the only officers involved in attending group meetings will be the Chief Executive, Directors or Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
50. Officers are employed by the Combined County Authority as a whole. They serve the Combined County Authority and are responsible to the Chief Executive and their respective Directors and Heads of Service, and not to individual Members, whatever office they might hold.
51. Both Members and officers are subject to their own Codes of Conduct which can be found in Part 5 of the Constitution. This Protocol provides guidance on working relationships between Members and officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

## Sanctions

52. Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Members' Code of Conduct.
53. Complaints about any breach of this Protocol by an officer may be referred to the Chief Executive or the Monitoring Officer.

## Conclusion

54. It is hoped that, by following good practice and securing sensible and practical working relationships between members and officers, the EMCCA and Mayor will enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the EMCCA, its Members and officers.

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## 5. Officer Code of Conduct

### 1. Introduction

As a member of the East Midlands Combined County (EMCCA) team you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership - in your conduct at all times. These are known as the ‘Nolan principles’.

### 2. Policy Purpose

The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined County Authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. This document sets out the standards expected of all the Combined County Authority’s officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

### 3. Objectives of the Code

This code of conduct should:

- provide officers of the Combined County Authority with an effective ethical framework within which to work; and give the public confidence that the Combined County Authority’s officers are working on their behalf in an appropriate manner; and
- provide guidance to officers on the possible consequences of breaches of this code.

### 4. Responsibilities

#### **Officers of the Combined County Authority**

The Combined County Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

#### **Line Manager**

The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

#### **Human Resources (HR)**

The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

#### **Legal Section**

The role of Legal and Governance Services is:-

- to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications;
- to advise officers in relation to the application of this Policy, if requested; and
- to maintain the register of officers’ personal and prejudicial interests confidentially and in accordance with relevant legislation.

### 5. Political Neutrality

The Combined County Authority expects officers to follow every policy/procedure of the Combined County Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

## **6. Personal Relationships with Members of the Combined County Authority (Members), the Public and Other Officers**

Mutual respect between officers and members is essential to good working relationships at the Combined County Authority and each should handle work matters on a professional basis. Officers of the Combined County Authority should deal with the public, Members, and other officers sympathetically, efficiently and without bias. The Combined County Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, e.g., a member of the same family.

## **7. Equality & Diversity**

All officers and other persons who are acting on behalf of the Combined County Authority, including contractors and consultants must comply with the Combined County Authority's Equality & Diversity Policy.

## **8. EMCCA Property**

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles or other facilities of the Combined County Authority for personal use unless authorised to do so.

## **9. Conflict with Duties**

Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others. Officers should abide by the rules of the Combined County Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined County Authority or which would benefit from a relationship with the Combined County Authority. Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

## **10. Whistleblowing**

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined County Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined County Authority or colleagues.

## **11. Treatment of Information**

The Combined County Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:

- a Member,
- a relevant Combined County Authority officer,
- other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## **12. Investigations by Monitoring Officer**

The role of the Monitoring Officer is a requirement for the Combined County Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined County Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

## **13. Compromising the Impartiality of the Combined County Authority's Officers**

Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined County Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

## **14. Improper Use of Position**

Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

## **15. Considering Advice Provided**

If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

## **16. Personal and Prejudicial Interests**

The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.

Registration of any such interest protects the Combined County Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined County Authority has this policy provides assurance to the public that the Combined County Authority is acting in the public interest. The Combined County Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.

An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Head of Legal and Governance Services.

In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined County Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined County Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

## **17. Registers of Interests – Legislative Implications**

The Combined County Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However it is possible that the Combined County Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000. Officers must advise when their circumstances change to update or remove records from the register. The register will be reviewed annually by the



Legal Services to ensure it is up to date and in compliance with the Information Commissioner's requirements.

#### 18. Gifts and Hospitality

Officers must comply with the Combined County Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the legal and governance pages on the Intranet [\[link to be inserted here once available\]](#).

#### 19. Equality Impact Assessment

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

#### 20. Formal Action

Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within the Combined County Authority's Disciplinary, Conduct & Capability Policy and Procedure.

#### 21. Changes to Policy

The Combined County Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined County Authority and ensure compliance with relevant legislation. A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

### Schedule 1 – Notification of Interests

Notification by an Officer of the East Midlands Combined County Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:	
Job title:	
Reports to:	

I [intend to]\* have the following financial interests:- (delete as appropriate)\*  
Please complete the following boxes or put "none" or "n/a" as appropriate.

(a) Business or other employment outside the Combined County Authority working hours:

(b) (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):

(c) Name(s) of any company or business having a place of business or land in Derbyshire or Nottinghamshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:

(d) Names of any company or business which carries on business with the Combined County Authority, or which may carry on such business or may or is tendering for contracts from the Combined County Authority in which I own or have an interest in any shares at all:

(e) Description of any contract for goods, services or works made between the Combined County Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:

(f) Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined County Authority or another authority or sites where the Combined County Authority or that other authority is or may be involved in development relevant to the Combined County Authority, such as bus stations, new transport interchanges:

(g) Address or other description of any land or buildings where the landlord is the Combined County Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:

(h) Address or other description of any land the Combined County Authority's area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

I [intend to] have the following other interests:

(i) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined County Authority as its representative:

(j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

(k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

(l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

**I request that the details of my financial or other interest be exempt from registration for the following reasons:**

Date: .....

Signed .....

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# 6. Combined County Authority Complaints Procedure

*It is proposed to Board that this comes to the subsequent meeting of Board (anticipated to be June 2024) for consideration*

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# PART 6 – Member Allowances Scheme

*The first EMCCA Member Allowances Scheme will appear here following the Independent Remuneration Panel review, proposal and endorsement by the Combined County Authority*

DRAFT

# PART 7 – Management Structure

*It is proposed to Board that this comes to the subsequent meeting of Board (anticipated to be June 2024) for consideration*

DRAFT

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# East Midlands Combined County Authority Assurance Framework



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## 1. Introduction and Overview

### 1.1. Purpose of the Assurance Framework

The purpose of this document is to set out how the East Midlands Combined County Authority (EMCCA) will use public money responsibly, openly and transparently, and accountably to achieve best value for money for the East Midlands region. Deriving from Principle Four – Appropriate Accountability – of the Levelling Up White Paper (February 2022), the Assurance Framework formalises the intention of the CCA to ensure accountability for activities and spending, both to HM Government as well as businesses and residents of our region.

The Assurance Framework has been developed in accordance with the English Devolution Accountability Framework published (March 2023) and the HM Treasury Green Book (November 2022).

HM Treasury states that Assurance Frameworks have the general purpose of “providing independent assessment on governance, risk management, and control processes for [an] organisation.” This CCA Assurance Framework is intended to be a reference document for use by CCA Board Members, Officers, constituent and all other local authority partners, businesses and residents. It sets out the local systems and arrangements, employed by the CAA, for ensuring public money is allocated in an appropriate manner, in accordance with legal, fiscal and best practice requirements.

In particular, the framework is required to show that suitable arrangements are in place to effectively manage the investment programme and that robust systems are in place to ensure resources are spent with regularity, propriety, and value for money, whilst at the same time achieving intended outcomes.

The Assurance Framework applies to all new decisions, approvals, and funding bids, regimes, and projects.

The document outlines:

- The respective roles and responsibilities of the Combined County Authority Board, the East Midlands Mayor and other elements of the decision-making and delivery structure;
- The key processes for ensuring accountability, probity, transparency, legal compliance, and value for money;
- How potential investments will be prioritised, appraised, approved, and delivered; and
- How the progress and impacts of these investments will be monitored and evaluated.

The Assurance Framework sits alongside several key governance and policy documents – most notably the Devolution Deal, the CCA Constitution, the Financial Regulations, and the Monitoring and Evaluation Framework.

### Updating the Assurance Framework

The East Midlands Combined County Authority is committed to ensuring the highest standards of governance, accountability and transparency across all aspects of its activities and will review the Assurance Framework annually.

When reviewed the Assurance Framework will be agreed in draft by the CCA Board before being submitted to the Department for Levelling Up, Housing and Communities (DLUHC), the Department for Transport (DfT), the Department for Education (DfE) and the Department for Business and Trade (DBT) for approval. However, the document may be amended and re-published prior to the annual review date if improvements are required or significant changes are made to the CCA or its governance and assurance structures and processes, or if new guidance is received from the Government.

## 1.2. About the Region

### Geography

The East Midlands Combined County Authority geographical area comprises the local authority areas of Derbyshire County, Nottinghamshire County, Derby City and Nottingham City, together with district and borough councils across these counties. The CCA is similar in size to other Combined Authorities in England, covering a population of 2.2 million people with an annual economic output of over £50bn. The CCA Area has one of the most functional, self-contained economic geographies in the country – 92% of workers live in the Area and 87% of residents work in the Area.

The CCA Area benefits from having two cities, large towns and rural areas, and being home to key giants of industry, such as Toyota UK, Rolls Royce, Alstom and Boots, with expertise in aerospace, rail, life sciences, energy and strong transport links. The Area contains three world class universities, which provide centres of research excellence, and is home to major tourist attractions such as the Peak District National Park, the National Forest, and Sherwood Forest. There are ambitions to maximise strategic opportunities presented through the East Midlands Freeport and the East Midlands Development Corporation.

### Current state

Alongside economic prosperity the CCA Area experiences persistent and systemic deprivation, with 226,600 people living within the most deprived 10% of areas across England and with lower Healthy Life Expectancies than England as a whole. Educational attainment varies considerably, with the CCA Area containing some of the worst performing areas across England at all levels of education as well as 'social mobility cold spots'.

The devolution deal provides an unprecedented opportunity to improve the economic, health, social and environmental well-being of the people who live and work in the region. The deal will deliver substantially greater local control over funding and investment priorities to maximise the region's strategic economic opportunities; tackle persistent deprivation and inequalities; and thereby enhance the prospects for all the people who live and work in the region to enjoy greater prosperity, better health, and wellbeing.

### Background to creation of the Combined County Authority

Following the Government's publication in February 2022 of its White Paper on Levelling Up, Derbyshire and Nottinghamshire County Councils along with Derby and Nottingham City Councils (four Constituent Council) agreed to cooperate at pace on the negotiation of a new devolution deal that would cover the D2N2 Local Enterprise Partnership area and would be delivered through establishment of a Mayoral Combined County Authority.

A devolution deal was agreed between the four Constituent Councils, and the Government, on 30 August 2022 which included integration of the Local Enterprise Partnership (D2N2) to ensure continuation of a strong and independent local business voice to inform local decision making and strategic economic planning; and, additionally, a commitment to developing, in partnership with the Government, an arrangement which ensures close cooperation with the Police and Crime Commissioners (PCCs).

In November 2022, following approval from Full Council, Derbyshire County Council, Nottinghamshire County Council, Derby City Council, and Nottingham City Council (the 'Constituent Councils') undertook statutory consultation on a Proposal to establish the East Midlands Combined County Authority ('EMCCA') across Derbyshire, Nottinghamshire, Derby, and Nottingham. This consultation ran until January 2023 and was broadly supported. In March 2023 Constituent Councils approved a revised Proposal for submission to the Secretary of State, having due regard to the consultation responses and the public sector equality duty, to create the East Midlands Combined County Authority (EMCCA) for the areas of Derbyshire County, Derby City, Nottinghamshire County and Nottingham City.

The Levelling Up and Regeneration Bill received royal assent on 26 October 2023 following which on 1 November 2023 the 4 Constituent Councils formally submitted their Proposal for a Combined County Authority for the East Midlands to the Secretary of State for Levelling Up Housing and Communities.

A further, final report was brought back to the Constituent Councils in relation to the draft Statutory Instrument produced by the Government in response to the Proposal. On 7 December 2023, the Constituent Councils consented to the draft Statutory Instrument, resulting in its being laid before Parliament and the establishment of the EMCCA on [date].

### 1.3. Scope of Assurance Framework

The funds in the scope of this assurance framework are as follows:

- The East Midlands Investment Fund (EMIF). The EMCCA has established the £38m per annum EMIF, which is split 50% capital and 50% revenue. These funds span a 30-year period but will be subject to five-yearly gateway review assessments to confirm that the investment has contributed to economic growth and levelling up. The Investment Strategy will set out the region's priorities and will include operating principles and management processes for this fund.
- Transport allocations as agreed with Government.
- Derby Growth Zone/A50 junction - the Government has allocated £50m, subject to business case approval.
- Housing - £16.8m has been allocated to support the building of new homes on brownfield land, subject to sufficient eligible projects for funding being identified.
- The EMCCA will be the lead local authority for the planning and delivery of the United Kingdom Shared Prosperity Fund (UKSPF) from 2025/26. This will be subject to Spending Reviews and reconfirmation of overall UKSPF policy and delivery arrangements from 2025/26

## 2. Governance and Transparency

### 2.1 Governance Structure of the CCA

The Constituent Councils have set out eight principles for the CCA. The first four principles (**Effective leadership, Sensible Geography, Flexibility and Appropriate Accountability**) apply the devolution framework set out in the Levelling Up White Paper, whilst the second four principles have been developed locally (**Inclusivity, Subsidiarity, Commissioning and Choice**).

The Constituent Councils have created a governance structure for the CCA which is true to the principles outlined above and which will secure effective and convenient local government for the Area.

Governance arrangements, policies and procedures will also be subject to the usual core principles of public sector governance, transparency, and ethical standards.

### 2.1.1 Membership of the CCA

The CCA will have up to 17 Members in total, comprising:

- The directly elected Mayor;
- 8 Constituent Members (Members appointed by the Constituent Councils, with each Constituent Council appointing 2 Members);
- 4 Non-Constituent Members nominated by the District and Borough Councils within the Area (with 2 Non-Constituent Members to be nominated by Derbyshire District and Borough Councils, and 2 Non-Constituent Members to be nominated by Nottinghamshire District and Borough Councils);
- An Associate Member to represent the Business Voice who will be the Chair of the Business Advisory Board;
- Up to three further Non-Constituent or Associate Members. These three further Memberships will not be nominated/appointed to initially. It will be for the CCA to determine whether the three additional Memberships will be used, and if so, what interests those Memberships should seek to represent on the CCA.

#### The Mayor

The CCA will have a directly elected Mayor who will be elected by the voters within the Area. The Mayor will be a Member of the CCA, as well as having a number of powers and functions which may be exercised exclusively by the Mayor (see below).

#### Constituent Member Councils

The Constituent Councils are the upper tier Councils of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council. Each of the Constituent Councils must appoint 2 Constituent Members of the CCA to create a total constituent council membership of 8 Members.

#### District and Borough Councils

There are 15 District and Borough Councils within the Area of the CCA. The Districts and Boroughs will be empowered to nominate 4 individuals to represent their interests on the CCA.

The Constituent Councils have worked closely with the District and Borough Councils to agree a system of nominations which all of the Councils are comfortable with. It has been agreed that nominations will be made through the use of joint committees (joint committees are a formal local authority committee formed by several Councils to work together on specific issues.)

Two joint committees will be utilised as nominating bodies to fulfil this role; one which the Derbyshire District and Borough Councils will be voting members of, and which will nominate two Non-Constituent Members for the Derbyshire area, and one which the Nottinghamshire District and Borough Councils will be voting members of, and which will nominate two Non-Constituent Members for the Nottinghamshire area. These joint committees will also be used as the mechanism for the District and Borough Councils to nominate additional individuals as substitutes and representatives on the Overview and Scrutiny Committee, and Audit Committee, who may come from different Councils than the nominated Non-Constituent Members.

The inclusion of a mechanism by which the District and Borough Councils can have a key role on the CCA ensures that the identities and interests of all of the local communities are fully represented on the CCA.

### Business Interests

The voice of business will be a critical component in the future CCA, given that a key area of focus will be economy, industry and business, The CCA will appoint an Associate Member to the CCA who can represent the views of business on the CC moving forward.

The CCA proposes the establishment of a business-focused Advisory Board. Whilst the Advisory Board would not be a formal committee of the CCA, it would be part of the formal governance arrangements and would exist to provide advice to the CCA on all issues of business and economy relevant to the CCA. The CCA would then appoint the Chair of that Advisory Group to the CCA as an Associate Member representing the views of business on the CCA.

The D2N2 LEP function is to be integrated into the CCA, albeit the precise mechanism by which this will be accomplished is not yet agreed.

### Other Memberships

The remaining up to 3 further Non-Constituent or Associate Members will not be nominated / appointed to initially. It will be for the CCA to determine whether the three additional Memberships will be used, and if so, what interests those Memberships should seek to represent on the CCA. Possible options for the areas of interest to be represented through the up to 3 further Memberships include education and skills, transport, environment/net zero and housing and planning but the final choice will depend on what interests are best felt to align with the CCA's powers and functions so could come from any area of relevance to the CCA, if they are appointed to.

#### 2.1.2 Mayoral Functions

Some of the functions of the CCA will only be able to be exercised by the elected Mayor, and this will be prescribed in the East Midlands Combined County Authority Regulations 2023 (the EMCCA Regulations).

#### [EMCCA Regulations 2023](#)

Link above will be updated when the final version is Laid.

The main Mayoral functions are as follows:

- Duty to set a Mayoral budget, which will relate to the cost of exercising the Mayoral function;
- Power to impose a business rate supplement on non-domestic ratepayers in the Area to fund Mayoral functions as part of the Mayoral budget;

- Power to issue a precept on council tax (a precept is an amount added to council tax) to fund Mayoral functions as part of the Mayoral budget;
- Power to provide relief from non-domestic rates in areas covered by a Mayoral Development Corporation;
- Power to create a Mayoral Development Area, and to form a Mayoral Development Corporation to take responsibility for planning functions in the part(s) of the Area covered by the Mayoral Development Area (the exercise of these functions is subject to the consent of all of the local planning authorities affected);
- Housing and land acquisition powers to support housing and regeneration (the exercise of these functions is subject to the consent of all of the local planning authorities affected); and,
- Functional power of competence (this means that the Mayor will have the power to do anything reasonably related to the exercise of their functions).

Due to the complexity of the current transport arrangements in the Area, the transfer of transport functions will be dealt with differently. A small number of powers will transfer on day one, otherwise there will be a 2-year transition period where certain functions will be held concurrently (by both the constituent authorities and the CCA) with responsibility for delivery gradually transferred to the CCA during that period. Certain functions will continue to be held concurrently even after the transition period and of those functions a small number will require the consent of affected constituent councils before they can be exercised by the CCA or Mayor as the case may be. It will also be necessary to facilitate a smooth transition and to deliver good working relationships for an inter authority agreement to be entered into by the CCA and the Constituent Councils. The Transport powers conferred on the Mayor and the CCA are set out in the EMCCA Regulations (Transport Provisions).

The Levelling Up and Regeneration Act provides that an elected Mayor may exercise functions of Police and Crime Commissioners, and/or functions of Fire and Rescue Authorities. It is not currently intended that the elected Mayor for the East Midlands CCA will exercise the functions of either of the Area's Police and Crime Commissioners, or either of the Area's Combined Fire Authorities. It is intended however that there will be close working between the East Midlands CCA and the Area's Police and Crime Commissioners generally; and particularly, productive and joint working on public safety; and the East Midlands CCA will work with the Area's Police and Crime Commissioners to agree a protocol for working together.

### 2.1.3 Mayoral decision making

The elected Mayor will be required to appoint one of the Members of the CCA as their Deputy Mayor. The Deputy Mayor must act in the place of the Mayor if for any reason the Mayor is unable to act, or the Office of the Mayor is vacant.

The Mayor is able to arrange for the exercise of any of their Mayoral functions by:

- The Deputy Mayor;
- Another Member or Officer of the CCA;
- A committee of the CCA, consisting of members appointed by the Mayor (which need not be Members of the CCA).

The EMCCA Regulations will provide that the Mayor is able to appoint a political advisor.

### 2.1.4 CCA Functions

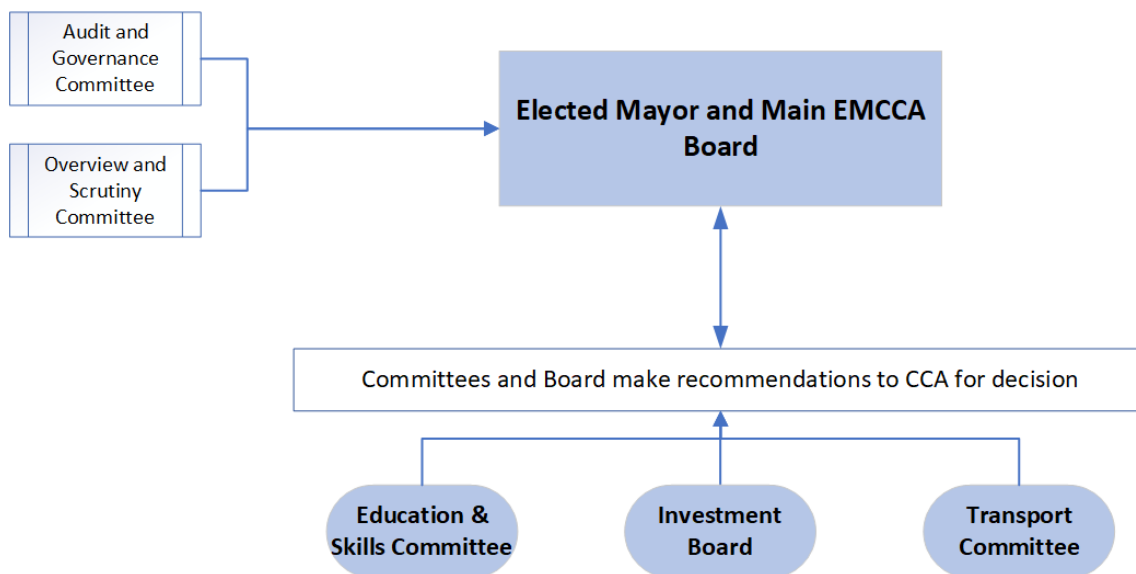
The remainder of the functions of the CCA will be exercisable by the CCA. On day 1 these will include:

- The duty to set a budget for the CCA (as opposed to the Mayoral budget);
- Exercise of the power to borrow;
- Duty to prepare an economic assessment of the Area;
- Compulsory purchase, land acquisition and disposal and development of land powers (the exercise of compulsory purchase functions is subject to the consent of all of the local planning authorities affected);
- Housing supply and regeneration functions;
- Duty to review air quality plans and propose and undertake steps to support the delivery of those plans by Districts/Boroughs/Unitary Councils in the Area; and,
- Incidental powers in relation to its functions (the power to do anything which is incidental to the exercise of its functions).

