

*making our region more prosperous, sustainable and fairer,
helping our people and businesses to create and seize opportunities*

Combined County Authority Board		Agenda Item 6
Date	17 June 2024 – Annual General Meeting	
Report Title	Membership of the East Midlands Combined County Authority Regulatory Committees	
Accountable EMCCA Board Member	Mayor Claire Ward	
Accountable Chief Officer	Mark Rogers, Interim Chief Executive	
Accountable Employee	Jodie Townsend, Interim Monitoring Officer	
Report has been considered by	Informal Board	
Key decision	No	
Public Report	Yes	
Voting Arrangements	A: simple majority including the Mayor B: To note C: To note	
Recommendation(s) for action or decision:		
The Combined County Authority is recommended to:		
A	Approve the political balance for the Overview and Scrutiny Committee and the Audit and Governance Committee as set out in paragraph 2.10.	
B	Note the appointment of the Member and substitute Member nominations by constituent councils and nominating bodies to the Overview and Scrutiny Committee as set out in paragraph 2.17	
C	Note the appointment of the Member and substitute Member nominations by constituent councils and nominating bodies to the Audit and Governance Committee as set out in paragraph 2.18	

The subject of this report is linked to a statutory requirement under the East Midlands Combined County Authority Regulations 2024 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024, which requires each constituent council to appoint members and substitute members to the Combined County Authority Regulatory Committees and reflect as reasonably as possible political balance.

1. Purpose

- 1.1 This report relates to the appointment of Members onto the Overview and Scrutiny Committee and the Audit and Governance Committee.
- 1.2 To note the members and substitute members appointed by constituent councils to the Combined County Authority Overview and Scrutiny Committee, and Audit and Governance Committee for 2024-25.
- 1.3 To note the members and substitute members appointed by nominating bodies to the Combined County Authority Overview and Scrutiny Committee, and Audit and Governance for 2024-25, to represent the District and Borough Councils of Derbyshire and Nottinghamshire.

2. Proposal

Political Balance Calculations

- 2.1 The Combined County Authority established an Overview and Scrutiny Committee (OSC) and an Audit & Governance Committee (AGC) at the meeting on 20 March 2024.
- 2.2 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024 sets out the rules for membership. The regulations ((SI 2017/68 as amended by SI 2024/430) at Article 4(1) requires that:

(1) The combined authority [or, as the case may be, combined county authority,] must:

- (a) appoint such a number of members of each of the constituent councils to an overview and scrutiny committee, so 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;

A similar provision exists for Audit Committees and can found in Article 14.

- 2.3 The combined membership of the OSC and AGC should reflect so far as reasonably practicable the balance of political parties of the four constituent councils. The balance is therefore based on membership of political parties, not political groups, on the four constituent councils.
- 2.4 The Combined County Authority agreed that to ensure an equitable representation across each constituent authority, two members from each constituent council should be appointed to the OSC, representing a total membership of eight.
- 2.5 In order to assess the political balance of both the OSC and AGC, it is first necessary to look at the combined political party make-up of the four constituent councils, this is shown in the following table:

Table A

Council	Ashfield Ind.	Con	Green	Derby Ind.	N'ham Ind.	Lab	Lib Dem	Reform Derby	Reform UK	Ind.	Totals
Derby City		15		3		23	4	6			51
Derbyshire		41	1			16	4		2		64
Nottingham City					3	50				2	55
Nottinghamshire	10	35				15				6	66

* Ind = Independents - Based on numbers provided by each Council to EMCCA following May elections

2.6 The political proportionality of the OSC and AGC is based upon the total number of councillors on the four constituent councils from political parties that are registered nationally with the Electoral Commission. Therefore, the total number of councillors across the combined authority area disregards those elected as Independents and those in groups that are not registered nationally with the Electoral Commission.

