

# East Midlands Combined County Authority

## Constitution



**September 2024**

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# Part 1: Introduction

## 1. Background

- 1.1 The East Midlands Combined County Authority (the Combined County Authority) was established pursuant to the EMCCA Regulations on 28 February 2024 in order to bring together the four upper tier councils of Derbyshire, Nottinghamshire, Derby, and Nottingham, working collaboratively with Derbyshire and Nottinghamshire district and borough councils, and business and partners to champion the interests of the Derbyshire and Nottinghamshire nationally and internationally.
- 1.2 The Constituent Councils of the Combined County Authority are:
  - Derby City Council
  - Derbyshire County Council
  - Nottingham City Council
  - Nottinghamshire County Council
- 1.3 The Non-Constituent Councils of the Combined County Authority are:
  - Nominated representatives of Derbyshire District and Borough Councils as nominated by the designated body (D2 Strategic Leadership Board)
  - Nominated representatives of Nottinghamshire District and Borough Councils as nominated by the designated body (N2 Economic Prosperity Committee)
- 1.4 The Associate Members of the Combined County Authority are:
  - Associate Member for Business
  - Associate Member for Higher Education and Further Education
  - Associate Member for the Trade Union Movement
- 1.5 The Combined County Authority incorporates the role and responsibilities of the Business Advisory Committee for Derbyshire and Nottinghamshire which were formerly the D2N2 Local Enterprise Partnership.
- 1.6 The Combined County Authority is responsible for a range of functions across Derbyshire and Nottinghamshire, these include:
  - **Adult education and skills functions** *(from 2025/26)*

(enabling decision-makers to closer align spending on skills with the opportunities and needs in the local economy in order to engage adults and provide them with the skills needed for entering and sustaining employment, an apprenticeship, traineeship, or other further learning)

- **Land and housing powers**

(broad powers to acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration. Ability to invest to deliver housing for the area. Land assembly and compulsory purchase powers for housing purposes. The power to designate Mayoral Development Areas and to create Mayoral Development Corporations, which will support delivery on strategic sites across the region)

- **Net Zero, energy and environment functions**

(enabling the region to establish heat network zoning, evolve waste management in the region and exploit opportunities to re-use waste heat, flood alleviation)

- **Business growth and innovation functions**

(explore future trailblazer opportunities to secure greater private investment in local priorities, strengthen local innovation capacity to help realise the potential of local innovation assets and the innovation potential of small and medium enterprises, realise the global export potential of local businesses).

- **Transport Functions** *(following completion of transition of powers)*

(Setting and delivering a transport strategy for the region, maximising opportunities for transport investment, providing oversight and assurance of investment delivery, establishing a key route network comprising the most important local roads and a single asset management policy. Development of public transport services across the region, facilitating the delivery of public transport improvements including, bus services, information, infrastructure, incentivised ticket schemes, concessionary fares and smart, integrated ticketing. Influencing and enabling rail investment and powers relating to bus partnerships and franchising).

1.7 The functions of the CCA are those functions conferred or imposed on it by the EMCCA Regulations or any other enactment (whenever passed or made) or as may be

delegated to it. EMCCA will exercise all its powers and duties in accordance with the law and this Constitution.

## 2. The Constitution

2.1 This Constitution sets out how the CCA works, makes decisions, and the procedures the CCA will follow to make sure its work is efficient, and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones the CCA have chosen to follow.

2.2 The Constitution has 7 parts, plus several appendices. These are outlined below as follows:

**Part 1: Introduction** to the Combined County Authority and the Combined County Authority's Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

**Part 2: Articles** of the Constitution which set out the underpinning legal framework of the Combined County Authority and signpost readers to relevant aspects throughout the Constitution.

**Part 3: Responsibility for Functions** setting out who is responsible for exercising each function of the Combined County Authority.

**Part 4: Procedure Rules** which govern how the Combined County Authority, and its decision-makers operate, including:

- formal meetings of the Combined County Authority and its committees,
- how to access information, and
- procedures relating to finance and contracts.

**Part 5: Ethical Standards** including codes of conduct for Members and officers of the Combined County Authority, and protocols relating to conduct, conflicts of interest and relationships between officers and members.

**Part 6: Member allowances scheme** which sets out the entitlement of any Member, including the Mayor, to claim expenses in carrying out their role and sets out the levels

of remuneration applicable to the Mayor and other roles determined by the Combined county Authority.

**Part 7:Management structure** which sets out the senior officer management structure of the East Midlands Combined County Authority.

2.3 The purpose of the Constitution is to:

- enable the Combined County Authority to provide leadership to the community in partnership with councils, citizens, businesses, and other organisations.
- support the involvement of citizens in the process of local decision-making.
- enable decisions to be taken efficiently and effectively.
- provide ways to hold decision-makers to public account.
- ensure that no one reviews or scrutinises a decision in which they have been directly involved.
- clarify who takes decisions and ensure that decision-makers explain the reasons for decision, and
- help deliver the Combined County Authority's vision of a more prosperous East Midlands Combined County Authority area.

2.4 The Monitoring Officer will regularly monitor and review the operation of the Constitution, this will include an annual review to ensure that it remains fit for purpose.

2.5 The Monitoring Officer is authorised to make the following changes to the Constitution:

- (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.

Any such amendments must be reported retrospectively to the EMCCA for noting.

2.6 A majority of the Combined County Authority Constituent representatives can propose a review of the Constitution, without the majority needed to include the Mayor.

2.7 Any amendments or changes proposed by such a review require a majority vote which does include the Mayor in order to be accepted.

- 2.8 Changes to the Constitution will only be approved by the EMCCA Board unless arrangements are solely the responsibility of the Mayor.
- 2.9 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 2.10 The Monitoring Officer shall make any final decision regarding the application of the Constitution.

### 3. Definitions

- 3.1 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

'the 2023 act'	the Levelling Up and Regeneration Act 2023
'the Combined County Authority or EMCCA'	the East Midlands Combined County Authority
'the Constituent Councils'	Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council
'the Deputy Mayor'	the member of the EMCCA appointed by the Mayor to be the Mayor's deputy pursuant to section 29(1) of the 2023 Act
'The EMCCA Regulations'	(a) the East Midlands Combined County Authority Regulations 2024 (b) Such other secondary legislation made by the Secretary of State in relation to the EMCCA pursuant to the 2023 Act
'the Mayor'	the person elected as mayor by the local government electors for the Combined County Authority Area
'Mayoral functions'	any function of the EMCCA which is exercisable only by the Mayor (or the Mayor's delegate) by virtue of the EMCCA Regulations or any other enactment (whenever passed or made)



'Nominating body'	a body designated by the EMCCA under section 11(1) of the 2023 Act
'Non-Constituent Member'	A non-constituent member is 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
'Associate Member'	An associate member is an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-up and Regeneration Act 2023
'concurrent function'	Any function of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2024 Order which is exercisable concurrently with the Constituent and/or the District and Borough/ Councils of the EMCCA area. That is, both the EMCCA and Constituent and/or District and Borough Councils of the EMCCA may exercise the function independently of one another.

<b>Document version control</b>	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Part 2: Articles

The Articles of the Constitution set out the underpinning legal framework of the Combined County Authority and signpost readers to relevant aspects throughout the Constitution.

## Article 1. The East Midlands Combined County Authority (EMCCA)

- 1.1 EMCCA was established pursuant to the EMCCA Regulations on 28 February 2024 as the Combined County Authority.
- 1.2 The Mayor and the Combined County Authority (Board), and its supporting governance framework will work together in collaboration, in the interests of the people of the East Midlands. This Constitution sets out arrangements to ensure the effective conduct of the Combined County Authority's business, in this spirit of collaboration, mutual respect and transparency.
- 1.3 All members will strive to work on the basis of consensus, taking decisions through agreement wherever possible. These principles shall apply irrespective of the statutory basis for the exercise of those powers, whether through the powers and responsibilities of the Mayor or the Combined County Authority.
- 1.4 The powers of the Mayor are to be exercised through collaboration within the Combined County Authority (Board), and in partnership with all relevant stakeholders wherever possible.

### 1. Membership of the Combined County Authority (EMCCA)

- 1.5 The Combined County Authority comprises eight Constituent members in addition to the Mayor, who is a member of the Combined County Authority by virtue of that office.
- 1.6 Each of the Constituent Councils will appoint two of its elected members to be a Member of the Combined County Authority.

- 1.7 Each of the Constituent Councils must designate one of the members appointed at Article 1.6 above as the Lead Member.
- 1.8 In addition, each Constituent Council will appoint two named elected members for each member appointed at Article 1.6 above, who will act as a Member of the Combined County Authority in the absence of the member appointed under Article 1.6 ('the Substitute Members').
- 1.9 The Mayor must appoint one of the constituent members of the Combined County Authority to be the Mayor's deputy (the Deputy Mayor).
- 1.10 Except to the extent that various functions are to be exercised only by the Mayor (or may be exercised by the Mayor's delegate) all Members will:
- (a) collectively be the ultimate policy makers of Combined County Authority
  - (b) bring views of their communities into the Combined County Authority decision-making process; and
  - (c) maintain the highest standards of conduct and ethics
- 1.11 Members will at all times observe the Code of Conduct for Members set out in **Part 5** of this Constitution.
- 1.12 A person will cease to be a Member or a Substitute Member of the Combined County Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.
- 1.13 A person may resign as a member or substitute member of the Combined County Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.
- 1.14 Where a member or substitute member of the Combined County Authority's appointment ceases by virtue of 1.12 or 1.13 above the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined County Authority and appoint another of its elected members in that person's place.

- 1.15 A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined County Authority and appoint another one of its elected members in that person's place.
- 1.16 Where a constituent council exercises its power under sub-paragraph 1.15 above, it must give written notice of the new appointment and the termination of the previous appointment to the Combined County Authority and the new appointment takes effect and the previous appointment terminates at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- 1.17 The Combined County Authority Board may also appoint up to 8 non-constituent and associate members in total.
- 1.18 Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).
- 1.19 An associate member appointed under section 12(1) of the 2023 Act (associate members of a CCA) must nominate another person to act as a member of the Combined County Authority in their absence.

## 2. Chair of the Combined County Authority

- 2.1 The Mayor is the Chair of the Combined County Authority.
- 2.2 The Combined County Authority may appoint at least two and no more than three of its Members as Vice-Chair(s).
- 2.3 The procedure for the appointment of the Vice-Chair(s) is set out in the EMCCA Procedure Rules in **Part 4** of this Constitution

## 3. Meetings and Procedure

- 3.1 The Combined County Authority will usually meet bi-monthly (once every 2 months), but additional meetings may take place within the monthly period should the need arise.
- 3.2 There are three types of Combined County Authority meeting:
- (a) the annual meeting;
  - (b) ordinary meetings; and
  - (c) extraordinary meetings.

they will be conducted in accordance with the Combined County Authority Rules of Procedure set out in **Part 4** of this Constitution.

#### **4. Responsibility for Functions**

- 4.1 Only the Combined County Authority will exercise EMCCA functions set out in **Part 3.1** of this Constitution.
- 4.2 Only the Mayor will exercise mayoral functions set out in **Part 3.2** of this Constitution.
- 4.3 The Combined County Authority may delegate the discharge of its functions which are not reserved to the Combined County Authority to committees, sub-committees, officers, joint committees, or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 4.4 The Mayor may delegate the discharge of mayoral general functions (which are not reserved to the Mayor) to the Deputy Mayor or any member or officer of the Combined County Authority provided that the Mayor's political adviser is not to be treated as an officer for the purpose of this Article.
- 4.5 The Combined County Authority has delegated the discharge of the Combined County Authority functions to committees and officers in accordance with the scheme of delegation contained in Part 3. Section 6 of this constitution.
- 4.6 The Mayor has delegated the discharge of mayoral general functions in accordance with the scheme of delegation contained in Part 3. Section 6 of this constitution.

4.7 The Combined County Authority and the Mayor will review their scheme of delegation regularly.

## 5. Committees of the Combined County Authority

5.1 The Combined County Authority is required to appoint an audit committee and one or more overview and scrutiny committees. These are statutory committees – see **Part 3** for relevant terms of reference

5.2 The Combined County Authority has established a number of Committees to discharge the functions set out in Part 3 of this Constitution.

5.3 The Combined County Authority may establish such other committees as it thinks fit to discharge its functions.

5.4 The Combined County Authority may appoint a committee to advise the Combined County Authority on any matter relating to the exercise of functions of the Combined County Authority.

5.5 The functions which a committee may exercise are set out in the committee’s terms of reference – see further **Part 3** of the Constitution

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Article 2. The Mayor

## 1. Election of a Mayor

- 1.1 The Mayor is elected by the local government electors for the Combined County Authority's Area.
- 1.2 The first election for the return of a Mayor for the Area took place on 2nd May 2024.
- 1.3 Subsequent elections for the return of a mayor for the Area are to take place:
  - (a) on the ordinary day of election in 2028, and
  - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- 1.4 The term of office of the mayor returned at an election in 2024 for the return of a mayor for the Area:
  - (a) begins with 7th May 2024, and
  - (b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area
- 1.5 The term of office of the Mayor returned in each subsequent fourth year:
  - (a) begins with the fourth day after the day of the poll at the election for the return of the Mayor for the Area; and
  - (b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area

## 2. General

- 2.1 The Mayor is the Chair of the Combined County Authority.

## 3. Deputy Mayor

- 3.1 The Mayor must appoint one of the constituent members of the Combined County Authority to be the Mayor's deputy (the Deputy Mayor).
- 3.2 The Mayor must notify the Monitoring Officer of any such appointment in writing. The Monitoring Officer shall report the appointment to the next meeting of the Combined County Authority.

## 4. Incapacity or Vacancy of the Mayor

- 4.1 The Deputy Mayor must act in place of the Mayor if for any reason:

- the Mayor is unable to act, or
- the office of Mayor is vacant.

4.2 If for any reason:

- the Mayor is unable to act, or the office of Mayor is vacant, and
- the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other Combined County Authority Members must act together in place of the Mayor, taking decisions by a simple majority

## 5. Mayoral Functions

5.1 The Mayoral Functions of the Combined County Authority are functions of the Combined County Authority exercisable only by the Mayor.

5.2 For the purposes of the exercise of the Mayoral Functions, the Mayor has the general powers of the CCA set out in section 49 of the 2023 Act

5.3 The Mayor may exercise the general powers referenced in 5.2 above subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officers.

5.4 The Mayor may exercise their power under section 12 of the Automated and Electric Vehicle Act 2018 to ask the Secretary of State for Transport to make regulations under [Section 11 of the Automated and Electric Vehicle Act 2018](#) requiring large fuel retailers and service area operators to provide public charging points and to ensure public charging points are maintained and easily accessible. The power would be limited to large fuel retailers in the area within their authority.

## 6. Mayoral Decision-Making

6.1 The Mayor must comply with the Mayoral Procedure Rules in **Part 4** and make decisions in accordance with the principles of decision-making set out in Article 8 (Decision-making).