In addition, the CCA will have functions relating to transport. As mentioned above, due to the complexity of the current transport arrangements in the Area, transfer of transport functions will be dealt with differently, with a phased transfer of functions over a two-year transition period. More detail is given in paragraph 2.1.2 above.

### 2.1.5 CCA decision making bodies

The Members of the CCA will be the main decision-making group of the CCA. The CCA will have the power to establish committees and sub-committees to exercise CCA functions.



### CCA voting

The CCA will prescribe voting requirements in its Constitution, but the following principles will be applied:

- All of the Constituent Council Members and the Mayor have a single vote.
- The District and Borough Council Non-Constituent Members will have no voting rights except where the matter being considered relates to one of the following powers/functions:

- Housing and Planning (except where one or more of the District of Borough Councils within the CCA area is required to give its consent to the matter under consideration);

Votes may be granted to District and Borough Council Non-Constituent Members on a show of hands by the CCA as it may consider appropriate. This is most likely where the matter being considered relates to one of the following powers/functions:

- Environment
- Economy
- None of the other Non-Constituent or Associate Members will have a vote unless the CCA grants such a vote on a show of hands on a specific decision.
- The majority of decisions taken by the CCA will be subject to a requirement for a simple majority in favour, with the additional requirement that the Mayor must vote in favour.
- Certain decisions will additionally require the Lead Member of the relevant Constituent Council to vote in favour, specifically this includes any decision to compulsorily purchase land by the CCA, and any decision of the CCA which would lead to a financial liability falling directly on the Constituent Council. Further instances in which there will be a requirement for the Lead Member of each Constituent Council to vote in favour will be set out in the CCA Constitution. Constituent Councils may (through their own constitutions) place additional governance requirements on their Lead Members to ensure that their voting reflects a decision made by the relevant body of the Constituent Council before being cast.
- By a 2/3 majority can amend the Mayor's transport strategy.
- Budgets can be approved or amended by a majority where all constituent council lead members vote in favour.

### Committees

The CCA will establish a Transport Committee and an Education and Skills Committee. The Terms of Reference for each committee will be largely advisory in nature and will make recommendations to the CCA for decisions on issues relating to powers and functions relevant to their area of expertise. The CCA will also establish an Investment Board. More detail is given in paragraph 3.1 below.

### Advisory Boards

The CCA, and the Mayor, may choose to establish advisory boards. Advisory boards are formally constituted boards which form part of the operation of the CCA, but which have no decision-making power.

As set out above, the CCA will establish a Business Advisory Board.

The CCA will consider whether additional Advisory Boards focused on other issues are required.

The role of any advisory boards established will be to advise the CCA, and possibly also the Mayor, on the exercise of functions in their areas of expertise.

### Overview and Scrutiny Committee

The CCA will have at least one Overview and Scrutiny Committee.

The role of the Overview and Scrutiny Committee is to review and scrutinise the decision making of the CCA and the Mayor to ensure that the decision making is appropriately focused on community needs, and that high quality delivery is taking place for the benefit of the Area.



To ensure appropriate challenge and accountability, given the role of the Committee its membership must involve different individuals than those who are Members of the CCA. However, the CCA would intend to ensure that the District and Borough Councils would be represented on the Overview and Scrutiny Committee and will consider how and whether to represent any additional Non-Constituent and Associate Members on the Committee.

At least one member of the Overview and Scrutiny Committee will be nominated from each Constituent Council of the CCA. At least 4 members will be nominated by the District and Borough Councils. Any members of the Committee not drawn from the Constituent Councils will not automatically have voting rights on the Committee. The Overview and Scrutiny Committee will be chaired by an independent person or an appropriate person who is a member of one of the CCA's constituent councils.

There will be a requirement for political balance on the Committee which will reflect the political balance of the CCA Area (which in this context means to reflect the voting in respect of the Constituent Councils but taken across the whole Area).

### **Audit and Governance Committee**

The CCA will have an Audit and Governance Committee. The role of the Audit and Governance Committee is to review and assess the authority in the areas of corporate governance, risk management, internal controls, external audit, internal audit, financial reporting and other related areas to ensure that the financial and governance decision making position of the CCA, and the Mayor is sound. It will also review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the CCA's functions. The Committee will also be responsible for oversight of the CCA Constitution and any associated matters (subject to any necessary approvals from the CCA), the Members Code of Conduct and ethical standards of the CCA. The Committee may establish a sub-committee to preside over any formal hearings in respect of full investigations of alleged standards breaches.

The Audit and Governance Committee will be chaired by an independent person or an appropriate person who is a member of one of the CCA's constituent councils.

There will be a requirement for political balance on the Committee which will reflect the political balance of the CCA Area (which in this context means to reflect the voting in respect of the Constituent Councils but taken across the whole Area).

The Audit Committee will include an independent person, who is not otherwise associated with the Mayor or involved in the CCA. The Levelling Up and Regeneration Bill requires that members of the Audit Committee must not be the same individuals as those representatives who are members of the CCA.

The CCA will ensure that the Audit and Governance Committee has the right people to ensure effective oversight of the adequacy of the CCA's overall governance and assurance arrangements, and scrutiny of financial decision making by the Mayor and the CCA.

### **2.1.6 Local Enterprise Partnership Integration**

As set out in the Devolution Deal, the LEP function will be integrated into the CCA. These include business growth, innovation, skills strategy and regeneration. In addition, there is also a commitment to include an independent business voice, as is currently represented through the LEP Board.

The CCA proposes the establishment of a Business Advisory Board and it is envisaged that the Chair or a nominated member of that Board will become an Associate Member of the CCA.

There will be a range of informal relationships between businesses, higher and further education institutions and voluntary and community sector representatives.

## 2.2 Transparency

### 2.2.1 Corporate Governance and Code of Conduct

The CCA will put in place appropriate policies and procedures to underpin good governance, and high standards of integrity and transparency. These will include:

- Councillor and Co-opted Member Code of Conduct [the expectation is that the CCA will adopt the LGA model code].
- Members allowances, Travel and subsistence policy
- Whistleblowing Policy
- CCA Complaints Policy
- Freedom of Information/Information Requests Policy
- Information Governance and Data Protection Policy
- Counter Fraud and Corruption Policy
- Officer Code of Conduct (including Gifts and Hospitality Procedure and Conflicts of Interest Procedure)

Complaints relating to member conduct will be handled by the CCA Monitoring Officer in accordance with the procedure.

### Members Allowances

The EMCCA Regulations will set out the position on members allowances. Any allowances paid will be in accordance with an approved Scheme of Allowances published by the EMCCA and overseen by the Independent Remuneration Panel.

### 2.2.2 Publication of Meetings and Agenda Items

The CCA will put in place appropriate arrangements to ensure that formal meetings of the CCA and its committees and sub-committees are published as required by law.

The dates of all formal meetings will be published on the CCA website and relevant documents for each meeting are also published in advance, allowing the public to stay informed of key decisions and strategic issues. Other documents required for publication such as a Forward Plan of upcoming key decisions and notices relating to exempt information items will also be published on the website.

The CCA will maintain a publication scheme which will be published on its website. The detail of the publication scheme will be developed after the CCA comes into existence.

### 2.2.3 Communications and Local Engagement

The CCA is committed to active engagement with the public and other local public and private sector partners and stakeholders. This includes engaging stakeholders to inform the development of key strategies, plans and following any specific guidance issued by Government in relation to the Local Transport Plan.

A CCA Business Plan and Operating Model will be developed and following approval will be used to measure progress against plans at least annually.

Key information relating to funding streams will be published on the CCA website. This will include up to date information about scheme funding and approvals. Relevant business cases which are the subject of formal approvals will also be published as part of the meeting papers for those decisions. Associated reference materials and documents relating to funding arrangements will be published on the CCA website.

In addition to formal meetings of the CCA, regular contact will be maintained with the CCA's Constituent Councils through Chief Executive and/or senior officer meetings and through relevant officers working or delivery groups on project or theme specific issues.

The four representative Chief Executives will also maintain Liaison with Non-Constituent Borough and District Councils.

The CCA will hold frequent meetings with executives at key stakeholder organisations and groups, to provide top line updates and secure support and advocacy for major workstreams and projects.

For individual themes and project areas, the CCA will organise regular progress meetings to inform and engage with relevant stakeholders, and to gain feedback upon types of interventions.

The CCA will provide mechanisms – including via surveys, ad hoc one-to-one meetings and thematic networks – for stakeholders to actively engage and provide feedback for its key priorities and workstreams.

A significant, ongoing workstream will involve identifying and mapping a diverse range of external stakeholders across the region to ensure the broadest possible involvement of local partners in the CCA's work.

The CCA will engage with the public through a variety of channels. Media engagement will be a key pillar of raising awareness about, and support for, the CCA's role and its work.

The CCA's media strategy will target key regional media outlets across the region to secure positive coverage of the CCA, its impact and how it benefits residents. It will also target specialist and hyperlocal media outlets to reach specific groups and residents where they may be low engagement and/or awareness of the CCA. Regular press conferences and media briefings will be held with the Mayor, to boost the profile of the CCA across the region.

The CCA will organise public events in a 'Town Hall' format – giving local residents, businesses and groups opportunities to put questions to the Mayor and the CCA on local issues that affect them. A range of public consultations and surveys will be held by the CCA to ensure ongoing public engagement with its work and priorities.

## 2.3 Financial Management

The East Midlands Combined County Authority will be the Accountable Body for all funds and will be responsible for overseeing the proper administration of financial affairs. They will ensure that the usual Local Authority checks and balances apply to the awards of public funds.

The Combined County Authority will:

- Hold the funds and make payments in accordance with decisions from the relevant decision-making body.
- Ensure that funding is approved and allocated in a manner that is lawful, transparent, evidence-based, consistent and proportionate.
- Ensure compliance with any funding conditions.
- Ensure that the decisions and activities conform to the legal requirements with regard to equality and diversity, environmental regulations and other relevant legislation and guidance.
- Ensure through the s.73 officer that the funds are being used appropriately, prudently and are in accordance with the decisions made by the relevant decision-making body. The s.73 Officer will provide a letter of assurance to the Government each year (by 28th February) to confirm the reliability of the arrangements in place.
- Record and maintain the official record of formal meetings relating to funding decisions.

Regular financial reports relating to the CCA's funds will be presented to the Board.

Annual accounts will be prepared and published in accordance with Local Government accounting standards.

### Funding of the CCA

The EMCCA Regulations will indicate that the CCA will be funded by the four Constituent Councils. Funding has been secured as part of the deal from central Government to cover the financial years 2023/4 and 2024/5. In addition, as set out above, the Mayor has powers to issue a precept and impose a levy, and the CCA has powers to borrow. In practice it is expected that the running costs of the CCA will be met by either continued central Government support or with funding from the Constituent Councils.

The significant programme costs associated with major projects and schemes across the CCA footprint will be funded from other sources, the CCA has powers to borrow whilst the bulk of the funding needed for the CCA/Mayor will be provided by Government for the next thirty years. Government has committed to investment of £38 million per year for the next 30 years into the region through the Mayor/CCA.

The general powers the CCA has around finance and funding are expected to be substantially the same as local authorities enjoy.

## 3. Decision Making

### 3.1 Investment Decisions

It is proposed that the CCA will establish an Investment Board as an advisory body to make recommendations to the CCA on investment decisions which do not fall within the terms of reference of any other Committee or advisory board. The Investment Board will ensure any statutory requirements are met when considering proposals and making decisions.

In order to support robust funding decisions the agreed broader governance process will ensure that these decisions will reflect impartial advice with appropriate checks and balances particularly when assessing the merits of (potentially competing) business cases.

Section 4 below details the Project Lifecycle and how the net impact of the overall programme of investments will be considered, to ensure that projects work together when assessed cumulatively.

In the first instance a proposed membership of the Board would be as follows:

- Mayor/Deputy Mayor (Chair)
- 4 Constituent Council Members
- 2 Non-Constituent Council Members (one from each of Derbyshire and Nottinghamshire)
- An independent representative of the Business Voice (Chair or Vice Chair of Business Advisory Board)

### 3.2 The Role of the Accountable Body

The East Midlands Combined County Authority will be the Accountable Body for all funds within the investment programme and will be responsible for the proper administration and financial probity of all funds received. The Combined County Authority will ensure the effective use of public money and have responsibility for the proper administration of funding received and its expenditure.

As the Accountable Body, the Combined County Authority will be responsible for overseeing policy, the prioritisation of funding, ensuring value for money, evaluating performance and managing risk.

The Combined County Authority will:

- Hold investment programme funds and make payments in accordance with the decisions of the Combined County Authority or relevant decision-making body.
- Ensure that funding is approved and allocated in a manner that is lawful, transparent, evidence-based, consistent and proportionate.
- Ensure that the decisions and activities conform to the legal requirements with regard to equality and diversity, environmental regulations and other relevant legislation and guidance.
- Ensure through its s.73 officer that the funds are being used appropriately, prudently and are in accordance with decisions made by the Combined County Authority or relevant decision-making body, or through delegation, together with adherence to relevant guidance/legislation for the intended purpose.
- Record and maintain the official record of formal meetings relating to decisions made on all investment projects.
- Should a decision related to funding not conform to this assurance framework, e.g., not meeting legal requirements or representing inappropriate use of funds, then the Combined County Authority, as accountable body, will not action this decision.

## 4. Project Lifecycle

### 4.1 Identifying Projects

Projects for funding through the Combined County Authority investment programme will be identified by the Combined County Authority and, where relevant, the constituent Councils through their fit with the strategic and economic policy and plans for the area including the Combined County Authority Operating Model and Business Plan, Local Industrial Strategy, Joint Local Transport Plan, Employment and Skills Plan. This project identification process will be guided by a set of agreed regional objectives and investment principles for the investment programme. These will be set out in an investment strategy and include the scope for funding to be repaid (in whole or part) or generate a return, in order that the investment programme has a greater impact. Where projects are not promoted by the Combined County Authority or the Constituent Councils, then an open, transparent, and evidence-based process will be used to identify projects for funding.

#### 4.1.1 Project Assessment

Identified schemes will be assessed against agreed criteria, including those for individual programmes within the overall Investment Fund.

Schemes will be able to seek funding for development through completion of an application form. Formal entry into the programme will be considered at the Strategic Outline Case stage.

#### 4.1.2 Project Prioritisation

A process of prioritisation will be undertaken based upon agreed thematic criteria to establish a joint investment programme. The detail of the thematic methodology used, including prioritisation process and metrics, will be agreed in advance of its application.

The prioritisation will be based on a range of factors built around the business case for intervention. This will include:

- Location – including Priority Area, Size & Scale of the project
- High Yielding development
- Projected Outcomes against EMCCA policy and strategy objectives
- Deliverability - how quickly can the project be completed; is encumbered by known risks such as known abnormal site conditions or complex land assembly
- Need -are the project deliverables subject to acute short need with high deliverability factors
- Financial short-term value for money, high and low risk factors

All projects will undergo review and refinement as part of the evolving business case process. As project business cases are submitted, they will be assessed on their individual merits, but over time as a project pipeline emerges business case evaluations will also implicitly impact the prioritisation process.

#### 4.1.3 Summary of the assurance process

The appraisal process for the investment programme will be consistent with HM Treasury's Green Book and Business Case Appraisal process, including supplementary and departmental guidance, such as the Department for Transport's (DfT) TAG appraisal guidance for transport schemes.

## 4.2 Project Development

### 4.2.1 Development of business cases – identifying where this may differ for different kinds of scheme.

The business case development and appraisal process will apply the principle of proportionality, with more detailed information being required for large, complex or contentious projects. The application and appraisal process for the investment programme will involve the following stages:

1. Strategic Outline Case (SOC) – this will provide the strategic context, underlying justification for the project and will support the prioritisation and programme development stage. For larger schemes or which are innovative or likely to be contentious an SOC will be required. Smaller or less complex schemes can progress direct to Outline Business Case, or where appropriate, Full Business Case.
2. Outline Business Case (OBC) – this will confirm the strategic context, make a robust case for change and identify the preferred option for delivery from a shortlist of options considered based upon how well it meets scheme objectives
3. Full Business Case (FBC) – this will include a detailed business case for the project consistent with HMT’s guidance on the five-case business case model which is developed to a level where it is capable of being given final approval, including detailed design and having secured all necessary powers, consents and land to enable the delivery of the scheme. This will follow the latest Green Book business case guidance and take account of project specific appraisal guidance published by the relevant Government department).
4. Projects which are relatively straightforward, such as revenue interventions and capital projects which do not require planning permission or other consents can progress direct to FBC.

Where 50% or more of the funding for a project has been awarded by a Government department or Homes England through a specific funding application which gives final funding approval for delivery (equivalent to a Full Business Case), a separate business case may not necessarily be required to access match funding through the funds in scope of this framework. In such cases it may be assumed that the business case and value money will already have been suitably established by the external funder as part of the funding award. In these cases, evidence that Government has approved it will be required. Where this applies, funding applications will be published, and suitable Monitoring and Evaluation arrangements will be put in place to ensure the needs of both the external funder and the Combined County Authority are met.

For transport schemes, business cases should use the templates and approach provided in DfT guidance. For these purposes, a transport scheme is defined as any scheme that significantly changes the transport network infrastructure, whatever its objectives.

For smaller scale and relatively straightforward transport schemes a specific template will be used, structured around the five cases business case model, which seeks to capture the critical aspects of the business case in a comprehensive but proportionate way.

### 4.2.2 Scheme development funding options

Projects within the investment programme funded by the Combined County Authority funding streams will be eligible to submit for scheme development support. This will be based on the submission of a scheme feasibility and development application form which will identify tasks, timescales and costs for bringing forward an SOC, OBC or FBC. Aside from where a delegation has

been granted to the Combined County Authority Chief Executive in consultation with the Chief Executives of the constituent Councils, or the Combined County Authority Senior Officer in consultation with the Director responsible for Infrastructure of the constituent Councils, all submissions will be appraised and approved by the Combined County Authority. Where such approval is via delegation these decisions will be published and reported to the appropriate decision maker, including publication of the application.

#### 4.2.3 Due diligence

The Combined County Authority is committed to undertaking due diligence activities that support effective decision-making and project appraisal. This will naturally be undertaken as the Investment business case applications progress through the options appraisal and shortlisting processes. Where it is necessary to undertake specific analysis, for example, complex projects or comparison of multi-layered financial data, due regard will be taken of the Aqua Book guidance to ensure “fit for purpose” analysis underpins the Combined County Authority’s decision-making will apply throughout the evaluation stages. Similar regard will also be applied where appropriate to HMT Magenta Book guidance to provide qualitative comparative analysis for different combinations of sometimes complex projects/investment decisions and the respective outcomes.

The Combined County Authority will be responsible for determining how to apply its due diligence processes, but external agencies may also be commissioned to support this function as appropriate.

### 4.3 Appraisal

#### 4.3.1 Appraisal Criteria

The appraisal process for the investment programme will be consistent with HM Treasury’s Green Book and Business Case Appraisal process, including supplementary and departmental guidance, such as the Department for Transport’s (DfT) TAG appraisal guidance for transport schemes. This will be based on the five cases model.

#### 4.3.2 Assessing value for money

For the investment programme, the Combined County Authority will make investment decisions based on a range of evidence, such as the strategic case and other local impacts and analysis of cost effectiveness (including GVA impact at the local level), as well as the wider VfM appraisal. This evidence will be consistent with HM Treasury’s Green Book and other relevant departmental appraisal guidance. Whilst recognising the national Benefit Cost Ratio (BCR) will remain the universal metric to assess VfM, the Combined County Authority will take account of a range of evidence when deciding to invest in a project (such as the local impacts on the economy and investment unlocked) within the context of a wider VfM appraisal. In the event that a scheme does not offer at least ‘high’ VfM (i.e., that the national BCR is below 2 and once significant non-monetised impacts and key uncertainties have been considered), the Combined County Authority may still decide, exceptionally, to invest in a project based on the strength of evidence presented within the overall business case, including the strategic case and local impacts.

Full Business Case, including their value for money, will be signed off by the s151 officer or Chief Finance officer of the promoting organisation. As is the case for VfM statements, Full Business Case Assessment Summary Reports will be signed off by the Combined County Authority s73 officer and these will be included in the report to the Combined County Authority or relevant decision-making Board where the business case is being considered. Where the Combined County Authority is the



scheme promoter separation of roles will be ensured and business case sign off will be provided by another member of the Combined Authority Senior Management Team or the s151 officer from one of the constituent Councils. The appraisal reports will be presented to the relevant Combined County Authority Committee as part of the decision-making process, via an Assessment Summary Table.

#### 4.3.3 Transport Projects

For transport projects, the Combined County Authority will ensure that modelling and appraisal is sufficiently robust and fit for purpose for the scheme under consideration, and that modelling, and appraisal meets current DfT guidance for all schemes but for schemes with low cost (amount to be determined by CCA board), a more proportionate approach may be taken. In addition to TAG, other robust or evidence-based assessments or methodologies may be employed to prioritise and assess the overall business case for a scheme. Transport Project Business Case assessments will be based on forecasts which are consistent with the definitive version of NTEM (DfT's planning dataset).

