

**City of Nottingham and Nottinghamshire Economic Prosperity
Committee – 5 April 2024**

Subject:	East Midlands Combined County Authority: Delegation as nominating body and request for nominations		
Presenting authority / representative):	Adam Hill, Mansfield District Council Jodie Townsend, East Midlands Combined County Authority		
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Other colleagues who have provided input:	District 7 Borough Authorities East Midlands Combined County Authority Board		
Key Decision	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Subject to call-in <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Value of decision: N/A	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital		
Authorities affected: All Nottinghamshire Districts and Boroughs	Date of consultation with relevant authorities: N/A		
Summary of issues (including benefits to citizens/constituent authorities): The establishment of the East Midlands Mayoral County Combined Authority (EMCCA) will require non-constituent members from the District and Borough councils to be selected and appointed. This will require an appropriate acceptance that the EPC will be the body to undertake that selection and that a process has been agreed of how that will take place. Additionally, the EPC will be required to nominate representation to the EMCCA Board and also to its wider Committees as set out in this report.			
Exempt information: Not applicable			

Recommendation(s):

Nottinghamshire Economic Prosperity Committee is recommended to:

1. accept the designation provided by East Midlands Combined County Authority to be the nominating body for Nottinghamshire District and Borough Council Non-Constituent Members to the Combined County Authority
2. agree that the current representatives as set out in paragraph 3.5 are the representatives nominated to the EMCCA Board until May 2025, at which point the representatives are reviewed through the selection process
3. agree that the process detailed in Appendix 1 be adopted as a selection process for nominations to EMCCA Board from May 2025
4. make nominations and substitute nominations to the East Midlands Combined County Authority wider committees in alignment with paragraph 3.8 of this report, taking into account guidance provided in section 4 of this report
5. note the arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA as detailed in Part 5 of the EMCCA Constitution and attached as Appendix 2

1. Reasons for recommendations

- 1.1 This report seeks the acceptance of the Economic Prosperity Committee (EPC) of the designation provided by the East Midlands Combined County Authority (EMCCA) for it to be the nominating body for Nottinghamshire District and Borough Council Non-Constituent Members to the Combined County Authority.
- 1.2 If accepted this would make the Nottinghamshire Economic Prosperity Committee (EPC) responsible for the appointment of District and Borough Council representatives at the East Midlands Combined County Authority (EMCCA) Board and its wider Committees.
- 1.3 The report further seeks, if the designation is accepted, nominations by the EPC to EMCCA Board and its Committees.
- 1.4 The report proposes that a process is approved for the future selection and appointment of non-constituent members to the EMCCA Board from the Nottinghamshire Districts and Borough Councils.

2. Background

The East Midlands Combined County Authority (EMCCA)

- 2.1 The East Midlands devolution deal signed in August 2022 enabled the creation of England's first Combined County Authority. In doing so it secured significant funds and powers for the region and empowered local people to make the decisions that influence jobs and skills, the quality of the region's transport infrastructure, housing investment, and the region's diverse natural environment. The four constituent councils' subsequent approval of the creation of EMCCA in December 2023 will see the region benefit in the first instance from a £1.14 billion investment fund over 30 years, alongside £1.5 billion in transport funding, £53m for adult education, and £18m for housing, brownfield land and other investments.
- 2.2 Alongside this, as a result of the creation of EMCCA, the region is working with national government to establish an 'Investment Zone', which will attract £160 million of support over ten years, with tax incentives for businesses, which will help boost economic growth across the region.
- 2.3 These initial powers and funds are the starting point for an ambitious programme that integrates social, environmental and economic initiatives in innovative ways to improve opportunity and wellbeing in the East Midlands. The period since August 2022 has been one of designing how EMCCA will operate. In March 2024, the need is to confirm the governance, oversight, plan and staffing of the organisation in order for it to start to deliver.

