

Guidance Note

# Appointments by Nominating Bodies

## East Midlands Combined County Authority

May 2024

This guidance note has been developed to provide guidance to designated nominating bodies to the East Midlands Combined County Authority (EMCCA) on the nomination of Councillors from District and Borough Councils to the Board and wider Committees of the Combined County Authority.

The guidance provided is intended as such, recognising that the decision on how and who to nominate is a matter for each designated nominating body. However, the guidance provided seeks to support the nomination of individuals that can best represent the District and Boroughs of each County area and contribute effectively within the Combined County Authority governance arrangements.

### Background

- 1 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.
- 2 On 20 March the Combined County Authority agreed to designate the positions of nominating body for Nottinghamshire and Derbyshire District and Borough Non-Constituent appointments to:
  - Derbyshire Strategic Leadership Board (D2 SLB)
  - Nottinghamshire Economic Prosperity Committee (EPC)
- 3 The nominations by the nominating bodies to the Combined County Authority would be for District and Borough Councillor representation.
- 4 Officers from the County Councils, District and Borough Councils and the Combined County Authority have contributed to this guidance note.

### Requirement

- 5 The Combined County Authority has agreed an initial governance framework that provides 4 District and Borough nominated representatives on its Board and on each of its Committees, 2 from each county area. In accepting the designation provided by the Combined County Authority each nominating body is requested to provide the nominations to the Combined County Authority Board and its Committees.
- 6 The ask from the Combined County Authority is that each nominating body provides 2 representatives to be non-constituent members to each of the following Combined County Authority Board and Committees:

<b>Combined County Authority Board</b>	This is the decision-making body for all non-mayoral functions devolved to the Combined County Authority. It is responsible for the approval of all Combined County Authority strategy and the budget.
<b>Transport Advisory Committee</b>	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.

<b>Skills &amp; Employment Advisory Committee</b>	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.
<b>Investment Committee</b>	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.
<b>Overview &amp; Scrutiny Committee</b>	This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.
<b>Audit &amp; Governance Committee</b>	This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.

- 7 The nominations by EPC and D2 SLB to these Combined County Authority governance bodies are for non-constituent membership.
- 8 Non-constituent members are individual members of the Combined County Authority who are nominated as members by a body designated by the Combined County Authorities, therefore they are nominated to represent a group or organisation. Non-constituent members are non-voting unless the voting members resolve otherwise.
- 9 Non-constituent members play a key role within the Combined County Authority governance framework in ensuring the bodies/ organisations that they represent are able to influence the agenda, decision-making, investment proposals and strategy developments.

## Guidance for Nominations

- 10 The following guidance exists to support nominating bodies in the process of nominating to Combined County Authority positions.
- 11 It is a matter for each nominating body as to how they apply the guidance provided, however it should be noting that the guidance is provided in the spirit of partnership and to deliver effective District and Borough representation at the Combined County Authority.

### Skillsets and Knowledge

- 12 Having an appropriate skillset and knowledge base that fits the role and responsibilities of each governance body will allow nominated individuals to play a more effective role within the body they have been nominated to and represent EPC or D2 SLB more effectively.
- 13 Individuals nominated need to understand the strategic nature of a Combined County Authority, as its focus will be on taking a region wide approach that benefits the region as a whole. Nominated individuals therefore need to be able to take a County wide approach to representing their nominating body rather than the local authority that they represent.
- 14 Individuals will benefit from having the appropriate thematic area knowledge to effectively represent, communicate, collaborate and understand regional aspirations and objectives.
- 15 Guidance is therefore provided as follows when making appointments:

<b>Combined County Authority Board</b>	Nominated individuals should be Leaders of District and Borough Councils who would generally have a good understanding of organisational responsibility as it relates to vision, strategic objectives and representation of an organisation.
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	<p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of strategic policy to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p> <p>In representing the nominating body at the key decision-making Board of the Combined County Authority the individual would benefit from an ability to provide political leadership in a collective responsibility setting that seeks to take decisions based on consensus.</p>
<p><b>Transport Advisory Committee</b></p>	<p>The preference is that nominated individuals should be Lead Members for Transport and/or Place (or appropriate alternative such as backbencher with specialist knowledge) who will have a good understanding of regional strategic transport needs and understand terminology and approaches that cover public transport provision, highways and wider transport matters.</p> <p>An understanding of the purpose of the Local Transport Plan, sustainable transport, bus travel, rail and transport connectivity would be beneficial.</p> <p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of strategic transport policy to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p>
<p><b>Skills &amp; Employment Advisory Committee</b></p>	<p>The preference is that nominated individuals should be Lead Members for employment, skills and adult learning, or economic growth (or appropriate alternative such as backbencher with specialist knowledge) who will have a good understanding of regional strategic need and understand terminology and approaches that cover public transport provision, highways and wider transport matters.</p> <p>An understanding of the purpose of a regional skills strategy, adult education, employment schemes and a Local Skills Improvement Plan would be beneficial.</p> <p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of strategic skills and employment policy to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p>
<p><b>Investment Committee</b></p>	<p>The preference is that nominated individuals should be Lead Members for Finance, or Economic Growth (or appropriate alternative such as backbencher with specialist knowledge) who will have a good understanding of regional strategic need and understand terminology and approaches that cover the development, decision-making and delivery of investment programmes and projects</p> <p>An understanding of Assurance Frameworks, Her Majesty's Treasury Green Book requirements and the process for the developing and approval of business cases would be beneficial.</p> <p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of strategic investment to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p>