The expectation is that all schemes must meet the defined business/operational need of the Combined County Authority and be measured against SMART objectives from the early conception of the project. SMART objectives will be independently assessed and applied to viable options that consider cost and benefit delivery at or above the "do minimum" option. The Combined County Authority will, as part of the assessment process commission a specialist transport consultant, fully independent from the scheme promoter and with no involvement in the development of the scheme being appraised, to fully assess and analyse the full business case for the project. This analysis will include a full analytical and assurance statement including verification of the projects Net Present Social Public Value/BCR. The independent assessment will be published and made available to the Combined County Authority or relevant committee (or the Chief Executives or Directors responsible for Infrastructure where there is a delegation) as part of the decision-making process.

Notwithstanding the above the Combined County Authority will be able to exceptionally approve transport schemes with lower NPSV/BCR having regard to specific circumstances including:

- The ability of the scheme to address multiple Combined County Authority policy objectives.
- Significant levels of match funding being provided by the scheme promoter.

Examples of such exceptional circumstances could include where a transport scheme:

- Unlocks a major development site.
- Stimulates significant land value uplift which can subsequently be captured.
- Has a low NPSV/BCR but is part of a programme that can evidence a 'high' BCR as a minimum.

The justification will be clearly set out in the report before the Combined County Authority or at the point of decision making.

The recommendations to the Combined County Authority or relevant decision-making Board will clearly explain the rationale for approving a scheme with medium or worse VfM and the implications of the recommendation.

#### 4.3.4 Adult Education Budget

The Government will fully devolve the AEB to the Combined County Authority from the academic year 2025/26, subject to the meeting the readiness conditions set by DfE. The Governance structures, system, process, and policies that will be developed and implemented by Combined County Authority as the accountable and decision-making body, will provide the DfE with confidence that it has in place all relevant infrastructure to effectively manage the process and risks associated with the allocation of devolved AEB funding, including accountability to:

- the public, via the Overview and Scrutiny Committee and Audit and Governance Committee, including scrutiny of the accounts and local audit reports.
- the UK government. The Combined County Authority will also discharge, on an annual basis its responsibilities to devolved AEB funding as set out in the English Devolution Framework and produce an Annual Assurance Report alongside other yet to be agreed document such as an Adult Education Budget (AEB) Assurance Framework document, including project appraisal and value for money processes.

#### 4.3.5 Approval process

To ensure the investment programme is managed strategically the Combined County Authority s73 officer, supported by senior officers, will be responsible for the overall management of the programme and that linkages are made within the portfolio of projects seeking investment. The time taken to assess projects will depend on the nature and complexity of the proposal.

The outcome of the independent assessments of investment programme schemes will be reported to the Combined County Authority's relevant decision-making board as part of the recommendations made on the merits of individual applications. An Assessment Summary Table will form an appendix to these reports and will be part of the Combined County Authority or other decision-making body's public agenda pack that will be available to view on the Combined County Authority website.

Aside from where the Combined County Authority is the scheme promoter, the Combined County Authority will prepare a Grant Offer Letter for agreement by the applicant. The offer letter will set out the following which will be monitored by the Combined County Authority:

- A financial profile including quarterly expenditure.
- A profile of outputs and outcomes to be achieved with key milestones for delivery.
- Projected impacts and a timetable for their achievement.

#### 4.3.6 Investment Programme Management

A performance management system will be used to collate, record and report on the progress of individual projects and the investment programme overall. Where projects do not achieve their milestones for delivery, projects will need to provide evidence to demonstrate that they will be able to get back on track or seek approval for change via the relevant review and monitoring board. Projects that consistently fail to meet projected performance (financial and outputs) may have funding withdrawn. Projects 'at risk' will be reviewed, and the outcomes of this process will be referred to the Combined County Authority, prior to any withdrawal of funding and decision on expenditure incurred.

There are a number of mechanisms that will ensure effective management of the investment programme to maximise the economic impact within the area. These include:

- Designation of the Combined County Authority s73 officer as having overall responsibility for management and reporting on the performance of the investment programme to the Departmental Accounting Officer within DLUHC.
- Ensuring suitable mechanisms and resources are in place to effectively monitor, evaluate and review the performance of projects in the investment programme in respect of delivery, expenditure and outputs/outcomes.

#### 4.3.7 CCA risk management

The Combined County Authority Chief Executive will be responsible for the identification and management of risk for the overall investment programme. Key risks for the investment programme

will be added to the Corporate Risk Register and will be monitored (alongside the performance monitoring procedures) by Internal Audit & Risk and reported to the Audit and Governance Committee.

The Combined County Authority will establish a comprehensive Risk Management Framework, which supports the identification and management of opportunities and risks across the Investment Programme. This process will be robust, transparent and invite and support challenge innovation and excellence across the investment programme and its deliverable outcomes.

The Risk Management Framework is being designed around the emerging Investment Programme and its individual identified project priorities. As this evolves it will embody the recommended principles (HMT Orange Book 2020) ensuring effective risk management is integral at both project and programme levels across the investment programme. This will include: -

- RMF will be incorporated into the CCA governance and leadership reporting as outlined above.
- RMF will be an integral element of the evaluation and decision-making processes at all levels.
- Be collaborative and transparent with the appropriate level of expertise.
- Will include risk identification & assessment.
- Identification & treatment of risk options
- Risk monitoring
- Risk reporting & management oversight
- Subject to continual review & improvement

As the Risk Management Framework is designed around the emerging Investment Programme and embedded into the Authority's governance and audit reporting processes, it will further undertake to refine its application through the development of a Risk Control Framework. This will strengthen the Authority's accounting processes and decision making in real time, facilitating better outcomes through change controls and management of project risks across the Investment Programme. The Risk Control Framework will be used to embed the key principles of risk management within the Combined County Authority's governance and audit and risk systems promoting and evolving a best practice culture and continuous learning.

This will assist with broader aspects of risk and can be applied across related areas subject to organisational risk. This may include -

- Finance, accounts – governance statements
- Risk assurance between project teams, accountable officers audit and finance
- Risk assurance external government reporting

The structure of the Risk Control Framework will be evolved as the Risk management Framework is designed and defined around the emerging Investment programme. It will, nevertheless, be guided by the four pillars 3 lines model set out in the HMT Orange book 2020. The Combined County Authority will utilise this model to embed, implement and evolve robust risk management cultures across the organisation's operational teams. It will also ensure that the Authority's appointed external advisors will include broad subject matter experts around risk management and be able to significantly augment the Authority's Assurance and Governance teams to strengthen, evolve, refine a comprehensive risk mapping reporting and delivery.

The Combined County Authority recognise the importance of developing, evolving and shaping a strong risk management culture, applying the 4 Pillars, 3 lines model will ensure it is embedded through its assurance, governance internal audit processes; and ensuring that regular review of both the Risk Management & Control Frameworks is subject to third party assurance sign off.

## 5. Project Lifecycle

### 5.1 Effective monitoring and Evaluation

#### 5.1.1 Relevance of Monitoring & Evaluation

The Combined County Authority's overall approach to Monitoring and Evaluation will be underpinned by transparency and the following key principles:

- Reporting requirements are locally defined and support delivery of local strategies
- Regular reporting through CCA's democratic & governance processes. This will include finance budget and performance data, with published papers to the Investment Board and Overview and Scrutiny Committee, as applicable, containing appropriate plans and performance indicators; including where appropriate details of any project and or programme slippage.
- Evaluation is meaningful and proportionate
- Data is collected once and used many times in accordance with legal requirements. Baseline information is consistent across key initiatives
- Monitoring and evaluation are a core part of all activities
- Lessons learned are used to inform future policy development

This will enable the Combined County Authority to:

- demonstrate local accountability. Show how funding is being spent and benefits achieved against local strategies and action plans, demonstrating the value and effectiveness of local decision making and shaping future priorities.
- comply with external scrutiny. Together with the Assurance Framework, demonstrate progress and delivery to the constituent council members, senior Government officials and Ministers
- understand what works. Provide a feedback loop and enables the lessons learnt to be fed back into policy making and communicated to stakeholders, as well as supporting the case for further devolution and investment in the area.
- develop an evidence base. Provide a mechanism for collecting, collating and analysing data which can be used across the organisation and by others, following the principle of collecting data once and using many times subject to relevant legal requirements.
- ensure quality assurance. For interventions funded through investment programme, Monitoring & Evaluation plans form part of business case submissions, and these are independently reviewed and published to support business case approval decisions by the Combined County Authority.

#### 5.1.2 Performance Monitoring

All projects funded through the investment programme, regardless of the size, will have an effective monitoring and evaluation plan in place which will form a key part of the business case. This will enable assessment of the effectiveness and impact of investing public funds, and the identification of best practice and lessons learnt that can inform decisions about future delivery. The monitoring plan will guide the collection of data from individual projects and will be designed to ensure that it captures information required by the Combined County Authority and Government.

Individual monitoring and evaluation plans will be proportionate, correspond with procedures for appraisal and be in line with the latest Government department guidance where relevant. These plans will identify the resources required to deliver the proposed monitoring and evaluation activities. All monitoring and evaluation plans and interim and final monitoring and evaluation reports will be published on the Combined County Authority website.

For the Investment Fund, the evaluation component of individual projects' monitoring, and evaluation plans will complement the five-year Gateway Review. This Government evaluation will focus on identifying the impact of investments made using this funding.

### 5.1.3 Monitoring and Evaluation Responsibilities

Monitoring and Evaluation Plans, which form part of business cases, should identify the outcomes (benefits) planned to be delivered, how outcomes will be measured, a baseline assessment, and how it is intended to implement, monitor and assess the project to identify whether the benefits have been realised in line with the approach and timescales set out in the Plan. As set out below, the Project Delivery Report will confirm the monitoring activities set out in the Monitoring and Evaluation Plan. This report will also identify lessons learnt to inform the future delivery of projects through the Combined County Authority investment programme and more widely.

Projects will be required to submit quarterly monitoring reports (financial, output, and narrative) explaining their progress to spend and delivery targets and noting specific changes to the project and challenges in delivery. A variance of 10% or more on spend and delivery targets will trigger a review by the CCA, and the promoter will be written to requesting a written response detailing why the project has changed. The CCA reserves the right to recover or withhold all or part of the funding supplied for a project in these circumstances:

- The project is not delivered within agreed dates
- The project delivered differs from that specified
- The outcomes demonstrated through post-delivery evaluation fall short of those on which the value for money assessment and business case were based
- The outputs identified in the Business Case are not delivered.

Monitoring reports will be summarised for consideration on a quarterly basis by the appropriate board, using a RAG rating system. In line with good practice, and to support effective and robust decision making, monitoring reports to the board will typically summarise good progress and areas of good practice. The report will also highlight risks to the delivery of the programme. If projects are highlighted as High Risk due to poor output delivery, then an escalation process will be applied. If the board considers it appropriate, promoters will be invited to the Board to explain the slippage. The Investment Board will take local circumstances into account when making recommendations decisions to the CCA Board over whether funding should be withheld or recovered.

### 5.1.4 Expectations from projects

Projects are expected to deliver the outputs that were proposed in their business cases and to fulfil all the requirements set out in their grant offer agreement. The CCA will have an Evaluation Framework which will set out the monitoring information and evaluation that will be required. All projects will be expected to submit regular monitoring information and evaluation in line with this Framework.

## 5.2 Enforcement

### 5.2.1 Recovery of non-compliant funding

The Combined County Authority will have appropriate processes in place to recover non-compliant funding. Should a decision be made not to recover funding, a strong and compelling justification will be required which will be formally documented.

The Grant offer agreement for each project will detail the action that will be taken if there is evidence of non-compliance. The promoter is required to identify the risks in the detailed business case for the delivery of the wider project and the potential outputs delivered at each stage if the additional approvals/funding is not forthcoming. The project will be submitted to the appropriate board to recommend funding approval to the CCA, and this will be subject to any future funding only being released once evidence of the outstanding requirements are provided to the board and Accountable Body.

The funding will initially be by way of a grant and will be subject to clawback if the project has changed significantly, and this is not approved by the CCA. The grant given may require some form of security for example, a charge on the land.

### 5.2.2 Project non-compliance

The Combined County Authority has the right to withhold funding if the project delivery expectations defined at inception are not met within the agreed funding period.

The promoter is required to identify the risks in the detailed business case for the delivery of the wider project and the potential outputs delivered at each stage. The project will be submitted to the relevant decision-making body for review if in the opinion of the CCA the project has significantly changed (by 10% or more) from what was originally proposed (i.e. spend, profile, outputs and outcomes, or delivery), and will be subject to any future funding only being released once a satisfactory response is provided to the CCA. Projects may also be asked to update the Investment Board on a timeframe agreed by the Investment Board.

## 5.3 Project Closure

### 5.3.1 Requirements relating to closure reports

The Promoter of all projects are required to produce an End of Project Delivery Report at the end of the project (within 3 months of completion), which demonstrates that:

- All activities have been delivered in accordance with the offer letter.
- All funding has been spent appropriately in line with the projected financial profile for the project. In addition, final grant claims are accompanied by an audit report.
- There are no outstanding risks or actions that need to be taken to sign the project off by the Combined County Authority.
- All relevant outputs and key milestones have been achieved.
- The key successes and lessons learnt from the project.
- Confirmation of the evaluation activities to be subsequently undertaken, when these will take place and the lead contact who is responsible for ensuring this occurs.

A summary of these reports will be published on the CCA website.



*making our region more prosperous, sustainable and fairer, helping our people and businesses to create and seize opportunities*

## EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD

<b>Date</b>		<b>20 March 2024</b>			
<b>Report Title</b>		<b>MAYORAL ELECTION</b>			
<b>Accountable EMCCA Board Member</b>		<i>No Member identified due to nature of this being first EMCCA Board meeting</i>			
<b>Accountable Chief Officer</b>		Mark Rogers Interim Chief Officer			
<b>Accountable Employee</b>		Jodie Townsend Interim Monitoring Officer			
<b>Report has been considered by</b>		Informal Leaders Meeting			
<b>Key decision</b>	No	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By simple majority of Constituent Members

**Recommendation(s) for action or decision:**

**The East Midlands Combined County Authority Board is recommended to:**

- 1 Confirm the decision taken by the Constituent Councils to appoint the CCARO as set out in 3.1 of this report**
- 2 Agree the CCARO Fees as set out in 3.6 of this report**

**1. Purpose**

- 1.1 To confirm the approvals provided by the Constituent Councils for the appointment of Melbourne Barrett as the Combined County Authority Returning Officer (CCARO).
- 1.2 To agree the fees to be paid to the Combined County Authority Returning Officer (CCARO).

## **2. Background**

- 2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.
- 2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.
- 2.3 The first election for a Mayor of the East Midlands Combined County Authority will take place on the 2<sup>nd</sup> May 2024.
- 2.4 Each Combined County Authority must appoint one of its officers, or one of the officers of a constituent council, to be the Combined County Authority Returning Officer (CCARO) in relation to the election.
- 2.5 The CCARO will have overall responsibility for running the election of the Mayor and be responsible for accepting nominations and co-ordinating the regional result.
- 2.6 It is proposed to make the appointment which mirrors as closely as possible the arrangements that were put in place for the Police and Crime Commissioner elections that cover the same electoral area, noting that there are separate PAROs for both PCC elections
- 2.7 The Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023 (the Elections Regulations) came into force on the 6<sup>th</sup> February 2024. The Elections Regulations permit the appointment by the Constituent Councils of a combined county authority returning officer (CCARO) for the mayoral election ahead of the creation of the EMCCA. This was in order that preparations for the election could be commenced prior to the creation of the EMCCA.
- 2.8 Each Constituent Council considered a report on the appointment of the CCARO as follows:
- Derby City Council – Full Council 7<sup>th</sup> December 2023
  - Derbyshire County Council – Full Council 7<sup>th</sup> December 2023
  - Nottingham City Council – Full Council 7<sup>th</sup> December 2023
  - Nottinghamshire County Council – Full Council 7<sup>th</sup> December 2023

## **3. Appointment of CCARO**

- 3.1 All four Constituent Councils considered a report on 7<sup>th</sup> December 2023 at their Full Councils which approved that Melbourne Barrett, Chief Executive and Returning Officer of Nottingham City Council, is appointed as the first CCARO.
- 3.2 The Board is reminded that the role CCARO is separate from that of Chief Executive, operating entirely independently from Nottingham City Council.
- 3.3 The CCARO will be required to print and post a mayoral election booklet to every elector in the combined county authority area, 1.6m individuals in total. The booklet will include information from the CCARO about the election and an election address from each candidate. The costs of this will be



incorporated in the overall costs of running the election, which are to be borne by the Combined County Authority.

- 3.4 In County areas, the Elections Regulations also make provision for the CCARO to direct district/borough council local returning officers to discharge the CCARO's functions at the election. This means that the usual arrangements where district/borough councils deliver the election for county areas will apply, where the election is a mayoral election for the Combined County Authority.
- 3.5 Given that this is the first meeting of the Combined County Authority as an entity, Members are asked to confirm the appointment of the CCARO taken by each Constituent Council.

### **CCARO Fees**

- 3.5 The Combined County Authority electoral area covers both Derbyshire and Nottinghamshire, there will be Police and Crime Commissioner elections for each County with a Police Area Returning Officer (PARO) responsible for each Police & Crime Commissioner election with these elections on the same day as the Mayoral election.
- 3.6 As this is the first Combined County Authority election it is suggested that the appropriate fee for the CCARO should be based on a multiplier of 1.5 times the fee for a Police Area Returning Officer (PARO). This is proposed on the area coverage being that of both the Police and Crime Commissioner elections but accepting that the joint nature of the elections provides opportunity for a reduction in some areas of operation.
- 3.7 The PARO fee is met by Cabinet Office a part of the overall cost of the PCC election. These fees remain subject to confirmation by Government but are currently proposed to be £8000 per Police Area and are exclusive of any expenses and any separate Local Returning Officer (LRO) fee payable to all Local Returning Officers within their own authority areas.
- 3.8 These LRO fees will also be payable by the Combined County Authority as part of the overall expense of the election. On this basis the CCARO fee for this election would be £12,000 exclusive of expenses.
- 3.9 The proposed CCARO fee also recognises that the CCARO's responsibilities extend over 2 counties.

### **Mayoral Election**

- 3.10 Once elected, the term of office of the Mayor returned at the election usually begins with the fourth day after the day of the poll. However, as the 6th May 2024 is a bank holiday, the Mayor will take office on Tuesday 7th May 2024. The Mayor's term of office is four years

## **4. Appendices**

- 4.1 There are no appendices attached to this report.

## **5. Implications**

### Financial Implications

- 5.1 The costs of running a mayoral election are to be met by the Combined County Authority. The cost of the inaugural mayoral election is provisionally estimated to be between £3-4 million. Wherever possible, efficiencies will be delivered through sharing infrastructure with Police and Crime Commissioner elections happening on the same day.
- 5.2 The operational costs of the mayoral election will not fall to the Constituent Councils, as it has been agreed with government that funding for set up the new combined county authority can be used for this purpose. Provision has been made in the budget for these costs.

- 5.3 Amendments to the Combined Authority (Mayoral Elections) Order 2017 make provision for expenditure properly incurred by a CCARO in relation to the holding of a mayoral election to be paid by the constituent councils, should this be necessary, and subsequently recovered from the Combined County Authority.

#### Legal Implications

- 5.2 The legal issues arising from the proposed recommendations are alluded to in the body of the report.

#### Other Significant Implications

- 5.3 There are no other implications identified.

#### Background Papers

- 5.4 The East Midlands Combined County Authority Regulations 2024: [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)



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## EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD

<b>Date</b>		<b>20 March 2024</b>			
<b>Report Title</b>		<b>Proposed Pay and Grading Framework</b>			
<b>Accountable EMCCA Board Member</b>		<i>No Member identified due to nature of this being first EMCCA Board meeting</i>			
<b>Accountable Chief Officer</b>		Mark Rogers Interim Chief Officer			
<b>Accountable Employee</b>		Amanda Mays Interim Operations and People Lead			
<b>Report has been considered by</b>		Informal Leaders Meeting			
<b>Key decision</b>	No	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By simple majority of Constituent Members

**Recommendations for action or decision:**

The East Midlands Combined County Authority Board is recommended to:

- 1 **Note** the progress made on the EMCCA Pay and Grading Framework.
- 2 **Approve** the proposed Pay and Grading Framework and associated pay scales in **Appendix 1**.
- 3 **Approve** job evaluation of the work of EMCCA employees using the Korn Ferry Hay scheme and principles and agrees that an external provider is sought to meet the initial considerable demand and swift turnaround times.
- 4 **Agree** to use the nationally negotiated NJC pay spine as the basis for its local grading structure.
- 5 **Agree** that the terms and conditions of employment for non-Chief Officers will be in accordance with collective agreements negotiated from time to time by the National Joint Council (NJC) for Local Government Services.

- 6 **Support the production of a Market Supplement Policy and Redundancy and Early Retirement Policy.**
- 7 **Agree the EMCCA shall pay a spot salary for the Chief Executive and Executive Director roles and that no bonuses or performance related pay is paid to its Chief Officers.**
- 8 **Apply to the Living Wage Foundation to obtain Living Wage accreditation.**
- 9 **Note that progress has been made so that the EMCCA joins the Local Government Pension Scheme.**

## **Purpose**

- 1.1 This paper outlines the proposed Pay and Grading Framework which is designed to ensure that EMCCA has a simple, transparent and fair system for determining salary levels, linked to job role and responsibilities; and that demonstrates equity through a valid job evaluation system. The Pay and Grading Framework, accompanying job evaluation process and pensions offer is a fundamental part of creating the right foundations for EMCCA to be able to employ, recruit and retain talent.
- 1.2 This Pay and Grading Framework proposal has been developed following the response to the draft paper shared at the EMCCA Shadow Board on 27 February 2024.

