

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

Combined County Authority Board		Agenda Item 11
Date	16 September 2024	
Report Title	The appointment of the Deputy Mayor, Portfolio Holders and Leads	
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:

A	Note the appointment by Mayor Ward of Councillor Nadine Peatfield as the Statutory Deputy Mayor of the Combined County Authority.
B	Authorise the Monitor Officer to amend the constitution to include the position of Deputy Portfolio Lead, which can be nominated by the Mayor for approval by the Board and make provision that such Deputy roles may include non-constituent members without voting rights.
C	Approve the appointment of Portfolio Leads and Deputy Portfolio Leads as set out in Appendix A.
D	Approve the responsibilities for Portfolio Leads and Deputy Portfolio Leads as set out in Appendix B.

1. Purpose

- 1.1 The Combined County Authority Constitution, along with appropriate regulations referred to in this report, set out requirements regarding the appointment of a Statutory Deputy Mayor and the appointment of individuals to 'lead' roles at the Combined County Authority.
- 1.2 The Combined County Authority seeks to reflect its geography, provide a collective voice, and enable collective decision-making by its constituents and a directly elected Mayor; whilst also engaging and enabling influence from key partners, stakeholders, associates, and non-constituents.
- 1.3 The purpose of this report is to provide Mayoral proposals for noting, consideration and approval for the position of Statutory Deputy Mayor, and Portfolio and Deputy Portfolio lead positions. The report further provides mayoral proposals for consideration and approval regarding the responsibilities and role profiles for these positions.

2. Proposal for the appointment of the Deputy Mayor, Portfolio Holders & Leads

- 2.1 The Combined County Authority Board approved its governance framework in March 2024 to enable the initial operation of the Combined County Authority.
- 2.2 This framework was understood to evolve to take account of the election of a Mayor and to establish key governance foundations to direct decision-making and investment in the EMCCA context.
- 2.3 Key to this is the appointment of a Deputy Mayor, which the Combined County Authority is required to do. Equally key is a proposal by the Mayor for Board consideration of portfolio positions and responsibilities, in line with the requirements set out in the constitution and in line with expectations discussed with constituent councils in the design and agreement of the initial governance framework.
- 2.4 The appointment of portfolio leads will not create an executive cabinet model like that which operates within constituent councils, the proposals will not involve providing any delegated authority to portfolio lead positions.

Statutory Deputy Mayor

- 2.5 The EMCCA constitution at Article 1 (The Combined County Authority), paragraph 1.9 states that the Mayor must appoint a constituent member of the Combined County Authority Board to be the Deputy Mayor. This is a legislative requirement under LURA 2023 (s29).
- 2.6 The Deputy Mayor will deputise for the mayor if for any reason the mayor is unable to act, or the office of mayor is vacant, and will chair meetings of the Combined County Authority in the Mayor's absence. The Deputy Mayor can be delegated Mayoral General Functions by the Mayor, however the Mayor will remain accountable for all Mayoral General Functions whether or not they are delegated.
- 2.7 The Mayor has appointed Councillor Nadine Peatfield to be the Statutory Deputy Mayor for the East Midlands Combined County Authority to assume the responsibilities set out in **Appendix B**. The Combined County Authority is invited to comment on and note this decision.

Combined County Authority Portfolios

- 2.8 The constitution at Article 2. (The Mayor) - Section 7 (Nominations to Lead Member Responsibilities and to Committees) sets out how nominations are made and approved in relation to Portfolio Lead responsibilities, noting that the constitution refers to 'Lead Members' in relation to Portfolio Leads.
- 2.9 The proposal from the Mayor is an approach to portfolios that seeks to:
 - drive delivery of Board positions across a portfolio and its respective committee.
 - share the collective responsibility of the Board, recognising the Mayor cannot and should not lead on everything.
 - seek to involve and engage all elected representatives of the Board.