2.7 As a result, the political proportionality is calculated on the following numbers:

Table B

	Ashfield Ind.	Conservative	Green	N'ham Ind	Labour	Lid Dem	Reform Derby	Reform Uk
Derby City		15 (31%)			23 (48%)	4 (8%)	6 (13%)	
Derbyshire		41 (64%)	1 (2%)		16 (25%)	4 (6%)		2 (3%)
Nottingham City				3 (6%)	50 (94%)			
Nottinghamshire	10 (17%)	35 (58%)			15 (25%)			
Total	10	91	1	3	104	8	6	2
% of overall Political Balance	4.44	40.44	0.44	1.33	46.22	3.56	2.67	0.89

2.8 The figures above have been confirmed by the Democratic Services Teams in each of the four constituent councils.

2.9 The share of overall political balance divided into the eight members (the number of members for both OSC and AGC for the four constituent councils) creates the following committee entitlement:

Table C

	Ashfield Ind.	Con	Green	Nott. Ind.	Lab	Lib Dem	Reform Derby	Reform UK
Political Balance %	4.44	40.44	0.44	1.33	46.22	3.56	2.67	0.89
Above divided by 8	0.35556	3.23556	0.03556	0.10667	3.69778	0.28444	0.21333	0.07111
Number of seats	0	3	0	0	4	0	0	0

2.10 The result of this calculation is as follows for both Overview & Scrutiny Committee and the Audit & Governance Committee:

Derby City	<ul style="list-style-type: none"> ▪ 1 Conservative ▪ 1 Labour
Derbyshire	<ul style="list-style-type: none"> ▪ 1 Conservative ▪ 1 Labour
Nottingham City	<ul style="list-style-type: none"> ▪ 2 Labour
Nottinghamshire	<ul style="list-style-type: none"> ▪ 1 Conservative ▪ 1 Ashfield Independent

2.11 The justification for this allocation is:

- All percentages are worked out without the inclusion of independents and the one independent group that isn't a registered party with the electoral commission (table B)

- The political balance percentages for each group are then calculated from the number of seats across all constituent authorities (that are applicable) and then divided by that total number
- Those percentages are then worked out as seat allocations – which then need to be rounded to whole numbers.
- The whole numbers only add up to 7 (table C) so we need to find an additional seat
- The six “easy” allocated seats are given to the groups with the highest percentage figures in the different groups at their authorities. (94, 64, 58, 48, 31, 25). An additional seat is then given to the Labour Group at Nottingham City as the next “highest” percentage is then technically still that group at that constituent authority as 94% is so large
- The last seat then needs to go to Nottinghamshire but can’t go to Labour as they already have 4 seats over all so it goes to Ashfield Independent as the next highest.

2.12 These calculations have been shared with the Democratic Services Teams at each constituent council and have been agreed as correct.

2.13 Subsequently each constituent council was provided with these political balance calculations and requested to provide appointments to the Overview and Scrutiny Committee and the Audit and Governance Committee as set out in 2.10.

2.14 The Combined Authority has agreed that substitute members should be appointed for each position on the Audit and Governance Committee and the Overview and Scrutiny Committee. Any substitute members should come from the same party as the Member they are substituting for to maintain political balance.

2.15 For the Overview and Scrutiny Committee, if constituent councils have appointed members from the same political parties, those Councils might only wish to appoint one substitute rather than two. The quorum set down in legislation is two thirds of the total membership. Therefore, it is preferable to appoint two members in case both members are absent from a meeting and need to substitute.

2.16 Appointments to the Regulatory Committees are until 31 May 2025.

Appointments to the Overview & Scrutiny Committee

2.17 The following Members have been appointed to the Overview and Scrutiny Committee as follows:

Appointed by:	Members:	Substitutes:
Derby City Council	<ul style="list-style-type: none"> ▪ Councillor Dhindsa ▪ Councillor Poulter 	<ul style="list-style-type: none"> ▪ Councillor Martin ▪ Councillor Smale
Derbyshire County Council	<ul style="list-style-type: none"> ▪ Councillor S Swann ▪ Councillor J Dixon 	<ul style="list-style-type: none"> ▪ tbc
Nottingham City Council	<ul style="list-style-type: none"> ▪ Councillor S Gardiner ▪ G Power 	<ul style="list-style-type: none"> ▪ tbc
Nottinghamshire County Council	<ul style="list-style-type: none"> ▪ Councillor B Elliott ▪ tbc 	<ul style="list-style-type: none"> ▪ tbc
D2 Strategic Leadership Board	<ul style="list-style-type: none"> ▪ Councillor D Hughes ▪ Councillor K Gillott 	<ul style="list-style-type: none"> ▪ Councillor D McGregor ▪ Councillor S Bambrick