## **Background**

- 2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.
- 2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.
- 2.3 The Pay and Grading Framework needs to reflect the achievement of the scope, ambitions and type of organisation and culture that EMCCA needs to deliver on the above for the region.
- 2.4 The EMCCA Shadow Board considered the organisation design principles and accompanying "tier 1" senior staffing structure (of Chief Executive and direct reports) at their meeting on the 29 January 2024. It was noted that in developing the proposed high-level structure the EMCCA should be a lean, agile, outward-facing organisation that works closely with stakeholders to deliver on the ambition for the region.
- 2.5 EMCCA's first year will be a 'start-up' organisation to deliver the functions and level of investment agreed by the Board. Built into the organisation will be the potential to expand – investment, impact, etc – in its early years and in taking advantage of new opportunities as they arise.
- 2.6 The purpose of this paper is to propose the EMCCA's strategic stance on pay in order to provide direction for members and officers making detailed decisions on pay and to provide the citizens of the

EMCCA region with a clear statement of the principles underpinning decisions on the use of public funds.

2.7 The Pay and Grading Framework sets out the power to appoint officers on such reasonable terms and conditions, including remuneration, as the authority thinks fit. This proposed Pay and Grading Framework sets out the EMCCA's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency regarding the Authority's approach to setting the pay of its employees, by identifying;

- the methods by which salaries of all employees are determined;
- the detail and level of remuneration of its most senior staff i.e. 'Chief Officers,' as defined by the relevant legislation;

Once approved by the EMCCA Board, the Framework will come into immediate effect and be subject to review on a minimum of an annual basis, in accordance with the relevant legislation prevailing at that time.

### **3 Pay and Grading Framework**

#### **Legislative Framework**

3.1 In determining the pay and remuneration of all its employees, EMCCA will comply with all relevant employment legislation. This includes, but is not an exhaustive list, the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

3.2 Regarding the Equal Pay requirements contained within the Equality Act, the EMCCA ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality-proofed job evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role

#### **Pay Structure**

3.3 The purpose of pay is to encourage staff with the appropriate skills to seek to work for EMCCA and then to reward them appropriately for the tasks they undertake along with being at a level that maintains their motivation and retains their services for a suitable period.

3.4 Based on the application of job evaluation processes, EMCCA proposes to use the nationally negotiated NJC pay spine as the basis for its local grading structure (known as the main salary scale). This determines the salaries of the majority of the Grades. The EMCCA's terms and conditions of employment for non-Chief Officers will be in accordance with collective agreements negotiated from time to time by the National Joint Council (NJC) for Local Government Services. Set out in the Scheme of Salaries and Conditions of Service (commonly known as the "Green Book") as amended or supplemented by any future local collective agreements.

3.5 In determining its grading structure and setting remuneration levels for all posts, EMCCA has considered the need to ensure value for money in respect of the use of public expenditure, balanced against the need to recruit and retain employees who are able to meet the requirements of providing high quality services to the community, delivered effectively and efficiently and at times at which those services are required. EMCCA has also benchmarked the salaries and grading with the constituent councils. The Framework needs sufficient flexibility to cope with a variety of changing circumstances such as market factor supplements to reflect recruitment and retention issues nationally and locally. It must also ensure that senior officer pay, and terms and conditions are in line with those applicable to other employees and be committed to openness, transparency and public accountability. The Framework is also designed to reflect local circumstances such as shortages of particular required skills and be committed to equity and fairness of treatment across the whole workforce.

- 3.6 New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary to secure the best candidate when a higher skill level and/or experience are applicable. From time to time, it may be necessary to take account of external pay market factors to attract and retain employees with particular experience, skills and capacity. Where necessary, the EMCCA will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources (see 3.14 Market Supplements).
- 3.7 Chief Officers are appointed at spot salaries. Progression through the salary ranges, where applicable, will be linked to objective, clear and relevant criteria, including the participation in an annual appraisal.
- 3.8 **It is recommended that EMCCA adopts the Pay and Grading Framework and associated pay scales at Appendix 1.**

### **Job Evaluation**

- 3.9 The consistent evaluation of the relative value of job roles throughout the EMCCA ensures a fair, open, and transparent pay and reward structure that is affordable and compliant with Equal Pay legislation and Single Status requirements.
- 3.10 The Korn Ferry ('Hay') scheme is a framework to objectively evaluate jobs to assess their relative size across many organisations, this is used widely across local government, including Nottinghamshire County Council.
- 3.11 This method of JE is proposed as it has been used extensively across the public sector and particularly in local government. It provides a coherent model to compare & assess similar jobs and the characteristics of different levels of work.
- 3.12 The volume of JE demand will initially be significant when evaluating all roles. Response and turnaround times will be important; therefore, the intention is to procure an external provider to enable timely turnaround times throughout.
- 3.13 **It is recommended that the EMCCA evaluates the work of its employees using the Korn Ferry Hay scheme and principles and that initially an external provider is sought to meet the initial considerable demand and swift turnaround times. This will also ensure that the 'Hay' scheme is correctly applied creating a solid base from which the organisation will grow.**

### **Market Supplements**

- 3.14 The Authority will be drafting a policy to offer market supplements in instances where the substantive grade of the post is insufficient to attract or retain post holders in skill shortage areas, based on evidence of recruitment and or retention difficulties. The Market supplement has yet to be defined however where a temporary market supplement is applicable, this may be applied as a non-consolidated payment, outside of cost-of-living increases. The applicable market supplement will be reviewed on a periodic basis to ensure market conditions are pertaining.
- 3.15 The Authority will be drafting a policy to offer market supplements in instances where the substantive grade of the post is insufficient to attract or retain post holders in skill shortage areas, based on evidence of recruitment and or retention difficulties. The Market supplement has yet to be defined however where a temporary market supplement is applicable, this will be applied as a non-consolidated payment, outside of cost-of-living increases. The applicable market supplement will be reviewed on a periodic basis to ensure market conditions are pertaining.
- 3.16 **It is recommended that a Market Supplement Policy be produced to ensure that there is flexibility on pay where necessary to achieve market rates in skills shortage areas.**

## Senior Management Remuneration

- 3.17 For the purposes of this Framework 'chief officers' are those as defined within section 43 of the Localism Act. The Joint Negotiating Committee (JNC) agrees conditions of service for chief executives and chief officers. The posts initially determined as falling within the statutory definition are set out below, with details of their basic salary as proposed on 1st April 2024. Salaries quoted are based on the full time equivalent (FTE) of 37 hours per week.
- 3.18 Salaries paid to the EMCCA Chief Officers will be that determined by an evaluation of the 'size' of the role and both external and internal benchmarking. The comparative level of remuneration of each Chief Officer is to be decided on the basis of their particular accountabilities and responsibilities (including any statutory responsibilities) and the scope, size and impact of the job, considering the range of services provided, the number of employees and the size of the population within their remit. It is proposed that EMCCA offers spot salaries to the Chief Executive and their Executive Director direct reports. These salaries will be cognisant of the necessary requirement to attract and appoint the calibre of person(s) needed to successfully deliver the ambitious EMCCA agenda. The salary ranges for these posts are to be agreed by the Appointments Panel.
- 3.20 **It is recommended that the EMCCA pays spot salaries for Chief Officer roles, in a range approved by the Appointments Panel.**

## Additions to Salary of Chief Officer Related Posts

- 3.21 EMCCA is not proposing to apply any bonuses or performance related pay to its Chief Officer related posts. Chief Officers are employed on a spot scale. The salary structures each have minimum and maximum range, as shown in Appendix 1. Where additional responsibility is undertaken, EMCCA may apply an honorarium reflective of the additional duties undertaken.
- 3.22 **It is recommended that no bonuses or performance related pay is paid to its Chief Officers.**

## Payments on Termination

- 3.23 EMCCA's proposed approach to discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, will be set out within its Pay Policy Statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and the Local Government Pension Scheme (LGPS) Regulations 2013 (as amended).
- 3.24 The circumstances of each individual redundancy case will be assessed, each specific case will be judged equally and fairly on its own merits. For redundancy payment purposes the contractual notice and redundancy pay will be set out in the EMCCA's policy on Redundancy and Early Retirement which will apply to all employees of the EMCCA, including Chief Officers. This policy is in development and will be appropriate and mindful of the terms applicable to those across the four constituent councils.
- 3.25 **It is recommended to further develop the Redundancy and Early Retirement Policy on the basis as outlined above.**

## Publication

- 3.26 In addition, the EMCCA's Annual Statement of Accounts is statutorily required to include a note setting out the number of staff whose total remuneration is at least £50,000 and for chief officer posts it will show the amount of
- salary, fees or allowances paid to or receivable by the person in the current and previous year;
  - employer's contribution to the person's pension;
  - any bonuses so paid or receivable by the person in the current and previous year;
  - any sums payable by way of expenses allowance that are chargeable to UK income tax;
  - any compensation for loss of employment and any other payments connected with termination;
  - any benefits received that do not fall within the above;
  - any employees earning in excess of £150,00 must be named.

**It is recommended that the Pay and Grading Framework be published on the EMCCA website and that the annual Pay Statement is submitted early in 2025 to the Board to meet the statutory requirements.**

### **Lowest Paid Employees**

- 3.27 It is proposed that EMCCA adopt the principle to pay the UK Real Living Wage. The lowest paid persons employed under a contract of employment with the EMCCA will be employed in accordance with the minimum spinal column point currently in use within the EMCCA's grading structure. As announced on the 24 October 2023 (employees have six months to implement), the Living Wage Foundation set the real Living Wage at £12 per hour which is £23,151 per annum. This amount is above point 4 of the main NJC pay spine minimum (1-43). It is proposed that the EMCCA apply to obtain Living Wage Foundation accreditation. Any changes to the real Living Wage hourly rate will be implemented from the 1st of April each year following the increase.
- 3.28 EMCCA proposes to also employ Apprentices who are not included within the definition of 'lowest paid employees' as the terms and conditions are determined by the National Apprenticeship Service.
- 3.29 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of chief officers as included within the Hutton 'Review of Fair Pay in the Public Sector' (2010). The Hutton report was asked by Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organisation. The report concluded that "it would not be fair or wise for the Government to impose a single maximum pay multiple across the public sector." The EMCCA accepts the view that the relationship to median earnings is a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between highest paid salary and the median average salary of the whole of the authority's workforce. As EMCCA employs people and grows its workforce there will be an ongoing review of the pay multipliers and this will be referenced against Lord Hutton's public sector threshold.
- 3.30 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the EMCCA will use available benchmark information as appropriate.
- 3.31 **It is recommended that EMCCA apply to be a Real Living Wage Employer which is already built into the pay structure and commit to publishing the ratio between the highest paid salary and the median average salary of the whole of the EMCCA workforce.**

### **Pension Scheme**



3.32 As a listed scheduled body employer (Part 1 of Schedule 2 of the LGPS Regulations 2013) the EMCCA will be required to provide LGPS to its employees. Pension fund membership and administration will be provided through the Nottinghamshire County Council pension fund. This is a requirement of the EMCCA Regulations (Reg 36).

3.33 **Work has commenced to progress EMCCA's application to join the LGPS, administered by Nottinghamshire County Council. The actuarial assessment is underway to agree the contribution rate, which will then be kept under regular review.**

#### **4. Appendices**

4.1 Appendix 1 - EMCCA Pay and Grading Structure

#### **5. Implications**

##### Financial Implications

5.1 There is a cost to the EMCCA to be accredited as a Living Wage Employer by the Real Living Wage Foundation.

##### Legal Implications

5.2 As set out in the body of the report

##### Background Papers

5.3 None

## Pay and Grading Framework

Work Levels Framework							
Work Level	Typical Jobs	Hay Ref	NJC / JNC	SCP	EMCCA Grade	Description	Salary Range
Tier 1: Strategic and Executive Leadership	Chief Executive	25	JNC	Spot salary	Chief Officer	Accountable for overall operation of the organisation - sets strategic direction with authority Leaders. Long-term planning horizon - 5+ years. Reports directly to Chief Executive.	Subject to EMCCA Appointments Panel
		24					Subject to EMCCA Appointments Panel
	Executive Director	23					Subject to EMCCA Appointments Panel
Tier 2: Tactical Leadership	Statutory Chief Officer e.g. Public Health Director	23	JNC	78 to 80+	K	Sets <b>strategic direction</b> with authority Leaders and stakeholders. Long term planning horizon - 5+ years. Includes reports to Executive Director, statutory chief officer (dotted line to Chief Executive).	Subject to EMCCA Appointments Panel
	Director	22	NJC	75 to 80	J	Translates strategy into tactical plans and accountable for delivering specific services - strong contribution to strategy development. Planning horizon - 12+ months. Will include Deputy Chief officers.	£99,000 to £110,000
		21	NJC	63 to 73	I		£78,000 to £95,000
Tier 3: Operational management	Heads of Service or Strategic Lead	20	NJC	57 to 62	H	Roles at this level are more about the operational management of services with only a limited contribution to strategy development Lead roles will tend to be SME providing insight and direction into strategy development Planning horizon - up to 12 months	£67,737 to £76,566
		19	NJC	50 to 55	G		£59,057 to £65,296
		18	NJC	41-43 and 44-46	F		£49,498 to £54,679
Professional contribution	Professional roles such as HR, Finance, ICT, Procurement, Legal	17	NJC	36 to 41	F	The mainstay of professional posts in the organisation. From qualified but junior roles through to senior professionals who need little supervision to operate within the professional area. Planning horizon - monthly	£44,428 to £49,498
		16	NJC	33 to 38			£41,418 to £46,464
		15	NJC	28 to 33			£36,648 to £41,418
Tier 4: Technical / Practitioner	Technical or practitioner roles	14	NJC	23 to 28	E	Many roles will be in this category - providing advice, guidance, services to clients (internal/external) at a technical or practitioner level. Most will need little supervision as the roles follow procedure or precedent. Planning horizon - weekly	£32,076 to £36,648
		13	NJC	15 to 22	D		£27,803 to £31,164
		12	NJC				
Tier 5: Process Plus	Strong administrative roles with supervision	11	NJC	8 to 14	C	Process related roles but usually with added complexity - either through more complex activities and/or supervision of others Planning horizon - weekly	£24,702 to £27,334
		10	NJC	5 to 7	B		£23,500 to £24,294
Tier 6: Process Related	Straightforward admin or process roles – little forward planning - routine, repetitive	9	NJC	2 to 4 (topped up to RLW*)	A	Process related roles undertaking routine and repetitive tasks/activities. Little planning required.	£22,366 to £23,114
		8	NJC	2 (topped up to RLW*)	A		£22,366

\*RLW: Real Living Wage = £23,151



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## EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD

<b>Date</b>	<b>20 March 2024</b>				
<b>Report Title</b>	<b>EMCCA Interim Budget 2024/25</b>				
<b>Accountable EMCCA Board Member</b>	<i>No Member identified due to nature of this being first EMCCA Board meeting</i>				
<b>Accountable Chief Officer</b>	Mark Rogers Interim Chief Officer				
<b>Accountable Employee</b>	Mark Rogers Interim Chief Officer				
<b>Report has been considered by</b>	Informal Leaders Meeting Executive Leadership Group EMCCA Interim Management Team Governance Group				
<b>Key decision</b>	Yes	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By majority which must include all lead members designated by the constituent councils or, where any substitute members are acting in place of lead members, all lead members and all such substitute members

**Recommendation(s) for action or decision:**

**The East Midlands Combined County Authority Board is recommended to:**

- 1 Approve the interim operating EMCCA budget for 2024/25 at Appendix 1.**
- 2 Accept grant funding will be received and will be subject to conditions as set out in the grant offer agreements.**
- 3 Agree that the Combined County Authority will opt into the national Public Sector Audit Appointments scheme to appoint its External Auditors.**
- 4 Agree that a full finance system and service is required to be provided to the Combined County Authority by Derbyshire County Council as an interim arrangement.**

**5 Agree for the Combined County Authority to adopt the Treasury Management Strategy and Financial Regulations of Derbyshire County Council and the Standing Orders of Nottinghamshire County Council as an interim arrangement in alignment with the proposed constitution at Appendix 2.**

**1. Purpose**

1.1 For the Board to agree the Interim 2024/25 Budget and provision of the finance system and service. In addition, to review and agree the arrangements for treasury management and the appointment of EMCCA's External Auditors.

**2. Background**

2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds of up to £4 billion and new powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region

2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.

2.2 The Mayor will :

- have the power to issue a precept on local council tax bills to help pay for the Mayor's work. This precept can only be raised for mayoral functions. The Mayor will have the power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses.
- have the flexibility to secure private and public sector leverage. As per local government guidance, EMCCA will also be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives.
- be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury.

2.3 Representatives from the constituent councils have met regularly with Government officials to consider creation of the legal and legislative basis for the Combined County Authority (CCA). All the relevant work was completed with Government and the necessary debates held in Parliament. Ministerial sign-off was completed that enabled the legal establishment of the CA on the 29 February 2024.

2.4 The election for the mayor of the EMCCA is due to take place on 2 May 2024 and once elected, the CCA will then become a Mayoral Combined County Authority. The Local Enterprise Partnership Board will transition into the CCA with the LEP's staff transferring into the CCA. There will be additional pension costs based on an assumption that EMCCA will need to contribute 20.8% into the Local Government Pension Scheme (LGPS), subject to actuarial valuation compared to the LEP's current 8% contribution rate.

### **3. EMCCA Budget 2024/25**

- 3.1 The EMCCA's interim operating budget is set out in **Appendix 1**. This is based on all known income streams for 2024-25. It is also based on several assumptions about the operating arrangements for the new CCA as approved by the Shadow EMCCA Board. Estimated costs of the inaugural Mayoral elections in May 2024 are included. Future years budgets will include a contribution to a reserve to build up funds for the subsequent elections. A prudent assumption has also been included on the anticipated interest from the cash balances that will be held by the Combined Authority. Expenditure plans with a contingency are being prepared including final details of any income and expenditure linked to integration of the D2N2 Local Enterprise Partnership (which is included if known). A further update on the EMCCA budget position will be provided to the next EMCCA Board.
- 3.2 As the EMCCA does not yet have a Corporate Plan, which would usually determine and direct how resources are prioritised, the interim operating budget set out in this report covers the period 2024-25 only and will be subject to further review and development. Once the Authority has a Corporate Plan, and has appointed to the relevant Statutory Officer posts, work will begin to develop a Medium-Term Financial Strategy that will allow for more detailed budget planning over a 4-year period and over a longer horizon.
- 3.3 In February 2024, investment funding of £19m for 23/24 (£9.5 capital investment funding and 9.5m revenue funding) was received. Of this, it is estimated the £9.5m investment capital funding plus a residual amount of the investment revenue funding to be carried forward to 2024-25 in addition to the numbers presented in the table below.
- 3.4 To date, the Accountable Body has been Derbyshire County Council (DCC). Negotiations with DCC to provide financial services are continuing with an assumption that these services will be provided until EMCCA has made appropriate arrangements to undertake these activities itself. At present, the EMCCA is not able to reclaim VAT until an amendment is made to the VAT regulations. Pending that appropriate arrangements will need to be agreed with DCC to facilitate operational spending and reclaiming of VAT. The complexities of the arrangement will be determined by the services provided by EMCCA.
- 3.5 There are a number of requirements mandating good financial management and to prevent financial over commitment. These include: (a) the balanced budget requirement; (b) the Chief Finance Officer's duty to report on robustness of estimates and adequacy of reserves; and (c) the requirement for every authority to make arrangements for the proper administration of their financial affairs.

#### **Appointment of External Auditors**

- 3.6 Public Sector Audit Appointments Ltd is designated as an appointing person for principal local government and police bodies for audits, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. It is proposed that the Combined Authority opts into this national scheme for appointing an auditor.

#### **Treasury Management Strategy**

- 3.7 Although the Combined Authority does not currently have a capital programme, it will hold significant balances in the meantime. Treasury Management services will be provided by DCC and therefore will adopt the DCC Treasury Management Strategy as an interim arrangement. The DCC Treasury Management Strategy is set out in **Appendix 2**.
- 3.8 The strategy will need to be updated as the medium-term financial planning develops, and future spending plans are defined.

#### **Financial Regulations and Standing Orders**

3.9 EMCCA's funds will be held by Derbyshire County Council in the interim, this is in accordance with the principles set out in the Local Authority Accounting Code of Practice, where the Council is acting as an intermediary and is therefore following the agent principle as set out in Section 2.6.2.1 of the code. It is proposed to adopt Derbyshire County Council's Financial Regulations on an interim basis until EMCCA has its own bank account and is in position to adopt its own Financial Regulations. As it is expected that Nottinghamshire County Council will provide Procurement Services, it is proposed that EMCCA adopt Nottinghamshire County Council's Standing Orders on an interim basis until it adopts its own.