- uphold the principle of constituents leading on the significant areas of devolution of skills & employment, investment and on transport.
 - work together as a region across geography, party lines, counties and cities; and
 - match appropriate skills with portfolios.
- 2.10 The Mayor proposes a portfolio structure that enables closer partnership working between constituent and non-constituent members. Portfolios will be led by a constituent member but will be supported by Deputy Portfolio Lead. This will require a constitutional amendment to include the position of Deputy Portfolio Lead. It is proposed that the Monitoring Officer make the required amendment to the constitution to cover reference to Deputy Portfolio Lead Members.
- 2.11 All portfolio leads, supported by their deputies, will drive delivery of Board positions on a regional level. This includes chairing the relevant committee (the deputy as vice-chair).
- 2.12 The Mayor chairs the Board and plays a central role in working with the Deputy Mayor and Portfolio Leads to ensure they are collectively considering these key factors and subsequently the Inclusive Growth Outcomes Framework that will emerge from the work of the Inclusive Growth Commission.
- 2.13 A mayoral portfolio would exist that would focus on driving the Regional Strategy Programme, especially the Inclusive Growth Commission and inclusive growth factors, and pick up the visitor economy.
- 2.14 Portfolio Leads reflect the core thematic areas of the governance framework:
- Investment
 - Transport and Digital Connectivity
 - Skills & Employment
- 2.15 The Mayor is proposing that the Transport Committee include within an expanded remit digital connectivity and be renamed Transport and Digital Connectivity Committee. The detail for this proposal is set out in item 12 of these Board papers which covers the evolution of the committee structure. As a result, that subsequent portfolio is referred to as the Transport & Digital Connectivity portfolio.
- 2.16 It is proposed a portfolio for Farming and Rural Communities is created to reflect the geography of the EMCCA region and that will represent the voice, concerns, and asks of farming and rural communities in the governance framework. Rather than having a formal committee, this portfolio will take a more flexible approach by establishing working groups to engage the required partners to enable it to identify key concerns and asks on that agenda.
- 2.17 The Mayor proposes that Portfolio Lead positions be assigned as follows in **Appendix A** and that they assume the responsibilities set out in **Appendix B**.
- 2.18 It is proposed that Portfolio Leads and Deputy Portfolio Leads are voting members of their committees where they are constituent members and will take one of their constituent council's places available on the committee, thus preserving the total number of 8 Constituent Council voting places on each Committee and reflecting the overall political make-up of the Board. The regulations and the constitution only allow the Mayor and constituents to be voting members of the Combined County Authority. This is reflected in the Terms of Reference for each committee set out in item 12 of these Board papers. Portfolio Leads are voting members at Committees as representatives of both the Board and their constituent authority.
- 2.19 Portfolio Lead responsibilities are not intended to be similar to those that would be included in an executive model of governance, with a Cabinet of Portfolio Holders who have certain delegations and decision-making capabilities. In alignment with the model of consensus that seeks to remain at the heart of the governance framework the key role for Portfolio Leads is to:
- Chair relevant Committee to create direct link with the Board
 - Take responsibility for providing portfolio steer to officers and engaging Mayor
 - Act as regional EMCCA thematic lead, attending relevant events and meeting with relevant partners and Government
 - Act as thematic spokesperson, within the agreed Board position

3. Background

- 3.1 The constitution allows for the allocation of 'lead member responsibilities' to constituent members of the Combined County Authority Board, enabling the Mayor to recommend "portfolio" positions, responsibilities and leads for Board consideration and approval, confirming and empowering the collective responsibility of the Board and ensuring representation of the responsibilities of the Combined County Authority.
- 3.2 As stated in the report this is not intended to be a cabinet that constituent councils would be used to within their own authorities that is part of the executive model of governance. No delegations are being proposed to be given to Portfolio Leads, instead the proposals are based around supporting the collective responsibility and ways of working of a consensus-based model of governance that was intended for Combined Authorities. This approach emphasizes inclusivity, participation, and consensus-building in decision-making processes whilst recognising the decision-making responsibilities of the constituents and a directly elected mayor.
- 3.3 The Portfolio positions have been developed in alignment with the committee structure, responsibilities of the Combined County Authority and with required 2024/25 key deliverables.