## 7. Nominations to Portfolio Lead Member Responsibilities and to Committees



- 7.1 The Mayor and the Combined County Authority Board shall agree portfolio lead member and deputy portfolio lead member responsibilities in respect of the Combined County Authority functions.
- 7.2 The Mayor shall nominate the agreed portfolio 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.
- 7.3 The Mayor shall nominate the agreed deputy portfolio lead member responsibilities and position to any member of the constituent councils on the Board, or any District or Borough Councillor representative who is a non-constituent representative on the Board, subject to any rules within the terms of reference of those committees.
- 7.4 The nominations to portfolio lead member and deputy portfolio 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.

## 8. Mayoral Advisory Groups (MAGs)

- 8.1 The Mayor may appoint a Mayoral Advisory Group to inform the development of strategic and policy matters which relate to any Mayoral General Function. The Mayor cannot delegate authority to any Mayoral Advisory Group to act on behalf of the Mayor nor on behalf of the Combined County Authority

## 9. Conduct

- 9.1 The Mayor must comply with any applicable Code or Protocol set out in Part 5 of the Constitution, including the Members' Code of Conduct.

## 10. Remuneration

- 10.1 Any allowance payable to the Mayor shall not exceed a sum determined by the Independent Remuneration Panel. The Mayor's allowance is set out in the Members' Allowances Scheme in **Part 6** of this Constitution.

## 11. Budget and Finance

11.1 The Mayor must comply with the **Part 4** of this Constitution including Budget and Policy Procedure Rules, Contracts Standing Orders and Financial Regulations; see further also Article 9 (Finance, Contracts and Legal matters).

## 12. Mayoral Political Adviser

12.1 The Mayor may appoint one person as the Mayor’s political adviser. Any such appointment is an appointment as an employee of the Combined County Authority.

12.2 No appointment under paragraph 12.1 above may extend beyond:

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office

12.3 A person appointed under 12.1 above is to be regarded for the purposes of Part 1 of the Local Government and Housing Act 1989 (political restriction of officers and staff) as holding a politically restricted post under a local authority.

Document version control	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

# Article 3. Citizens and the Combined County Authority

## 1. Voting

- 1.1 Local government electors for the Combined County Authority's Area have the right to vote directly for the Mayor<sup>1</sup> on the ordinary polling day every fourth year from 2024.

## 2. Information

- 2.1 The Access to Information Rules in **Part 4** of the Constitution set out the public's rights to information held by the Combined County Authority, including:
- in relation to meetings of the Combined County Authority and its committees and sub-committees, (subject to exceptions including in relation to confidential or information information), rights:
    - to attend meetings,
    - to inspect agendas of and reports to meetings and background documents,
    - to access documents after a meeting including minutes, and
    - to report on and record a meeting.
  - to inspect the Forward Plan to find out about:
    - any Key Decision to be made by the Combined County Authority, and
    - any request to be made to a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability,
  - to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor,
  - to inspect written records of decisions made by officers,
  - to access information generally held by the Combined County Authority
  - to inspect a list of Combined Authority Members

## 3. Consultation

- 3.1 The Combined County Authority must consult with citizens in accordance with any statutory requirement to do so.

## 4. Petitions

4.1 The Combined County Authority does not operate a Petitions Scheme.

## 5. Complaints

5.1 Citizens have the right to complain to the Combined County Authority under its complaints scheme, or the Local Government and Social Care Ombudsman (after using the Combined County Authority’s complaints scheme).

5.2 Citizens may submit any complaint about the conduct of a Combined County Authority Member to the Combined County Authority’s Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members’ Code of Conduct in **Part 5** of this Constitution. This includes complaints about the conduct of the Mayor.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Article 4. Joint Arrangements

- 1.1 The Combined County Authority has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 1.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.
- 1.3 The Mayor may enter into arrangements jointly with the Combined County Authority and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of Mayoral Functions listed in Regulation 26 of the EMCCA Regulations.
- 1.4 Where a joint transport committee is established in accordance with 1.3 above the members of the joint committee must be appointed in accordance with the following requirements:
  - (a) The members appointed by the Combined County Authority must be members or substitute members of the Combined County Authority
  - (b) The members appointed by the Constituent Councils must be members of those councils.
  - (c) The members appointed by the Mayor must be members of the Combined County Authority or of the Constituent Councils.
  - (d) In appointing members to the joint transport committee, the Combined County Authority and the Constituent Councils must ensure that the members of the committee appointed from among the members of the Combined County Authority and the Constituent Councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils.
  - (e) Questions relating to the apportionment of membership under 1.4(d) require a unanimous vote in favour by all members, or substitute members acting in place of those members, of the Combined County Authority to be carried.
- 1.5 Where a joint transport committee is established in accordance with 1.3:
  - (a) the Mayor must in each year appoint the chair of the joint transport committee from among the members of that committee; and

(b) if a vacancy arises in the office of the chair, the Mayor must make an appointment to fill the vacancy at the next ordinary meeting of the joint transport committee, or, if that meeting is to be held within the period of 14 days beginning with the day on which the vacancy arose, at the meeting following that meeting.

<b>Document version control</b>	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Article 5. Officers

## 1. Statutory Officers

- 1.1 The Combined Authority is required to appoint or designate the following statutory officers:
- Head of Paid Service
  - Monitoring Officer, and
  - Section 73 Chief Finance Officer
- 1.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of the Combined County Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

## 2. Chief Officers

- 2.1 Chief Officers for the purposes of **Part 3** (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Monitoring Officer, the Executive Director of Resources (Section 73 Officer), the Executive Director of Place, and the Executive Director of Inclusive Growth

### Head of Paid Service (Chief Executive) – Statutory Functions

- 2.2 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Combined County Authority setting out their proposals in relation to:
- the manner in which the discharge by the Combined County Authority of its different functions is coordinated,
  - the number and grades of staff required by the Combined County Authority for discharging its functions,
  - the organisation of the Combined County Authority's staff, and
  - the appointment and proper management of the Combined County Authority's staff.
- 2.3 The Combined County Authority must consider any such report at a meeting within three months of the report first being sent to the Combined County Authority Members.

- 2.4 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Combined County Authority by the holder for the time being of that post and may give directions to the Combined County Authority to include a post in the list of politically restricted posts.

### **Monitoring Officer – Statutory Functions**

- 2.5 If it appears to the Monitoring Officer that any proposal, decision, or omission by the Combined County Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined County Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined County Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined County Authority Members.

The Combined County Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

### **Section 73 Officer – Statutory Functions**

- 2.6 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined County Authority, in accordance with Section 73 of the Local Government Act 1985.
- 2.7 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Combined County Authority:
- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
  - has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
  - is about to enter an item of account unlawfully.
- 2.8 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Combined County Authority incurred in a financial year is likely to exceed the resources available to the Combined County Authority.



2.9 The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Combined County Authority Member. The Combined County Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined County Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

### 3. Statutory Scrutiny Officer

3.1 The Combined County Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.

### 4. Data Protection Officer

4.1 The Combined County Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.

### 5. Head of Internal Audit

5.1 The EMCCA must appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.

### 6. General

6.1 The Combined County Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

6.2 Officers will comply with the Code of Conduct for Officers.

Document version control	
Version:	1.0
Date:	20 March 2024

Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Article 6. Decision-Making

## 1. Responsibility for Decision-Making

- 1.1 The Combined County Authority and the Mayor will issue and keep up to date a record of what part of the Combined County Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in **Part 3** of this Constitution.

## 2. Principles of Decision-Making

- 2.1 All decisions of the Combined County Authority should be made in accordance with the following principles:
- (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
  - (b) where appropriate, the realistic evaluation of alternatives;
  - (c) proportionality (i.e., the action must be proportionate to the desired outcome);
  - (d) due consultation and the taking of professional advice from officers;
  - (e) respect for human rights and equalities;
  - (f) a presumption in favour of openness;
  - (g) clarity of aims and desired outcomes; and
  - (h) reasons being given for the decision, as appropriate.

## 3. Key Decisions

- 3.1 A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:
- (a) result in the Combined County Authority or the Mayor spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
  - (b) have a significant effect on communities living or working in an area made up of two or more electoral divisions in the area.
- 3.2 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant

amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.

- 3.3 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
  - Combined County Authority Procedure Standing Orders, or
  - Mayoral Procedure Rules
- 3.4 Any Key Decision may be reviewed or scrutinised by an overview and scrutiny committee.

## 4. Types of Decision

### (a) **Decisions reserved to the Combined County Authority**

Decisions relating to the functions listed in **Part 3** of this Constitution will be made by the Combined County Authority and not delegated. The Combined County Authority meeting will follow the Rules of Procedure set out in **Part 4** of this Constitution when considering any matter.

### (b) **Decisions reserved to the Mayor**

Decisions relating to the Mayor's general functions listed in **Part 3** of this Constitution specified as being reserved to the Mayor will be made by the Mayor and not delegated, apart from those functions that can be delegated to a Deputy Mayor.

### (c) **Decision making by Committees and Joint Committees established by the Combined County Authority**

Committees and Joint Committees established by the Combined County Authority will follow those parts of the Rules of Procedure set out in **Part 4** of this Constitution as apply to them.

### (d) **Decision making by Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in **Part 3** of this Constitution and other provisions of this Constitution.

## 5. Recording Decisions

- 5.1 Any decision taken at a meeting of the Combined County Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in **Part 4** of this Constitution.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Article 7. Finance, Contracts and Legal Matters

## 1. Financial Management

- 1.1 The management of the Combined County Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in **Part 4** of the Constitution.

## 2. Legal Proceedings

- 2.1 The Monitoring Officer is authorised to institute, settle, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Combined County Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Combined County Authority interests.

## 3. Authentication of Documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Combined County Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Combined County Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) Any contract with a value exceeding £50,000 entered into by the Combined County Authority shall be made in writing. Such contracts must be signed by a duly authorised officer of the Combined County Authority or made under the Common Seal of the Combined County Authority attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the Combined County Authority attested by an authorised officer.

## 4. Common Seal of the Combined County Authority

- 4.1 The Common Seal of the Combined County Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined County Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal

will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.

<b>Document version control</b>	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# Part 3: Responsibility for Functions

## 1. Introduction

Part 3 sets out the responsibility for the functions of the Combined County Authority and functions of the Mayor.

### 1. Combined County Authority (CCA) (Board) Functions

- 1.1 CCA Functions are functions of the Combined County Authority which are not exercisable by the Mayor. **Part 3 - Section 2** sets out an overview of the CCA Functions, including those conferred by the EMCCA Regulations.
- 1.2 CCA Functions are exercised by the Combined County Authority at a meeting of the CCA or in accordance with arrangements agreed by the CCA.
- 1.3 Certain CCA Functions can only be exercised with the consent of a relevant constituent council, district or borough council or the Peak District National Park. These are identified in **Part 3 - Section 2**.
- 1.4 The CCA may make arrangements for any CCA Function, except those reserved to the CCA, to be exercised:
  - by a committee or sub-committee of the CCA,
  - by an officer of the CCA,
  - by another local authority, or
  - under joint arrangements with one or more other local authorities.
- 1.5 **Part 3 – Section 4** sets out the CCA Functions which have been reserved to the CCA and must be taken at a meeting of the CCA.
- 1.6 **Part 3 - Section 5** sets out the CCA Functions which have been delegated to committees or sub-committees of the CCA and the terms of reference agreed for those committees and sub-committees.
- 1.7 **Part 3 - Section 6** sets out the CCA Functions which have been delegated to officers of the CCA.



- 1.8 **Part 3 - Section 7** sets out the CCA Functions which are to be exercised by another local authority or under joint arrangements with one or more other local authorities.
- 1.9 Where a CCA Function has been delegated under arrangements, this does not prevent the CCA exercising the function.

## 2. Mayoral Functions

- 2.1 Mayoral Functions are functions of the Combined County Authority exercisable only by the Mayor. **Part 3 - Section 3** sets out an overview of the Mayoral Functions, including those conferred by the East Midlands Combined County Authority Regulations.
- 2.2 Mayoral Functions are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor.
- 2.3 Certain Mayoral Functions can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority. These are identified in **Part 3 - Section 3**.
- 2.4 Certain Mayoral Functions can only be exercised with the consent of a constituent council, relevant district council or the Peak District National Park. These are identified in **Part 3 - Section 3**.
- 2.5 The Mayor may arrange for any of the following to exercise any Mayoral Function, except those reserved by law to the Mayor:
- the Deputy Mayor,
  - another CCA member, or
  - an officer of the CCA.
- 2.6 The Mayor may enter into arrangements jointly with the Combined County Authority, the Constituent Councils and other Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Functions.
- 2.7 The Mayoral Functions which have been delegated to the Deputy Mayor or another Member of the Combined County Authority will be set out in the Constitution once they have been made.

- 2.8 **Part 3 - Section 6** sets out the Mayoral Functions which have been delegated to officers of the CCA.
- 2.9 Where a Mayoral Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.
- 2.10 The Mayor may amend their arrangements at any time.