<p><b>Overview &amp; Scrutiny Committee</b></p>	<p>The preference is that nominated individuals should be Chairs or experienced Members of Overview &amp; Scrutiny Committees (or appropriate alternative if committee system) who will have a good understanding of the role of the scrutiny function in a strategic context and accountability standards and practices.</p> <p>An understanding of performance management, strategic policy development and holding decision-makers to account would be beneficial.</p> <p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of strategic accountability to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p>
<p><b>Audit &amp; Governance Committee</b></p>	<p>The preference is that nominated individuals should be Chairs, past Chairs or experienced Audit Committee Members who will have a good understanding of local authority financial affairs, risk management, governance and Member standards and code of conduct.</p> <p>An understanding of an organisational approach to internal systems of control, the Nolan Principles that govern Member behaviour and constitutions would be beneficial.</p> <p>They should have an ability to represent their nominating body (and wider Council Leaders) on matters of audit, risk, governance and finance to the Combined County Authority, and are able to effectively liaise with key individuals on behalf of their nominating body to ensure that they effectively represent that nominating bodies views.</p>

- 16 Political balance applies to the regulatory committees (Overview and Scrutiny/ Audit and Governance), it may therefore be more difficult to apply guidance on skillsets to these positions when taking political balance into account.
- 17 The Combined County Authority will seek to provide appropriate induction to individuals nominated and support officers where appropriate to the above governance bodies, training as appropriate and ensure they are provided with appropriate briefings and information to enable them to fulfil their role.
- 18 It is a decision for each nominating body on how they plan to effectively utilise their nominated members to the Combined County Authority to ensure that they are providing a County wide approach and perspective.

### Geography

- 19 Having an approach that considers geographical representation across the scope of its nominations to the Combined County Authority in order to ensure that both the North and South of each County is appropriately represented across nominations will provide a wider range of views and experiences to the Combined County Authority.
- 20 Given the number of positions that the Combined County Authority seeks nominations for, guidance is provided that all District and Borough Councils within each County area are represented in the nomination process and therefore receive at least 1 nominating position.
- 21 Based on geography, it is suggested that each council gets 1 seat and then the remainder of required nominations are divided up according to preference/expertise with no council having more than 2 seats on the overall list of nominations to the Combined County Authority.

## Diversity

- 22 To make the best possible decisions the Combined County Authority Board and Committees would benefit from having a diverse and inclusive leadership. Boards and committees made up of people with a mix of experience and skills gained from a range of backgrounds and lived experience that will bring fresh ideas, greater challenge and more robust decision making to the Combined County Authority.
- 23 Nominating bodies will want to consider nominations from those who are reflective of local communities in terms of gender, ethnicity, disability and sexuality who will be more equipped to understand our communities served.
- 24 It is important that our democratic organisations and public bodies strive to reflect the communities that they serve, and that we acknowledge the challenges and imbalances when they do not. Poor representation is a bad thing not just for those who are under-represented and suffer the consequences of a decision-making process that does not reflect their needs or interests, but for the institutions themselves. When they do not represent considerable parts of the population, they lose their legitimacy.

## Political Balance

- 25 Political balance only applies to Combined County Authority appointments to its regulatory committees, and only to constituent council representation. Nevertheless, ensuring appropriate political representation across all nominations to the Combined County Authority will ensure an appropriate representation of political opinion and view from each county area.
- 26 Given the complexity of working out political balance requirements across a county area it is suggested that overall nominations take into account the political leadership of each District and Borough Council and appropriately reflect this make up in nominations.
- 27 For example, if 12 positions are available to nominate to the Combined County Authority, you could divide the number of nominations by the number of non-constituent councils and multiply this by the political leadership across all authorities to give an indicative balance.
- 28 For the Overview and Scrutiny Committee and Audit and Governance Committee, nominations will need to take into account the political balance requirements that will be set out in each nominating body report.

## **Role Profiles**

- 29 Those nominated to Combined County Authority Board and Committees on behalf of each nominating body are expected to represent the views and objectives of the nominating body above that of their individual local authority.
- 30 Each Councillor nominated should act within the scope given to them by the nominating body which on occasion may need to be clarified.
- 31 It is the responsibility of the individual nominated to ensure that the nominating body is informed of key decisions, strategy development and thematic areas for discussion at a Combined County Authority level and that the nominating body has an opportunity to consider representation that it would like that nominated councillor to make.
- 32 Nominated representatives should make themselves aware of what the Combined County Authority expects from them. In so doing, a representative may seek information in relation to the Combined County Authority Constitution, Committee Terms of Reference, accounts etc.
- 33 Nominated representatives are expected to operate within the rules and/or Constitution of the Combined County Authority and adhere to the Code of Conduct for the Combined County Authority and their own local authority. Representatives will not disclose any information that is confidential to the

Combined County Authority who accept that such information may be required to be discussed in private session by a nominating body.

- 34 Nominated representatives are expected to attend meetings of the Combined County Authority to which appointed; to report on the activities of the Combined County Authority to the nominating body; the impact of those activities on the nominating body
- 35 Nominated representatives should take an active and informed role in the affairs of the Combined County Authority and in the appropriate representation of the nominating body;
- 36 Nominated representatives should make independent personal judgements in line with their Duty of Care to the Combined County Authority and the nominating body In so doing, to ensure that they are not representing the views and political position of their own political party and/or local authority make representations and decisions that are in the best interests of the nominating body.
- 37 Nominated representatives should inform the nominating body and any specific local authority Leader when matters specifically relating to that county or their local authority are to be discussed at a future Combined County Authority meeting.