Engagement

- 3.4 Significant engagement has been undertaken in the preparation of this report, this has included but has not been limited to:
- Engaging Combined County Authority Board membership in informal forums
 - Engaging constituent officers in informal governance arrangements, this has included Chief Executives, Place Directors, and Monitoring Officers/ Governance Leads.
- 3.5 As a result of this engagement amendments were made to the original portfolio proposals to reflect concerns regarding language, as a result the term Portfolio Holder was amended to Portfolio Lead to avoid confusion with the roles within an executive model cabinet.
- 3.6 Other amendments have been picked up as a result of this engagement in Agenda Item 12 regarding committee terms of reference and membership.

4. Appendices

- 4.1 A - Proposed Portfolio and Deputy Portfolio Leads
B – Responsibilities of Statutory Deputy Mayor, Portfolio Leads and Deputy Portfolio Leads

5. Implications

Financial Implications

- 5.1 There are no direct financial implications arising from this report as per the legal implications detailed below.

Legal Implications

- 5.2 The constitution requires that the Mayor shall nominate the agreed lead member responsibilities and position to any member of the constituent councils on the Board, subject to any rules within the terms of reference of those committees. Those nominations to lead member responsibilities and the nominated membership and chairs of any thematic committees shall be reported to the Combined County Authority Board for formal approval by a simple majority vote which must include the Mayor.
- 5.3 A proposed amendment to the constitution is required as Deputy Portfolio Lead positions do not currently exist as a position within the constitution and nor does nomination of non-constituent councillors to such Deputy roles. This will need to be changed to enable the proposals to take effect.
- 5.4 The East Midlands Combined County Authority Regulations 2024 restrict the payment of allowances to the positions of Mayor, Deputy Mayor, Independent Persons appointed under article 5 of the Combined Authority (Overview * & Scrutiny Committees, Access to Information and Audit Committees) Order 2017, and Members of the Overview & Scrutiny Committee and the Audit & Governance Committee.

- 5.5 The allowance for the position of Deputy Mayor is only payable provided that the Deputy Mayor is not a leader or an elected mayor of a Constituent Council. The proposal within this report is that the Leader of Derby City Council be appointed as Deputy Mayor, this would mean that the Deputy Mayor would not be eligible in this circumstance for an allowance.
- 5.6 The wider positions of portfolio holder are not positions eligible to be paid an allowance by the Combined County Authority. The Independent Remuneration panel report approved by Board on 17 June 2024, made reference to this and suggested that constituent council Independent Remuneration Panels may wish to take into account these wider EMCCA responsibilities when making recommendations on allowances given that the EMCCA role is part of the constituent council role.
- 5.7 For clarity the Mayor is responsible for making Portfolio Lead proposals to the Combined County Authority Board, however it is a decision for the Board itself as to whether they accept those recommendations.
- 5.8 Given the responsibilities and intent around Portfolio Lead positions it is proposed that Officers develop a Portfolio Communications Protocol in consultation with Combined County Authority Board at the earliest opportunity.

Other Significant Implications

- 5.9 None identified.

Background Papers

- 5.10 N/A

Appendix A: Proposed Portfolio and Deputy Portfolio Leads

Portfolio	Portfolio Lead	Deputy Portfolio Lead	Committee
Mayoral	Mayor Ward	-	<ul style="list-style-type: none"> • Chair of Board • Position on each Committee
Deputy Mayor	Nadine Peatfield	-	<ul style="list-style-type: none"> • Vice Chair of Board
Investment	Neghat Khan	Simon Spencer	<ul style="list-style-type: none"> • Investment Committee
Transport & Digital Connectivity	Ben Bradley	Anthony McKeown	<ul style="list-style-type: none"> • Transport and Digital Connectivity Committee
Skills & Employment	Paul Hezelgrave	Milan Radulovic	<ul style="list-style-type: none"> • Skills & Employment Committee
Farming & Rural Communities	Barry Lewis	Paul Peacock	<ul style="list-style-type: none"> • None – seek to influence across committees

Appendix B Responsibilities of Statutory Deputy Mayor, Portfolio Leads and Deputy Portfolio Leads

Statutory Deputy Mayor

The Mayor is required to appoint one of the Constituent Council members of the Combined County Authority to the role of Deputy Mayor, the Mayor must make a nomination to the Combined County Authority for consideration and approval.