### 3. Statutory Consents

- 3.1 The Protocol for the exercise of Statutory Consents shall be followed in respect of:
- a. CCA Functions that can only be exercised with the consent of a relevant district council or Peak District National Park;
  - b. Mayoral Functions that can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority; and
  - c. Mayoral Functions that can only be exercised with the consent of a relevant district council or Peak District National Park.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

## 2. Combined County Authority Functions

Combined County Authority Functions conferred by the 2024 Order.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA Member(s) to Consent	Voting
<b>Finance, Investment, Innovation and Trade</b>					
Page 32 Duty to prepare assessment of economic conditions	Section 69 Local Democracy, Economic Development and Construction Act 2009	Reg 31(1)	Y	N	Simple majority which includes the Mayor
<b>Housing and Planning</b>					
Power to compulsorily acquire land for development/planning purposes	Section 226 Town and Country Planning Act 1990	Reg 8(1)(f)	Y (and concurrent with Districts)	Y - requires the consent of: <ul style="list-style-type: none"> <li>the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member;</li> <li>each district council whose local government area contains any part of the</li> </ul>	Simple majority which includes the Mayor

				<p>land subject to the proposed compulsory acquisition; and</p> <ul style="list-style-type: none"> <li>the Peak District National Park Authority if the Combined County Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park</li> </ul>	
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Reg 8(1)(g)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to appropriate and	Section 229 Town and Country Planning Act 1990	Reg 8(1)(h)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to acquire land for exchange	Section 230(1) Town and Country Planning Act 1990	Reg 8(1)(i)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Reg 8(1)(j)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Reg 8(1)(k)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor

Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Reg 8(1)(l)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Reg 8(1)(m)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Reg 8(1)(n)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Reg 8(1)(o)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Reg 8(1)(p)	Y (and concurrent with Districts)	N	Simple majority which includes the Mayor
Power to provide housing or other land	Section 5 Housing and Regeneration Act 2008	Reg 7(1)(a)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Power for regeneration, development or effective use of land	Section 6 Housing and Regeneration Act 2008	Reg 7(1)(b)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor

Powers in relation to infrastructure	Section 7 Housing and Regeneration Act 2008	Reg 7(1)(c)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers to deal with land	Section 8 Housing and Regeneration Act 2008	Reg 7(1)(d)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Power to acquire land (other than compulsory acquisition)	Section 9 Housing and Regeneration Act 2008 (exc Section 9(2))	Reg 7(1)(e)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Restrictions on disposal of land	Section 10 Housing and Regeneration Act 2008	Reg 7(1)(f)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to acquired land	Section 11 Housing and Regeneration Act 2008	Reg 7(1)(g)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to and for statutory undertakers	Section 12 Housing and Regeneration Act 2008	Reg 7(1)(h)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Powers in relation to burial grounds and consecrated land etc	Paragraphs 19 and 20 of Schedule 3 Housing and Regeneration Act 2008	Reg 7(1)(i)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor

Extinguishment or removal powers, counter-notices and notification of proposal to make order	Paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 Housing and Regeneration Act 2008	Reg 7(1)(j)	N (Concurrent with Homes England)	N	Simple majority which includes the Mayor
Duty to conduct periodical review of Housing needs	Section 8 Housing Act 1985	Reg 8(1)(a)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to make provision of board and laundry facilities	Section 11 Housing Act 1985	Reg 8(1)(b)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to make provision of shops, recreation grounds, etc	Section 12 Housing Act 1985	Reg 8(1)(c)	Y (and District Councils)	N	Simple majority which includes the Mayor
Power to acquire land for housing development (other than compulsory purchase)	Section 17 Housing Act 1985 (exc 17(3))	Reg 8(1)(d)	Y (and District Councils)	N	Simple majority which includes the Mayor
Duty to secure buildings where land acquired under section	Section 18 Housing Act 1985	Reg 8(1)(e)	Y (and District Councils)	N	Simple majority which includes the Mayor

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<b>Transport</b>					
Duties of Integrated Transport Authority to apply to Metropolitan District Councils	Section 113 Transport Act 2000	Reg 15(1)	N	During transition period, unanimous vote in favour required	Simple majority which includes the Mayor
Power to make Advanced Quality Partnership Scheme	Section 113C Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to impose Registration Restrictions in connection with Quality Partnership Schemes	Section 113D Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Facilities, measures and standards of advanced quality partnership schemes	Section 113E Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Requirements relating to advanced quality partnership schemes	Section 113F Transport Act 2000 Section	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor



including traffic regulation orders					
Duties relating to notice and consultation	Section 113G Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Requirements for inclusion in scheme	Section 113H Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers to postpone schemes	Section 113I Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of schemes	Section 113J Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Regulations about schemes involving existing facilities or measures	Section 113K Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary or revoke scheme	Section 113L Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Supplementary provisions relating to variation of schemes	Section 113M Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make regulations about schemes	Section 113N Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to issue guidance about schemes	Section 113O Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to make quality partnership scheme	Section 114 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Notice and consultation duties in respect of quality partnership schemes	Section 115 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to include certain specifications in schemes	Section 116 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to postpone schemes	Section 117 Transport Act 2000	Reg 15(1)	Y during transition	N	Simple majority which includes

			period		the Mayor
Obligations in respect of implementation of schemes	Section 118 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Regulations about schemes involving existing facilities	Section 119 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary/revoke scheme	Section 120 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Supplementary powers and duties relating to variation of schemes	Section 121 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Regulations about schemes	Section 122 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Guidance about schemes	Section 123 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Power to make franchising scheme	Section 123A Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to assess proposed franchising scheme	Section 123B Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to seek consent of SoS in relation to franchising schemes	Section 123C Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to seek audit report in relation to proposed franchising scheme	Section 123D Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to consult on franchising scheme	Section 123E Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Requirements of consultation document	Section 123F Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duty to publish report in response to	Section 123G Transport Act 2000	Reg 15(1)	Y during transition	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes

consultation			period		the Mayor
Duties relating to making and publication of scheme	Section 123H Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to postpone local service contracts	Section 123I Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Effect of local service contracts	Section 123J Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Powers/duties in relation to entering local service contracts	Section 123K Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Exceptions to 123K	Section 123L Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to vary scheme	Section 123M Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Power to revoke scheme	Section 123N Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to provide interim service	Section 123O Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to grant service permit	Section 123P Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Requirements relating to application for service permit	Section 123Q Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to publish notice of conditions attached to service permit	Section 123R Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to revoke or suspend service permit	Section 123S Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Appeal of refusal of service permit	Section 123T Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

SoS may make regulations about schemes	Section 123U Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
SoS may make regulations making transitional provisions about schemes	Section 123V Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
SoS may issue guidance about schemes and duty to have regard	Section 123W Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Application of TUPE to local service contracts	Section 123X Transport Act 2000	Reg 15(1)	Y during transition period	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to make advanced ticketing schemes	Section 134C Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duties to give notice and consult on advanced ticketing schemes	Section 134D Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor

Powers and duties relating to making of scheme	Section 134E Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Effect of scheme	Section 134F Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
SoS may issue guidance, duty to have regard	Section 134G Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Power to make joint and through ticketing schemes	Section 135 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duties to give notice and consult on advanced ticketing schemes	Section 136 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Powers and duties relating to making of scheme	Section 137 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Effect of scheme	Section 138 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes



					the Mayor
Power to make enhanced partnership plans or schemes	Section 138A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Further parties to scheme	Section 138B Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of local services	Section 138C Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Signature of enhanced partnership scheme	Section 138D Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary or revoke	Section 138E Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to prepare proposal, give notice and consult in relation to scheme	Section 138F Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Powers to make scheme	Section 138G Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of content of scheme	Section 138H Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to postpone all or part of scheme	Section 138I Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Effect of plans and schemes	Section 138J Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to vary scheme	Section 138K Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duties in respect of variation	Section 138L Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers and duties in respect of making variation	Section 138M Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Supplementary requirements in respect of variation	Section 138N Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to revoke enhanced partnership plan or scheme	Section 138O Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make regulations in respect of plan or scheme	Section 138P Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS may make regulations re transitional provisions about schemes	Section 138Q Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS may issue guidance, duty to have regard	Section 138R Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Application of TUPE	Section 138S Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to determine availability of bus	Section 139 Transport Act 2000	Reg 15(1)	Y during transition	N	Simple majority which includes

information			period		the Mayor
Duty to make information available	Section 140 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Duty to have regard to combination of economy, efficiency and effectiveness in respect of bus information	Section 141 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Bus power to require provision of information about bus services	Section 141A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Traffic regulation to reduce or limit pollution	Section 142 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to obtain information about local services	Section 143 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Power to obtain information in relation to franchising schemes	Section 143A Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Power to obtain information for purpose of preparing enhanced partnership schemes	Section 143B Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers and duties in respect of mandatory concessions	Section 145A Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Supplementary provisions relating to mandatory concessions	Section 146 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Power to enforce mandatory concessions	Section 148 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duty to reimburse operators for providing concessions	Section 149 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor
Duties regarding procedure for reimbursement arrangements in respect of mandatory concessions	Section 150 Transport Act 2000	Reg 15(1)	Y	N	Simple majority which includes the Mayor

Concessions in Greater London	Section 151 Transport Act 2000	Reg 15(1)	N	N	Simple majority which includes the Mayor
Agreements providing for service subsidies	Section 152 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Competition tests for the exercise of functions and agreements relating to buses	Section 153 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make grants to bus operators	Section 154 Transport Act 2000	Reg 15(1) and Reg 19(1)	Y during transition period	N	Simple majority which includes the Mayor
Sanctions against operators of bus service failing to comply	Section 155 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
SoS power to make grants for the purpose of carrying out transport functions	Section 157 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor

Abolition of financial plans of Passenger Transport Executives	Section 159 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Provisions in relation to making of regulations and orders	Section 160 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Minor and consequential amendments	Section 161 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Interpretation	Section 162 Transport Act 2000	Reg 15(1)	Y during transition period	N	Simple majority which includes the Mayor
Powers in relation to workplace parking levy	Chapters 2 and 3 of Part 3 of the 2000 Act	Reg 18(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Provisions relating to workplace parking levy	Workplace Parking Levy (England) Regulations 2009	Reg 18(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Power to be an authority to whom functions may be	Section 6 Highways Act 1980	Reg 16(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor

delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads.  (Enabling power of SoS/HE)					
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Reg 16(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised	Simple majority which includes the Mayor
Powers in respect of Passenger Transport Authorities and Executives	Section 57 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Amendments in respect of Passenger Transport Authorities and Executives	Section 58 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor



Transfer of bus undertakings of Executives to companies owned by Authorities	Section 59 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Exclusion of public sector co-operation requirements and bus operating powers.	Section 60 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Power of SoS to give direction on proposals to divide undertaking	Section 61 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Duties of passenger transport executives to protect employee benefits on transfer or division of bus undertakings	Section 62 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Duty in non-metropolitan counties to secure appropriate public passenger transport services	Section 63 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Duties regarding consultation and publicity with respect to policies and services	Section 64 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to co-operate with TfL or any subsidiaries	Section 65 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exclusion of powers to provide services which require PSV operator's licence	Section 66 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to form bus companies to run council bus undertakings	Section 67 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duties with regard to transfer schemes for bus undertakings	Section 68 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty to submit proposals to SoS in respect of joint undertakings	Section 69 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor

Supplementary duties relating to transfer to joint undertakings	Section 70 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exemption for councils running small bus undertakings	Section 71 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Definitions relevant to public transport companies	Section 72 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duties of controlling authority in respect of public transport companies	Section 73 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Disabilities of directors of public transport companies	Section 74 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Powers to subscribe/acquire shares	Section 75 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty of controlling authority to exercise	Section 76 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes

control to appoint auditors					the Mayor
Powers of passenger transport executives to enter agreements	Section 78 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Powers of passenger transport executives to make loans	Section 79 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties not to inhibit competition	Section 80 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Powers for provision, maintenance and operation of bus stations and associated facilities	Section 81 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Restrictions on discriminatory practices in relation to provision/operation of bus stations and facilities	Section 82 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor

Supplementary provisions in relation to provision, maintenance and operation of bus stations and facilities	Section 83 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provisions regarding compensation for loss of employment	Section 84 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provisions relating to incorporation of passenger transport executives	Section 85 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Provision for modification of enactments of SoS	Section 86 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Interpretation	Section 87 Transport Act 1985	Reg 14(1)	Y, for duration of transition period	N	Simple majority which includes the Mayor
Duties in respect of expenditure for public passenger transport services	Section 88 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor

Duty to invite tender for subsidised services	Section 89 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duties in relation to obligation to tender for subsidised services	Section 90 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Exceptions to duty to invite tender for subsidised services	Section 91 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Duty to have regard to interest of public and of persons providing public passenger transport services in their area	Section 92 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to establish travel concession scheme	Section 93 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provisions relating to administration of concession schemes	Section 94 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Duties in relation to publicity requirements for concession schemes	Section 95 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Obligation to admit operators to concession schemes	Section 96 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Powers to oblige participation in travel concession schemes	Section 97 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Duties relating to the issue of participation notices	Section 98 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Power to release operator from compulsory participation	Section 99 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Supplementary provisions relating to powers to oblige participation in concession schemes	Section 100 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor

Powers to enforce participation in travel concession schemes	Section 101 Transport Act 1985	Reg 14(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Obligations relating to subsidies for travel concessions	Section 103 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Obligations of Passenger Transport Executives in exercising powers	Section 104 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to offer travel concessions in operation of public passenger transport services	Section 105 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to make grants for transport facilities and services	Section 106 Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor
Power to make grants for bus services	Section 106A Transport Act 1985	Reg 14(1)	Y	N	Simple majority which includes the Mayor



Interpretation	Section 112 Transport Act 1985	Reg 14(1)	N	N	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Part 6, and paragraph 10 of schedule 8, Traffic Management Act 2004	Reg 17(1)(a)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	Reg 17(1)(b)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022	Reg 17(1)(c)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Preparation of permit schemes	Section 33 Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes

					the Mayor
Implementation of permit schemes of strategic highways companies and local highways authorities in England	Section 33A Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Variation and revocation of permit schemes	Section 36 Traffic Management Act 2004	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
Functions of constituent councils as Permit Authorities	Traffic Management Permit Scheme (England) Regulations 2007	Reg 20(1)	Y	Y – of constituent council in whose area it is proposed function will be exercised	Simple majority which includes the Mayor
<b>Public Health</b>					
Duty to take steps appropriate for improving health of people in its area	Section 2B National Health Service Act 2006	Reg 22(1)	Y	N	Simple majority voting which includes the Mayor

Duty to have regard to guidance	Section 73B National Health Service Act 2006	Reg 23(1)	Y	N	Simple majority voting which includes the Mayor
SoS power to make regulations/publish guidance in relation to prescription of health-related functions	Section 75 National Health Service Act 2006	Reg 24(1)	Y	N	Simple majority voting which includes the Mayor
Duty to have regard to HS constitution	Section 2 Health Act 2009	Reg25(1)	Y	N	Simple majority voting which includes the Mayor

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

### 3. Mayoral Functions

Mayoral Functions conferred by the 2024 Order.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Consent Requirements
<b>Finance</b>				
Powers relating to impose a business rate supplement	Business Rate Supplements Act 2009 except Section 3(5)	Reg 29 and Reg 26(1)(e)	N	N
<b>Housing and Planning</b>				
Power to acquire land by agreement, or with authorisation of the Secretary of State, compulsorily	Section 17(3) of the Housing Act 1985	Reg 8(1)(d) and Reg 26(1)(a)	Y (and district councils)	Requires consent of: <ul style="list-style-type: none"> <li>▪ Lead member for constituent council whose local government area contains any part of the relevant land, or a substitute member acting in place of such a member,</li> <li>▪ Each district councils whose local government area contains any part of the land subject to the proposed compulsory acquisition; and,</li> <li>▪ The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul>

				Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Power to acquire land compulsorily if authorised by secretary of state	Section 9(2) of the Housing and Regeneration Act 2008	Schedule 2 Part 1 Para 2 and Reg 26(1)(d)	Y (concurrently with Homes England)	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>▪ Lead member for constituent council whose local government area contains any part of the relevant land, , or a substitute member acting in place of such a member,</li> <li>▪ Each district councils whose local government area contains any part of the land subject to the proposed compulsory acquisition;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>▪ The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
<b>Transport</b>				
Power to pay grants towards expenditure of local authority	Section 31 Local Government Act 2003	Reg 21 and 26(1)(c)	N – concurrent with Minister of crown	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.

