

## **Strategic Leadership Board**

### **East Midlands Combined County Authority: Delegation as nominating body and request for Board nominations**

**Date:** 16 May 2024

**Key ambition area:** Whole Programme

**Sponsor/s:** NA

**For publication:** Yes

#### **1.0 Purpose of the report**

- 1.1 Request for SLB to accept designation from East Midlands Combined County Authority (EMCCA) to be the nominating body to make District and Borough Council representation nominations for membership on EMCCA Board and Committees for Derbyshire.
- 1.2 For the Strategic Leadership Board (SLB) to make formal nominations to the East Midlands Combined County Authority (EMCCA) Board.

#### **2.0 Recommendations**

It is recommended that the Strategic Leadership Board:

- 2.1 Accepts the designation provided by East Midlands Combined County Authority to be the nominating body for Derbyshire District and Borough Council Non-Constituent Members to the Combined County Authority.
- 2.2 Notes the arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA as detailed in Part 5 of the EMCCA Constitution.
- 2.3 To agree to the representatives as set out in paragraph 4.13 are the representatives nominated to the EMCCA Board until May 2025, at which point the representatives are reviewed through the selection process.

#### **3.0 Reason for recommendations**

- 3.1 To enable the Strategic Leadership Board (SLB) to nominate Derbyshire District and Borough Council Non-Constituent Members to the EMCCA Board and its wider committees.
- 3.2 To ensure that district and borough councils have formal representation at EMCCA.

#### **4.0 Report details**

##### **Background**

- 4.1 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' (Derbyshire County Council, Derby City Council, Nottinghamshire County Council and Nottingham City Council) 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 an initial £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments.
- 4.2 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.
- 4.3 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.
- 4.4 EMCCA came into being on 28 February 2024 and held its first Board meeting on the 20 March 2024. At its inaugural Board meeting the EMCCA Board considered a number of procedural items to enable it to be able to operate as an effective organisation, this included statutory officer appointments and adoption of a constitution.
- 4.5 The East Midlands Combined County Authority Regulations 2024 provide that the Membership of the Combined County Authority will be the Mayor (who will Chair the Authority) and two Members from each

Constituent Council; however the EMCCA has the power to appoint Non-Constituent Members and Associate Members.

- 4.6 The Combined County Authority has three types of membership outside the position of mayor, these are as follows:
- **Constituents:** These are the 4 local authorities which the devolution of powers outside of mayoral functions have been devolved to (Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council). These are voting members of the EMCCA Board.
  - **Non-Constituents:** These are key partners/ stakeholders recognised within the EMCCA governance arrangements. They are defined as 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. Non-Constituents are non-voting members across the EMCCA governance arrangements.
  - **Associates:** an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-up and Regeneration Act 2023
- 4.7 District and Borough Council representatives come under the definition of Non-Constituents; it should be noted that they are not the only grouping that would come under this definition.'
- 4.8 The 2024 Regulations limit additional membership, stating that the Combined County Authority must have no more than eight Non-Constituent and associate members. The constitution agreed by the EMCCA includes provision for four District and Borough Council representatives (two from Derbyshire and two from Nottinghamshire). This accords with the Devolution deal, Proposal submitted to government and the shadow arrangements adopted prior to the creation of the EMCCA.
- 4.9 At this first EMCCA Board meeting the four District and Borough representatives that have represented District and Borough Councils on shadow arrangements were present and able to contribute to discussions. They were not however formal Non-Constituent representatives at this first meeting due to the required formal procedure created by the legislation, this procedure requires:
- the Combined County Authority to be established (formally established on 28 February 2024)
  - the Combined County Authority to approve the designation of the D2 SLB and Notts EPC as a nominating body (agreed by EMCCA Board on 20 March 2024)

- the Combined County Authority to agree the number of non-constituent members and substitutes that may be appointed by each nominating body (agreed by EMCCA Board on 20 March 2024)
- the Combined County Authority to agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or substitute members (agreed by EMCCA Board on 20 March 2024)
- the SLB and Notts EPC to agree to accept the designation as a nominating body (being proposed via this report)
- The SLB and Notts EPC to nominate non-constituent members and substitute members
- The Combined County Authority to approve the appointment of the non-constituent members and substitute members (to take place at next EMCCA Board, envisaged to be June 2024).