EMCCA Board – 20 March 2024

- 2.4 EMCCA came into being on 28 February 2024 and held its first Board meeting on the 20 March 2024. At its inaugural Board meeting the EMCCA Board considered a number of procedural items to enable it to be able to operate as an effective organisation, this included statutory officer appointments and adoption of a constitution.
- 2.5 At this first EMCCA Board meeting the 4 District and Borough representatives that have represented District and Borough Councils on shadow arrangements were

present and able to contribute to discussions. They were not however formal Non-Constituent representatives at this first meeting due to the required formal procedure created by the legislation, this procedure required:

- the Combined County Authority to be established (*formally established on 28 February 2024*)
- the Combined County Authority to approve the designation of the D2 SLB and Notts EPC as a nominating body (*agreed by EMCCA Board on 20 March 2024*)
- the Combined County Authority to agree the number of non-constituent members and substitutes that may be appointed by each nominating body (*agreed by EMCCA Board on 20 March 2024*)
- the Combined County Authority to agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or substitute members (*agreed by EMCCA Board on 20 March 2024*)
- the SLB and Notts EPC to agree to accept the designation as a nominating body (*being proposed via this report*)
- The SLB and Notts EPC to nominate non-constituent members and substitute members (*being proposed via this report*)
- The Combined County Authority to approve the appointment of the non-constituent members and substitute members (*to take place at next EMCCA Board, envisaged to be June 2024*)

3. EMCCA Designation to Nottingham EPC

- 3.1 The Levelling Up and Regeneration Act 2023 allows for Combined County Authorities to designate a nominating body for the purposes of nominating Non-Constituent Members of a Combined County Authority, on condition that those nominating bodies accept that designation.
- 3.2 On 20 March EMCCA agreed to designate to Nottingham EPC the position as the nominating body for Nottinghamshire District and Borough Non-Constituent appointments.
- 3.3 This designation asks that the EPC accept that designation and make nominations to the EMCCA Board of 2 District and Borough Council representatives as Non-Constituent members of the EMCCA Board. The same request will be made to Derbyshire D2 Strategic Leadership Board on behalf of Derbyshire appointments.
- 3.4 The EPC is asked to also nominate substitute members to the EMCCA Board.

Nominations to EMCCA Board

- 3.5 A process of selection was undertaken on 6th October 2023 and the following were selected as the representatives from Nottinghamshire District and Borough Councils:

District Representatives to the Shadow EMCCA Cabinet:

- a. **Paul Peacock, Leader of Newark and Sherwood District Council;**
- b. **Milan Radulovic, Leader of Broxtowe Borough Council;**

Substitutes for the District Representatives to the Shadow EMCCA Cabinet:

- c. **Andy Abrahams, Mayor of Mansfield District Council;**
- d. **James Naish, Leader of Bassetlaw District Council.**

- 3.6 For consistency it would be helpful if the current members continue into the full non-constituent member roles until May 2025, when a review of the representatives would be undertaken through the selection Process as set out in **Appendix 1**.
- 3.7 If this is challenged it would be necessary for a counter proposal to be put before the committee and voted on by show of hands.

Nominations to wider EMCCA Committees

- 3.8 EMCCA also agreed on 20 March 2024 that 4 District and Borough representatives, 2 from Nottinghamshire and 2 from Derbyshire, should be appointed to its wider Committees as follows:

Transport Advisory Committee	This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Transport matters in support of the exercise of Combined County Authority and Mayoral functions.
Skills & Employment Advisory Committee	This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Skills and Employment matters in support of the exercise of Combined County Authority and Mayoral functions.
Investment Committee	This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on Investment matters in support of the exercise of Combined County Authority and Mayoral functions.
Overview & Scrutiny Committee	This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.
Audit & Governance Committee	This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.

- 3.9 The EPC is requested to make nominations of 2 District and Borough Council representatives as Non-Constituent members to each of the EMCCA Governance Bodies listed above.
- 3.10 The EPC is asked to also nominate substitute members to the Committees listed above in 3.8.
- 3.11 The EPC may want to discuss an approach to be taken to nominations to wider EMCCA Committees similar to that which has been proposed to nominations to EMCCA Board in Appendix 1.
- 3.12 Noting this it may not be possible for nominations to be made to wider EMCCA Committees until the next meeting of the EPC.