Duty to prepare Local Transport Plans	Section 108 of the 2000 Act	Reg 15(1)(a) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to keep local transport plan under review, powers to replace, duties in respect of consultation and publication	Section 109 of the 2000 Act	Reg 15(1)(a) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to have regard to guidance and transport needs of disabled persons	Section 112 of the 2000 Act	Reg 15(1)(b) and Reg 26(1)(b)	N	During transition period, unanimous vote in favour required. Thereafter mayor must consult the CCA and members of CCA can amend plans by a 2/3 majority Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Power to pay grants to operators of eligible bus services	Section 154(1) of the Transport Act 2000	Reg 15(1)(f) and Reg 26(1)(b)	N - concurrent with Secretary of State	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
<b>Mayoral Development Area (MDA) Functions</b>				

Power to designate Mayoral Development Area	Section 197 of the Localism Act 2011	Reg 26(1)(f)	N	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>▪ Lead member for constituent council whose local government area contains any part of the relevant land, or a substitute member acting in place of such a member,</li> <li>▪ District Council whose area contains any part of the area to be designated, and</li> <li>▪ The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
Power to exclude land from Mayoral Development Area by altering boundaries	Section 199 of the Localism Act 2011	Reg 26(1)(f)	N	<p>Requires consent of each member of constituent council in whose area it is proposed function will be exercised or substitute members acting in their place.</p> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council</p>
Transfers of property to a Mayoral Development corporation	Section 200 of the Localism Act 2011	Reg 26(1)(f)	N	<p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council</p>

Planning functions in relation to Mayoral Development Area	Section 202 of the Localism Act 2011	Reg 26(1)(f)	N	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>▪ District Council whose are contains any part of the area to be designated, and</li> <li>▪ The Peak District National Park Authority if function to be exercised in any part of the Peak District National Park</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
Removal or restriction of planning powers in relation to mayoral development corporation	Section 204 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to grant discretionary relief from non-domestic rates to Mayoral Development Corporation	Section 214 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Duty to review existence of Mayoral Development Corporations	Section 215 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to make transfer scheme for transfer of property, rights or liabilities	Section 216 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council



Power to request dissolution of Mayoral Development Corporation	Section 217 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give guidance to MDC	Section 219 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give direction to MDC	Section 220 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give/revoke relevant consents	Section 221 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Duty to appoint members	Para 1 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Terms of members' appointments	Para 2 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Agreement of Staff terms and conditions	Para 3 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to determine rates and eligibility for remuneration of members and staff	Para 4 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

Power to agree committee members who are not members of the MDC	Para 6 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Proceedings and meetings subject to mayoral direction	Para 8 Sch 21 of the Localism Act 2011	Reg 26(1)(f)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

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Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

## **4. The Combined County Authority Board (Reserved Functions) (Terms of Reference)**

4.1 The Combined County Authority Board has collective responsibility for decision-making, acting in the best interests of the East Midlands Combined County Authority area. The following functions are reserved to the Combined Authority Board:

### **4.2 Key Functions of the Combined county Authority (Board)**

4.2.1 The following key functions sit within the responsibility of the Combined Authority Board:

- (a) To set, review, keep up to date and revise the long-term vision of the Combined County Authority.
- (b) To agree, review, keep up to date and revise the strategic objectives for the Combined County Authority.
- (c) To agree key strategy and policy for the Combined County Authority.
- (d) To adopt, amend or withdraw any major strategy or policy.
- (e) To ensure the Combined County Authority undertakes statutory and appropriate communication and consultation in the setting of the budget and policy framework.
- (f) Overall responsibility for the implementation and delivery of the Strategic Plan
- (g) To drive future devolution and lobbying of Government.
- (h) To agree prioritisation and re-purposing of funds.
- (i) To agree approval of projects and programmes in line with the Scheme of Delegations.
- (j) To consider and agree employment and human resources policy
- (k) To exercise General powers of the Combined County Authority
- (l) Responding to Gateway Reviews
- (m) Consenting to the making of Regulations under the Levelling Up and Regeneration Act 2023
- (n) Agreeing to change the name of the CCA
- (o) Agreeing that the mayor for the area of the CCA is to be known by the title of mayor or approving an alternative title
- (p) Consenting to proposals for changing existing arrangements relating to the CCA
- (q) All other matters which, by law, must be reserved to CCA

### **4.3 Functions reserved to the Combined County Authority (Board)**

4.3.1 The following functions are reserved to the Combined County Authority Board:

#### **Strategy and Policy**

4.3.2 The adoption of, and any amendment to or withdrawal of any major strategy or policy of the Combined County Authority

#### **Frameworks**

4.3.3 The adoption of, and any amendment to or withdrawal of the following framework documents:

- (a) Assurance Framework;
- (b) Monitoring & Evaluation Framework;
- (c) Performance Management Framework;
- (d) Risk Management Framework

#### **Financial Matters**

4.3.4 Approving the Non-Mayoral Combined County Authority budget

4.3.5 Approving the estimates of income and expenditure and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992

4.3.6 In relation to the Mayor's General Budget:

- approving the draft budget (or revised draft budget), or
- the decision to veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations as to the relevant amounts and calculations

4.3.7 The issuing of the Mayoral Combined County Authority precept pursuant to section 40 of the Local Government Finance Act 1992

4.3.8 Approving the borrowing limits of the Combined County Authority, including determining the borrowing limits of the Combined County Authority in relation to transport matters pursuant to section 3 of the Local Government Act 2003

- 4.3.9 Approving the Treasury Management Strategy and the Investment Strategy of the Combined County Authority
- 4.3.10 Approving the capital programme of the Combined County Authority and approving new transport schemes
- 4.3.11 The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009

### **People**

- 4.3.12 Approving the appointment of the Head of Paid Service, Monitoring Officer, Executive Director Resources (S73 Officer), Executive Director Place, and Executive Director Inclusive Growth
- 4.3.13 Approving the appointment of the Returning Officer and making any decisions relating to the mayoral election
- 4.3.14 Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto)
- 4.3.15 Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000
- 4.3.16 The determination of collective terms and conditions of staff

### **Governance**

- 4.3.17 Decisions related to:
  - (a) Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act;
  - (b) Establishment and membership of Committees and Sub-Committees;
  - (c) Establishment and membership of Joint Committees and Commissions;
  - (d) Approve the nomination of lead member responsibilities and membership and chairs of committees and sub-committees upon recommendation from the Mayor;
  - (e) Approval of Mayoral Allowance and any other allowance schemes;

- (f) Appointment of an Independent Person of the Audit and Governance Committee;
- (g) Appointment of Statutory Officers;
- (h) Delegation of functions to third parties;
- (i) Establishment of Trading Companies;
- (j) Any other matters reserved to the Board.

4.3.18 The Combined County Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and S73 Officer.

#### **4.4 Voting**

4.4.1 Voting arrangements are set out in the Combined County Authority Procedure Rules in **Part 4** of the constitution.

#### **4.5 Membership**

4.5.1 The Combined County Authority Board membership consists of the following:

- (a) The Mayor
- (b) Two elected member appointments by each Constituent Authority
- (c) Up to a maximum of eight Non-Constituent and Associate Members

4.5.2 Further details regarding membership are set out in **Article 1** of the constitution.

#### **Designation of a Nominating Body**

4.5.3 The Combined County Authority can:

- Agree the designation of a nominating body or the removal of such a designation
- 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 appointed by a nominating body of the Combined County Authority
- Agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or substitute member
- Approve the appointment or removal of non-constituent members and substitute members

- Agree the process for the appointment, disqualification, resignation or removal of an associate member or substitute member
- Approve the appointment or removal of associate members or substitute members.

4.5.4 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period, they cease to be a Member of the Combined County Authority.

## 4.6 Executive Bodies

4.6.1 The Combined County Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

## 4.7 Commissions and Working Groups

4.7.1 The Combined County Authority may establish Commissions. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Combined County Authority.

4.7.2 The Combined County Authority will determine the remit, terms of reference, membership and budget for Commissions.

4.7.3 The Combined Authority may establish informal working groups. These groups will be non-decision-making groups of Officers and Members.

## 4.8 Quorum

4.8.1 The Quorum details are set out in the Combined County Authority Procedure Rules set out in [Part 4](#).

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Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024



## 5. Terms of Reference

### Terms of Reference of Committees and Advisory Boards

- 5.1 The Terms of Reference for the following committees and governance bodies are set out in this section:

#### Non-Regulatory Committees:

- A. Transport and Digital Connectivity Committee
- B. Skills and Employment Committee
- C. Investment Committee

#### Regulatory Committees:

- D. Audit and Governance Committee
- E. Overview and Scrutiny Committee

#### Advisory Boards:

- F. Business Advisory Board
- G. Innovation Advisory Board

## 3.5A. Transport & Digital Connectivity Committee

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance on transport and digital connectivity matters in support of the exercise of Combined County Authority and Mayoral functions.

The Committee will engage and seek advice from a range of key stakeholders that may be able to contribute towards regional transport and wider connectivity outcomes.

All Combined County Authority Committees will:

- Support the development of the Inclusive Growth Strategy, including the Local Growth Plan and Place Based Strategy
- Support the delivery of the Inclusive Growth Outcomes Framework, which will cover social, health inequalities, economic and environment outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes
- Support the delivery of Farming and Rural Communities outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes

The Committee will seek to act in a regional capacity to support the development of the connectivity vision for the Combined County Authority area (to develop the collective infrastructure and create the best possible transport and digital connectivity systems for its citizens). This will include the specific development of the regional transport vision and to develop the appropriate transport investment programme to enable infrastructure development.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Committee shall consist of:

#### Voting Membership:

- Combined County Authority Portfolio Lead for Transport and Digital Connectivity (Chair)

- Mayor (or representative)
- Relevant Lead Member for Transport from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (Where the Portfolio Lead and/or Deputy is a constituent member they will take a position appointed by their constituent council)

#### Non-Voting Membership

- Combined County Authority Deputy Portfolio Lead for Transport and Digital Connectivity (Vice-Chair)
- District & Borough representative appointed by the D2 Senior Leadership Board x 2
- District & Borough representative appointed by N2 Economic Prosperity Committee x 2
- Business Advisory Board representative
- Midlands Connect Sub-National Transport Body (Member representative from outside the Combined County Authority area)
- Active Travel Ambassador
- Digital Infrastructure representative (to be identified by the Committee)

To note: Where the Portfolio Lead and/or Deputy Portfolio Lead are constituent representatives, they will be part of the voting membership of the Committee. The Monitoring Officer will make this change to terms of reference to reflect Board appointments to portfolio and deputy portfolio positions.

In appointing members to the Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

#### **Chairing the Committee**

The Committee shall be chaired by the Combined County Authority Lead for Transport and Digital Connectivity.

The Committee Vice-Chair will be the Combined County Authority Deputy Portfolio Lead for Transport and Digital Connectivity.

The Mayor is a voting member of the Committee to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

## **Quorum**

The quorum will be 5 voting members including the Chair (or Deputy Chair)

## **Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

## **Frequency**

There will be a minimum of four Committee meetings each municipal year.

Committee meetings shall be held in public with provision for Public Forum.

## **Functions**

The Committee has the following key functions across transport and digital connectivity:

- a) To provide the forum for facilitating strategic conversations and co-ordination between the constituent authorities and EMCCA.
- b) To develop a collective understanding of the key transport development needs and key digital connectivity needs of the region.
- c) Develop for Board consideration strategy, policy, and investment proposals.
- d) To ensure alignment between EMCCA led strategies.
- e) To recommend bids for government funding in alignment with appropriate frameworks.
- f) To collaborate with those external organisations that also have responsibility for transport and digital connectivity policy.
- g) To commission and publish research on transport and digital connectivity to inform decisions made by the EMCCA Board.

The Committee will take a lead on and advise the Combined County Authority on the following specific transport functions, subject to the Committee exercising these functions in accordance with the strategic and budgetary framework agreed by the Combined County Authority:

- h) Manage and provide oversight of the transition of transport powers from constituents to the Combined County Authority.
- i) The design and approval of the public consultation required in support of the LTP.
- j) Oversee the allocation of Government transport funding for Integrated Transport and Highway Maintenance (both the Needs and Incentive elements) Block funding and Pothole fund, and additional highway maintenance capital funding provided by Government.
- k) Nominating Combined County Authority representatives on transport bodies.
- l) Monitoring and overseeing the delivery of transport activities to secure the policy objectives of the Combined County Authority.
- m) Ensuring that transport outcomes can be appropriately delivered from within the funding allocations approved by the Combined County Authority.
- n) Nominating Combined County Authority representatives on transport bodies.
- o) Monitoring the activity and performance of those bodies involved in the delivery and operation of transport activities within the Combined County Authority area.
- p) Ensuring that the Combined County Authority secures the provision of appropriate supported public transport passenger services.
- q) Overseeing and reviewing processes for public consultation of the Combined County Authority's transport policies.

### **Lead Member Functions**

Thematic Committees have a key role to play in supporting the Combined County Authority Portfolio Lead and Deputy Portfolio Lead by

- Providing critical friend challenge to Combined County Authority activity
- Providing advice and support to the Combined County Authority
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### **Review**

The terms of reference are to be reviewed on an annual basis by the Committee.

The role and arrangements of the committee will be reviewed on an annual basis by the Combined County Authority.

<b>Document version control</b>	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

## 3.5B. Skills & Employment Committee

### Terms of Reference

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.

The Skills & Employment Advisory Committee will engage and seek advice from a range of key stakeholders including Combined County Authority area Local Authorities, Learning organisations (Independent Training Providers, Colleges and Local Authority delivery arms), key Government Agencies such as the Department for Work and Pensions as well as employers in relation to developing the emerging Adult Skills Fund (ASF) priorities that will meet the local need for year one, as well as advising on future ASF funding priorities.

All Combined County Authority Committees will:

- Support the development of the Inclusive Growth Strategy, including the Local Growth Plan and Place Based Strategy
- Support the delivery of the Inclusive Growth Outcomes Framework, which will cover social, health inequalities, economic and environment outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes
- Support the delivery of Farming and Rural Communities outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes

The committee will seek to act in a regional capacity to support the development of the skills and employment vision for the Combined County Authority area.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Committee shall consist of:

Voting Membership:

- Combined County Authority Portfolio Lead for Skills & Employment (Chair)
- Mayor (or representative)
- Relevant Lead Member from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (Where the Portfolio Lead and/or Deputy is a constituent member they will take a position appointed by their constituent council)

#### Non-Voting Membership

- Combined County Authority Deputy Portfolio Lead for Skills & Employment (Vice-Chair)
- District & Borough representative appointed by the D2 Senior Leadership Board x 2
- District & Borough representative appointed by N2 Economic Prosperity Committee x 2
- Business Advisory Board representative
- Federation of Small Businesses
- Higher Education Sector Representative
- Further Education Sector Representative
- Job Centre Plus Regional Manager Derbyshire
- Job Centre Plus Regional Manager Nottinghamshire

To note: Where the Portfolio Lead and/or Deputy Portfolio Lead are constituent representatives, they will be part of the voting membership of the Committee. The Monitoring Officer will make this change to terms of reference to reflect Board appointments to portfolio and deputy portfolio positions.