Any Combined County Authority representative on the Board appointed to represent Derby City Council, Derbyshire County Council, Nottingham City Council or Nottinghamshire County Council is eligible for the position of Statutory Deputy Mayor.

The Statutory Deputy Mayor shall:

- a) Be appointed to hold office on an annual basis until the end of the term of office of the Mayor.
- b) cease to be Statutory Deputy Mayor, if at any time the Mayor removes them from office, they resign as Deputy mayor or they cease to be a Member of the Combined Authority.
- c) act in the place of the Mayor if for any reason the Mayor is unable to act, or the office of Mayor becomes vacant.

Responsibilities

The Deputy Mayor will act in place of the Mayor if for any reason the Mayor is unable to act. The Deputy Mayor will chair meetings of the Combined Authority in the Mayor's absence.

The Mayor may also choose to delegate Mayoral General Functions to the Deputy Mayor (they may also delegate to another Member of the Combined Authority or an officer of the Combined Authority). The Mayor will remain accountable for all Mayoral General Functions, whether or not they are delegated.

The Deputy Mayor is able to attend meetings of the Combined County Authority as the Mayors representative.

The Deputy Mayor will attend functions, events and external meetings as the Mayors representative as requested to do so by the Mayor.

Portfolio Lead

Purpose

As Portfolio Lead, you have a responsibility to represent your portfolio within the agreed EMCCA strategic position, reflecting strategy and the approach agreed by the EMCCA Board. Central to this will be responsibility for a number of outcomes from the Inclusive Growth Outcomes Framework (IGOF) agreed with the Mayor.

Portfolio Leads are given a policy brief by the Mayor, endorsed by the Board, which they lead on for East Midlands Combined County Authority. Each Portfolio Lead has a role in acting as the regional lead for their portfolio, in consultation with the Mayor and in accordance with the Constitution.

You have the lead role for your portfolio in working with the Mayor and EMCCA Board colleagues, partners and key stakeholders to make our region more prosperous, sustainable and fairer, helping our people and businesses to create and seize opportunities.

Central to your portfolio responsibilities will be:

- a) having responsibility for a number of outcomes from the Inclusive Growth Outcomes Framework (once approved by Board) agreed with the Mayor.
- b) the need to work closely with the other portfolios, where appropriate, to ensure maximum impact on these outcomes or to ensure social, economic, environmental and health inequality factors are considered by the Combined County Authority until such outcomes have been agreed and are in place; and
- c) to develop a strong working relationship with the Deputy Portfolio Lead who will assist you in your Portfolio Lead role.

As Chair of a Portfolio Committee:

As Portfolio Lead you are the Chair of the relevant thematic Committee as identified by the Board. As Chair you have the following key responsibilities to deliver:

- Chair and manage the business of the Committee in accordance with its Terms of Reference and the Constitution of the Combined County Authority, adhering to its Members Code of Conduct and with the highest standards of legal and ethical behaviour and probity.
- To ensure that meetings are effectively and inclusively conducted in line with the agreed agenda.
- Ensure an effective link between the EMCCA Board and the Committee, as the relevant Portfolio Lead
- Ensure the Committee considers and contributes towards the delivery of the Inclusive Growth Outcomes Framework, taking into account the Inclusive Growth Strategy
- Ensure the Committee considers cross-cutting themes and priorities as identified by the Inclusive Growth Commission and any subsequent commission/ task force recommendations that are endorsed by EMCCA Board
- Ensure the Committee seeks and takes into account the voice of business, represented through the Business Advisory Board representative
- Ensure the Committee seeks and takes into account the voice of innovation, represented through the Innovation Advisory Board representative
- Ensure the Committee seeks and takes into account the voice of farming and rural communities, represented through the Portfolio Lead for Farming and Rural Communities

General Portfolio Lead Responsibilities:

