

<b>Combined County Authority Board</b>		<b>Agenda Item</b> <b>12</b>
Date	17 June 2024 – Annual General Meeting	
Report Title	<b>Amendments to the EMCCA Constitution</b>	
Accountable EMCCA Board Member	Mayor Claire Ward	
Accountable Chief Officer	Mark Rogers, Interim Chief Executive	
Accountable Employee	Mark Kenyon, Interim Section 73 Officer Jodie Townsend, Interim Monitoring Officer	
Report has been considered by	N/A	
Key decision	No	
Public Report	Yes	
Voting Arrangements	A: To note B: By a simple majority that includes the Mayor C: By a simple majority that includes the Mayor	
<b>Recommendation(s) for action or decision:</b>		
<b>The Combined County Authority is recommended to:</b>		
<b>A</b>	<b>Note amendment to constitution made by Monitoring Officer under delegated authority as set out in paragraph 2.8</b>	
<b>B</b>	<b>Amend the Officer Employment Procedure Rules as set out in Appendix A</b>	
<b>C</b>	<b>Amend the scheme of delegations as set out in Appendix B</b>	

**1. Purpose**

1.1 To note and consider proposed amendments to the EMCCA Constitution.

## 2. Constitutional Amendments

- 2.1 The Constitution sets out how the CCA works, makes decisions, and the procedures followed to ensure its work is efficient and effective, and is transparent and accountable to residents. Some of these procedures are set by law, while others are ones the CCA has chosen to follow. The operation of the Constitution will be regularly reviewed, including an annual review to ensure that it remains fit for purpose.
- 2.2 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. Developing the constitution in line with the organisation is standard practice to ensure legislation is appropriately reflected.
- 2.3 For example, following the General Election individual constituent councils and the Combined County Authority will be requested to provide consent to the making the Combined Authorities and East Midlands Combined County Authority (Borrowing) (Amendment) Regulations 2024 conferring the general power of competence for economic development and regeneration on the EMCCA.
- 2.4 The purpose of this regulation will be to make appropriate technical amendments to bring the EMCCA Regulations and the powers and functions of the EMCCA in line with the expectations of the original Proposal.
- 2.5 The Monitoring Officer will regularly monitor and review the operation of the Constitution and engage the Audit & Governance Committee when it is operational to ensure that the Constitution remains fit for purpose. This review will also ensure that the Monitoring Officer makes amendments to the constitution where they have delegated authority to do so.

### Appointment of Deputy Mayor

- 2.6 The constitution allows for the Monitoring Officer to make changes to the constitution that are required to be made to remove any inconsistency, ambiguity, or typographical error. Such a change has been made at Article 1: The Combined County Authority (EMCCA) paragraph 1.9 and again in Article 2: The Mayor Section 3.
- 2.7 This paragraph refers to the appointment of the Deputy Mayor by the Mayor. Section 29 of the Levelling Up and Regeneration Act 2023 states *(1) The Mayor for the area of a CCA must appoint one of the members of the authority to be the mayor's deputy. (8) References in this section to a member of the CCA do not include a non-constituent or associate member.*
- 2.8 The constitution reads - *The Mayor must appoint one of the members of the Combined County Authority Board to be the Deputy Mayor.* To avoid ambiguity this has been amended by the Monitoring Officer under delegated authority to - *The Mayor must appoint one of the **constituent members of the Combined County Authority** ~~Members~~ to be the Mayor's deputy (the Deputy Mayor).*

### Officer Employment Procedure Rules

- 2.9 In line with this review process, the Monitoring Officer recommends an amendment to Article 4.5 of the constitution: Officer Employment Procedure Rules. The officer employment procedure rules set out the governance arrangements for the recruitment of officers. The rules set out requirements for the recruitment of Chief Officers which require an Appointments Panel recommendation to Board for confirmation.

- 2.10 The rules require that 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. The Appointments Panel will then determine the pay range and duties of posts, undertake interviews and make a recommendation on appointment to the EMCCA Board to confirm.
- 2.11 The rules do not currently refer to the appointment of interim Chief Officers specifically. Therefore, it is proposed that this is a matter for the Head of Paid Service, in consultation with the Appointments Panel. This was discussed with the Appointments Panel on 8 April 2024. The proposed amendment is to revise paragraph 3.4 of the Officer Employment Procedure Rules as follows:
- Existing: *The appointment of any other officer is a matter for the Head of Paid Service.*
  - Proposed amendment: ***The appointment of any other officer is a matter for the Head of Paid Service. When appointing to interim Chief Officer positions, the Head of Paid Service must consult with the Appointments Panel before making such appointment. The Head of Paid Service must also update the Appointments Panel every six months on the position with recruiting to Chief Officer roles when an interim is in place.***
- 2.12 This approach to interim Chief Officer appointments was discussed with and supported by the Appointments Panel (consisting of the four Leaders of the Constituent Councils) on 8 April 2024.