4 Guidance for appointments

- 4.1 Whilst recognising that the nominations to be put forward by the EPC are a matter for the EPC, EMCCA requests that the EPC takes into account a number of considerations when making nominations to EMCCA Committees in order:
- to ensure appropriate skillsets are applied to maximise the ability for representatives to have influence within EMCCA structures

- to ensure appropriate factoring in of diversity considerations across the full scope of nominations to appropriately represent Nottinghamshire, further detail is set out in paragraph 4.8
- to ensure appropriate factoring of geographical considerations across the full scope of nominations to ensure North/ South representation on committees

- 4.2 EMCCA would recommend that EPC considers appropriate skillsets relevant to each committee nomination, it is suggested that where possible EPC considers nominating lead members with appropriate responsibilities to each of the advisory committees as follow:
- Transport Committee Chair or Lead Member be nominated to the Transport Advisory Committee
 - Skills/ Employment/ Education Committee Chair or Lead Member be nominated to the Skills & Employment Advisory Committee
 - Economy/ Investment Committee Chair or Lead Member be nominated to the Investment Committee
- 4.3 If such nominations are made, nominated representatives may have a better understanding of the subject matter and potential representation requirements from a District/ Borough Council perspective.
- 4.4 In regard to nominations to the EMCCA Overview and Scrutiny Committee, EMCCA advises that the EPC nominates Councillors who have a good understanding of the Overview and Scrutiny function when nominating.
- 4.5 In regard to nominations to the Audit & Governance Committee, EMCCA advises that the EPC nominates Councillors who have a good understanding of the core responsibilities of the Committee when nominating.
- 4.6 A link to the EMCCA Constitution is available at the end of the report, Part 4 details the terms of reference for all of the Committees within the EMCCA governance structure. This is provided to assist in considering appropriate skillsets for nominations.
- 4.7 Although EMCCA is a new organisation that still needs to develop a range of policy approaches the organisation has an ambition to create an inclusive culture, recognising that an effective organisation is one that embodies diversity of thought and background, and one which reflects the people of Derbyshire and Nottinghamshire as well as its businesses and communities which EMCCA serves.
- 4.8 To make the best possible decisions the EMCCA Board and Committees need to have diverse and inclusive leadership. Boards and committees made up of people with a mix of experience and skills gained from a range of backgrounds and lived experience that will bring fresh ideas, greater challenge and more robust decision making to EMCCA, the EPC and District and Borough Councils. EMCCA therefore requests that EPC considers nominations from those who are reflective of local communities in terms of gender, ethnicity, disability and sexuality who will be more equipped to understand our communities served.
- 4.9 Finally, EMCCA requests that EPC considers geographical representation across the scope of its nominations to EMCCA Committees in order to ensure that both the North and South of the County is appropriately represented across nominations.

5 Expectations

- 5.1 Councillors nominated to EMCCA Committees should expect to receive an appropriate induction into EMCCA governance arrangements and the role and responsibilities of the governance body which they have been nominated to.
- 5.2 If there are training requirements to improve the skillset and knowledge of EMCCA governance bodies, then EMCCA will look to appropriately identify these and seek to provide appropriate training opportunities.

6 Next Steps

- 6.1 EMCCA is in the process of pulling together its calendar of meetings for 2024/25, it is anticipated that the next meeting of the EMCCA Board will be in June to take account of each Constituent Council's Annual General Meeting. It is anticipated that the calendar of meetings for EMCCA will be approved at this June meeting.
- 6.2 It is requested that each nominating body provides EMCCA with nominations to its Board and Committees in order to allow nominations to be considered at the anticipated June EMCCA Board meeting. Officers will keep the EPC updated on timescales for this once the next EMCCA Board meeting date has been agreed.
- 6.3 Guidance on allowances for District and Borough Council representatives on East Midlands Combined County Authority Board and Committees will be provided following the Independent Remuneration Panel review.

7 Other options considered in making recommendations

- 7.1 EMCCA considered a wide range of membership possibilities when drafting the initial version of its constitution, however its commitment to inclusivity of District and Borough Councils given their position as key partners ruled out options that did not include District and Borough Council representation in its governance framework.

8 Consideration of Risk

- 8.1 In order to ensure appropriate representation of District and Borough Councils in Nottinghamshire on East Midlands Combined County Authority, nominations as requested will need to be made by the Economic Prosperity Committee.
- 8.2 The guidance provided by East Midlands Combined County Authority in section 4 of this report, if not considered could impact the diversity and geographical representation of Nottinghamshire.