In appointing members to the Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

#### **Chairing the Committee**

The Committee shall be chaired by the Combined County Authority Portfolio Lead for Skills & Employment



The Committee Vice-Chair will be the Combined County Authority Deputy Portfolio Lead for Skills & Employment

The Mayor is a voting member of the Committee in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

### **Quorum**

The quorum will be 5 voting members including the Chair (or Deputy Chair)

### **Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### **Frequency**

There will be a minimum of four Committee meetings each municipal year.

Committee meetings shall be held in public with provision for Public Forum.

### **Functions**

The Committee has the following Key Functions:

- a) To provide the forum for facilitating strategic conversations and co-ordination between the constituent authorities, key partners and EMCCA on skills and employment matters
- b) To develop a collective understanding of the key skills and employment needs of the region and develop a pipeline of skills, careers and employment projects, programmes, and investments.
- c) Develop for Board consideration strategy, policy, and investment proposals
- d) To ensure alignment between EMCCA led strategies
- e) To recommend bids for government funding in alignment with appropriate frameworks.

- f) To approve the operation of the Adult Skills Fund, this includes the annual agreement of 'draft' and 'final' ASF Funding Rules and Rates, as well as approval and operational oversight of the Adult Skills Fund and Skills Boot Camp programme plans.
- g) Recommendation the level of 'top slice' from the Adult Skills Fund allocation to cover costs associated with the implementation, management, administration, systems, and process for the Combined County Authority to effectively deliver Adult Education locally.
- h) The continuous review of the 'top slice' to ensure that it is fit for purpose and does not take more than is required and review of performance and meeting the needs of our residents and agreed EMCCA priorities
- i) To collaborate with external organisations that also have responsibility for skills and employment delivery and policy.
- j) On behalf of the EMCCA, to lead dialogue with the Government on the skills and employment agenda, and as part of devolution negotiations with Government, to lead on developing propositions and asks that relate to skills and employment delivery, in consultation with the Mayor
- k) Provide input into the skills, careers and employment elements of the Inclusive Growth Strategy and any standalone plans and strategies on skills, careers, and employment.
- l) To commission and publish research on skills and employment to inform decisions made by the EMCCA Board.
- m) Oversight of the Adult Skills Fund, Skills Bootcamps, Careers Hub and any other skills and employment programmes managed by EMCCA.
- n) Approval and operational oversight of the ASF and Skills Bootcamps programme plans
- o) Approval and review of the ASF assurance framework requirements, as set out in the EMCCA Single Assurance Framework for Inclusive Growth
- p) Seek to work with the Federation of Small Business to input into the development the Local Skills Improvement Plan (LSIP with the Federation of Small Businesses)
- q) Approval of the ASF annual budget, including the main budget categories, including Grant, procured provision and admin costs, but also other key budget headings (such as an innovation pot).
- r) Development and implementation of ASF Strategic Skills Plan
- s) Recommending appropriate delegations to EMCCA officers to make in-year budget changes where funding is transferred between the main budget categories
- t) To follow DFE's ASF Funding Rules and Rates for 25/26 academic year onwards.
- u) Substantive in-year changes to ASF Funding Rules and Rates to improve provider management or to implement new EMCCA policies.
- v) Termination of an ASF and SBC contract for services/grant agreement.

w) Consideration of any novel, contentious or repercussive decisions, and any decisions referred by the Combined County Authority Board and/or the Mayor.

### Lead Member Functions

Committees have a key role to play in supporting the Combined County Authority Portfolio Lead and Deputy Portfolio Lead by

- Providing critical friend challenge to Combined County Authority activity
- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Committee

The role and arrangements of the Committee will be reviewed on an annual basis by the Combined County Authority

Document version control	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

## 3.5C. Investment Committee

### Terms of Reference

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.

The Investment Committee will seek to promote and support the inclusive economic growth of the East Midland's region, supporting economic productivity and the development of strategic direction and oversight across the Combined County Authority investment funding programmes.

The Committee will seek to act in a regional capacity to support the development of the investment vision for the Combined County Authority area and make recommendations to the Combined County Authority, in consultation with wider thematic committees who will develop thematic investment programme proposals.

The Combined County Authority Investment Fund and variety of devolved funding programmes represent a significant asset base through which the Combined Authority can influence, enable, facilitate, and directly deliver a broad base of activities to support growth across the economy. This includes transport, green energy transition, business support, walkable connected neighbourhoods/communities, business innovation.

All Combined County Authority Committees will:

- Support the development of the Inclusive Growth Strategy, including the Local Growth Plan and Place Based Strategy
- Support the delivery of the Inclusive Growth Outcomes Framework, which will cover social, health inequalities, economic and environment outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes
- Support the delivery of Farming and Rural Communities outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

## Membership

The membership of the Investment Committee shall consist of:

### Voting Membership:

- Combined County Authority Portfolio Lead for Investment (Chair)
- Combined County Authority Deputy Portfolio Lead for Investment (Vice-Chair)
- Mayor
- Relevant Lead Member from each Constituent Authority (x4)
- Additional representative from each Constituent Authority (Where the Portfolio Lead and/or Deputy is a constituent member they will take a position appointed by their constituent council)

### Non-Voting Membership

- District & Borough representative appointed by the D2 Senior Leadership Board x 2
- District & Borough representative appointed by N2 Economic Prosperity Committee x 2
- Business Advisory Board representative
- Innovation Advisory Board representative
- UK Investment Bank

To note: Where the Portfolio Lead and/or Deputy Portfolio Lead are constituent representatives, they will be part of the voting membership of the Committee. The Monitoring Officer will make this change to terms of reference to reflect Board appointments to portfolio and deputy portfolio positions.

In appointing members to the Investment Committee there is no requirement for political balance.

The Committee may appoint additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee, with the approval of the Combined County Authority Board.

## Chairing the Committee

The Committee shall be chaired by the Combined County Authority Portfolio Lead for Investment

The Committee Vice-Chair will be the Combined County Authority Deputy Portfolio Lead for Investment

The Mayor is a voting member of the Committee to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

### **Quorum**

The quorum will be 5 voting members including the Chair (or Deputy Chair)

### **Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### **Frequency**

There will be a minimum of four Committee meetings each municipal year.

Committee meetings shall be held in public with provision for Public Forum.

### **Functions**

The Committee has the following key functions:

- To provide the forum for facilitating strategic conversations and co-ordination between the constituent authorities, partners and EMCCA on investment matters
- To develop a collective understanding of the investment needs of the region and use this understanding to inform the development of the EMCCA pipeline of investment projects and programmes.
- To ensure alignment between EMCCA led strategies
- To commission and publish research on investment to inform decisions made by the EMCCA Board.

The Investment Committee will take a lead on and advise the Combined County Authority on the following specific investment functions, subject to the Committee exercising these functions in accordance with the strategic and budgetary framework agreed by the Combined County Authority:

- Consideration of investment proposals and to make appropriate challenges to these proposals
- Consideration of and make appropriate recommendations to the Combined County Authority on investment proposals
- monitor the Combined County Authority project pipeline and make recommendations to the Combined County Authority Board on prioritisation and re-prioritisation to support active management of the Combined County Authority's Investments.
- oversee and monitor the performance of all investments made through the Combined County Authority Investment Programme
- add conditions to any funding decision that falls within its delegated authority and to make recommendations of conditions to the Combined County Authority (In all cases minimum conditions should specify the Availability Period, Conditions to Drawdown of Funds, Conditions for withdrawal of support and terms of clawback, start date and completion date for the Project or Programme, but shall also include any specific conditions that the Board deem appropriate on a case-by-case basis)
- instruct the Combined County Authority to oversee preparation of funding agreements on its behalf and as appropriate and to delegate this duty, provided always that the Combined County Authority make no material deviation from the conditions added to the funding decision
- consideration of and recommendation to the Combined County Authority the monitoring and evaluation criteria related to any funding decision and to have the ability to delegate oversight of this function where appropriate
- where oversight of monitoring and evaluation applies to the Investment Committee, to consider whether a formal review of a project or program is required and to consider this review itself or instruct the Investment Panel that is in place to do so on its behalf
- to instruct Funding Recipients to issue the necessary information for the Combined County Authority to advise the Investment Committee as to the rationale behind any material delay or change in a project or program
- on completion of a review, where reasonable, to instruct Funding Recipients to complete a Change Request via the Combined County Authority process
- act as the lead for the Combined County Authority, acting as a sounding board regarding domestic and international inward investment. This should include highlighting critical challenges to delivering economic growth, agree collective

responses to directly input into national government policy and other relevant national & international policies and strategies.

- broker and coordinate strategic collaborations & relationships across other Combined/Devolved bodies

### Lead Member Functions

Thematic Committees have a key role to play in supporting the Combined County Authority Portfolio Lead and Deputy Portfolio Lead by

- Providing critical friend challenge to Combined County Authority activity
- Providing advice and support to Combined County Authority activity
- Helping engage with wider stakeholder networks and activity
- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Committee

The role and arrangements of the Committee will be reviewed on an annual basis by the Combined County Authority

Document version control	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024



# 3.5D. Audit & Governance Committee

## Terms of Reference

This is a regulatory committee to the Combined County Authority; these are Committees that the Combined County Authority must have by law.

The function of the Audit & Governance Committee is to:

- review and scrutinise the Combined County Authority's financial affairs
- review and assess the Combined County Authority's risk management, internal control and corporate governance arrangements
- review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Combined County Authority's functions
- make reports and recommendations to the Combined County Authority in relation to reviews conducted under paratha bullets above
- implement the obligation to ensure high standards of conduct amongst Members.

The Combined County Authority must appoint an Audit Committee whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution.

## Membership

The membership of the Overview & Scrutiny Committee shall consist of:

### Voting Membership:

- Independent Chair
- 2 representatives from each Constituent Authority

### Non-Voting Membership

- District & Borough representatives appointed by D2 Senior Leadership Board x 2
- District & Borough representatives appointed by N2 Economic Prosperity Committee x 2
- Independent Person (at least 1)

In appointing members to the Audit and Governance Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably

practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

For the purposes of political balance considerations, the members of the committee as a whole refer to the voting members of the Committee with the exception of the Independent Chair.

### **Chairing the Committee**

The Combined County Authority has resolved that the Chair of the Committee will be an Independent Member.

The Committee will appoint a Vice-Chair from amongst its membership.

In the absence of the appointed Chair and Vice-Chair, the Committee will appoint a Chair for the meeting.

### **Quorum**

The quorum will be two thirds of voting members of the Committee (6 members)

### **Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote as they are a non-voting member of the Committee.

### **Frequency**

There will be a minimum of four Audit & Governance Committee meetings each municipal year, meetings shall be held in public with provision for Public Forum.

### **Audit & Governance Committee Sub-Committee for Code of Conduct Matters**

The Committee will appoint a sub-committee that will be chaired by the Independent Chair consist of a representative from each constituent council to consider and determine any allegation of failing to comply with the Code of Conduct in accordance with the arrangements for investigating and making decisions about allegations of failing to comply with the Code.

## Functions

The Audit and Governance Committee shall undertake the following for the Combined County Authority:

### Accounts

- Approve the annual statement of accounts.
- Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- Recommend Treasury Management Policy to Board for approval
- Recommend Procurement Policy to Board for approval

### Governance

- Provide oversight to the Monitoring Officer on matters of governance and assurance
- Review corporate governance arrangements against the good governance framework.
- Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships.
- Monitor the Combined County Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances.
- Monitor the anti-fraud and whistle blowing policies and the complaint process.
- Support the Monitoring Officer as required in amending the constitution.

### Internal Audit

- The Combined County Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners.
- Review internal audit requirements undertaken by the Combined County Authority
- Approve the internal audit plan.
- Consider reports and assurances from the Chief Finance Officer in relation to:
  - i. Internal Audit performance;
  - ii. Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
  - iii. Risk management and assurance mapping arrangement;

- iv. Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

#### External Audit

- The Combined County Authority must appoint a Local Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- Review the annual accounts.
- Consider the annual external audit of the Combined County Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns.

#### Financial Reporting

- Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined County Authority Board.
- Consider any issues arising from External Auditor's audit of the account.
- Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with [CIPFA's Code of Practice](#).
- Maintain an overview of the Combined County Authority's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary.

#### Code of Conduct

- Recommend Member and Officer Code of Conducts to Board for approval
- Ensure the Combined County Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- Assisting the Members and Co-opted Members to observe the Code of Conduct.
- Advising the Combined County Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct.

#### General

- To review any issue referred to the Committee by the Chief Executive, Directors, s73 Officer, the Monitoring Officer or any Combined County Authority Member.
- Report and make recommendations to the Combined County Authority in relation to the above.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

## Review

The terms of reference are to be reviewed on an annual basis by the Audit & Governance Committee

The role and arrangements of the Audit & Governance Committee will be reviewed on an annual basis by the Combined County Authority

Document version control	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

## 3.5E. Overview & Scrutiny Committee

### Terms of Reference

This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.

The function of the Overview & Scrutiny Committee is to:

- review or scrutinise any decision made, or other action taken, in connection with any Non-Mayoral Function or Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority, with respect to any Non-Mayoral Function of the Combined Authority.
- make reports or recommendations to the Mayor, with respect to any Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority or the Mayor on any matter that affects the Combined County Authority's Area or the inhabitants of the Combined County Authority's Area

The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

### Membership

The membership of the Overview & Scrutiny Committee shall consist of:

#### Voting Membership:

- 2 representatives from each Constituent Council

#### Non-Voting Membership

- District & Borough representatives appointed by D2 Strategic Leadership Board (nominating body) x 2
- District & Borough representatives appointed by N2 Economic Prosperity Committee (nominating body) x 2

In appointing members to the Overview and Scrutiny Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

For the purposes of political balance considerations, the members of the committee as a whole refer to the voting members of the Committee.

### Chairing the Committee

The Combined County Authority will appoint the Chair of the Committee.

The Chair will be an 'appropriate person' (not of the same political party as the Mayor) in line with regulation 5 of the amended Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

**Quorum**

The quorum will be two thirds of voting members of the Committee (5 voting members)

**Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

**Frequency**

There will be a minimum of four Overview & Scrutiny Committee meetings each municipal year, meetings shall be held in public with provision for Public Forum.

**Functions**

The Overview & Scrutiny Committee has the following key tasks to deliver in fulfilling its functions:

- hold the Mayor, Lead Members and the Combined County Authority Board to account for the delivery of priority objectives
- hold the Mayor to account for delivery of Mayoral Priorities
- undertake pre-Scrutiny of Board decision-making
- utilise the Call-In power if decisions have not been taken in accordance with the principles of decision-making set out in the Constitution
- undertake policy review when approached to undertake or if gap/ issue identified through performance review and decision-making accountability
- undertake Strategic Performance Review of Corporate KPIs
- hold focused meetings on cross- cutting matters and/or issues of significant concern
- undertake focused budget scrutiny on MTFP alignment/ delivery and consultation
- undertake deep dives or establish scrutiny task and finish or working groups as and when required
- appoint Rapporteurs to shadow lead member portfolios and/ or advisory committees

**Review**

The terms of reference are to be reviewed on an annual basis by the Overview & Scrutiny Committee

The role and arrangements of the Overview & Scrutiny Committee will be reviewed on an annual basis by the Combined County Authority

Document version control	
Version:	1
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024





## 3.5F. Business Advisory Board

### Terms of Reference

This is an advisory committee to the Combined County Authority and the Mayor; it seeks to provide strategy advice and guidance through representation of the ‘business voice’ in support of the exercise of Combined County Authority and Mayoral functions.