### Scheme of Delegation

- 2.13 The initial scheme of delegation was created as a starting position for the operation of the Combined County Authority, to allow the Chief Executive to build upon once EMCCA became operational.
- 2.14 The constitution of EMCCA currently requires all expenditure decisions to be made by the Chief Executive in conjunction with Mayor. For the organisation to operate effectively there needs to be an appropriate scheme of delegation across the organisation.
- 2.15 It is proposed that the following approval limits apply in the Authority incurring expenditure:

No.	Authority to incur expenditure	Approver
1	Above £1m	The Chief Executive or the Section 73 Officer in consultation with the Mayor provided it is within budget.
2	Between £0.5m and £1m	Chief Executive or Section 73 Officer provided it is within budget.
3	Up to £0.5m	Executive Directors in consultation with the Section 73 Officer provided it is within budget.

- 2.16 The limits above would be inserted in 2.2.1 of the Scheme of Delegations as outlined in **Appendix B**.
- 2.17 It is proposed that for all items of expenditure above £500,000 an officer decision notice (ODN) will be required. This will provide great transparency and accountability to officer decision-making.

- 2.18 As an interim arrangement, an ODN will be required for spend between £50k to £500k. These ODN's are not required to be published but will allow for consultation with the Chief Executive as well as advice from Finance, Legal and Procurement to ensure spend is within budget and the relevant officers have been consulted.

### **Grant Administration**

- 2.19 It is proposed for all grant administration the Section 73 Officer has the following delegation:
- Accept grant offers on behalf of the Mayor and / or the Authority, subject to all the terms and conditions set out by the grant awarding body.
  - The submission of all claims for grant to the UK Government or other organisations that grant the Authority money.
- 2.20 This is a common delegation in established Mayoral Combined Authorities and enables Grant Funding Agreements to be agreed and executed in a timely manner rather than waiting for approvals through the Board and Committee cycle.
- 2.21 This proposal would be inserted into 4.3 of the Scheme of Delegations as outlined in **Appendix B**.

## **3. Background**

- 3.1 The Monitoring Officer is authorised to make changes to the Constitution under part 1 section 2. The Monitoring Officer has deemed that the amendment above to the Officer Employment Procedure Rules, although supported by the Appointments Panel, should be put to the EMCCA Board for confirmation rather than being taken under delegated authority.
- 3.2 The EMCCA Board agreed on 20 March 2024 to delegate authority for making any urgent and necessary amendments to the Constitution to the Interim Monitoring Officer, in consultation with the Lead Members of the Constituent Councils, 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.

## **4. Appendices**

- 4.1 Appendix A: Proposed amended Officer Employment Procedure Rules
- 4.2 Appendix B: Proposed amended Scheme of Delegation

## **5. Implications**

### **Financial Implications**

- 5.1 The introduction of the approval limits in 2.15 will enable greater flexibility and improve current processes within EMCCA which will allow, particularly Executive Directors, the ability to manage spend within their own approved budgets.
- 5.2 The process for ODN's will provide reassurance that all the relevant officers have been consulted on spend and is within the approved budget. The interim arrangement for ODN's between £50k to £500k is necessary until such a time that EMCCA has sufficient controls and processes in place to more efficiently manage spend i.e., a new finance system that allows managers to approve spend within the system and for that spend to be checked against budget. It also ensures that the Chief Executive is consulted on all material spend.

## **Legal Implications**

- 5.3 The proposed amendments will allow the Chief Executive to enable the discharge of Chief Officer functions and responsibilities and the agreed scheme of delegation whilst permanent recruitment to those posts is undertaken.
- 5.4 The Mayor has also been consulted on and supports the proposed amendments to the Constitution.
- 5.5 The proposed amendments are not contrary to the East Midlands Combined County Authority Regulations 2024

## **Other Significant Implications**

- 5.6 N/A

## **Background Papers**

- 5.7 [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](#)

## 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.~~ ***The appointment of any other officer is a matter for the Head of Paid Service. When appointing to interim Chief Officer positions, the Head of Paid Service must consult with the Appointments Panel before making such appointment. The Head of Paid Service must also update the Appointments Panel every six months on the position with recruiting to Chief Officer roles when an interim is in place.***
- 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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### 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 ***within the following approval limits:***

<b>No.</b>	<b>Authority to incur expenditure</b>	<b>Approver</b>
<b>1</b>	<b>Above £1m</b>	<b>The Chief Executive or the Section 73 Officer in consultation with the Mayor provided it is within budget</b>
<b>2</b>	<b>Between £0.5m and £1m</b>	<b>Chief Executive or Section 73 Officer provided it is within budget</b>
<b>3</b>	<b>Up to £0.5m</b>	<b>Executive Directors in consultation with the Section 73 Officer provided it is within budget.</b>

- 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:

- a. health and safety
- b. data protection, freedom of information and transparency,
- c. surveillance activities,
- d. human rights,
- e. risk management,
- f. equality and diversity; and
- g. 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

- 4.3 ***For all grant administration the Section 73 Officer has the following delegation:***
- ***Accept grant offers on behalf of the Mayor and / or the Authority, subject to all the terms and conditions set out by the grant awarding body.***
  - ***The submission of all claims for grant to the UK Government or other organisations that grant the Authority money.***

#### 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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