Nottingham and Nottinghamshire Economic Prosperity Committee	<ul style="list-style-type: none"> ▪ Mayor A Abrahams ▪ Councillor A Brennan 	<ul style="list-style-type: none"> ▪ tbc
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Appointments to the Audit & Governance Committee

2.18 The following Members have been appointed to the Audit & Governance Committee as follows:

Appointed by:	Members:	Substitutes:
Derby City Council	<ul style="list-style-type: none"> ▪ Councillor Hezelgrave ▪ Councillor Morgan-McGeehan 	<ul style="list-style-type: none"> ▪ Councillor S Khan ▪ Councillor Eyre
Derbyshire County Council	<ul style="list-style-type: none"> ▪ Councillor A Foster ▪ Councillor D Allen 	<ul style="list-style-type: none"> ▪ tbc
Nottingham City Council	<ul style="list-style-type: none"> ▪ Councillor M Edwards ▪ Councillor A Williams 	<ul style="list-style-type: none"> ▪ tbc
Nottinghamshire County Council	<ul style="list-style-type: none"> ▪ Councillor P Owen ▪ tbc 	<ul style="list-style-type: none"> ▪ tbc
D2 Strategic Leadership Board	<ul style="list-style-type: none"> ▪ Councillor J Staton ▪ Councillor C Pain 	<ul style="list-style-type: none"> ▪ Councillor C Emmas-Williams ▪ Councillor N Buttell
Nottingham and Nottinghamshire Economic Prosperity Committee	<ul style="list-style-type: none"> ▪ Councillor Paul Henshaw ▪ tbc 	<ul style="list-style-type: none"> ▪ tbc

3. Background

3.1 The subject of this report is linked to a statutory requirement under the East Midlands Combined County Authority Regulations 2024 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024, which requires each constituent council to appoint members and substitute members to the Combined County Authority Regulatory Committees and reflect as reasonably as possible political balance.

Guidance

3.2 To support the process of appointing elected members to the Combined County Authority, whilst noting that the decision regarding appointments is one for each individual constituent council, the Monitoring Officer produced a guidance note for constituent councils to consider when making appointments.

3.3 A similar guidance note was produced to support the nominating bodies in their appointment process.

4. Appendices

4.1 There are no appendices to this report.

5. Implications

Financial Implications

- 5.1 In accordance with the East Midlands Combined County Authority Regulations 2024, no remuneration is payable to the Combined County Authority members other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined County Authority.
- 5.2 The Combined County Authority may pay an allowance following a review by an Independent Remuneration Panel to independent persons appointed under article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(1); and members of the overview and scrutiny committee and members of the audit committee
- 5.3 The Combined County Authority may only pay an allowance to the people listed above if it 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
- 5.4 A budget will need to be allocated to cover the costs of agreed payments for any allowances following a review of the Independent Remuneration Panel, this will be covered by the Combined County Authority budget allocation.

Legal Implications

- 5.5 The East Midlands Combined County Authority Regulations 2024 set out the membership requirements for the Combined County Authority. The proposals within this report are in accordance with those regulations and the constitution.
- 5.6 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, as amended by the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024, set out membership requirements for appointing to Regulatory Committees.

Other Significant Implications

- 5.7 There are no other implications identified within the body of this report.

Background Papers

- 5.8 [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](#)
- 5.9 [The Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) \(Amendment\) Regulations 2024 \(legislation.gov.uk\)](#)