9 Best Value Considerations, including consideration of Make or Buy where appropriate

- 9.1 No best value considerations have been identified in the content of this report.

10 Finance colleague comments (including implications and value for money/VAT)

- 10.1 Guidance on allowances for District and Borough Council representatives on East Midlands Combined County Authority Board and Committees will be provided following the Independent Remuneration Panel review.

11 Legal colleague comments

- 11.1 Legal implications are included in the body of the report

12 **Other relevant comments**

12.1 The Combined County Authority has three types of membership outside the position of mayor, these are as follows:

- **Constituents:** These are the 4 local authorities which the devolution of powers outside of mayoral functions have been devolved to (Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council). These are voting members of the EMCCA Board.
- **Non-Constituents:** These are key partners/ stakeholders recognised within the EMCCA governance arrangements. They are defined as an individual nominated as a representative by a nominating body designated as such by the CCA in accordance with section 11 of the Levelling-up and Regeneration Act 2023. Non-Constituents are non-voting members across the EMCCA governance arrangements.
- **Associates:** an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-up and Regeneration Act 2023

12.2 District and Borough Council representatives come under the definition of Non-Constituents; it should be noted that they are not the only grouping that would come under this definition.

12.3 The East Midlands Combined County Authority 2024 Regulations allow the Combined County Authority to have no more than eight non-constituent and associate members on its Board. This allows the Combined County Authority to appoint up to a maximum total number of 8 Non-Constituent Members and Associate Members.

13 **Equality Impact Assessment (EIA)**

13.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

14 **Data Protection Impact Assessment (DPIA)**

14.1 Has the data protection impact of the proposals in this report been assessed?

No

Yes

15 **Carbon Impact Assessment (CIA)**

15.1 Has the carbon impact of the proposals in this report been assessed?

No

Yes

16 **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

16.1 EMCCA Governance and Constitution Board Paper:

[Item 5 - Governance and Constitution Report.pdf \(derbyshire.gov.uk\)](#)

16.2 EMCCA Constitution:

[Item 5 - Appendix A.pdf \(derbyshire.gov.uk\)](#)

16.3 arrangements for appointment, disqualification, dismissal of Non-Constituent members to EMCCA (attached as Appendix 2)

- 17 **Published documents referred to in this report**
Not applicable.

Appendix 1

East Midlands Combined County Authority **District and Borough Councils Non-Constituent Nominations** **Terms of Reference / Process**

1.0 Eligibility to be nominated:

The person's being nominated must hold the position of Leader of the Council.

2.0 Substitutes

Substitutes will also be selected after the initial nominations have been agreed and will also hold the position of Leader of the Council.

Substitutes are agreed in advance for the same period as term of office of the main representative. (See below)

3.0 Governance

The governance of the nominations and operating the process of the nominations will be undertaken through:

- Nottinghamshire Districts and Boroughs to select an administrating authority to run the nomination process for Nottinghamshire through the Economic Prosperity Committee
- Derbyshire Districts and Boroughs to select an administrating authority to run the nomination process through the Derbyshire Strategic Leadership Group.

4.0 The Nomination Process

Districts and Boroughs wishing to put someone forward complete the Nomination form and return to administrating Authority with a Deadline of 2 weeks before the meeting.

Voting will take place in person at an established meeting EPC for Nottinghamshire Districts/Boroughs and Strategic Leadership Board or Derbyshire Districts/Boroughs

1 week before the meeting all nomination forms circulated to all District / Borough Councils in that County.

At the meeting:

If only 2 authorities have submitted nominations, then vote taken to agree nominations by show of hands.

If more than 2 authorities, then a vote is held.

4.1 VOTE – (Per County area)

Each authority is issued with a ballot paper with the names of the candidates on.

The ballot paper will include instructions to vote for no more than 2 candidates.

The ballot papers are collected by the Administrating authority and counted.

Administering authority then announces result.

4.2 In the event of a tie of two candidates

A second vote following previous format is taken.

If the tie remains, the two authority names will be placed in a hat and first drawn is the selected authority.

4.3 In the event of no nominations

The process would repeat as set out above

4.4 Substitutes nominations

To follow the same process and timeline as set out above so that these roles are agreed at the same time.

5.0 Term of Office

The term of office is to be in line with District / Borough Council elections, but each term would be for a maximum period of 2 years, or part thereof.