Working proactively with the Deputy Portfolio Lead:

- Ensure portfolio functions and committee functions are performed in accordance with the approved strategies and policies of EMCCA
- Promote and be accountable for portfolio and committee functions, representing EMCCA views on matters of strategy and policy, working with the Mayor's office on communications activities where relevant
- Represent EMCCA nationally and internationally as required
- Report to the Mayor, EMCCA Board and the Overview & Scrutiny Committee on the performance of the portfolio as reasonably required
- Speaking on and issuing statements on behalf of their portfolio area of responsibility, in line with agreed strategy and policy and in consultation with the Mayor
- To support a culture of effective scrutiny, working transparently and constructively with the Overview & Scrutiny Committee

Deputy Portfolio Lead

Purpose

As Deputy Portfolio Lead, you have a responsibility to support the Portfolio Holder, representing the portfolio within the agreed EMCCA strategic position, reflecting strategy and the approach agreed by the EMCCA Board. Central to this will be responsibility for a number of outcomes from the Inclusive Growth Outcomes Framework (IGOF) agreed with the Mayor.

Deputy Portfolio Leads provide support to the policy brief provided to Portfolio Leads by the Mayor and agreed by the Board. Each Deputy Portfolio Lead has a role in acting as the deputy regional lead for their portfolio, in support of the Portfolio Lead, in consultation with the Mayor and in accordance with the Constitution.

You play a lead role for your portfolio in working with the Portfolio Lead, Mayor and EMCCA Board colleagues, partners, and key stakeholders to make our region more prosperous, sustainable, and fairer, helping our people and businesses to create and seize opportunities.

Central to your deputy portfolio responsibilities will be:

- a. Supporting delivery of a number of outcomes from the IGOF (once approved by Board) agreed with the Mayor.
- b. the need to work closely with the other portfolios, where appropriate, to ensure maximum impact on these outcomes; and
- c. to develop a strong working relationship with the Portfolio Lead

As Vice-Chair of Portfolio Committee:

As Deputy Portfolio Lead you are the Vice-Chair of the relevant thematic Committee as identified by the Board. As Vice-Chair you have the following key responsibilities to deliver:

- Support the Chair in managing the business of the Committee in accordance with its Terms of Reference and the Constitution of the Combined County Authority, adhering to its Members Code of Conduct and with the highest standards of legal and ethical behaviour and probity.
- To chair meetings of the committee in the absence of the Chair
- Work with the Chair to ensure that meetings are effectively and inclusively conducted in line with the agreed agenda.
- Ensure an effective link between EMCCA Board and the Committee.
- Ensure the Committee considers and contributes towards the delivery of the Inclusive Growth Outcomes Framework, taking into account the Inclusive Growth Strategy
- Ensure the Committee considers cross-cutting themes and priorities as identified by the Inclusive Growth Commission and any subsequent commission/ task force recommendations that are endorsed by EMCCA Board
- Ensure the Committee seeks and takes into account the voice of business, represented through the Business Advisory Board representative
- Ensure the Committee seeks and takes into account the voice of innovation, represented through the Innovation Advisory Board representative
- Ensure the Committee seeks and takes into account the voice of farming and rural communities, represented through the Portfolio Lead for Farming and Rural Communities

General Deputy Portfolio Lead Responsibilities:

Working proactively with the Portfolio Lead:

- Deputise for the Portfolio Lead as required
 - With the Portfolio Lead, ensure portfolio functions and committee functions are performed in accordance with the approved strategies and policies of EMCCA
 - Promote and be accountable for portfolio and committee functions, representing EMCCA views on matters of strategy and policy, working with the Mayor's office on communications activities where relevant
 - Represent EMCCA nationally and internationally as required
 - Report to the Mayor, EMCCA Board and the Overview & Scrutiny Committee on the performance of the portfolio as reasonably required
 - Speak on and issuing statements on behalf of their portfolio area of responsibility, in line with agreed strategy and policy and in consultation with the Mayor as required, in consultation with the Portfolio Lead
 - Support a culture of effective scrutiny, working transparently and constructively with the Overview & Scrutiny Committee
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Portfolio Lead for Farming and Rural Affairs

(Deputy picking up responsibilities in alignment with the responsibilities for Deputy Portfolio Leads)

Purpose:

As the Portfolio Lead for Farming and Rural Communities, you have a responsibility to represent your portfolio within the agreed EMCCA strategic position, reflecting strategy and the approach agreed by the EMCCA Board. Central to this will be responsibility for a number of outcomes from the Inclusive Growth Outcomes Framework (IGOF) agreed with the Mayor.