#### **4. Appendices**

Appendix 1 – EMCCA interim operating budget 2024-25

Appendix 2 – Derbyshire County Council Treasury Management Strategy

#### **5. Implications**

##### Financial Implications

5.1 The financial implications are set out in the body of the report.

##### Legal Implications

5.2 The CCA is required to agree a balanced budget annually and to monitor that budget throughout the year. In addition, there is a fiduciary duty not to waste public resources, to secure value for money and ensure that good financial governance arrangements are in place

##### Other Significant Implications

5.3 There are no other implications identified.

##### Background Papers

5.4 The East Midlands Combined County Authority Regulations 2024: [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

**Appendix 1 – EMCCA interim operating budget 2024-25**

<b>2024/25</b>	<b>Capital £</b>	<b>Revenue £</b>	<b>Total £</b>
<b>Income</b>			
Investment Funding	19,000,000	19,000,000	38,000,000
<b>Government Grants</b>			
Mayoral Capacity Funding		1,000,000	1,000,000
Housing capacity funding		459,000	459,000
Brownfield land	8,400,000		8,400,000
Transport Capacity		500,000	500,000
Skills Bootcamps		4,967,950	4,967,950
AEB Implementation funding		347,631	347,631
Ex LEP functions Funding		240,000	240,000
			-
Other grants		623,549	623,549
Other income		949,027	949,027
Investment Income		500,000	500,000
<b>Total Income</b>	<b>27,400,000</b>	<b>28,587,157</b>	<b>55,987,157</b>
<b>Expenditure</b>			
Staff Costs-Gross, NI and Pension			6,309,920.83
Other Staffing related costs			45,000.00
Total Staff Costs			6,354,920.83
<b>Operational Costs</b>			
Supplies, Services and Subcontractor			32,749,496.00
Overheads and Corporate Costs			2,000,000.00
Mayoral Election Costs			4,000,000.00
Implementation inc. contingency			812,500.00
Total Operational Costs			39,561,996.00
<b>Total Expenditure</b>			<b>45,916,916.83</b>
<b>Net (surplus)/Deficit</b>			<b>(10,070,240.37)</b>

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# **Treasury Management Strategy 2023-24**

## **1 Introduction**

- 1.1 Treasury Management is the management of the Council's cash flows, borrowing and investments and the associated risks. The Council has borrowed and invested substantial sums of money and is therefore exposed to financial risks, including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of financial risk is therefore central to the Council's prudent financial management.
- 1.2 Treasury Risk Management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's "*Treasury Management in the Public Services: Code of Practice 2021 Edition*" (the CIPFA Code) which requires the Council to approve a Treasury Management Strategy before the start of each financial year. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.
- 1.3 Investments held for service purposes or for commercial profit are considered in the Investment Strategy (Appendix Five).

## **2 External Context**

### **Economic background**

- 2.1 The ongoing impact on the UK from the war in Ukraine, together with higher inflation, higher interest rates, uncertain Government policy, and a deteriorating economic outlook, are major influences on the Council's Treasury Management Strategy for 2023-24.
- 2.2 The Bank of England (BoE) increased its Bank Rate by 0.5% to 3.5% in December 2022. This followed a 0.75% increase in November 2022, which was the largest single rate increase since 1989 and the ninth successive rise since December 2021.
- 2.3 The November 2022 quarterly Monetary Policy Report (MPR) forecast a prolonged but shallow recession in the UK, with Consumer Price Index (CPI) inflation remaining elevated at over 10% in the near-term. Whilst the projected peak of inflation is lower than in the August 2022 MPR, due in part to the Government's support package for household energy costs, inflation is expected to remain higher for longer over the forecast horizon and the economic outlook remains weak, with unemployment projected to start rising.

- 2.4 The UK economy contracted by 0.3% between July and September 2022 according to the Office for National Statistics (ONS), and the BoE forecasts that Gross Domestic Product (GDP) will decline by 0.75% in the second half of the calendar year because of the squeeze on household income from higher energy costs and goods prices. Growth is then expected to continue to fall throughout 2023 and in the first half of 2024.
- 2.5 CPI inflation peaked at 11.1% in October 2022 before falling to 10.7% in November 2022. Inflation is forecast to fall below the 2% target within two years.
- 2.6 The forecast peak in Bank Rate has been revised from a market implied 5.25% down to 4.50%, following BoE comments that it considered the original path to be too high, suggesting that the peak in interest rates will be lower.
- 2.7 The labour market remains tight, although the December 2022 figures show the unemployment rate rising by 0.1% to 3.7%. Employment increased by 0.2% to 75.6%, which is still lower than pre-pandemic levels. Earnings were up by a (non-pandemic) record of 6.1% for regular pay but after factoring in inflation this means that real regular pay contracted by -2.7%. Looking forward, the November 2022 MPR shows that the labour market is weakening in response to the deteriorating outlook for growth, leading to a forecast rise in unemployment rate of around 6.5% in 2025.
- 2.8 Interest rates have also been rising sharply in the US, with the Federal Reserve increasing the range on its key interest rate by 0.75% in November 2022 to 3.75%-4.00%, and by 0.50% in December 2022 to 4.25%-4.50%. This rapid pace of increases has seen interest rates increase from 0.25%-0.50% back in March 2022. The US annual inflation rate fell from 7.7% in October 2022 to 7.1% in November 2022. US GDP grew at 3.2% in the third quarter of 2022, following a 0.6% fall in the second quarter. A recession in the region is widely expected at some point during 2023.
- 2.9 Inflation has been rising consistently in the Euro Zone since the start of 2022, hitting an annual rate of 10.6% in October 2022, before falling to 10.1% in November 2022. Economic growth has been weakening, with an expansion of just 0.2% in the third quarter of 2022, down from 0.7% in the second quarter. As with the UK and US, the European Central Bank has been on an interest rate tightening cycle, pushing up its three key interest rates by 0.75% in November 2022 and by 0.5% in December 2022, the third and fourth major increases in a row, taking its main refinancing rate to 2.50% and deposit facility rate to 2.0%.

## Credit outlook

- 2.10 Credit default swap (CDS) prices have followed an upward trend throughout 2022, indicating higher credit risk. They have been boosted by the war in Ukraine, increasing economic and political uncertainty and a weaker global and UK outlook, but remain well below the levels seen at the beginning of the Covid-19 pandemic.
- 2.11 CDS price volatility was higher in 2022 compared to 2021 and the divergence in prices between ringfenced (retail) and non-ringfenced (investment) banking entities has emerged once again.
- 2.12 The weakening economic picture during 2022 led the credit rating agencies to reflect this in their assessment of the outlook for the UK Government as well as several local authorities and financial institutions, revising them downwards, from stable to negative.
- 2.13 There are competing tensions in the banking sector which could impact bank balance sheet strength going forward. The weakening economic outlook and likely recessions in many regions increase the possibility of a deterioration in the quality of banks' assets, whilst higher interest rates provide a boost to net income and profitability.
- 2.14 However, the institutions on the counterparty list of the Council's Treasury Management Adviser (Arlingclose) remain well-capitalised and their counterparty advice on both recommended institutions and maximum duration remain under constant review and will continue to reflect economic conditions and the credit outlook.

### **Interest rate forecast**

- 2.15 The Council's Treasury Management Adviser, Arlingclose, forecasts that Bank Rate will continue to increase in 2023 as the BoE attempts to subdue inflation, which is significantly above its 2% target.
- 2.16 Whilst future interest rate expectations reduced during October and November 2022, multiple interest rate rises are still expected over the forecast horizon despite looming recession. The Council's Treasury Management Adviser expects the Bank Rate to rise to 4.25% by June 2023 under its central case, with the risks in the near- and medium-term to the upside should inflation not evolve as the BoE forecasts and remain persistently higher.
- 2.17 Yields are expected to remain broadly at current levels over the medium-term, with 5-, 10- and 20-year gilt yields expected to average around 3.5%, 3.5%, and 3.85% respectively over the 3-year period to December 2025. The risks for short, medium and longer-term yields are

judged to be broadly balanced over the forecast horizon. As ever, there will undoubtedly be short-term volatility due to economic and political uncertainty and events.

- 2.18 A more detailed economic and interest rate forecast provided by Arlingclose is included at Appendix A to this Treasury Management Strategy Report 2023-24.
- 2.19 For the purpose of setting the budget, it has been assumed that new treasury investments will be made at an average rate/yield of 3.50% (Base Rate), and that new long-term loans will be borrowed at an average rate of 4.70% based upon a 40 year maturity loan.

### 3 Local Context

- 3.1 On 31 December 2022, the Council held £486.079m of borrowing and £379.118m of investments. This is set out in further detail at Appendix B to this Treasury Management Strategy Report 2023-24. Forecast changes in these sums are shown in the balance sheet analysis in Table 1 below.

**Table 1: Balance sheet summary and forecast**

	<b>31.3.22 Actual £m</b>	<b>31.3.23 Forecast £m</b>	<b>31.3.24 Forecast £m</b>	<b>31.3.25 Forecast £m</b>	<b>31.3.26 Forecast £m</b>

General Fund CFR	571.297	633.457	738.837	766.257	779.027
Less: Other debt liabilities*	-59.981	-55.187	-58.832	-54.572	-50.154
<b>Loans CFR</b>	<b>511.316</b>	<b>578.270</b>	<b>680.005</b>	<b>711.685</b>	<b>728.873</b>
Less: Long Term External borrowing**	-285.899	-265.579	-259.174	-256.429	-256.429
Less: Short Term External borrowing **	-127.500	-189.000	-38.000	0.000	0.000
<b>Internal borrowing</b>	<b>97.917</b>	<b>123.691</b>	<b>382.831</b>	<b>455.256</b>	<b>472.444</b>
Less: Usable reserves***	-388.006	-267.889	-221.366	-203.056	-188.435
Less: Working capital	-90.669	-90.669	-90.669	-90.669	-90.669
<b>New Borrowing (or Treasury investments)</b>	<b>-380.758</b>	<b>-234.867</b>	<b>70.796</b>	<b>161.531</b>	<b>193.340</b>

\* Finance lease and PFI liabilities that form part of the Council's total debt.

\*\* Shows only loans to which the Council is committed and excludes optional refinancing.

\*\*\* Excluding earmarked reserve arising from adjustment of modified loans balances on adoption of IFRS 9. This was a non-cash adjustment, therefore did not affect resources available to invest/ reduce borrowing.

3.2 The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR). Usable reserves and working capital are the underlying resources available for investment. The Council's current strategy is to maintain borrowing and investments below their underlying levels, sometimes known as internal borrowing. As a result of the Council using its cash balances for internal borrowing and also using its cash-backed available reserves to support the Revenue Budget in recent years, the Council has a decreasing level of cash.

3.3 Whilst ever internal borrowing is possible, the benefits of continuing to do so will continue to be monitored regularly against the potential for incurring additional costs by deferring borrowing into future years when long-term borrowing rates are forecast to continue to rise. The Council will monitor this 'cost of carry' and breakeven analysis. However, there is the additional possibility that cash reserves will run low in the next

twelve months and the Council will have to consider additional borrowing. Borrowing at long-term fixed rates would cause additional cost in the short-term but could keep future interest rates low if interest rates are forecast to continue to rise.

- 3.4 The Council has an increasing CFR as a result of its Capital Programme. As the Council continues to use internal borrowing to fund capital expenditure, investments are forecast to fall to £234.867m by 31 March 2023. The Council is forecast to use all these investments and require additional borrowing of £70.796m by 31 March 2024, however, in reality, slippage of approximately 25% to 35% of the capital programme is to be expected based on past experience.
- 3.5 CIPFA's Prudential Code for Capital Finance in Local Authorities recommends that the Council's total debt should be lower than its highest forecast CFR over the next three years. Table 1 shows that the Council expects to comply with this recommendation during 2023-24.

### Liability benchmark

- 3.6 To compare the Council's actual borrowing against an alternative strategy, a liability benchmark has been calculated showing the lowest risk level of borrowing. This assumes the same forecasts as Table 1 above, but that cash and investment balances are kept to a minimum level of £10m at each year-end to maintain sufficient liquidity but minimise credit risk.
- 3.7 The liability benchmark is an important tool to help establish whether the Council is likely to be a long-term borrower or long-term investor in the future, and so shape its strategic focus and decision making. The liability benchmark itself represents an estimate of the cumulative amount of external borrowing the Council must hold to fund its current capital and revenue plans while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

**Table 2: Liability benchmark (Prudential indicator)**

	<b>31.3.22 Actual £m</b>	<b>31.3.23 Estimate £m</b>	<b>31.3.24 Forecast £m</b>	<b>31.3.25 Forecast £m</b>	<b>31.3.26 Forecast £m</b>
Loans CFR	511.316	578.270	680.005	711.685	728.873

Less: Useable reserves	-388.006	-267.889	-221.366	-203.056	-188.435
Less Working Capital	-90.669	-90.669	-90.669	-90.669	-90.669
Plus: Minimum investments*	10.000	10.000	10.000	10.000	10.000
<b>Liability benchmark</b>	<b>42.641</b>	<b>229.712</b>	<b>377.970</b>	<b>427.960</b>	<b>459.769</b>

\* This is the liquidity allowance under MIFID II, which is a legislative framework instituted by the European Union to regulate financial markets and improve protections for investors, aiming to standardise practices across the EU and restore confidence in the industry.

- 3.8 Following on from the medium-term forecasts in Table 1 above, the long-term liability benchmark assumes capital expenditure funded by additional borrowing of £70.796m in 2023-24, £161.531m in 2024-25 and £193.340m in 2025-26 and a minimum revenue provision on new capital expenditure based on a 40-year asset life and income, expenditure and reserves all increasing by inflation of 2.5% a year. In reality, there is likely to be some slippage of the capital programme.

## 4 Borrowing Strategy

- 4.1 The Council currently holds £486.079m of loans, an increase of £72.680m on the previous year end, as part of its long-term strategy for funding previous years' capital programmes and short-term operational cash-flow management. The balance sheet forecast in Table 1 shows that the Council expects to significantly reduce its short-term borrowing in 2023-24. Short-term borrowing in 2022-23 includes £56.494m of temporary borrowing used to fund the Council's prepayment of Local Government Pension Scheme (LGPS) employer pension contributions in 2022-23. The Council is not prepaying LGPS employer pension contributions in 2023-24. Some of this reduction will have to be replaced by long-term borrowing, although further short-term borrowing is an option whilst long-term borrowing rates remain elevated. The Council may however borrow to pre-fund future years' requirements, providing this does not exceed the authorised limit for borrowing of £748m (General Fund CFR £680.005m x 110%).
- 4.2 The Council's chief objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The flexibility to renegotiate loans should the Council's long-term plans change is a secondary objective.

## Strategy



- 4.3 Given the continued uncertainty of future local government funding, the Council's borrowing strategy continues to address the key issue of affordability, without compromising the longer-term stability of the debt portfolio. With short-term interest rates currently much lower than long-term rates, it is likely to be more cost effective in the short-term to either use internal resources, where available, or to borrow short-term loans instead, although because of changing interest rates this is much less advantageous than it was in 2022-23.
- 4.4 By doing so, the Council is able to reduce net borrowing costs (despite foregone investment income) and reduce overall treasury risk. The benefits of internal and short-term borrowing will be monitored regularly against the potential for incurring additional costs, by deferring borrowing into future years when long-term borrowing rates are forecast to rise modestly. Arlingclose will assist the Council with this 'cost of carry' and breakeven analysis. Its output may determine whether the Council borrows additional sums at long-term fixed rates in 2023-24 with a view to keeping future interest costs low, even if this causes additional cost in the short-term.
- 4.5 The Council has previously raised the majority of its long-term borrowing from the Public Works Loan Board (PWLB) but will consider long term loans from other sources including banks, pensions and local authorities, and will investigate the possibility of issuing bonds and similar instruments, in order to lower interest costs and reduce over-reliance on one source of funding, in line with the CIPFA Code. PWLB loans are no longer available to local authorities planning to buy investment assets primarily for yield; the Council intends to avoid this activity in order to retain its access to HM Treasury's PWLB lending facility.
- 4.6 Alternatively, the Council may arrange forward starting loans during 2023-24, where the interest rate is fixed in advance, but the cash is received in later years. This would enable certainty of cost to be achieved without suffering a cost of carry in the intervening period.
- 4.7 In addition, the Council may borrow further short-term loans to cover unplanned cash flow shortages.

### **Sources of borrowing**

- 4.8 The approved sources of long-term and short-term borrowing are:
- HM Treasury's PWLB lending facility (formerly the Public Loans Works Board).
  - Any institution approved for investments (see below).
  - Any other bank or building society authorised to operate in the UK.

- Any other UK public sector body.
- UK public and private sector pension funds (except Derbyshire Pension Fund).
- Capital market bond investors.
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues.
- D2N2 Local Economic Partnership.

### **Other sources of debt finance**

4.9 In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- Leasing.
- Hire purchase.
- Private Finance Initiative.
- Sale and leaseback.

### **Municipal Bonds Agency**

4.10 UK Municipal Bonds Agency plc was established in 2014 by the Local Government Association as an alternative to the PWLB. It issues bonds on the capital markets and lends the proceeds to local authorities. This is a more complicated source of finance than the PWLB for two reasons: borrowing authorities will be required to provide bond investors with a guarantee to refund their investment in the event that the agency is unable to for any reason; and there will be a lead time of several months between committing to borrow and knowing the interest rate payable. Any decision to borrow from the Agency will therefore be the subject of a separate report to Cabinet.

### **LOBOs**

4.11 The Council holds £5.000m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. £5.000m of these LOBOs have options during 2023-24 and with interest rates having risen recently, there is now a reasonable chance that lenders will exercise their options. If they do, the Council will take the option to repay the LOBO loans at no cost, thus reducing refinancing

risk in future years. Total borrowing via LOBO loans will be limited to £5.000m.

### **Short-term and variable rate loans**

4.12 These loans leave the Council exposed to the risk of short-term interest rate rises and are therefore subject to the interest rate exposure limits in the treasury management indicators below. Financial derivatives may be used to manage this interest rate risk (see section below).

### **Debt rescheduling**

4.13 The PWLB allows authorities to repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. Other lenders may also be prepared to negotiate premature redemption terms. The Council may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving or a reduction in risk. The recent rise in interest rates means that more favourable debt rescheduling opportunities should arise than in previous years.

## **5 Treasury Investment Strategy**

5.1 The Council holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. In the past twelve months, the Council's treasury investment balance has ranged between £350.303m and £444.695m. This level of investment is expected to fall in subsequent years as short-term external borrowing is repaid and additional internal borrowing is utilised to fund capital expenditure where possible.

### **Objectives**

5.2 The CIPFA Code requires the Council to invest its treasury funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested for more than one year, the Council will aim to achieve where possible a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested. The Council aims to

be a responsible investor and will consider environmental, social and governance (ESG) issues when investing.

## Strategy

- 5.3 As demonstrated by the liability benchmark above, the Council expects to be a long-term borrower and new treasury investments will therefore be made primarily to manage day-to-day cash flows using short-term low risk instruments. The existing portfolio of strategic pooled funds will be maintained to diversify risk into different sectors and boost investment income. This diversification has generated over £15m in income and will represent a continuation of the strategy first adopted in 2015-16.
- 5.4 **ESG policy:** Environmental, social and governance (ESG) considerations are increasingly a factor in global investors' decision making, but the framework for evaluating investment opportunities is still developing and therefore the Council's ESG policy does not currently include ESG scoring or other real-time ESG criteria at an individual investment level. When investing in banks and funds, the Council will prioritise banks that are signatories to the UN Principles for Responsible Banking and funds operated by managers that are signatories to the UN Principles for Responsible Investment, the Net Zero Asset Managers Alliance and/or the UK Stewardship Code.

## Business models

- 5.5 Under the IFRS 9 standard, the accounting for certain investments depends on the Council's "business model" for managing them. The Council aims to achieve value from its internally managed treasury investments by a business model of collecting the contractual cash flows and therefore, where other criteria are also met, these investments will continue to be accounted for at amortised cost.

## Approved counterparties

- 5.6 The Council may invest its surplus funds with any of the counterparty types in Table 3 below, subject to the cash limits (per counterparty) and the time limits shown.

**Table 3: Approved investment counterparties and limits (County Fund)**

Sector	Time Limit	Counterparty Limit	Sector Limit
UK Government	3 years	Unlimited	n/a
Local Authorities & Other Gov't entities	3 years	£30m	Unlimited

Secured investments *	3 years	£30m	Unlimited
Banks (unsecured) *	13 months	£30m	Unlimited
Building societies (unsecured) *	13 months	£30m	£50m
Registered providers (Unsecured) *	3 years	£10m	£50m
Money market funds *	n/a	£30m	Unlimited
Strategic pooled funds	n/a	£30m	£100m
Real estate investment trusts	n/a	£10m	£50m
Other investments *	Individual Cabinet Approval		

- 5.7 The Council is to reduce the time limits on maturing investments to no longer than 3 years, as there is an increasing probability that the Council will borrow from the PWLB in the near future. The Council wants to be clear that it is not borrowing to invest primarily for financial return in contravention of the TM Code.
- 5.8 **Operational bank accounts:** The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25bn. These are not classed as investments, but are still subject to the risk of a bank bail-in. BoE has stated that in the event of failure, banks with assets greater than £25bn are more likely to be bailed-in than made insolvent, increasing the chance of the Council maintaining operational continuity.
- 5.9 **County Fund:** It is requested that the limit for the Council's main operational bank (currently Lloyds) of £60m is maintained (£30m overnight only and £30m up to 13 months in duration).
- 5.10 **D2N2:** It is requested that the overnight limit of £10m (currently Lloyds) is maintained.
- 5.11 **\*Minimum Credit rating:** Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than A-. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.
- 5.12 **Government:** Loans to, bonds and bills issued or guaranteed by national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in and

there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Central Government are deemed to be zero credit risk due to its ability to create additional currency and therefore may be made in unlimited amounts for up to 3 years.