The opening term of office will cover the shadow period leading up to the establishment of the EMCCA and the following year i.e., May 2024 through to May 2025

Then Every 2 years after the next District Council Elections (Within 2 months of the results and within two months of the 2nd Year anniversary of the elections)

It is anticipated that representatives will rotate on a two-year basis, but current/previous representatives will be eligible to stand for re-election for a further two year period

The elected Leader, if no longer a leader of that council, would step down from the role and a new nomination process would be followed to elect a new person to the role for the duration of the term remaining.

6.0 Responsibilities

To represent and champion the interests of all District and Borough Councils

Liaise with Other Leaders prior to Cabinet meeting

Disseminate information after meeting by way of update document

To attend all annual scheduled meetings, in person where required.

The representative will produce an annual review report for distribution to the other District / Borough Authorities

7.0 Support

Administration and resource support and funding will be committed by the Combined Authority, to assist the leaders from the Districts / Boroughs with consultations, report writing, feeding back and generally seeking views and representation from across the Districts and Boroughs to ensure involvement, sharing and receiving information.

District and Borough Councils - Non-Constituent Nominations

Nomination Form

I (print name) _____

Of (print authority name) _____

I confirm I am the Leader of the Council YES / NO

Wish to be considered for the position of representative for the Nottinghamshire Districts and Boroughs on the EMCCA Cabinet.

Signed _____ Date: _____

Print Name _____

Arrangements for appointment, disqualification, dismissal of Non-Constituent members

1. Background and Introduction

- 1.1 The Combined County Authority may designate a body, other than a constituent council, as a nominating body. Such a nominating body must consent to the designation. A nominating body may nominate a representative of that body for appointment by the Combined County Authority as a non-constituent member. The non-constituent members are non-voting members of the Combined County Authority, unless the Combined County Authority resolves otherwise.
- 1.2 The East Midlands Combined County Authority Regulations 2024 permit the Combined County Authority to appoint up to 8 non-constituent and associate members in total.

2. Appointment

- 2.1 The Combined County Authority will:
 - Approve the designation of a nominating body
 - Agree the number of nominating bodies that may be designated by the Combined County Authority
 - Agree the number of non-constituent members that may be nominated by a nominating body of the Combined County Authority
- 2.2 A nominating body may nominate such representatives of that body for appointment by the Combined County Authority as a non-constituent member as determined by the Combined County Authority.
- 2.3 A nominating body must nominate a substitute member for each non-constituent member nominated.
- 2.4 A nominating body may nominate a representative of the nominating body as a representative for appointment to the Combined County Authority.
- 2.5 Written notice must be served on the Monitoring Officer of the Combined County Authority confirming who the nominating body has agreed to nominate as a representative of that body for appointment by the Combined County Authority as a non-constituent representative.
- 2.6 The appointment of a non-constituent member or substitute will only take effect when the nomination is approved by the Combined County Authority.

3. Term of Office and Role

- 3.1 The term of office shall be for a maximum of two years.
- 3.2 A non-constituent member or substitute shall act as a representative of the nominating body that nominated them.

4. Disqualification

- 4.1 A person immediately ceased to be a non-constituent member or substitute if they cease to be eligible to be the representative of the nominating body that nominated them

5. Resignation

- 5.1 A person may resign as a non-constituent member or substitute by written notice served on the Monitoring Officer of the Combined County Authority and the resignation takes effect on receipt of the notice by the Monitoring Officer.

6. Withdrawal of nomination

- 6.1 A nominating body may at any time terminate its nomination of a non-constituent member or substitute nominated by it and nominate another one of its members in that person's place. Written notice shall be served on the Monitoring Officer of the Combined County Authority and the termination of membership of the Combined County Authority as a representative of the nominating body takes effect on receipt of the notice by the Monitoring Officer.

7. Dismissal

- 7.1 The Combined County Authority may dismiss a non-constituent member if they fail throughout a period of six consecutive months to attend any meeting of the Combined County Authority, unless their absence is due to a reason which has previously been approved by the Combined County Authority Board.
- 7.2 The Combined County Authority may dismiss a non-constituent member or substitute if there is a finding of breach of the Combined County Authority Code of Conduct by them.

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