

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

<b>Combined County Authority Board</b>		<b>Agenda Item</b> <b>15</b>
Date	16 September 2024	
Report Title	<b>Constitution of the East Midlands Combined County Authority</b>	
Accountable EMCCA Board Member	Claire Ward Mayor of the East Midlands Combined County Authority	
Accountable Chief Officer	Mark Rogers Interim Chief Executive	
Accountable Employee	Jodie Townsend Interim Director of Law & Governance and Monitoring Officer	
Report has been considered by	This report has been considered by the EMCCA Pre-Board process	
Key decision	No	
Public Report	Yes	
Voting Arrangements	By simple majority including the Mayor	

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

**The Combined County Authority is recommended to:**

<b>A</b>	<b>Note amendments to the constitution made by the Monitoring Officer under delegated authority.</b>
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## 1. Purpose

- 1.1 The purpose of this report is to set out changes made to the constitution under delegated authority to note and propose further changes for Board approval.
- 1.2 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. Constitutional Amendments

- 2.1 Since the meeting of Board on 17 June 2024 the following amendments have been made by the Monitoring Officer to the constitution under delegated authority:

- 2.2 Section 73 responsibilities regarding insurances and indemnities

The Officer Scheme of Delegation at 5.5 listed under the responsibility of the Director Legal, Governance and Compliance – Monitoring Officer the following:

To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

This should have been listed under the responsibilities of the Section 73 Officer and so has been moved to 4.4 under the responsibilities of the Section 73 Officer.

- 2.3 Scheme of Delegations

At the Board meeting on 17 June 2024, it was agreed that as an interim measure that an Officer Decision Notice would be required for all expenditure over £50,000 as well as for all key decisions, rather than just for key decisions. This interim measure would ensure greater transparency and checks and balances until EMCCA was able to introduce its own financial regulations and supporting scheme of delegations (noting that presently EMCCA uses Derbyshire County Councils financial regulations and Nottinghamshire County Councils procurement procedure rules).

- 2.4 This approach has proven to be cumbersome in the level of requested information required for decisions that require approval of expenditure of small sums, as a result an Officer Decision Notice will be required as an interim measure for all expenditure over £100,000 instead of £50,000. To ensure appropriate transparency a new form entitled an Officer Approval Form has been developed and is required to be completed and published in alignment with the EMCCA publication scheme for all expenditure between £50,000 and £100,000.
- 2.5 The Officer Approval Form does not require the key decision consideration information that exists in the Officer Decision Notice.
- 2.6 Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions

Part 4.3: Access to Information Rules, section 8: Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions sets out the requirements for recording and publishing officer decisions.

Amendments have been made to support the changes set out in 2.3 to 2.5

### **3. Background**

- 3.1 The Monitoring Officer is empowered by Paragraph 2.5 of Part 1 of the EMCCA Constitution to maintain and update the Constitution.

### **4. Appendices**

- 4.1 None

### **5. Implications**

#### **Financial Implications**

- 5.1 There are no direct financial implications arising from this report. The introduction of the Officer Approval Form which requires less information than the Officer Decision Notice will help to improve the process reducing some of the administrative burden whilst still ensuring transparency and that the correct checks have been carried out.

#### **Legal Implications**

- 5.2 The Monitoring Officer is empowered by Paragraph 2.5 of Part 1 of the EMCCA Constitution to maintain and update the Constitution in respect of:
- (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.

Paragraph 2.5 requires the Monitoring Officer to report such amendments to the EMCCA Board. This report fulfils this requirement.

#### **Other Significant Implications**

- 5.3 None identified

#### **Background Papers**

- 5.4 N/A