All Combined County Authority Committees and Advisory Boards will:

- Support the development of the Inclusive Growth Strategy, including the Local Growth Plan and Place Based Strategy
- Support the delivery of the Inclusive Growth Outcomes Framework, which will cover social, health inequalities, economic and environment outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes
- Support the delivery of Farming and Rural Communities outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes

The Advisory Board will seek to act in a regional capacity to support the development of the economic growth vision for the Combined County Authority area and make recommendations to the Combined County Authority, in consultation with wider thematic committees where appropriate.

### Purpose

The Business Advisory Board:

- sits as the strategic business voice to the Combined County Authority Board, the Mayor, Combined County Authority Committees and Officers. Providing strategic business advice on economy, business, skills, transport, employment, housing, UKSPF and future devolution deals
- act as the lead business voice to the Combined County Authority for the region, representing business to the Combined County Authority
- take a lead role in the development of economic growth strategy iterations for the Combined County Authority through close working with the Combined County Authority and the responsible Chief Officer, and the relevant Combined County Authority Lead Member

- develop proposals for strategy and key policy for Combined County Authority consideration, engaging key stakeholders and partners in order to assist delivery of the Combined County Authority's strategic objectives
- engage specific business sectors as and when required to provide advice, guidance and responses to consultation to the Combined County Authority
- membership will individually act as sector champions for their areas of expertise – leading on engaging with local and national networks, bringing insight into Combined County Authority discussions, and supporting stakeholder engagement with Combined County Authority officers on specific pieces of work
- work with the Combined County Authority to identify key opportunities to engage the business community on influencing priorities with Government and maintain a role of developing local networks to support this.

## Membership

The membership of the Business Advisory Board shall consist of:

Combined County Authority Associate Member for Business (Chair)

### Private Sector Representation

- Large Business Representation (250+ employees) (a minimum of 3)
- Businesses in high growth sectors (a minimum of 4)
- Wider geographical representation of small and medium sized businesses (a minimum of 3)

### Business Representation Organisations

- A Business Representative Organisation drawn from those BROs with a presence based in our region.

### Employee Representation

- Employee and wider trade union movement

### Public Sector Representation (4 Representatives)

- Mayor (in context as the Mayor)
- Combined County Authority Portfolio Lead for Investment
- Combined County Authority Portfolio Lead for Skills & Employment Committee
- Innovation Advisory Board representative

*Private Sector representation will be recruited to through an open recruitment process.*

*Business Representation Organisation and Employee Representation will be proposed by Officers and approved at the Business Advisory Board.*

*Public Sector Representation will be determined by the Combined County Authority Board.*

### **Voting Membership**

- Private Sector Representation
- Business Representation Organisation
- Employee Representation

### **Non-Voting Membership**

- Public Sector Representation
- Department for Business and Trade (Representative of)

Any matters are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

### **Chairing the Committee**

The Business Advisory Board Chair will be a Business Representative, who is nominated by the Mayor and confirmed by the Combined County Authority. This individual will be an Associate Member of the Combined County Authority.

In the absence of the appointed Chair the Business Advisory Board will appoint a Chair for the meeting.

### **Business Advisory Board Roles**

The Business Advisory Board will nominate a representative to sit as an embedded non-voting member of the following Combined County Authority governance bodies:

- Transport & Digital Connectivity Committee
- Skills & Employment Committee
- Investment Committee

The role of these embedded members will be to represent the business voice and the view of the Business Advisory Board on thematic topics.

### **Quorum**

The quorum will be 5 voting members including the Chair (or Deputy Chair)

### **Frequency**

There will be a minimum of four Business Advisory Board meetings each municipal year, meetings are not required to be held in public with provision for Public Forum. It should be noted that additional meetings will be called as required.

## Key Functions

**Economic strategy and strategic direction.** A core function of the Business Advisory Board working with the CCA Board and Committees, is to use its business leadership perspective to advise the CCA Board on economic strategy, with clarity over the respective roles of the two Boards – the Business Advisory Board advising, shaping, and developing, the CCA Board owning and deciding.

**Advisory.** providing strategic advice from the perspective of the local business leadership to EMCCA, specifically in respect of funding decisions, and more widely in its delivery of an economic growth strategy and interventions. This should include bringing business expertise to unblocking relevant issues and supporting making the case for investment into the East Midlands.

**Clear business voice.** To strengthen the impact of this advisory role, the Business Advisory Board can make use of existing networks and professional bodies to bring a wide range of business insights to the development of ideas and advice to the CCA.

**Business engagement.** The Business Advisory Board will be active in helping the CCA engage with businesses, for example to promote relevant interventions or funding programmes to the private sector and creating alignment with other business bodies such as the Chamber of Commerce and Federation of Small Business.

**Lobbying Government.** further leverage the influence of its members to strengthen the region's lobbying work with central government to secure the policy and investment needed to tackle economic growth challenges. This role will be critical in helping secure future devolution deals.

**Relationship with the CCA Board and ways of working.** provide independent, business-led advice in a clear and timely manner that has the greatest value to Derbyshire and Nottinghamshire and the CCA Board. To be effective regular engagement between Business Advisory Board members, the Mayor and the CCA leadership and operational management is important.

## Support the Mayor, Combined County Authority and the relevant Portfolio Leads by:

- Providing critical friend challenge to Combined County Authority Board activity
- Providing advice and support to Mayoral and Combined County Authority activity
- Helping engage with wider stakeholder networks and activity

- Identify and scale up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

### Review

The terms of reference are to be reviewed on an annual basis by the Business Advisory Board. The role and arrangements of the Business Advisory Board will be reviewed on an annual basis by the Combined County Authority.

Document version control	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

## 3.5G. Innovation Advisory Board

### Terms of Reference

This is an advisory board to the Combined County Authority, the Mayor, and all Committees. It seeks to provide strategic advice and guidance through representation of the 'innovation voice' in support of the exercise of Combined County Authority and Mayoral functions.

The Innovation Advisory Board sits as the strategic innovation voice to the Combined County Authority Board, the Mayor, Combined County Authority Committees and Officers, providing strategic advice on innovation investment and activity. It will seek to act in a regional capacity to support the development of the innovation vision for the Combined County Authority area and make recommendations to the Combined County Authority and the Mayor in consultation with wider thematic committees as appropriate.

All Combined County Authority Committees and Advisory Boards will:

- Support the development of the Inclusive Growth Strategy, including the Local Growth Plan and Place Based Strategy
- Support the delivery of the Inclusive Growth Outcomes Framework, which will cover social, health inequalities, economic and environment outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes
- Support the delivery of Farming and Rural Communities outcomes, working across Thematic Committees and Portfolios to ensure maximum impact of these outcomes

The Advisory Board will seek to act in a regional capacity to support the development of the innovation vision for the Combined County Authority area and make recommendations to the Combined County Authority, in consultation with wider thematic committees where appropriate

### Purpose

The Innovation Advisory Board will:

- act as the lead innovation voice for the Combined County Authority to the region, representing innovation on behalf of the Combined County Authority.
- develop, advise on, and gain stakeholder backing for initiatives to drive increased innovation investment and activity across the EMCCA region.
- seek to make the local innovation ecosystem more coherent and connected.
- develop proposals for strategy and key policy for Combined County Authority consideration, engaging key stakeholders and partners in order to assist delivery of the Combined County Authority's strategic objectives.

- engage specific innovation clusters as and when required to provide advice, guidance, and responses to consultation to the Combined County Authority.
- will individually act as champions for their areas of expertise – leading on engaging with local and national networks, bringing insight into Combined County Authority discussions, and supporting stakeholder engagement with Combined County Authority officers on specific pieces of work.
- work with the Combined County Authority to identify key opportunities to engage the innovation community on influencing priorities with Government and maintain a role of developing local networks to support this.
- ensure that where colleagues in their own organisations are members of other EMCCA boards or committees, those colleagues are briefed on the work of the Innovation Advisory Board.

## Membership

The membership of the Innovation Advisory Board shall consist of:

- Nottingham Trent University representative
- University of Derby representative
- University of Nottingham representative
- Representatives of large EMCCA businesses that are directly involved in innovation x3
- 1 representative of an organisation that speak on behalf of SMEs
- 1 representative of a local innovative industrial cluster
- 1 representative of an innovation funding body
- 1 representative who can provide the viewpoint of private investment
- 1 representative who can provide expertise on inclusive innovation

Industrial representatives will be in (or have recently been in) senior positions, with good understanding of and connections in the innovation landscape, and time and inclination to engage with the IAB's work effectively.

Organisations and their representatives will be identified by officers and approved by the Executive Director for Inclusive Growth.

The Innovation Advisory Board Chair will be nominated by the Mayor and confirmed by the Combined County Authority Board. In the absence of the appointed Chair the Innovation Advisory Board will appoint a Chair for the meeting.

The Innovation Advisory Board will elect a Vice-Chair from amongst its membership.

## Quorum

The quorum will be 5 voting members including the Chair (in the absence of the Chair the Vice-Chair can count towards the quorum).

### Voting

Any matters are to be decided by consensus of the Advisory Board where possible.

When a vote is required, the Chair does not exercise a casting vote.

### Frequency

There will be a minimum of four Innovation Advisory Board meetings each municipal year.

There is no requirement for EMCCA Advisory Board meetings to operate public forum although meetings will be held in public.

### Key Functions

The Committee has the following Key Functions:

- **Local Innovation priorities.** Identify and develop a written statement of the local innovation priorities and needs, that can be referenced by partners and stakeholders in funding bids.
- **Strategic direction.** A core function of the Innovation Advisory Board, working with the CCA Board and Committees, is to use its innovation leadership perspective to advise the CCA Board on strategy, with clarity over the respective roles of the two Boards – the Innovation Advisory Board advising, shaping and developing, with the CCA Board owning and deciding.
- **Coordination.** Convene and coordinate the various innovation initiatives across the area, such as the East Midlands Investment Zone innovation strand, to ensure collaboration and complementarity.
- **Clusters.** Work with existing industrial clusters and networks, to identify their gaps and barriers to growth, and explore potential solutions.
- **Innovation types.** Ensure local initiatives collectively enhance the various strands of innovation, including new-to-market, new-to-firm, and innovation culture.
- **Policy areas.** Identify where disparate policy areas need to be connected to promote the economic, working and social conditions required for an effective innovation ecosystem.
- **Inclusive innovation.** Identify opportunities and methods for making innovation more accessible, sustainable, and connected with the public.
- **Monitoring and evaluation.** Agree measures to track to monitor innovation progress, evaluate against them, and apply the learnings to future decisions and initiatives.



- **Advisory.** Providing strategic advice from the perspective of innovation leadership to EMCCA, specifically in respect of funding decisions, and more widely in its delivery of an inclusive growth strategy and interventions. This should include bringing innovation expertise to unblocking relevant issues and supporting making the case for investment into the East Midlands.
- **Clear innovation voice.** To strengthen the impact of this advisory role, the Innovation Advisory Board can make use of existing networks and professional bodies to bring a wide range of innovation insights to the development of ideas and advice to the CCA.
- **Innovation engagement.** The Innovation Advisory Board will be active in helping the CCA engage with partners and stakeholders, for example to promote relevant interventions or funding programmes to targeted sectors, including the third sector, and creating alignment with other bodies such as Innovate UK.
- **Lobbying Government.** By focussing on this advisory role and strengthening the innovation voice, the Innovation Advisory Board could further leverage the influence of its members to strengthen the region's lobbying work with central government to secure the policy and investment needed to tackle innovation growth challenges and deliver innovation opportunities. This role will be critical in helping secure future devolution deals.
- **Relationship with the CCA Board and ways of working.** The Innovation Advisory Board should aim to provide independent advice in a form and timely manner that has the greatest value to the EMCCA area and the CCA Board. To be effective, regular engagement between the Innovation Advisory Board members, the Mayor and the CCA leadership and operational management is important.
- **Investment programme.** Develop thematic investment programmes for consideration by the EMCCA Board and Investment Committee and develop and promote concept proposals for inclusion on the EMCCA Investment Pipeline.

### Supporting the Combined County Authority, the Mayor, Committees and Portfolio Leads

The Innovation Advisory Board has a key role to play in supporting the Combined County Authority, the Mayor, Committees and Portfolio Leads by:

- Providing critical friend challenge to Combined County Authority Board activity
- Providing advice and support to the Combined County Authority Board
- Helping engage with wider stakeholder networks and activity
- Identifying and scaling up existing good practice within the Combined County Authority region, including cross portfolio working, improvements and initiatives
- Identify and secure resources to deliver new opportunities

The terms of reference are to be reviewed on an annual basis by the Innovation Advisory Board.

The role and arrangements of the Innovation Advisory Board will be reviewed on an annual basis by the Combined County Authority.

<b>Document version control</b>	
Version:	1.1
Date:	16 September 2024
Document approved by:	EMCCA Board
To be of effect from:	16 September 2024

# 6. Joint Committees

- 1. The terms of reference for any Joint Committees created by the Combined County Authority will subsequently be detailed in this section of the constitution.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

# 7. 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 an Officer 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>
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 (and statutory officers) in consultation with the Section 73 Officer provided it is within budget

- 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 Portfolio 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 Medium Term Financial Plan (MTFP) and, in the case of a tender or quotation, must be approved in accordance with the Combined County Authority's Contracts Procedure Rules, i.e.:
- 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 (the 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.
- 4.4 To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

## **5. Director of Legal, Governance and Compliance (the 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:

### **(a) 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.

**(b) 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.

**(c) Members Allowances**

5.2.12 To administer the Members' Allowances Scheme in **Part 6** of the constitution.

**(d) 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

**(e) Other**

5.2.14 To act as the Combined County Authority Senior Information Risk Officer (S.I.R.O)

5.2.15 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

Document version control	
Version:	1.1
Date:	17 June 2024
Document approved by:	EMCCA Board
To be of effect from:	17 June 2024

# Part 4: Procedure Rules

## 4.1 Combined County Authority Procedure Rules

### 1. Annual Meetings

1.1 In a year when there is an ordinary mayoral election, the annual meeting of the Combined County Authority Board shall take place within 21 days from the retirement of the outgoing Mayor. In any other year, the annual meeting shall take place on such day between 1<sup>st</sup> March and 30<sup>th</sup> June in line with Schedule 12, paragraph 6A of the Local Government Act 1972.