4.10 On 20 March EMCCA agreed that to designate to the D2 Strategic Leadership Board as the nominating body for Derbyshire District and Borough Non-Constituent appointments and the City of Nottingham and Nottinghamshire Economic Prosperity Committee (EPC) the position as the nominating body for Nottinghamshire District and Borough Non-Constituent appointments.

4.11 This designation asks that the Strategic Leadership Board accept that designation and make nominations to the EMCCA Board of two District and Borough Council representatives as Non-Constituent members of the EMCCA Board. The same request has been made to and accepted by the Notts EPC.

4.12 The arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA as detailed in Part 5 of the EMCCA Constitution can be found at Appendix A.

### **Nominations to EMMCA Board**

4.13 A process of selection to the shadow EMCCA Cabinet was undertaken in October 2023 and the following were selected as the representatives from Derbyshire District and Borough Councils:

- a. Patricia Gilby, Leader of Chesterfield Borough Council;
- b. Anthony McKeown, Leader High Peak Borough Council;

4.13 It is recommended that these members are nominated as non-constituent members of the EMCCA Board until May 2025, and that a review process and future selection process be agreed by this Board.

4.14 Nominations for two substitute members is also required by this Board. It is recommended that the Board also agrees to nominate substitute members of the EMCCA Board until May 2025.

**4.15 It is proposed that the Board:**

- a) Accepts the designation provided by East Midlands Combined County Authority to be the nominating body for Derbyshire District and Borough Council non-constituent Members to the East Midlands Combined County Authority. If the Board decides not to accept the designation, it will not have the authority to nominate non-constituent members to the EMCCA and as a result Derbyshire District and Borough Councils would not be represented.
- b) Note the arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA as detailed in Part 5 of the EMCCA Constitution
- c) Agrees to nominate Patricia Gilby and Anthony McKeown as non-constituent members of the EMCCA Board until May 2025.
- d) Agrees to nominate substitute members of the EMCCA Board until May 2025.

**Next steps**

- 4.16 SLB will be requested to make outstanding non-constituent nominations to EMCCA committees at a future meeting. The process for these nominations is subject of another report to this Board.
- 4.17 EMCCA is in the process of pulling together its calendar of meetings for 2024/25, it is anticipated that the next meeting of the EMCCA Board will be in June to take account of each Constituent Council's Annual General Meeting. It is anticipated that the calendar of meetings for EMCCA will be approved at this June meeting.

**5.0 Implications for consideration – Financial and value for money**

- 5.1 Guidance on allowances for District and Borough Council representatives on East Midlands Combined County Authority Board and Committees will be provided following the Independent Remuneration Panel review.

**6.0 Implications for consideration – Legal**

- 6.1 The East Midlands Combined County Authority 2024 Regulations allow the Combined County Authority to have no more than eight non-

constituent and associate members on its Board. This allows the Combined County Authority to appoint up to a maximum total number of 8 Non-Constituent Members and Associate Members.

6.2 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.

## 7.0 Implications for consideration – Human Resources

7.1 There are no Human Resources issues related to this decision.

## 8.0 Implications for consideration – Climate Change

8.1 There are no Climate Change issues related to this decision.

## 9.0 Implications for consideration – Equality and Diversity

9.1 There are no Equality and Diversity issues relating to this decision.

## 10.0 Implications for consideration – Risk Management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
NA	NA	NA	NA	NA	NA

### Document information

<b>Report author</b>
<b>Jodie Townsend, Monitoring Officer for East Midlands Combined County Authority</b>
<b>Background documents</b> <ul style="list-style-type: none"> <li>▪ EMCCA Governance and Constitution Board Paper: <a href="#">Item 5 - Governance and Constitution Report.pdf (derbyshire.gov.uk)</a></li> <li>▪ EMCCA Constitution: <a href="#">Item 5 - Governance and Constitution Report.pdf (derbyshire.gov.uk)</a></li> <li>▪ Arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA (attached as Appendix A)</li> </ul>
<b>Appendices to the report</b>
Appendix A - Arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA



## **APPENDIX A – As included in the Constitution of the East Midlands Combined County Authority**

### **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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