Portfolio Leads are given a policy brief by the Mayor, endorsed by the Board, which they lead on for East Midlands Combined County Authority. Each Portfolio Lead has a role in acting as the regional lead for their portfolio, in consultation with the Mayor and in accordance with the Constitution.

You have the lead role for the Farming and Rural Communities portfolio in working with the Mayor and EMCCA Board colleagues, partners, and key stakeholders to make our region more prosperous, sustainable, and fairer, helping our people and businesses to create and seize opportunities.

Central to your portfolio responsibilities will be:

- a. having responsibility for a number of outcomes from the IGOF (once approved by Board) agreed with the Mayor.
- b. the need to work closely with the other portfolios, where appropriate, to ensure maximum impact on these outcomes; and
- c. to develop a strong working relationship with the Deputy Mayor who will hold the IGOF overview.

Acting as the Voice of Farming and Rural Communities

As the Portfolio Lead for Farming and Rural Communities you are required to engage with appropriate representatives, organisations, and communities in order to identify and represent their concerns, opinions and asks across EMCCA activity. This requires providing guidance and perspective to the Mayor, the Combined County Authority Board, and its wider Committees.

There is no formal Farming and Rural Communities Committee within the governance framework of EMCCA, in order to support the effective operation of your portfolio responsibilities you may convene 'working groups' in consultation with the Mayor that can enable effective engagement of farming and rural communities in consultation with the Mayor and in alignment with the constitution.

As the Portfolio Lead for Farming and Rural Communities you are expected to undertake your responsibilities as they relate to matters of:

- Farming and representing the Voice of Farming
- Representing the voice of rural communities
- Agriculture and Horticulture
- Flooding
- Agri-Tech
- Rural connectivity
- The Environment as it relates to water quality and supply, domestic natural environment, wildlife and land use, climate change adaptation, and tree planting and forestry.

As Portfolio Lead for Farming and Rural Communities you have the following key responsibilities to deliver:

- Chair and manage the business of any working groups in accordance with agreed Terms of Reference and the Constitution of the Combined County Authority, adhering to its Members Code of Conduct and with the highest standards of legal and ethical behaviour and probity
- Ensure an effective link between EMCCA Board and the voice of Farming and Rural Communities, as the relevant Portfolio Lead
- Contribute towards the delivery of the Inclusive Growth Outcomes Framework, taking into account the Inclusive Growth Strategy
- Consider cross-cutting themes and priorities as identified by the Inclusive Growth Commission and any subsequent commission/ task force recommendations that are endorsed by EMCCA Board
- Work across portfolios and take into account the voice of business and innovation in representing the voice of farming and rural communities

General Portfolio Lead Responsibilities:

Working proactively with the Deputy Portfolio Lead:

- Act as the link between your portfolio and the EMCCA Board
- Take the lead as the political manager of your portfolio, progressing and taking responsibility for EMCCA strategy and policy
- Ensure portfolio functions are performed in accordance with the approved strategies and policies of EMCCA
- Promote and be accountable for portfolio functions, representing EMCCA views on matters of strategy and policy, working with the Mayor's office on communications activities where relevant
- Represent EMCCA nationally and internationally as required
- Report to the Mayor, EMCCA Board and the Overview & Scrutiny Committee on the performance of the portfolio as reasonably required
- Speaking on and issuing statements on behalf of their portfolio area of responsibility, in line with agreed strategy and policy and in consultation with the Mayor
- To support a culture of effective scrutiny, working transparently and constructively with the Overview & Scrutiny Committee