

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

Combined County Authority Board		Agenda Item 14
Date	16 September 2024	
Report Title	Statutory Officer and Committee Membership	
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 of James Nicholas (Nick) Bell as the Interim Section 73 Officer.
B	Approve the appointment Emma Powley as the Interim Statutory Scrutiny Officer.
C	Approve the appointment of Professor Kath Mitchell CBE as Associate Member of the Board.
D	Note amendments to the membership of non-regulatory committees as set out in Appendix A.
E	Approve appointments to the regulatory committees (para 2.11 and 2.12).
F	Approve the appointment of Mr Shail Shah as the Independent Chair of the Audit & Governance Committee.
G	Approve the appointment of Mark Simms OBE and David Halstead as the Independent Persons for Standards Matters.

1. Purpose

- 1.1 This report has two areas of focus, those being:
1. Statutory Officer Appointments
 2. Board, Committee and Advisory Board membership

Statutory Officer Appointments

- 1.2 In order to ensure that the East Midlands Combined County Authority (EMCCA) has appropriate statutory officers, the EMCCA Board is asked to appoint interim Statutory Officers to be legally compliant with the Local Government and Housing Act 1989 and other legislation. Under Section 73 of the Local Government Act 1985, the Combined County Authority is required to appoint an Officer to be responsible for the proper administration of its financial affairs.
- 1.3 The Combined Authorities (Overview and Scrutiny, Access to Information and Audit Committees) Order 2017 as amended 2024 sets out the requirement for a Combined County Authority to have a Statutory Scrutiny Officer.

Board, Committee and Advisory Board membership

- 1.4 The report sets out a proposal for an additional associate member of the Combined County Authority Board.
- 1.5 The report brings to the attention of the Combined County Authority changes in appointments made by Derby City Council to EMCCA non-regulatory committees. The report also makes nominations to EMCCAs regulatory committees from Derby City Council and Nottinghamshire County Council in line with legislative requirements. These nominations require Combined County Authority consideration and approval.
- 1.6 The report proposes, following an agreed recruitment process, the appointment of the Independent Chair of the Audit & Governance Committee. This proposal requires Combined County Authority consideration and approval.
- 1.7 The report proposes, following an agreed recruitment process, the appointment of two independent persons for standards matters.

2. Proposal

Interim Section 73 Officer

- 2.1 The Chief Executive and Head of Paid Service has proposed Nick Bell be appointed as the Interim Section 73 Officer until the post is filled on a permanent full-time basis. The proposal was made to the Appointments Panel in line with the requirements of the constitution as set out in the Officer Employment Procedure Rules.
- 2.2 The consultation with the Appointments Panel took place via email on 11 July 2024. All members of the Appointments Panel confirmed support for the appointment of Nick Bell as the interim Section 73 Officer. The Board is asked to note this interim appointment.

Interim Statutory Scrutiny Officer

- 2.3 The appointment of a Statutory Scrutiny Officer is a function reserved for the Combined County Authority Board. The Combined Authorities (Overview and Scrutiny, Access to Information and Audit Committees) Order 2017 as amended 2024 sets out the requirement for a Combined County Authority to have a Statutory Scrutiny Officer.

- 2.4 The position of Statutory Scrutiny Officer is built into the role of Governance Officer (Accountability) within the structure of the Governance Team within EMCAA, this role will be recruited to as part of Phase 2 of recruitment for the Governance Team which will take place in October 2024
- 2.5 Following the successful recruitment of an experienced governance officer, it is proposed that Emma Powley be appointed as the Interim Statutory Scrutiny Officer until the appointment of the permanent Governance Officer (Accountability) is in place. Emmas has previously fulfilled the Statutory Scrutiny Officer role for another Combined Authority,

Associate Member appointment to Board

- 2.6 At the meeting of the Combined County Authority Board on 17 June 2024, the Board approved the approach to the two remaining associate memberships that the Board can appoint of one was to be a representative of the Higher Education and Further Education sectors.
- 2.7 Following engagement by EMCCA officers, the Mayor proposes that Kath Mitchell (Vice Chancellor of the University of Derby) be appointed as an Associate Member of the Board. Given the shorter duration remaining for the 2024/25 year, the Mayor will recommend this appointment is continued throughout the 2025/26 municipal year.

Non-Regulatory Committee Membership

- 2.8 The Combined County Authority noted appointments made by Constituent Councils to its (non-regulatory) committees for investment, transport and skills at its meeting on the 17 June 2024. The Monitoring Officer was informed by Derby City Council on 7 August 2024 that it wished to amend its appointments to these EMCCA committees, these amendments are set out in **Appendix A** of this report.
- 2.9 The Combined County Authority was informed on 5 September 2024 by Derbyshire County Council that it wished to amend an appointment to the Investment Committee. The Board is asked to note these changes.

Regulatory Committee Membership

- 2.10 The Combined County Authority's approval of membership for the regulatory committees of Overview & Scrutiny, and Audit & Governance, on 17 June did not include approving the representatives for Nottinghamshire County Council.
- 2.11 Under the political balance calculation there is a seat on each of these committees for the Conservatives and the Ashfield Independence from Nottinghamshire County Council. The Monitoring Officer has engaged both groups and has received the following nominations.