- 5.13 **Secured investments:** Investments secured on the borrower's assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the higher of the collateral credit rating and the counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.
- 5.14 **Banks and building societies (unsecured):** Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. Refer to paragraph 5.8 for arrangements relating to operational bank accounts.
- 5.15 **Registered providers (unsecured):** Loans to, and bonds issued by, guaranteed by or secured on the assets of registered providers of social housing or registered social landlords, formerly known as housing associations. These bodies are regulated by the Regulator of Social Housing (in England). As providers of public services, they retain the likelihood of receiving Government support if needed.
- 5.16 **Money market funds:** Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a small fee.
- 5.17 **Strategic pooled funds:** Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives will be monitored regularly.

5.18 **Real Estate Investment Trusts (REITs):** Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile, especially as the share price reflects changing demand for the shares, as well as changes in the value of the underlying properties.

5.19 **Other:** This category covers non-treasury investments. Loans to unrated companies will only be made following appropriate due diligence which may include an external credit assessment. Cabinet will consider approval on an individual case by case basis.

### **Risk assessment and credit ratings**

5.20 Credit ratings are obtained and monitored by the Council's Treasury Management Adviser, who will notify changes in ratings as they occur. Where an entity has its credit-rating downgraded so that it fails to meet the minimum approved investment criteria then:

- No new investments will be made.
- Any existing investments that can be recalled or sold at no cost will be.
- Full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

5.21 Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as "negative watch") so that it may fall below the minimum approved rating criteria (A-), then only investments that can be withdrawn on the next working day will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

### **Other information on the security of investments**

5.22 The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council's Treasury Management Adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.

5.23 When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2020, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Council will restrict its

investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Council's cash balances, then the surplus will be deposited with the UK Government or with other Local Authorities. This will cause investment returns to fall but will protect the principal sum invested.

### Investment limits (County Fund)

- 5.24 The Council's Total Useable Reserves available to cover investment losses are forecast to be £267.889m at 31 March 2023 and £221.366m at 31 March 2024. In order to minimise risk in the case of a single default, the maximum that will be lent to any one organisation (other than the UK Government or Lloyds Bank (operational bank accounts)) will be £30m and capitalised interest. A group of banks under the same ownership will be treated as a single organisation for limit purposes.
- 5.25 Credit risk exposures arising from non-treasury investments, financial derivatives and balances in operational bank accounts greater than £30m count against the relevant investment limits.
- 5.26 Limits will also be placed on fund managers, investments in brokers' nominee accounts, foreign countries and industry sectors as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

**Table 4: Additional investment limits**

	<b>Cash limit</b>
Any group of pooled funds under the same management	£30m per manager
Negotiable instruments held in a broker's nominee account	£100m per broker
Foreign countries	£30m per country

### Liquidity management

- 5.27 The Council uses purpose-built cash flow forecasting software and Excel spreadsheets to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-



term investments are set by reference to the Council's medium-term financial plan and cash flow forecast.

- 5.28 In times of uncertainty, the Council will spread its liquid cash over a number of providers (e.g. bank accounts and money market funds) to ensure that access to cash is maintained in the event of operational difficulties at any one provider.

## 6 Treasury Management Indicators

- 6.1 The Council measures and manages its exposures to Treasury Management risks using the following indicators.

### Security

- 6.2 The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

**Table 5:**

Credit risk indicator	Target
Portfolio average credit rating	A

### Liquidity

- 6.3 The Council has adopted measures to monitor its liquidity risk and can use either Liquidity risk indicator Option 1 or Option 2 below, as appropriate.
- **Liquidity Option 1** – The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling one-month period, without additional borrowing.

**Table 6:**

Liquidity risk indicator	Target
County Fund: Total cash available within 1 month	£10m

- **Liquidity Option 2** – The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount it can borrow each quarter without giving prior notice.

**Table 7:**

<b>Liquidity risk indicator</b>	<b>Target</b>
County Fund: Total sum borrowed in past 3 months without prior notice	£30m

### **Interest rate exposures**

- 6.4 This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

**Table 8:**

<b>Interest rate risk indicator</b>	<b>Limit</b>
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£1.477m
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	-£1.508m

- 6.5 The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at new market rates.

### **Maturity structure of borrowing**

- 6.6 This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

**Table 9:**

<b>Refinancing rate risk indicator</b>	<b>Upper limit</b>	<b>Lower limit</b>
Under 12 months	60%	0%
12 months and within 24 months	20%	0%
24 months and within 5 years	20%	0%
5 years and within 10 years	20%	0%
10 years and within 20 years	40%	10%
20 years and within 30 years	40%	10%
30 years and above	40%	0%

- 6.7 Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

### **Principal sums invested for periods longer than a year**

- 6.8 The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end will be:

**Table 10:**

<b>Price risk indicator</b>	<b>31/03/24</b>	<b>31/03/25</b>	<b>31/03/26</b>
Limit on principal invested beyond year end (including strategic pooled funds & non-treasury investments)	£150m	£125m	£100m

## 7 **Related Matters**

- 7.1 The CIPFA Code requires the Council to include the following in its Treasury Management Strategy.

### **Financial Derivatives**

- 7.2 Local authorities have previously made use of financial derivatives embedded into loans and investments, both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans and callable deposits). The general power of competence in Section 1 of the Localism Act 2011 removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).
- 7.3 The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall Treasury Risk Management Strategy.
- 7.4 Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria, assessed using the appropriate credit rating for derivative exposures. An allowance for credit risk calculated using the methodology in the Treasury Management Practices document will count against the counterparty credit limit and the relevant foreign country limit.
- 7.5 In line with the CIPFA Code, the Council will seek external advice and will consider that advice before entering into financial derivatives to ensure that it fully understands the implications.

## Markets in Financial Instruments Directive

7.6 The Council has opted up to professional client status with its providers of financial services, including advisers, banks, brokers and fund managers, allowing it access to a greater range of services but without the greater regulatory protections afforded to individuals and small companies. Given the size and range of the Council's Treasury Management activities, the Council's S151 Officer believes this to be the most appropriate status.

## Financial Implications

7.7 The budget for investment income in 2023-24 is £4.663m, based on an average investment portfolio of £116m traditional investments at an interest rate of 1.50%, and £70m of strategic pooled funds with dividends averaging 4.00%. The budget for long term external borrowing debt interest in 2023-24 is £11.765m, based on an average long-term debt portfolio of £265.579m, at an average interest rate of 4.43%, together with short-term debt interest of £3.338m. If actual levels of investments and borrowing, or actual interest rates, differ from forecasts, performance against budget will be correspondingly different.

## Other Options Considered

7.8 The CIPFA Code does not prescribe any particular treasury management strategy for local authorities to adopt. The Council's S151 Officer, having consulted the Cabinet Member for Corporate Services and Budget, believes that the above strategy represents an appropriate balance between risk management and cost effectiveness. Some alternative strategies, with their financial and risk management implications, are listed below.

**Table 11:**

<b>Alternative</b>	<b>Impact on income and expenditure</b>	<b>Impact on risk management</b>
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses may be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related

		defaults, but any such losses may be smaller
Borrow additional sums at long-term fixed interest rates	Debt interest costs will rise; this is unlikely to be offset by higher investment income	Higher investment balance leading to a higher impact in the event of a default; however long-term interest costs may be more certain
Borrow short-term or variable loans instead of long-term fixed rates	Debt interest costs will initially be lower	Increases in debt interest costs will be broadly offset by rising investment income in the medium term, but long-term costs may be less certain
Reduce level of borrowing	Saving on debt interest is likely to exceed lost investment income	Reduced investment balance leading to a lower impact in the event of a default; however long-term interest costs may be less certain

## **Appendix A – Treasury Management Advisors’ Economic & Interest Rate Forecast – 19 December 2022**

### **Underlying assumptions:**

- The influence of the Government’s September 2022 mini-budget on rates and yields continues to decrease, following the revised approach which followed.
- Volatility in global markets continues, however, as investors seek the extent to which central banks are willing to tighten policy, as evidence of recessionary conditions builds. Investors have been more willing to price in the downturn in growth, easing financial conditions, to the displeasure of policy makers. This raises the risk that central banks will incur a policy error by tightening too much.
- The UK economy is already experiencing recessionary conditions and recent GDP and Purchase Managers’ Index (PMI) data suggests that the economy entered a technical recession in the third quarter of 2022. The resilience shown by the economy has been surprising, despite the downturn in business activity and household spending. Lower demand should bear down on business pricing power. Recent data suggests the UK has passed peak inflation.
- The lagged effect of the sharp tightening of monetary policy, and the lingering effects of the mini-budget on the housing market, widespread strike action, alongside high inflation, will continue to put pressure on household disposable income and wealth. The short-to medium-term outlook for the UK economy remains bleak.
- Demand for labour appears to be ebbing, but not quickly enough in the official data for most Monetary Policy Committee (MPC) policymakers. The labour market remains the bright spot in the economy and persisting employment strength may support activity, although there is a feeling of borrowed time. The MPC focus is on nominal wage growth, despite the huge real term pay cuts being experienced by the vast majority. Base Rate will remain relatively high until both inflation and wage growth declines.
- Global bond yields remain volatile as investors price in recessions, even as central bankers push back on expectations for rate cuts in 2023. The US labour market remains tight and the Fed wants to see persistently higher policy rates, but the lagged effects of past interest rate hikes will depress activity more significantly to test the Fed’s resolve.
- While the BoE appears to be somewhat more dovish given the weak outlook for the UK economy the European Central Bank (ECB) seems to harbour few doubts about the short-term direction of policy. Gilt yields will be broadly supported by both significant new bond supply and global rates expectations due to hawkish central bankers, offsetting the effects of declining inflation and growth.

**Forecast:**

- The MPC raised Bank Rate by 50bps to 3.5% in December as expected, with signs that some members believe that 3% is restrictive enough. However, a majority of members think further increases in Bank Rate might be required. Arlingclose continues to expect Base Rate to peak at 4.25%, with further 25bps rises in February, March and May 2023.
- The MPC will cut rates in the medium term to stimulate a stuttering UK economy but will be reluctant to do so until wage growth eases. Arlingclose expects rate cuts in the first half of 2024.
- Arlingclose expects gilt yields to remain broadly steady over the medium term, although with continued volatility across shorter time periods.
- Gilt yields face pressures to both sides from hawkish US/EuroZone central bank policy on one hand to the weak global economic outlook on the other. BoE bond sales and high Government borrowing will provide further underlying support for yields.

**Table 12:**

	Current	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25
<b>Official Bank Rate</b>													
Upside risk	0.00	0.50	0.75	1.00	1.00	1.00	1.25	1.50	1.75	1.50	1.25	1.25	1.25
Arlingclose Central Case	3.50	4.00	4.25	4.25	4.25	4.25	4.00	3.75	3.50	3.25	3.25	3.25	3.25
Downside risk	0.00	0.50	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.00
<b>3-month money market rate</b>													
Upside risk	0.00	0.50	0.75	1.00	1.00	1.00	1.25	1.50	1.75	1.50	1.25	1.25	1.25
Arlingclose Central Case	3.00	4.40	4.40	4.40	4.35	4.30	4.25	4.00	3.75	3.50	3.40	3.40	3.40
Downside risk	0.00	0.50	0.75	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.00	1.00
<b>5yr gilt yield</b>													
Upside risk	0.00	0.70	0.80	0.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Arlingclose Central Case	3.43	3.60	3.80	3.80	3.80	3.70	3.60	3.50	3.40	3.30	3.30	3.30	3.30
Downside risk	0.00	0.80	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
<b>10yr gilt yield</b>													
Upside risk	0.00	0.70	0.80	0.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Arlingclose Central Case	3.47	3.50	3.60	3.60	3.60	3.60	3.50	3.50	3.50	3.50	3.50	3.50	3.50
Downside risk	0.00	0.80	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
<b>20yr gilt yield</b>													
Upside risk	0.00	0.70	0.80	0.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Arlingclose Central Case	3.86	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85
Downside risk	0.00	0.80	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
<b>50yr gilt yield</b>													
Upside risk	0.00	0.70	0.80	0.90	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Arlingclose Central Case	3.46	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60	3.60
Downside risk	0.00	0.80	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

PWLB Standard Rate (Maturity Loans) = Gilt yield + 1.00%

PWLB Certainty Rate (Maturity Loans) = Gilt yield + 0.80%

UKIB Rate (Maturity Loans) = Gilt yield + 0.60%

## Appendix B – Existing Investment and Debt Portfolio Position

**Table 13:**

	<b>31 Dec 2022 Actual Portfolio £m</b>	<b>31 Dec 2022 Average Rate %</b>
<b>External Borrowing:</b>		
Public Works Loan Board	250.579	4.50
Local authorities (including D2N2)	220.500	1.79
LOBO loans from banks	5.000	4.50
Other loans	10.000	4.69
<b>Total External Borrowing</b>	<b>486.079</b>	<b>3.24</b>
<b>Other Long-Term Liabilities</b> (PFI, Leases, Transferred Debt)	59.981	n/a
<b>Total Gross External Debt</b>	<b>546.060</b>	n/a
<b>Treasury Investments:</b>		
Local Authorities	199.500	0.90
Banks (unsecured)	96.821	3.10
Registered Providers (unsecured)	5.000	1.05
Money Market Funds	0.000	n/a
<b>Total Deposits:</b>	<b>301.321</b>	<b>1.61</b>
Bonds	4.396	4.02
Equities UK	7.853	7.80
Equities Global	6.342	3.25
Multi Asset Funds	22.350	2.89
Property	23.467	4.08
<b>Total Strategic Pooled Funds</b>	<b>64.408</b>	<b>4.03</b>
<b>Total Treasury Investments</b>	<b>365.729</b>	<b>2.04</b>
<b>Net Debt</b>	<b>180.331</b>	





*making our region more prosperous, sustainable and fairer, helping our people and businesses to create and seize opportunities*

## **EAST MIDLANDS COMBINED COUNTY AUTHORITY BOARD**

<b>Date</b>	<b>20th March 2024</b>				
<b>Report Title</b>	<b>Strategic Framework and early investment plan</b>				
<b>Accountable EMCCA Board Member</b>	No Member identified due to nature of this being first EMCCA Board meeting				
<b>Accountable Chief Officer</b>	Mark Rogers Interim Chief Officer				
<b>Accountable Employee</b>	Richard Grice Interim Strategy and Delivery Lead				
<b>Report has been considered by</b>	Informal Leaders Meeting				
<b>Key decision</b>	Yes	<b>Public Report</b>	Yes	<b>Voting Arrangements</b>	By simple majority of Constituent Members

**Recommendation(s) for action or decision:**

**The East Midlands Combined County Authority Board is recommended to:**

- 1 Approve the Strategic Framework as a sufficient basis for EMCCA interventions and investments in 2024/25 and the development of a longer-term regional inclusive growth strategy, allowing for accommodation of Mayoral priorities from May 2024.**
- 2 Approve the 2024/25 delivery plans as set out in the Strategic Framework, allowing for accommodation of Mayoral priorities from May 2024.**
- 3 Approve the further development of the Strategic Framework into a long-term inclusive growth strategy and delivery plan during 2024/25, for approval in March 2025**
- 4 Approve an initial investment plan and associated delegations for March-June 2024 to enable the development of an early pipeline of interventions and further investment in line with the Strategic Framework and delivery plans.**

## 5 **Approve delegation to the Interim Chief Executive of EMCCA of the submission of the Adult Education Budget (AEB) Readiness Conditions, for final ratification at EMCCA Board in June**

### 1. **Purpose**

1.1 The purpose of this report is to set out:

- a Strategic Framework to guide EMCCA interventions and investments and to act as the key strategic document for EMCCA prior to the development of a long-term regional inclusive growth strategy
- an initial delivery plan for 2024/25
- an associated initial revenue investment plan, derived from the delivery plans, to enable EMCCA to initiate the development of a pipeline of early interventions and investments of benefit across the region.

### 2. **Background**

2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments. Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.

2.2 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.

2.3 Iterations of EMCCA's aims, outcomes, objectives and priorities have been stated in a number of documents that, over time, have formed the framework for devolution in the East Midlands. These documents include:

- the devolution deal (August 2022)
- the consulted EMCCA proposal (closed 9<sup>th</sup> January 2023)

2.4 While clear principles, narrative and strategic intent are necessary, they are insufficient to deliver transformational improvement for the region. For that, EMCCA requires a strategic framework that:

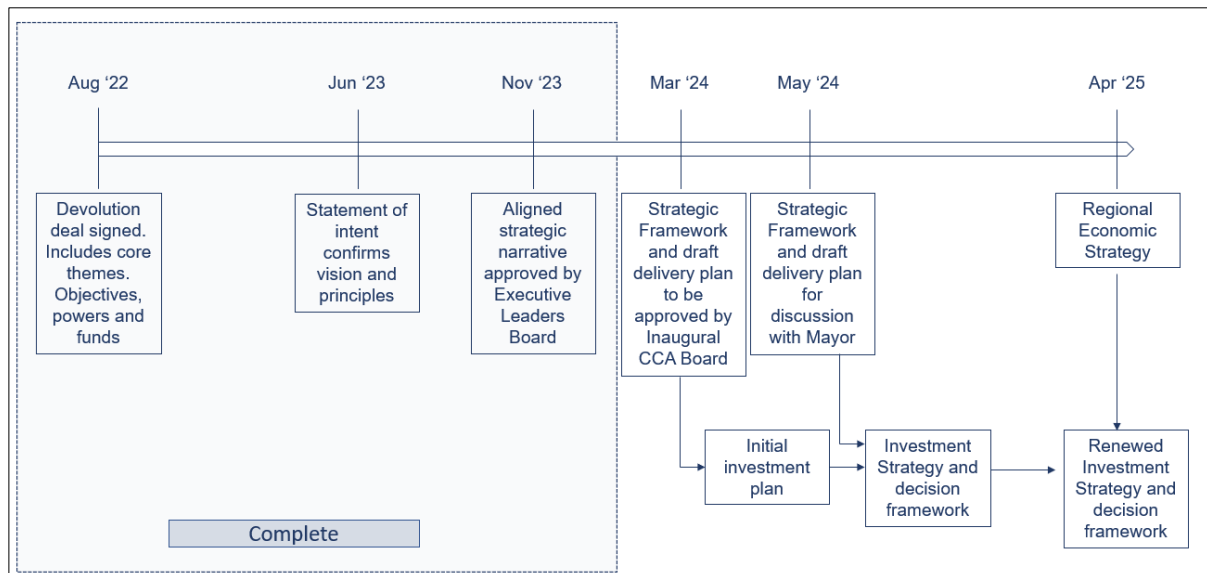
- brings workstreams together to focus on delivering against system-wide, cross-cutting objectives
- creates a clear structure for investment decisions and the CCA's delivery plan

2.5 As such, a coherent strategic framework is a critical link between EMCCA's ambition and maximising impact in its areas of greatest priority. But development of a thoroughly evidenced, multi-year operational and investment strategy by May 2024 would be challenging. It would also be inappropriate to finalise such a far-reaching strategic plan prior to the election of the

Mayor. Therefore, the Strategic Framework, associated 2024/25 delivery plans, and initial investment plan have been developed to maximise early opportunities to make progress, while laying the foundations for further, transformational change that goes beyond the deal in future years.

2.6 The timeline shown in figure 1 below demonstrates the ‘golden thread’ running through the various phases of EMCCA strategy development, from initial signing of the devolution deal, through alignment of a single narrative, towards development of a long-term strategy during 2024/25.

Figure 1: Strategy development timeline



### 3. A Strategic Framework for EMCCA

3.1 The Strategic Framework (see appendix) sets out the basis on which EMCCA will build its longer-term regional strategy and first year delivery plan. In essence, the Strategic Framework:

- Sets out a broad vision for EMCCA rooted in inclusive growth
- Identifies, at a high level, the key strengths, weaknesses and opportunities that the Framework needs to address
- Sets out how EMCCA can deliver on its inclusive growth agenda by:
  - Operating as a system leader
  - Delivering on the ambition by simultaneously: executing on the specific requirements of ‘the deal’; building a platform for future ambition; and prioritising three major themes for intervention (energy, sustainable places, and regional innovation)
- Integrating the aims of the devolution deal’s five delivery themes for maximum impact
- Setting out a high-level ambition for further devolution
- Developing an organisation capable of effective delivery

3.2 The Framework is intended to guide delivery plans across five themes in EMCCA’s first full year of operation and provide the key pillars for development of EMCCA’s initial investment strategy and decision framework. A number of the delivery themes identify development of specific strategies that derive from the principles set out in the Strategic Framework – for example, a regional skills strategy and regional housing strategy.

3.3 While wide-ranging and intended to provide an enduring structure for future planning and delivery, the Framework also allows sufficient flexibility for adaptation once a mayor is in place

in May 2024. It is also intended to provide the platform for a long-term regional inclusive growth strategy. Therefore, the recommendation is that EMCCA adopts the appended Strategic Framework and delivery plans and then develops a long-term strategy and delivery plan during 2024/25, for approval in March 2025.

### Initial investment plan - Mar-Jun 2024

- 3.4 The strategic framework provides the pillars upon which a long-term investment strategy can be built, both revenue and capital. Approval of the Framework and associated delivery plans will enable EMCCA to develop a pipeline of investible propositions for decisions in financial year 2024/5. In order to maximise that opportunity, give momentum to the CCA, and enable an early demonstration of the value it adds, it is necessary to begin work on some elements of the delivery plans as early as possible. To delay would likely risk pushing the development of a pipeline for some region-wide interventions back to the third quarter of 2024/25.
- 3.5 On that basis, a small number of activities require early investment to begin to develop a pipeline prior to election of the Mayor. These activities and rationale are set out in figure 2 below. They are all initiatives that:
- directly link to the Strategic Framework and specific aspects of the delivery plans
  - will have region-wide impact, not benefitting any one part of the region over another
  - are explicitly linked to developing a specific intervention or investment strategy or a pipeline of investible propositions
  - do not have access to alternative sources of funds (such as Department for Education Funding to prepare for devolution of the Adult Education Budget)
- 3.6 This report asks Members to approve use of up to £2m of the 2024/25 revenue portion of the Mayoral Investment Fund on these activities. Approval and distribution of this funding to be delegated to the Interim Chief Executive.