1.2 At the Annual meeting the Combined County Authority Board will:

- (a) Note the Mayor and constituent council members and substitute members.
- (b) Receive apologies for absence.
- (c) Receive any declarations of interest from Members.
- (d) Approve the minutes of the last meeting.
- (e) Receive any announcements from the Mayor or the Chief Executive.
- (f) Receive details of the Mayor's appointments of the Deputy Mayor and arrangements in respect of Mayoral General Functions.
- (g) Appoint non-constituent members and associate members and their substitutes.
- (h) Approve a programme of Ordinary meetings of the Combined County Authority for the year.
- (i) Approve committee arrangements and appointments to committees including appointing at least one Overview and Scrutiny Committee, and an Audit and Governance Committee and such other committees and advisory boards as required.
- (j) Receive nominations and appoint Members to serve on outside bodies.
- (k) Consider any other business set out in the summons convening the meeting.
- (l) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Combined County Authority.

### 2. Ordinary Meetings

- 2.1 Ordinary meetings of the Combined County Authority shall take place in accordance with a programme decided at the Combined County Authority's Annual meeting. Ordinary meetings will:
- (a) Receive apologies for absence.
  - (b) Approve the minutes of the last meeting.
  - (c) Receive any declarations of interest.
  - (d) Receive any announcements from the Mayor or the Chief Executive.
  - (e) Deal with any business adjourned from the last Combined County Authority meeting.
  - (f) Respond to any questions from members of the public.
  - (g) Consider reports and recommendations from any Committee or Advisory Board of the Combined County Authority.
  - (h) Consider reports and recommendations from any Officer of the Combined County Authority.
  - (i) Consider motions on notice.
  - (j) Consider any other business specified in the summons to the meeting, and for debate.

### **3. Extraordinary Meetings**

- 3.1 The Monitoring Officer, Chief Financial Officer and Head of Paid Services may call, and those listed below may require the Monitoring Officer to call, Extraordinary Combined County Authority Board meetings in addition to Ordinary meetings:
- (a) The Combined County Authority.
  - (b) The Mayor (by resolution in their capacity as the Chair of the Combined County Authority).
  - (c) Any five Combined County Authority Members who have signed requisition which has been presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within 5 clear working days of the presentation of the request.

Only business specified in the summons may be transacted at an Extraordinary Combined County Authority Board meeting.

### **4. Chair**

- 4.1 The Mayor, or in their absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Combined County Board.
- 4.2 Where the Deputy Mayor is acting in place of the Mayor they cannot also act in their capacity as a Combined County Authority Member. The substitute member for the Deputy Mayor may act in the place of the Deputy Mayor in their capacity as a Combined County Authority Member.
- 4.3 If for any reason the Mayor is unable to act or the office of Mayor is vacant and the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other members of the Combined County Authority must act together in the place of the Mayor, taking decisions by a simple majority. In such circumstances the Combined County Authority (Board) will elect a Member, other than a Non-Constituent or Associate Member, to chair the meeting as its first item of business.

## **5. Quorum**

- 5.1 No business may be transacted at a meeting of the Combined County Authority unless the following persons are present:
  - (a) the Mayor or the deputy mayor acting in place of the Mayor, and
  - (b) at least three members of the Combined County Authority appointed by constituent councils, or substitute members acting in their place.
- 5.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place with the agreement of the Chair.
- 5.3 If during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Combined County Authority.

## **6. Time, Place and Duration of Meetings**

- 6.1 Combined County Authority meetings are held at any place within or outside the Combined County Authority Area as the Combined County Authority directs during daytime unless the Combined County Authority or the Mayor decides otherwise. Any



changes to the date, time and place of meetings or cancellation of meetings will be determined by the Chief Executive in consultation with the Mayor

6.2 The Mayor shall interrupt proceedings where any meeting has lasted for three hours, whereupon all Members shall stop speaking. The Mayor shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.

6.3 If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.

## **7. Suspension, variation, revocation, and interpretation of Procedure Rules**

7.1 Any motion to vary or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Combined County Authority Board.

7.2 Procedure Rules may be suspended in respect of any business at a meeting of the Combined County Authority Board where its suspension is moved and seconded, except where this would be in contravention of statute.

7.3 A motion to suspend Procedure Rules shall not be moved without notice unless there are present at least three of the Members of the Combined County Authority appointed by Constituent Councils or Substitute Members acting in their place.

7.4 The ruling of the Mayor as to the construction or application of Procedure Rules, or as to any proceedings of the Combined County Authority, shall not be challenged. The Mayor may consult with the Monitoring Officer or their nominee on any question of interpretation.

## **8. Items of Business**

8.1 No item of business may be considered at any meeting except:

- The business set out in the Summons,
- Business required by law to be transacted at the annual meeting, or
- Business brought before the meeting as a matter of urgency by reason of special circumstances, which shall be specified in the minutes, and the Mayor is of the

opinion that the item should be considered at the meeting as a matter of urgency.

## **9. Order of Business**

- 9.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Mayor decides otherwise.

## **10. Record of Attendance**

- 10.1 The Monitoring Officer will ensure that the name of any Member present during the whole or part of a meeting is recorded.

## **11. Confirmation of minutes and declarations of interest**

- 11.1 Minutes of the last Combined County Authority meeting shall be confirmed at the next Ordinary meeting of the Combined County Authority.
- 11.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded, and voted upon. Where no issues are raised, or after the motion has been dealt with, the Mayor shall initial each page and sign the minutes.
- 11.3 Any Member with a Disclosable Pecuniary Interest in a matter being discussed should declare the nature of the interest and withdraw from the meeting during the item.
- 11.4 Any Member with an Other Registrable Interest or Non-Registrable Interest in a matter being discussed should declare the nature of the interest and should withdraw from the meeting during the item, if required to do so under the Members' Code of Conduct.

## **12. Motions on Notice**

- 12.1 **Notice.** Except for Procedural Motions which can be moved without notice, written notice of every motion, signed by at least one Member, must be delivered to the Monitoring Officer, not later than midday, at least seven clear working days before the date of the meeting.

- 12.2 Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 12.3 No more than one motion may be proposed by any individual Member for each meeting.
- 12.4 **Scope.** Each motion must:
- (a) clearly and succinctly identify the matter to be debated.
  - (b) be capable of being passed as a formal resolution; and
  - (c) be about matters for which the Combined County Authority has a responsibility, or which specifically affect the Combined County Authority area.
- 12.5 The Monitoring Officer may, reject a motion which, in their opinion:
- (a) is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful, or otherwise improper.
  - (b) refers to legal proceedings taken or anticipated by or against the Combined County Authority.
  - (c) requires the disclosure of confidential or exempt information.
  - (d) names or identifies specific service users, members of staff or members of staff of partner organisations without the mover demonstrating they have provided consent.
  - (e) relates to the Member's own personal circumstances.
  - (f) expresses support or objection to proposals where the Combined County Authority is in the process of consulting with the public or responding to a formal consultation process.
- 12.6 **Alteration.** A proposer may alter a motion on which they have given notice when they come to move it, in which case the amendment becomes part of the substantive motion without debate. Only alterations that could be made as an amendment may be made.
- 12.7 **Withdrawal.** Where a motion on notice is before the Combined County Authority having been formally moved and seconded, the mover may subsequently withdraw it only with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the Motion after the proposer has asked permission to withdraw it unless permission is refused.

- 12.8 **Motions not moved.** If a motion set out in the summons is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Combined County Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 12.9 **Rescission of earlier resolutions.** No motion or amendment may be proposed to rescind any resolution of the Combined County Authority passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless:
- (a) It is proposed by a committee of the Combined County Authority,
  - (b) It is required to comply with a statutory duty; or
  - (c) Notice of such motion has been given and signed by at least one third of the total number of members who include members from more than one political group.

### 13. Amendments

- 13.1 An amendment to a motion must:
- (a) Be relevant to the motion.
  - (b) Add and/or delete a word or words.
  - (c) Not introduce a new topic.
  - (d) Not negate the motion.
  - (e) Be worded so that, if it is agreed by the Combined County Authority, it can be passed as a valid resolution.
- 13.2 The Mayor, following consultation with the Monitoring Officer, may reject an amendment on the grounds set out in Rule 12.5 or 13.1. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Combined County Authority Board.
- 13.3 **Number of Amendments.** Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- 13.4 **Status of Amendments.** If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

13.5 After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.

#### **14. Public Questions**

14.1 At Ordinary meetings of the Combined County Authority, questions may be asked by members of the public of the Mayor, Combined County Authority Members and/ or Committee Chairs.

14.2 The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.

14.3 No person may submit more than one question at any one meeting and no more than two questions may be asked on behalf of any one organisation.

14.4 Questions must be submitted in writing at least seven clear working days before the meeting and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put. Questions so received will be referred to the Monitoring Officer for consideration and inclusion at a meeting.

14.5 The Monitoring Officer may reject a question if it:

- (a) is not about a matter for which the Combined County Authority has a responsibility, or which specifically affects the Combined County Authority.
- (b) is defamatory, vexatious, frivolous, or offensive.
- (c) is substantially the same as a question which has been put at a meeting of the Combined County Authority in the past six months.
- (d) requires the disclosure of confidential or exempt information.
- (e) refers to legal proceedings taken or anticipated by or against the Combined County Authority.
- (f) relates to a day-to-day Combined County Authority function or the provision of a Combined County Authority service and has not been asked first of the relevant service area
- (g) is not related to policy or budget issues.

- (h) is a statement rather than a question.
- (i) names or identifies individual service users, members of staff or members/staff of partner agencies.
- (j) makes or relates to allegations against, or comprise comments about, the conduct of individual Members or officers.
- (k) relates to an individual or the questioner's own particular circumstances.
- (l) would more appropriately be responded to under the Freedom of Information Act 2000 or the Data Protection Act 1998.
- (m) is from, or on behalf of, a political party, or bears the name, insignia, or other device of a political party.

14.6 All approved questions will be listed in the summons for the meeting of the Combined County Authority in the order that they were received (except the Mayor may decide to group similar questions together).

14.7 Those persons who submitted questions and who are present at that meeting of the Combined County Authority will be invited to read aloud the questions put. Questioners may by written notice nominate a substitute to ask a question in their place. One supplementary question is allowed.

14.8 If a member of the public or their nominated substitute who has submitted notice of a question is unable to be present at the meeting, the question falls. However, the Combined County Authority will nevertheless provide a written response to the questions put.

## **15. Motions and Amendments that may be moved without Notice**

15.1 **Procedural motions.** The following motions and amendments may be moved without notice for consideration when a Chair is in place for the meeting:

- (a) Relating to the accuracy of the minutes of the Combined County Authority, a committee or sub-committee.
- (b) For a change in the order of business.
- (c) Extending the time limit for speeches.
- (d) That the meeting proceeds to the next business.
- (e) That the question be now put.
- (f) That the debate be now adjourned.
- (g) That the meeting does now adjourn.

- (h) To suspend Procedure Rules.
- (i) Giving consent where consent of the Combined County Authority is required by the Procedure Rules.
- (j) Reference of a matter to a committee or sub-committee.
- (k) Appointment of or appointment to committees or sub-committees occasioned by an item mentioned in the summons to the meeting.
- (l) That a Member should not be heard further or should leave the meeting.
- (m) Adoption of recommendations of committees and subcommittees and any consequent resolutions.
- (n) That leave is given to withdraw a motion.
- (o) That leave is given to alter a motion by the mover of that motion.
- (p) Receipt of reports of officers and any consequent resolutions.
- (q) Amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons.
- (r) Authorising the sealing of documents.
- (s) To exclude the press and public.

15.2 **Closure motions.** Motions designed to close a debate, e.g. (e)-(h) above, may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded, or already spoken in the debate. No person may intervene in discussion on a motion by moving more than one closure motion.

15.3 When one of the following motions has been seconded, the Mayor shall proceed as follows:

- (a) **On a motion to proceed to next business** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business.
- (b) **On a motion that the question, be now put** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote.
- (c) **On a motion to adjourn the debate or the meeting** - if in their opinion the matter before the meeting has been insufficiently discussed on that

occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

- (d) **On a motion to exclude the public** - they shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer. If members of the public may be lawfully excluded, the Mayor will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the Mayor may, at their discretion, either immediately require the public to leave the room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
- (e) **On a motion that a named Member, be not further heard or leave the meeting** - they shall put the motion to the vote without discussion. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter or shall be required to leave the room.

## 16. Rules of Debate

- 16.1 **Motions and Amendments.** No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Mayor, motions or amendments shall be put in writing and handed to the Mayor before they are further debated or put to the meeting.
- 16.2 **Seconders' Speech.** When seconding a motion or amendment, a Member may advise the Mayor that they will reserve their right to speak until a later period in the debate.
- 16.3 **Content and length of speeches.** A Member will confine their speech to the question under discussion, a personal explanation, or a point of order. All speeches shall not exceed five minutes.
- 16.4 **When a Member may speak again.** A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
  - (a) To speak once on an amendment moved by another Member.
  - (b) If the motion has been amended since they last spoke, to move a further amendment.



- (c) If their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried.
- (d) Where the mover of a motion exercises their right to reply:
  - (i) at the close of the debate on the motion, immediately before it is put to the vote.
  - (ii) if an amendment is moved, at the close of the debate on the amendment (but they shall not otherwise speak on it). The mover of an amendment shall have no right of reply to the debate on their amendment.
- (e) On a point of order referring to a specific Procedure Rule or statutory provision (which must be cited).
- (f) By way of personal explanation.

## **17. Points of Order and Personal Explanations**

- 17.1 A Member may raise on a point of order or in personal explanation and shall be entitled to be heard immediately. A Member raising a point of order must specify a Procedure Rule or statutory provision and the way in which they consider it has been breached.
- 17.2 A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.
- 17.3 The Mayor will hear the Member and give a ruling on the point of order or the admissibility of the personal explanation before the debate continues. The Mayor may consult on any question of interpretation with the Monitoring Officer or their nominee prior to making a ruling. The ruling of the Mayor on the matter shall not be open to discussion and will be final.

## **18. Voting**

- 18.1 Subject to the following Standing Order, any question that is to be decided by the Combined County Authority Board is to be decided by:
  - (a) a vote of the members of the Combined County Authority, and any substitute members acting in place of members of the Combined County Authority, and the Mayor or the deputy mayor acting in place of the

- Mayor present and voting on that question at a meeting of the Combined County Authority, and
- (b) a majority of those voting that includes the Mayor, or the deputy Mayor acting in place of the Mayor.