Overview & Scrutiny Committee

- Conservative Representative, Cllr Boyd Elliott. (Substitute: Cllr Mike Adams)
- Ashfield Independent Representative, Cllr Jason Zadrozny. (Substitute: Cllr Helen-Ann Smith)

Audit & Governance Committee

- Conservative Representative, Cllr Philip Owen. (Substitute: Cllr Callum Bailey)
- Ashfield Independent Representative, Cllr Tom Hollis. (Substitute: Cllr John Wilmott)

- 2.12 Derby City Council has confirmed it wishes nominate revised representatives for the two regulatory committees:

Overview & Scrutiny Committee

- Replace Councillor Dhindsa with Councillor Wilson

Audit & Governance Committee

- Replace Councillor Hezelgrave with Councillor C Wright

2.12 The Combined County Authority is asked to approve the proposals in para 2.11 and 2.12.

Independent Chair of Audit & Governance Committee

2.13 The Combined County Authority agreed that an Independent Chair be recruited for the Audit & Governance Committee at its meeting on 20 March 2024 and instructed the Monitoring Officer to undertake a recruitment process following open advert for the role.

2.14 The Independent Remuneration Panel then recommended that the role receive an annual allowance of £9500. This was agreed by the Combined County Authority on 17 June 2024.

2.15 An open recruitment process for the role has been undertaken and following interviews the Monitoring Officer proposes that Mr Shail Shah be appointed as the Independent Chair of the Audit & Governance Committee, subject to the normal recruitment checks.

2.16 Mr Shail Shah has substantial experience in local government across audit, risk and finance, previously working at Nottingham City Council as Head of Audit & Risk. He is currently employed as a Director at a Chartered Accountants.

Independent Persons for Standards Matters

2.17 The Combined County Authority agreed that two Independent Persons for Standards Matters be recruited at its meeting on 20 March 2024, and empowered the Monitoring Officer to undertake a recruitment process following open advert for the role. There is an allowance of £1000 per annum for each of these roles.

2.18 An open recruitment process for the role was subsequently undertaken and following interviews the Monitoring Officer proposes that the following individuals be appointed:

- Mark Simms OBE
- David Halstead

3. Background

Interim Section 73 Officer

3.1 The Combined County Authority previously agreed the appointment of an Interim Section 73 Officer at its meeting on 20 March 2024, noting that this was a temporary measure utilising the support of the Section 151 Officer of Derbyshire County Council.

3.2 Following the decision of the Appointments Panel on 17 June 2024 to amend the timeline for the permanent recruitment of the Chief Executive and Chief Officers, including a permanent Section 73 Officer, it was agreed that the temporary support provided by Derbyshire County Council should be replaced with a dedicated interim Section 73 Officer for EMCCA.

3.3 The Combined County Authority amended the constitution on 17 June 2024 to ensure clarity on the recruitment of 'interim' chief officers, agreeing that 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.

Interim Statutory Scrutiny Officer

3.4 The Combined Authorities (Overview and Scrutiny, Access to Information and Audit Committees) Order 2017 as amended 2024 sets out the requirement for a Combined County Authority to have a Statutory Scrutiny Officer.

3.5 Article 9 of the Act states that:

9.

(1) A combined authority must designate one of its officers as the scrutiny officer of the overview and scrutiny committee to discharge the functions in paragraph (2).

(2) Those functions are—

(a) to promote the role of the overview and scrutiny committee;

(b) to provide support and guidance to the overview and scrutiny committee and its members;

(c) to provide support and guidance to members of the combined authority and to the mayor in relation to the functions of the overview and scrutiny committee.

(3) A combined authority may not designate as the scrutiny officer any officer of a constituent council of the combined authority.

4. Appendices

4.1 Appendix A: Amendments to membership of EMCCA Committees (non-regulatory)

5. Implications

Financial Implications

5.1 The costs of the interim officer posts will be met from the Combined County Authority budget within 2024/25 and were approved by Officer Decisions Notices prior to appointment.

5.2 The members allowances costs will be factored into the Quarter 2 Budget Monitoring 2024/25 Report and included as part of the forecast outturn. There is sufficient budget within the Combined County Authority budget within 2024/25 to meet these costs.

5.3 The members allowances costs for 2025/26 and future years will be included as part of the budget setting process and the Medium-Term Financial Plan (MTFP).

Legal Implications

5.4 Legal implications are contained within the body of the report.

5.5 The Independent Chair of the Audit & Governance Committee will receive an allowance of £9500 per annum. The Independent Persons for Standards Matters will receive an allowance of £1000 per annum each.

Other Significant Implications

5.6 None identified

Background Papers

5.7 N/A

Appendix A: EMCCA Committee Membership Changes

The following changes to the membership to the Committees of the Combined County Authority have been made by Derby City Council:

Body	Information	24/25 Appointments	Updated Appointments
Combined County Authority Board	Two appointments and two substitutes required (one appointment to be designated as lead member) Recommended to be Leader and Deputy Leader to ensure appropriate level of strategic leadership.	Cllr Shanker (lead member) Cllr Peatfield Subs: Cllr Whitby, Cllr Swan	Cllr Peatfield (lead member) Cllr Hezelgrave Subs: Cllr Martin, Cllr Swan
Skills & Employment Committee	Two appointments and two substitutes required for each advisory committee, reflecting political balance of appointments to the EMCCA Board. Recommended to be either Cabinet Members or councillors with significant knowledge and experience of the areas concerned.	Cllrs Whitby and C Wright Subs: Cllrs Bolton and Chambers	Cllrs Dhindsa and C Wright Subs: Cllrs Bolton and Chambers

The following changes to the membership to the Committees of the Combined County Authority have been made by Derbyshire County Council:

Body	24/25 Appointments	Updated Appointments
Investment Committee	Councillor Muller	Councillor Renwick