Figure 2 Pipeline development propositions

<b>Link to Strategic Framework/delivery plan</b>	<b>Early-stage proposition</b>	<b>Rationale</b>
Bold system interventions	Strategic analysis and advice on investment design and funding options to build a pipeline for significant regional system interventions, including low carbon energy (nuclear, hydrogen, etc) – i.e. initial options for maximising EMCCA impact prior to business case development	To enable early intelligent prioritisation of interventions in major opportunity areas for the region. This work will enable EMCCA to build a realistic pipeline of significant intervention opportunities – i.e. have a bigger impact more quickly than would otherwise be the case.
Decarbonisation and sustainability delivery plan	Feasibility assessment for local area energy planning (LAEP) and waste disposal approach for the region	LAEP will provide the data on which to base all street-level decarbonisation interventions - a necessary precursor to future implementations of (e.g.) heat pumps, heat networks, etc. There are potential waste disposal opportunities at regional level. The work would benefit every District and Borough.
Establish a fit for purpose business support and inward investment system for the region	Commission options appraisals to design a regional system for business support and align	Inconsistent business support and inward investment management is a common challenge for the region's businesses. A new system will take time to design and deliver. Options appraisal will

	inward investment activities (e.g. for UKREiif)	allow early momentum on redesign business cases, to maximise future business investment and growth
Develop a strategy to maximise the value of the region's visitor economy	Initiate the process for development of a regional visitor economy strategy	Will convene organisations and activities across the region to develop outline strategy and pipeline for future business case development at early stage of EMCCA. Common interest for all councils and links cities, towns and rural areas.
Develop digital connectivity strategy	Commission options appraisal to design a regional approach	Digital connectivity is a key underpinning for access to work, skills and services. Early development of a strategic approach will enable the issue to be addressed alongside the development of a transport plan and, therefore, contribute to a holistic approach to connecting people and places.
Develop a strategy to address impact of poor health on the labour market	Commission options appraisal to design a regional approach	Labour market inactivity due to poor health is an acute issue for the region. Labour market support and reduction in inactivity are policy areas with potential for further devolution from central government if the region has a good understanding of key issues and implementation options.
Enhance the regional approach to innovation	Strategic analysis of innovation system priorities for the region and investment options appraisal	There are comparatively low levels of R&D investment in the region, which is a key inhibitor of growth in high productivity industries. The existing ecosystem could benefit quickly from a strategic region-wide approach, providing early improvement in R&D investment as a basis for future growth.

### Adult Education Budget (AEB) – submission of readiness conditions

- 3.7 AEB is the most significant skills budget devolved to EMCCA through 'the deal', worth £53m pa from summer 2025. Delivery is a foundational element of the employment and skills delivery plan. In order to comply with the requirements of the deal, EMCCA must submit a completed set of AEB readiness conditions by the end of May 2024. There is no opportunity for EMCCA Board approval prior to the submission date.
- 3.8 The Department for Education (DfE) recognises that EMCCA will not have formally approved and have in place all the relevant policies, procedures, communications, and documentation by the May 2024 submission date. It does though require evidence that demonstrates how EMCCA will arrive at final approval.
- 3.9 The readiness submission in May must be accompanied by an AEB Strategic Skills Plan and a letter from the Chief Executive (or equivalent) that confirms:
- a. how EMCCA will improve the delivery of adult education functions in the area and associated improvement of outcomes for residents
  - b. how EMCCA will effectively deliver the operational processes and functions to support this
  - c. and that the Chief Executive is content that EMCCA will be ready to deliver the function to residents from academic year 2025/26
- 3.10 Members will be aware of the work required to meet the readiness conditions to secure the devolved funding. Although DfE accepts the necessary policy documents will not be complete and formally signed off by EMCCA prior to the submission date at the end of May 2024, there is an expectation that drafts will be in place. To ensure EMCCA fulfils its obligations, this paper requests delegated authority for the EMCCA Interim Chief Executive to submit the draft AEB Strategic Skills Plan (SSP), the covering letter and any appropriate readiness evidence, including draft policy documents, at the end of May 2024.

3.11 Members are advised that all AEB policies, procedures and other relevant documentation will then be brought to EMCCA Board for review and final approval as soon as possible following end of May 2024, with those approved documents then submitted to DfE as the final version.

#### **4. Appendices**

4.1 Appendix A: 'Towards a Strategic Framework'

#### **5. Implications**

##### Financial Implications

5.1 The financial implications are set out in the body of the report.

##### Legal Implications

5.2 Evidencing readiness to deliver adult education functions is required by Government for them to make the order to devolve statutory functions to the Combined County Authority.

##### Other Significant Implications

5.3 No other implications have been identified in this report.

##### Background Papers

5.4 [Devolution deal document](#)

## Towards a Strategic framework

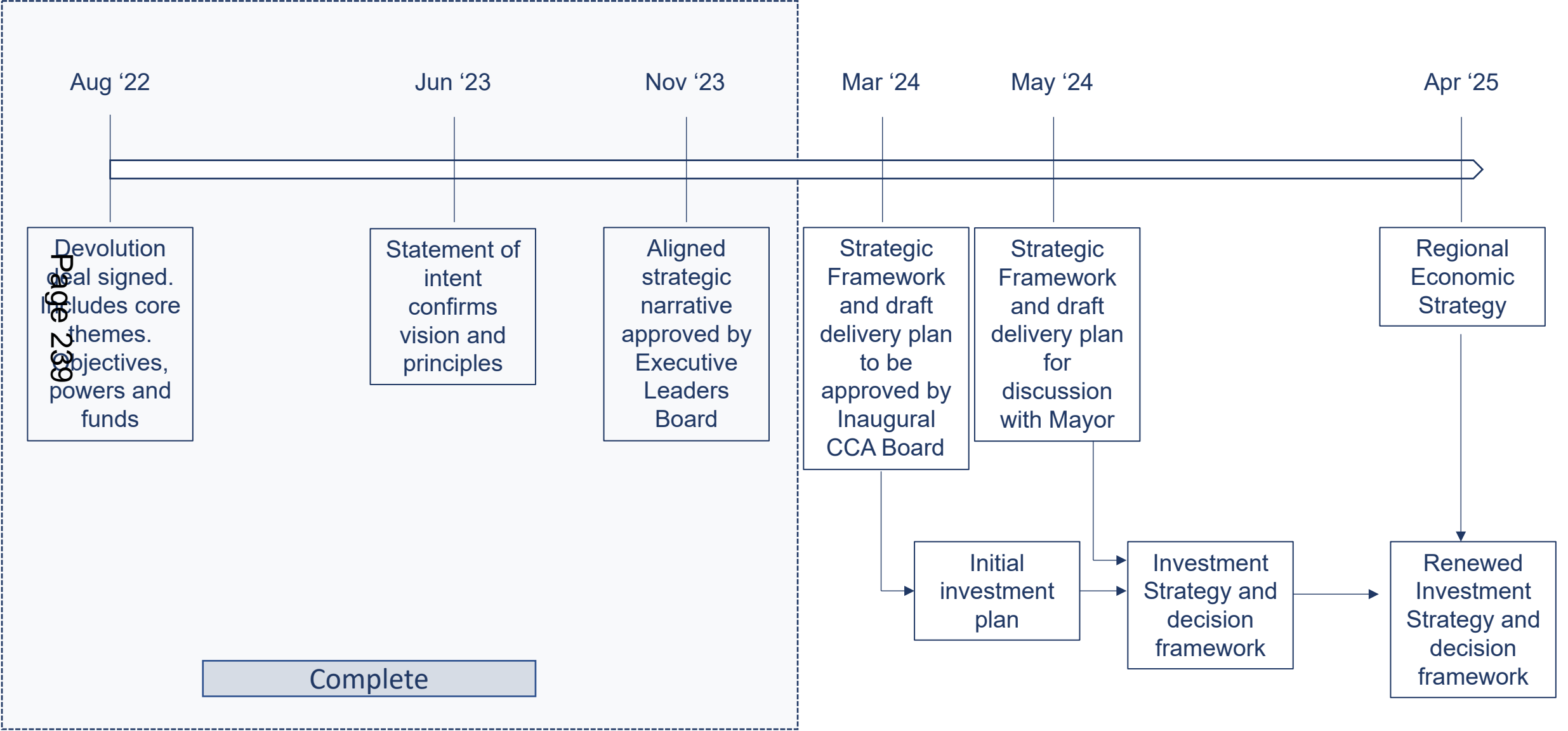
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- Timeline
- Framework on a page
- Vision and objectives
- Strengths, weaknesses, opportunities
- Delivering on the ambition
- Going further
- The organisation

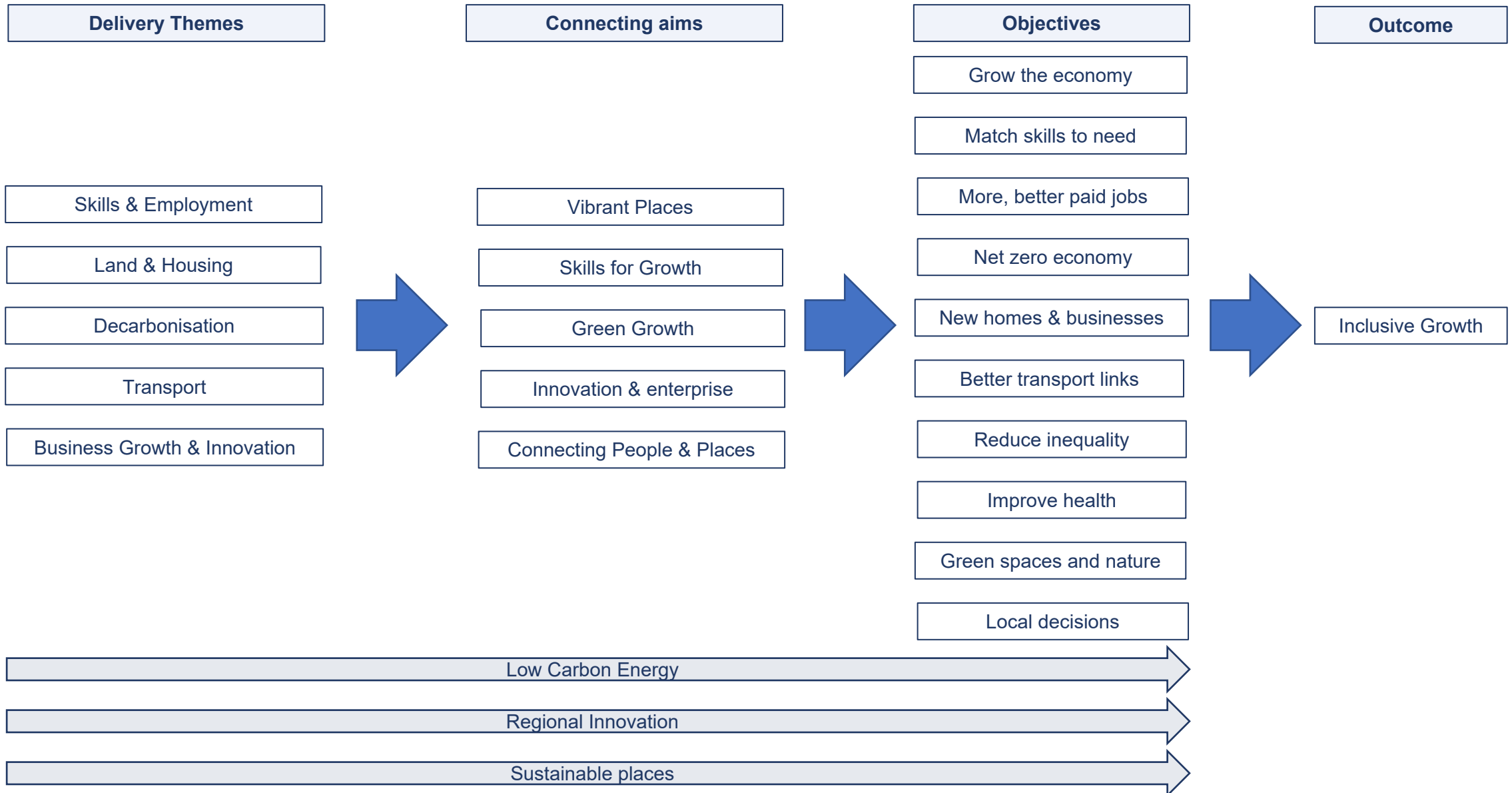


# Timeline and 'golden thread'



# Our framework on a page

Page 240



## Vision and objectives



# Our vision is rooted in inclusive growth

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The vision for the EMCCA is underpinned by a simple statement of intent, namely that:

***We will make our region more prosperous, sustainable and fairer, helping our people and businesses to create and seize opportunities.***

Our goal goes beyond the purely economic, towards an ambitious agenda of transforming the life chances of everyone in the EMCCA area, in perpetuity. While economic growth and high productivity are central aims for EMCCA, they do not automatically lead to equitable outcomes, vibrant places, higher wages for low skilled people or significant decarbonisation progress. Inclusive growth is an approach enabling as many people as possible to contribute to and benefit from greater prosperity. Fundamentally, we will use our new powers, strategies, plans, investment and influence to integrate social, environmental and economic initiatives in innovative ways to make life better for people.

Our inclusive growth ambitions also recognises the distinctive, polycentric geography of the EMCCA region. This uniqueness creates the opportunity for spatial inclusion. Our approach to unleashing regional prosperity will connect cities, towns, and rural areas. By planning, coordinating and convening across a wider geography, we will benefit larger numbers of people.

# We target what matters

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We have ten inclusive growth objectives



Grow our economy faster, through targeted long-term investment, so that it is resilient enough to withstand future challenges



Match skills to economic need to increase productivity and wellbeing



Support businesses to create more and higher paid sustainable jobs so that our citizens are able to access the jobs they want within the area



Create a net-zero economy with a resilient energy supply



Create modern and robust infrastructure that releases the private sector to deliver new homes and businesses



Build new and coherent transport links for better and more sustainable access to our economic hubs such as our cities, market towns and major employers



Reduce inequality and promote social mobility to allow people to achieve their potential



Improve healthy life expectancy and reduce inequalities, especially in communities and groups who are most disadvantaged



Support enhanced green spaces to welcome nature back into our communities



Use our devolution powers to bring decision-making closer to those who live and work here, increasing the visibility of these decisions

## Building on our strengths and addressing our weaknesses



# We have a rich history and diverse present on which to build a renaissance

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The EMCCA area has huge potential. We have a distinct but inter-related geography of two cities, large towns and rural areas, and are home to industrial giants, such as Toyota UK, Rolls Royce, Alstom and Boots.

The area benefits from a huge number of strategic assets, including the M1 corridor, strategic rail connectivity, the UK's only inland freeport, and the Nottingham Express Transit tram system. We have three world class universities, which provide centres of research excellence, and we are home to major tourist attractions such as the Peak District National Park, the National Forest, and Sherwood Forest.

East Midlands Hydrogen is the largest inland hydrogen cluster in the UK. Nuclear technology is equally noteworthy. Rolls Royce's presence in Derby includes the small modular reactor and nuclear submarine business units, plus the new Nuclear Advanced Manufacturing Centre and Nuclear Skills Academy facilities on Infinity Park. The globally significant STEP Fusion investment at West Burton will be the world's first nuclear fusion plant and gives us a unique opportunity to build an even stronger reputation in nuclear technologies.

The third largest life sciences cluster in the UK is anchored by Boots, MediCity and BioCity in Nottingham. The digital tech cluster focused around Nottingham's Creative Quarter has grown rapidly.

The region's network of towns and rural economies house key manufacturing sites, major employers and thriving small businesses. Our towns, villages and wider rural areas are home to much of the area's workforce too.

Some of the nation's largest food manufacturers are based in the Area and use some of the raw materials produced by a progressive and diverse agricultural and horticultural sector. Nottingham University's Sutton Bonington campus hosts world-leading facilities for biosciences and veterinary medicine. The state-of-the-art Smartparc facility in Derby promotes sustainable food production and hosts a Food Manufacturing Technology Centre of Excellence.

In rural High Peak the Health and Safety Executive run a laboratory researching new methods in industrial safety, while the emerging digital and creative cluster around Glossop exemplifies the diversity of rural districts.

# But we underperform in a number of critical areas

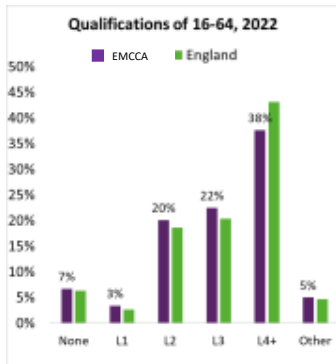


Seven EMCCA areas are amongst the lowest 10% in the country for productivity performance

Despite our strengths, we face major challenges that have held us back. The region shows a significant labour productivity gap versus the national picture; a gap that is forecast to grow beyond its current -14.5 percentage points. Seven local authority areas in the EMCCA region are in the lowest ten per cent in the country for productivity performance

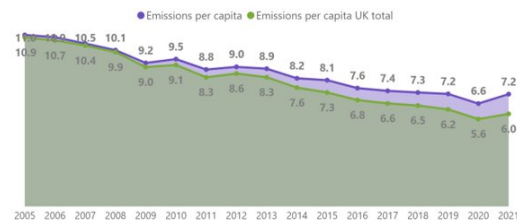
Despite having expertise in many green industries, we have yet to meet the urgent need to decarbonise. A quarter of the area's jobs will be affected by the low carbon transition.

While we are not universally a low skill-low wage economy, that is the dominant picture across the region, and those skills that have traditionally been in demand are becoming obsolete in the face of new technologies and emerging industries. Too few of our people have the qualifications and skills that are increasingly required by employers and that match their own potential.

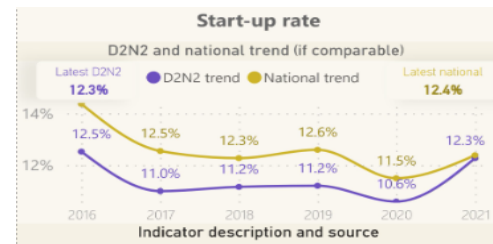


There is poor progression from Levels 2 and 3 to higher level skills in demand by employers.

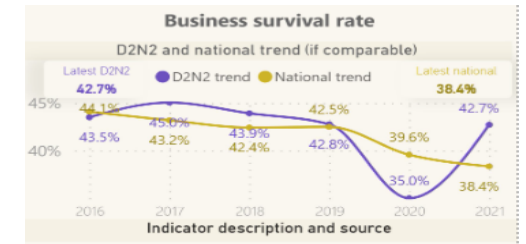
Our business dynamism is not where it should be, with relatively low numbers of business start-ups and lower levels of competition, impacting business demand for skills progression.



In 2021 the region's emissions per capita were 20% higher than the UK average.



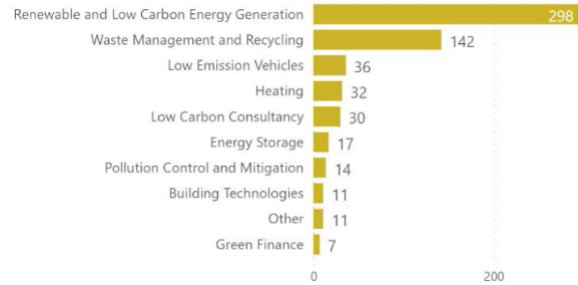
Historically low start-up rate and high survival rate point to lower competitiveness, hindering productivity growth



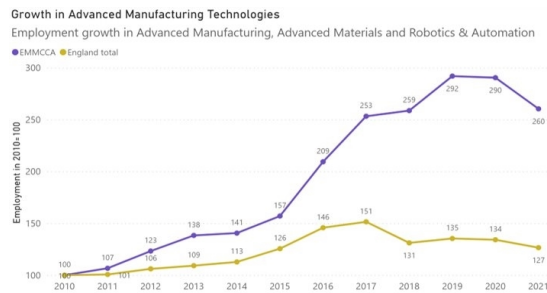




# It is the ambition and culture that put us at the heart of the first industrial revolution that can put us at the centre of the next



There are 598 businesses in the region's Net Zero cluster



Employment in advanced manufacturing, advanced materials and robotics & automation has grown by 160% since 2010, exceeding growth in the sector elsewhere

Renewables and nuclear energy will dominate the growth of global electricity supply over the next three years, together meeting on average more than 90 per cent of additional demand. The founding story of the EMCCA economic area is one of power generation. Now, in the race to develop new methods of energy production, we have a firm platform in both nuclear and hydrogen. In STEP we have the potential to develop world-leading fusion technology, and the East Midlands accounts for more than 6 per cent of the UK's total nuclear workforce.

There is a global thirst for advanced manufacturing capabilities, particularly to transition to net-zero. Regional employment in advanced manufacturing, advanced materials and robotics & automation has grown 160 per cent since 2010, exceeding growth in the sector elsewhere. And the new Automation and Robotics Training Centre in West Nottinghamshire provides the opportunity for the region's existing manufacturing workforce to transition to new skills as well as bring in new entrants. Meanwhile, our medtech sector continues to thrive.

We have a vast and varied visitor economy spanning the whole region and taking in towns and cities as well as the Peak District, National Forest and Sherwood Forest. The opportunity to invigorate the regions' blue-green infrastructure is strong, as it is to maximise the value of our Local Visitor Economy Partnerships.

EMCCA will be the critical catalyst for transforming these capabilities into a regional engine of sustainable growth and wellbeing. By taking a strategic role, investing in the region and collaborating regionally and nationally, EMCCA can shape a transformation for the area.

## Delivering on the ambition

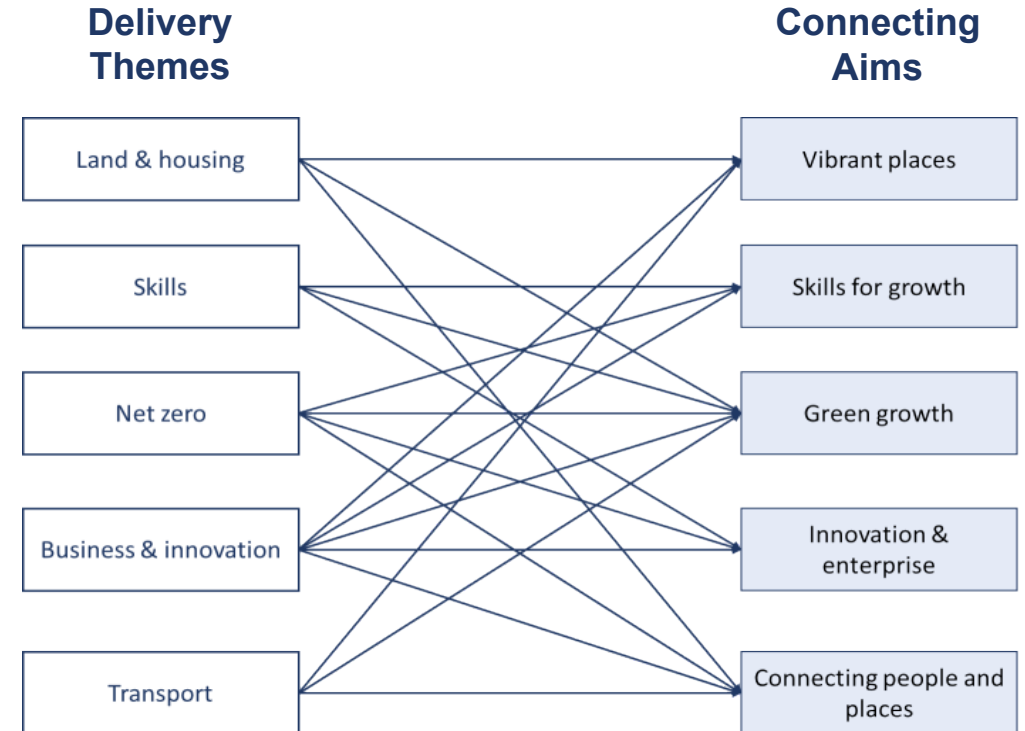


# We will provide system leadership for systemic change

It is in the ‘connective tissue’ between all EMCCA activities that the real value of the combined authority can be delivered from day one. This strategic framework will ensure that delivery themes focus more on the outcomes they are trying to achieve as a system, rather than the input-based depiction of the work being done. Planning for, and oversight of, delivery should be then be via cross-cutting portfolios rather than more traditional professional disciplines. The people we recruit will be system leaders, comfortable convening networks of people and combining skills, funds, knowledge and ideas in new ways in order to transform opportunities for local people

A system-based strategic framework means that intervention and investment decisions will be made programmatically – that is, on the basis of how much they contribute to broad connecting themes. The KPIs included in the EMCCA plan will be at the level of outcome rather than output.

In the context of ambitious inclusive growth, while EMCCA will deliver projects focused on specific devolved powers and funding (housing, transport, skills, business and innovation, and decarbonisation), their success will be measured by how far they contribute to the creation of our **connecting aims**.



# We will organise our delivery under five themes

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## Skills & Employment

We will work collaboratively with employers, skill and training providers, local authorities and other stakeholders to ensure our citizens have the opportunity to develop key skills and access opportunities to work well and build fulfilling careers. This will include the delivery of the c£50m Adult Education Budget for the region, to support the development of Level 1-3 skills and education. Crucially though, it will enable EMCCA to develop a region-wide strategy to support progression through, and growth in, the high-level skills the area needs. We will also pursue future devolution of funding and powers to support people into employment.



## Land & Housing

We will work with local authorities, landowners, developers and the full range of housing providers to create affordable, good quality housing options and to retrofit existing homes to be more environmentally sustainable.



## Decarbonisation

We will work across the region to lead the way in moving to low carbon energy generation. Our ambition is that the CCA area will be a leader in pioneering new forms of clean energy generation and will act as an exemplar for climate change adaptation. This theme is at the centre of EMCCA's strategy. The low carbon economy is key to the future economic prosperity of the region and marrying that to positive social and environmental outcomes.



## Transport

We will work with transport providers inside and outside the CCA Area to develop our collective infrastructure and create the best possible transport system for our citizens. The injection of £1.5bn to the region's transport system from 2026 will provide substantial opportunities to connect people and places, sustainably, to spread positive social, environmental and economic outcomes across the region.



## Business Growth and Innovation

We will develop a system of support, information and connection that enables the region's businesses and universities to innovate and flourish, to connect with inward investment opportunities, wherever they are based.

# Because this is EMCCA's inaugural year, our themes' delivery plans will have to put in place key pillars while building a platform for future ambition

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Three levels of intervention



**Addressing fundamentals within our delivery themes** – the key activities required to enable EMCCA to deliver against the East Midlands devolution deal

Develop capability in key areas that **build on the deal and create a platform for future transformation** of the East Midlands inclusive economy

Create new pathways to prosperity through identification of the **bold system interventions that have the potential to transform the East Midlands economy**, and that knit together interventions across all five themes

# There are three bold system intervention opportunities to exploit to deliver enduring economic, social and environmental transformation of the region



## Low-carbon energy

The founding story of the EMCCA economic area is one of power generation. Now, in the race to develop new methods of energy production, we have a firm platform in both nuclear and hydrogen. In STEP we have the potential to develop world-leading fusion technology, and the East Midlands accounts for more than 6 per cent of the UK's total nuclear workforce. East Midlands Hydrogen is the largest inland Hydrogen cluster in the UK. Renewables and nuclear energy will dominate the growth of global electricity supply over the next three years, together meeting on average more than 90 per cent of additional demand. **A strong programmatic focus on low carbon energy** can build on the region's industrial legacy to create a system that combines the development of clean energy technologies with business prosperity, a growing local, high-skilled workforce, enabled by a training system that facilitates progression and adaptation for people transitioning from traditional, carbon-intensive industries.



## Sustainable Places

Taking a place-based approach and marrying the housing, brownfield land, decarbonisation and transport powers and funding contained in the devolution deal creates the opportunity to reduce the cost of living, improve quality of life, create new, well-paid construction jobs and give access to good quality, lower cost housing in the cities, towns and rural areas across the region. **A strong programmatic focus on sustainable places** can combine the construction of new, zero carbon homes with the retrofit of existing stock and the training required to provide a sufficiently large and skilled workforce for both, plus the transport interventions to connect homes to jobs and recreation.



## Regional innovation

The EMCCA area has 3 universities, 15 incubators, 6 science parks, and over 2500 funded research projects. But more could be done to leverage inward investment in R&D, both private and public. We know that innovation of all kinds is the route to higher productivity and that higher productivity is the route to higher quality of living. **A strong programmatic focus on further strengthening the region's innovation system and widening participation in it** can exploit the region's strengths in advanced manufacturing, biotech, and broader research institutions, building on the strength of our universities and supporting innovative businesses to flourish.

# Skills and employment delivery plan 2024/25

Page 254

	Connecting people and places	Vibrant places	Skills for growth	Green growth	Innovation and enterprise
<b>1.1 We will review and re-commission comprehensive regional approach to L1-L3 adult education system</b> Complete AEB assurance framework, including AEB strategic skills strategy Design AEB commissioning framework Initiate procurement Ensure appropriate team resources in place					
<b>1.2 We will work with partners to create a comprehensive regional skills strategy</b> Establish a skills and employment function in EMCCA Produce an all-ages skills strategy for the region					
<b>1.3 We will establish specific approaches to skill development that support the bold, system interventions</b> Regional skills approaches for nuclear, hydrogen and retrofit industries					
<b>1.4 We will develop all ages career advice</b> Develop all-age strategy, drawing on Youth Hubs and Career Hubs					
<b>1.5 We will develop an approach for future devolution of employment support services</b> Work with DWP and regional partners to establish Universal Support and grow broader capability					
<b>1.6 We will develop a strategy to address health impacts in the labour market</b> Develop an approach to reducing health-related labour market activity					



# Land and housing delivery plan 2024/25

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## 2.1 We will develop a pipeline of housing development

- Phase 1: Launch call for projects for brownfield housing fund
- Phase 2: Launch call for pipeline of housing and regeneration sites
- Phase 3: Approve pipeline of housing and regeneration sites for future investment

## 2.2 We will develop a strategic approach to housing at a regional level

- Develop regional housing strategy

Connecting people and places



Vibrant places



Skills for growth



Green growth



Innovation and enterprise

# Decarbonisation and sustainability delivery plan 2024/25

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	Connecting people and places	Vibrant places	Skills for growth	Green growth	Innovation and enterprise
<p><b>3.1 We will deliver a Local Area Energy Plan for the region, to identify solutions to inadequate energy infrastructure</b>                      Provide strategic guidance and economically viable decarbonisation path                      Define appropriate decision-making roles                      Support appropriate skills development</p>					
<p><b>3.2 We will develop a strategic approach to low carbon and environmental skills for the region</b>                      Work in partnership with stakeholders to ensure a sufficient curriculum is available alongside sufficient teacher and trainers</p>					
<p><b>3.3 We will establish a strong strategic partnership with the Midlands Net Zero Hub</b>                      Determine the most effective routes to maximise the value of the MNZH for the EMCCA area                      Support the roll out of regionwide retrofit programme</p>					
<p><b>3.4 We will establish a green/blue infrastructure strategy</b>                      Develop all-aa strategy that aligns Local Nature Recovery Strategy work</p>					
<p><b>3.5 We will develop an appropriate regional approach to waste management</b>                      Develop an aligned approach that supports disposal across the EMCCA area</p>					
<p><b>3.6 We will work with central government and other stakeholders to develop flood policies at the appropriate level for the EMCCA area</b>                      Develop policy approaches that align national, regional and local powers and accountabilities</p>					

# Transport delivery plan 2024/25

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	Connecting people and places	Vibrant places	Skills for growth	Green growth	Innovation and enterprise
<p><b>4.1 We will develop a new single transport strategy for the region.</b>                      A plan to achieve strategic objectives.                      Demonstrate strategic transport leadership</p>					
<p><b>4.2 We will devise and build capacity to deliver an ambitious transport investment programme.</b>                      A comprehensive and balanced delivery programme.                      Compelling case for investment to achieve clear outcomes.                      Capacity and capability building at EMCCA and Highway Authorities.</p>					
<p><b>4.3 We will offer active and healthy travel options.</b>                      Promote walking and cycling schemes.                      Local network of low-cost routes.                      Encourage behaviour change and social mobility.</p>					
<p><b>4.4 We will deliver more effective public transport.</b>                      Work with bus and rail industry to deliver service improvement and passenger growth.                      Targeted bus priority to increase reliability.                      Promote flagship rail and bus network investment.</p>					
<p><b>4.5 We will promote innovative transport solutions to decarbonise the transport system.</b>                      Make use of digital technology.                      Integrated ticketing and passenger information.                      Promote personal and shared micro-mobility</p>					
<p><b>4.6 We will work with industry to promote the sustainable movement of goods.</b>                      Focus on strategic growth corridors.                      Opportunities for local sustainable distribution.</p>					

# Business growth and innovation delivery plan

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## 5.1 We will implement the East Midlands Investment Zone (EMIZ)

Establish EMIZ Team within EMCCA

## 5.2 We will establish a business support system that is fit for purpose for a high productivity, decarbonising ambition

Develop region-wide options that build and enhance current production

## 5.3 We will design an approach that co-ordinates and enhances the regional approach to inward investment

Design and develop regional approach  
Develop proposals to maximise the value of the region's local government bidding capacity

## 5.4 We will develop options to connect the region's digital connectivity 'cold spots'

Develop regional connectivity strategy and options appraisal

## 5.5. We will develop a strategy to maximise the value of the region's visitor economy

Develop regional visitor economy strategy

Connecting people and places



Vibrant places



Skills for growth



Green growth



Innovation and enterprise



## Going further



# In the medium-term we aim to capitalise on the opportunities to go further

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A vision rooted in inclusive growth requires regional partners to grasp opportunities to look anew at the way we design and run services and, critically, at broader and deeper devolution. To drive fundamental changes to the quality of life for people wherever they live in the EMCCA area, to reform public services so that they are truly ‘wrapped around’ people rather than providing sometimes disconnected support, and to enable services to adapt quickly to changing need, we will need ultimately to combine an even wider range of powers and funding than are currently available to us.

EMCCA will therefore pursue discussions with regional partners and national government about the design of public services and the potential for further devolution in the future. The focus of these discussions will depend on both regional and national policy development, but the areas on which we will focus in the first instance are:



Public Safety



Homelessness



Health



System redesign

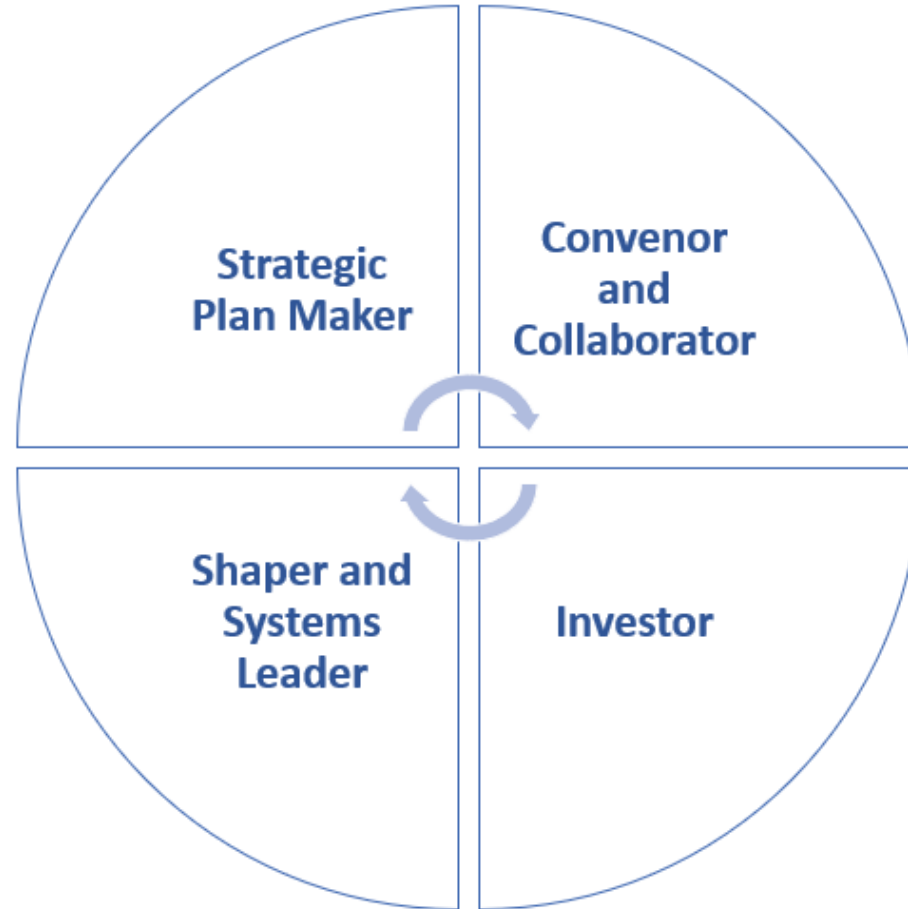
## The organisation



# EMCCA will utilise a mixed economy of delivery approaches, matching the objective to the tools best suited for the task in each specific context

Strategic role **not a large delivery vehicle**. Commission services and **set a strategic direction** for the region. Build strategic plans that reflect the needs of the region. **Develop an Investment Strategy and pipeline for delivery**

**Shape and influence** policy and practice. Influencing Government and building on the Mayor's reach as a systems Leader, regionally and nationally. Use status to maximise investment. Locally an **anchor institution** with partners to nurture innovation, operate and lead systemically across the region, seed ideas and disseminate good practice. Economic voice – influence policy and negotiate funding for the public good. Focus on **'beyond the deal'** to deliver benefits.



Bring together the **strength of the East Midlands**, maximising capabilities and resources of the constituent councils, districts and boroughs and partners. Enable forward planning and broader thinking and unleash **economies of scale and scope**. Leverage the powers of **collective thinking and collaborative working** to maximise outcomes. Working to **add benefit** to the region.

**Investment body** in the region using both its own resources and **leveraging wider public and private sector funds**. Through its Investment Strategy and delivery plans partners can focus on priority projects to bring greatest economic and social benefit to the region. **Infrastructure and green technology** project investment



# Our operating principles will frame everything EMCCA does

## Collaboration

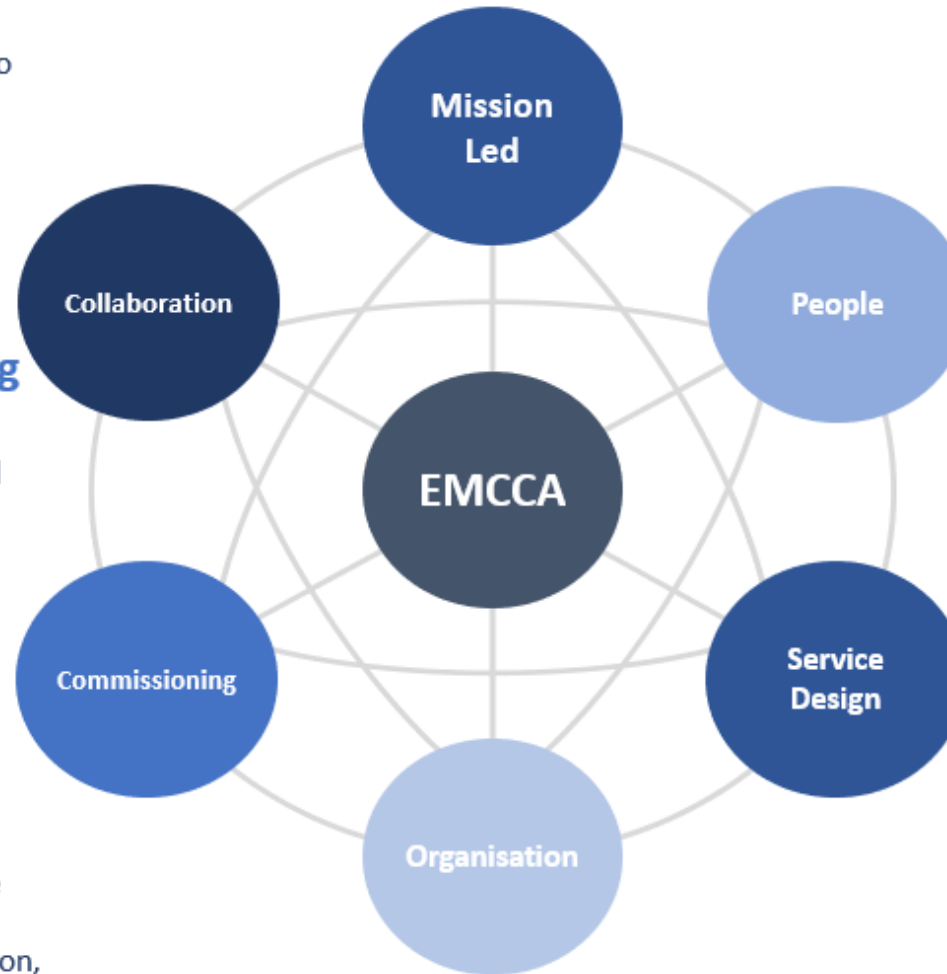
- We will look for **system responses to complex challenges** we face, **collaborating** in everything we do
- We will apply principle of **subsidiarity** to functions better delivered at an existing local level, avoiding duplication
- We will **complement** constituent and partner councils' work, influencing and engaging with partners to ensure cohesion, co-production and engagement

## Commissioning

- We will be a **strategic body** overseeing the delivery of strategic priorities and working in partnership to add value
- We will **commission** through a robust strategic framework, co-designed with partners, collaborative by design

## Organisation

- We have **common purpose**, coherence and will become a learning organisation
- We are **fluid, supportive** and make decisions at the right level with **lean processes**
- We will ensure 'Day 1' operating capability is in place and are **able to evolve** as funding increases
- We will occupy physical and virtual spaces in the region, whilst **creating a distinct CCA identity and space**
- We will operate within the available resources and **proactively attract further investment and funding**.



## Mission Led

- We will be driven by our mission to ensure **long-term systemic impact**. Created by and for the benefit of our people, businesses and places in the East Midlands.

## People

- We will be an **employer of choice** and esteem in the region, recruiting for both skill and values
- We will have a **productive, talented and highly motivated** workforce, grounded in **systems thinking and leadership**
- We will be **passionate about development** and growing those early in careers as well as throughout the CCA

## Service Design

- We will be **'right sized'** to effectively discharge our functions
- Decisions made on **delivery will be dependent on the required outcomes**, considering VfM and digital by default
- We will be **inclusive, innovative**, proactively looking for new ways of solving problems and adapting in a changing context
- We will design interventions and functions with clear sight of **regional strategy**, investment and business planning using innovative **data & insight**
- We will **transition LEP** functions - not a lift and shift
- We will **evidence the positive impact** the CCA makes in social, economic and environmental outcomes
- All internal **governance will be enabling and empowering**, with proportionate exposure to risk

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