- 18.2 The Mayor, and each Member of the Combined County Authority appointed by a constituent council, or substitute Member acting in that Member's place, is to have one vote.
- 18.3 A non-constituent member will not be entitled to vote unless a resolution is passed pursuant to 18.1 above resolving to give voting rights to non-constituent members on individual matters within meetings. Any such resolution will provide voting rights for the duration of one meeting only.
- 18.4 Associate members are not entitled to vote.
- 18.5 Neither the Mayor, Deputy Mayor nor any member or substitute member is to have a casting vote.
- 18.6 If a vote is tied on any matter, it is deemed not to have been carried.
- 18.7 For questions relating to the following matters, the majority under Standing Order 18.1(b) must include all lead members designated by the constituent councils or, where any substitute members are acting in place of lead members, all lead members and all such substitute members:
- (a) approval or amendment of a budget.
  - (b) the setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder; and
  - (c) such other plans and strategies as may be determined by the Combined County Authority and set out in its standing orders.
- 18.8 For questions relating to the following matters, the majority under Standing Order 18.1(b) must include the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a lead member:
- The exercise of the functions by the Combined County Authority conferred by regulations 7, 8 and 12 of the East Midlands Combined County Authority

Regulations 2024 in section 17(3) of the Housing Act 1985 (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the Housing and Regeneration Act 2008, section 226 of the Town and Country Planning Act 1990 and section 197(1) of the Localism Act 2011.

- 18.9 The following matters concerning the Mayor's budget must be decided by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the Authority:
- (a) Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations.
  - (b) Any decision to determine the relevant amounts and calculations that are to be used for the financial year where the Mayor has failed to notify the Combined County Authority of the Mayor's draft budget before 1st February.
- 18.10 Any exercise by the Mayor of the general functions mentioned in regulation 26(1) of the East Midlands Combined County Authority Regulations 2024 which results in a financial liability falling on a constituent council requires the consent of the lead member of that constituent council. Such consent is to be given at a meeting of the Combined County Authority.
- 18.11 Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the Localism Act 2011 (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Combined County Authority whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Combined County Authority.
- 18.12 Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the Localism Act 2011 (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of the lead members of the Combined County Authority whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Combined County Authority. (These powers also require the consent of the district

council and the Peak District National Park if the functions are to be exercised within their areas).

- 18.13 Any exercise by the Mayor of the functions conferred by sections 108, 109 and 112 of the Transport Act 2000 requires them to consult with the Combined County Authority and the members of the Combined County Authority may amend plans made pursuant to sections 108, 109 and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the Authority.
- 18.14 **Offices and appointments.** If on a vote no person receives more than half of the votes cast, the name of the person with the fewest number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.

## **19. Method of Voting**

- 19.1 Whenever a vote is taken at meetings of the Combined County Authority it shall be by a show of hands.
- 19.2 On the requisition of any Member of the Combined County Authority eligible to vote, supported by two other Members (also eligible to vote) who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against or abstained from voting.

## **20. Matters affecting Officers**

- 20.1 If any question arises at a meeting at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Combined County Authority, such question shall not be the subject of discussion until the Combined County Authority has decided whether or not to exclude the public.

## **21. Conduct at meetings**

- 21.1 Whenever the Mayor rises during a debate at a Combined County Authority meeting, the meeting shall be silent.
- 21.2 Mobile phones and other electronic devices must be switched to 'silent' during meetings.
- 21.3 Filming or recording of any meeting of the Combined County Authority is permitted, subject to the following:
- (a) Filming or recording is done openly.
  - (b) That the Mayor has been notified at the commencement of the meeting.
  - (c) That anybody attending the meeting, with the exception of Members and officers, may request not to be filmed or recorded.
  - (d) Filming or recording may only take place when members of the public are entitled to attend in person.
- 21.4 Placards are not permitted during meetings.
- 21.5 **Member not to be heard further.** If a Member persistently disregards the ruling of the Mayor by continued irrelevance or repetitions, by behaving improperly or offensively, or by willfully obstructing the business of the Combined County Authority, the Mayor may direct the Member to stop speaking. If, following a direction from the Mayor to stop speaking, the Member continues to speak, the Mayor (or any other Member) may move that the Member be not heard further. If seconded, the Mayor shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again during the meeting.
- 21.6 **Member to leave the meeting.** If a Member persistently disregards the ruling of the Mayor by continued irrelevance or repetitions, by behaving improperly or offensively, or by willfully obstructing the business of the Combined County Authority, the Mayor may request them to leave for the remainder of the meeting or for any lesser period. If following a request to leave the meeting, the offending Member does not leave, the Mayor (or any other Member) may move that the Member named leave the meeting. The motion shall be put and, if seconded, voted upon without discussion. If carried, the Mayor shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings.

21.7 **Removal of member of the public.** If a member of the public interrupt's proceedings, causes a disturbance or behaves improperly, offensively, or willfully obstructs the business of the Combined County Authority, the Mayor will warn the person concerned. If the member of the public, having been warned, continues their conduct, the Mayor may order their removal from the meeting room.

21.8 **General disturbance.** If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

## 22. Conduct at meetings

22.1 A substitute member may only act for the Combined County Authority Member for whom they are the designated substitute.

22.2 With the exception of the substitute member for the Deputy Mayor where the Deputy Mayor is acting in the place of the Mayor, a substitute member may only act when the Combined County Authority Member is absent from the meeting.

22.3 A substitute member may not exercise any special powers or duties exercisable by the Member for whom they are substituting.

## 23. Attendance at meetings

23.1 The Mayor may invite the Chair of any advisory committee, committee, or sub-committee of the Combined County Authority to attend and speak at any meeting of the Combined County Authority to;

- Present any reports or recommendations of the committee or sub-committee.
- Answer questions about any matter in the minutes of that committee or sub-committee, or
- Contribute to the discussions about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are chair.

23.2 The Mayor may invite any person to attend and speak at meetings. In such circumstance the Mayor is required to notify the Monitoring Officer at the earliest opportunity providing the details of the person(s) invited to speak and the agenda item they have been invited to speak in relation to.

**Document version control**

Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

## 4.2 Mayoral Procedure Rules

### 1. Introduction

- 1.1 These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.
- 1.2 The decision-maker should make decisions in accordance with the principles set out in Article 6 (Decision-making) in **Part 2** of the Constitution
- 1.3 The decision-maker must comply with any applicable Code or Protocol set out in **Part 5** of the constitution, including the relevant Code of Conduct.

### 2. Mayoral General Functions

- 2.1 The decision-maker must give notice of any Key Decision on the Forward Plan, in accordance with the Access to Information Rules in **Part 4** of the Constitution, subject to the general exception and cases of special urgency provisions.
- 2.2 Where the decision-maker is the Mayor or any other Combined County Authority Member the Key Decision must be taken at a meeting of the Combined County Authority, unless the decision-maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot be deferred.

#### **Statutory Consent Requests for Mayoral General Functions**

- 2.3 A Statutory Consent is required in relation to the exercise of Mayoral General Functions where the function is a Function conferred by the 2024 Order which requires:
  - the Statutory Consent of a Constituent Council Combined County Authority Member (or Substitute Member), or
  - the Statutory Consent of a district or borough council who local government area is affected by the exercise of the function, or
  - the Statutory Consent of the Peak District National Park Authority if the function is to be exercised within the Peak District National Park, or



- the Statutory Consent of the Constituent Council Combined County Authority Member appointed by a Constituent Council (or Substitute Member) where the decision of the Mayor gives rise to a financial liability for a Constituent Council.

2.4 Where a Statutory Consent is required, agreement to seek a consent will be agreed at the Combined County Authority meeting, and then said Statutory Consent will be sought ahead of the next meeting where it is presented in writing to the Combined County Authority meeting for agreement.

2.5 The Mayor must seek any Statutory Consent Request in a timely way. To facilitate this and to promote transparency, the Mayor should publish a notice of the Statutory Consent Request (a Statutory Consent Request Notice) on the Combined County Authority’s Forward Plan at least 28 clear days before the meeting of the Combined County Authority at which the Statutory Consent will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

2.6 Any Statutory Consent given will be recorded in the minutes of the meeting.

**Other Decisions**

2.7 The decision-maker may take any decision which is not a Key Decision nor a Statutory Consent outside of a meeting of the Combined County Authority, subject to the requirements below in relation to recording and publishing decisions.

Document version control	
Version:	1.0
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## 4.3 Budget and Policy Rules

### 1. General

- 1.1 These rules reflect specific statutory requirements relating to the approval of budgets and policies by the Combined County Authority and the Mayor, or other decision-makers on their behalf.
- 1.2 Decision-makers should consider whether any consultation is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
- 1.3 Decision-makers should also engage with a Combined County Authority Overview and Scrutiny Committee (and any other committee of the Combined County Authority) as appropriate in the development and scrutiny of proposals.
- 1.4 When approving budgets or policies, decision-makers must comply with the provisions relating to Key Decisions in the Access to Information Rules in [Part 4](#) of the Constitution.

### 2. Mayor's General Budget

- 2.1 The Mayor must prepare a draft budget for the Mayoral Functions by 1 February each year. The draft budget must:
  - set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
  - include the relevant amounts and calculations.
- 2.2 If the Mayor fails to present a draft budget to the Combined County Authority by 1 February, the Combined County Authority must determine the relevant amounts and calculations for the financial year. The decision must be made by a majority of the Combined County Authority Members present and voting, such majority to include the Mayor and Lead Member from each Constituent Council (or their substitute).
- 2.3 The Combined County Authority must review any draft budget presented by the Mayor and may make a report on the draft budget to the Mayor.

2.4 The Mayor's draft budget shall be deemed to be approved by the Combined County Authority, unless the Combined County Authority makes such a report by 8 February.

2.5 Any report made by the Combined County Authority:

- must set out whether or not the Combined County Authority would approve the draft budget in its current form, and
- may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.

2.6 Where the Combined County Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may:

- decide whether or not to make any revisions to the draft budget, and
- notify the Combined County Authority of the reasons for that decision and, where revisions are made, provide a copy of the revised budget.

2.7 Where any specified period has expired, the Combined County Authority must decide (taking into account the reasons given by the Mayor) whether to:

- approve the Mayor's draft budget, or the revised draft budget; or
- veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations contained in the report to the Mayor.

2.8 The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Combined County Authority's report commences.

### **3. Approval of policy – Non-Mayoral Functions**

3.1 The Combined County Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Combined County Authority by the 2024 Order, approval of that policy requires the support of the Mayor.

### **4. Approval of policy – Mayoral Functions**

- 4.1 Preparing and reviewing a Local Transport Plan under section 108 of the Transport Act 2000 is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 4.4 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.
- 4.2 In preparing and keeping the Local Transport Plan under review, the Mayor must consult:
- each local traffic authority for the Combined County Authority's Area,
  - the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
  - each county council and district council in the area of the Combined County Authority
- 4.3 In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate:
- operators of any network or station, or of any railway's services in the Combined County Authority's Area,
  - operators or providers of other transport services in the Combined County Authority's Area, or representative organisations,
  - organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined County Authority's Area, and
  - other persons whom they consider appropriate.
- 4.4 In the transition period the Local Transport Plan must be approved by the Combined County Authority by a budget setting vote. After the end of the transition period, by a 2/3 majority vote, the Combined County Authority may amend any Local Transport Plan made by the Mayor. The Combined County Authority must have regard to any relevant statutory guidance when discharging this function.
- 4.5 As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must:
- publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
  - cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
  - supply a copy to any person on request.

4.6 The Mayor will approve any other policy in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor’s arrangements.

<b>Document version control</b>	
Version:	1.0
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To be of effect from:	20 March 2024

## 4.4 Access to Information Rules

### Rights to attend meetings, inspect documents and record proceedings

#### Part 1: Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Combined County Authority include meetings of any ordinary or statutory committee or sub-committee appointed by the Combined County Authority. These provisions do not affect any other rights to information arising under any standing orders of the Combined County Authority, or by law.

#### 1. Public Access to a Combined County Authority Meeting

1.1 Any meeting of the Combined County Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

##### A Confidential Information

1.2 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

1.3 Confidential information means:

- information given to the Combined County Authority by a Government department on terms which forbid its public disclosure, or
- information the public disclosure of which is prohibited by or under an Act or Court Order.

##### B Exempt Information

1.4 The Combined County Authority may resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

1.5 Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

#### Description

<b>Paragraph 1</b>	Information relating to any <b>individual</b> .
<b>Paragraph 2</b>	Information which is likely to reveal the <b>identity of an individual</b> .
<b>Paragraph 3</b>	Information relating to the financial or <b>business affairs of any particular person</b> (including the Combined County Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. "Financial or business affairs" includes contemplated, as well as past or current, activities.
<b>Paragraph 4</b>	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any <b>labour relations matter</b> arising between the Combined County Authority or a Minister of the Crown and employees of, or officer-holders under the Combined County Authority
<b>Paragraph 5</b>	Information in respect of which a claim to legal professional privilege could be maintained in <b>legal proceedings</b> .
<b>Paragraph 6</b>	Information which reveals that the Combined County Authority proposes: <p style="margin-left: 40px;">(a) to give under any enactment <b>a notice</b> under or by virtue of which requirements are imposed on a person, or to make an <b>order or direction</b> under any enactment.</p>
<b>Paragraph 7</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of <b>crime</b> .

1.6 Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

1.7 Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.8 A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies,
- state the description of the exempt information giving rise to the exclusion of the public, and
- confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **C General Disturbance**

- 1.9 Procedure Standing Order 21.7 in Part 4.1 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

## **2. Public Access to Agenda and Reports of a Combined County Authority Meeting**

- 2.1 The Monitoring Officer shall make the following open to public inspection, at the offices of the Combined County Authority in accordance with the Combined County Authority's Procedure Standing Orders in Part 4 of the Constitution:
- copies of the agenda for a meeting of the Combined County Authority, and
  - copies of any report for the meeting open to the public

## **3. Public Access to copies at a Combined County Authority Meeting**

- 3.1 The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of:
- the agenda, and
  - those reports open to the public

## **4. Public Access to documents at a Combined County Authority Meeting**

- 4.1 The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:
- the minutes of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
  - a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
  - the agenda for the meeting, and



- reports relating to items when the meeting was open to the public.

## **5. Public Access to background papers at a Combined County Authority Meeting**

- 5.1 The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:
- disclose any facts or matters on which the report or an important part of the report is based, and
  - have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or
- papers which disclose exempt or confidential information.

- 5.2 The Monitoring Officer will:
- publish a list of each of the background documents listed on the Combined County Authority's website at the same time as the report is available for public inspection, and
  - make a copy of each available to the public at the offices of the Combined Authority, on payment of a reasonable fee

- 5.3 The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

## **6. Reporting and recording a Combined County Authority Meeting**

- 6.1 The Combined County Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.
- 6.2 A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- 6.3 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

- 6.4 Any person reporting on a meeting is expected to comply with the attached Code of Practice.
- 6.5 Meetings of the Combined County Authority may be recorded and made available for public viewing on the intranet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects To being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

## **7. Forward Plan: Non-Mayoral and Mayoral General Functions**

### **A Definition of a Key Decision**

- 7.1 A Key Decision means a decision of a decision maker, which in the view of an overview and scrutiny committee of the Combined Authority is likely:
- i. to result in the Combined County Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Combined County Authority's budget for the service or function to which the decision relates; or
  - ii. to be significant in terms of its effects on persons living or working in an area comprising two or more electoral divisions in the area of the Combined County Authority.
- 7.2 For the purposes of (i) above, this includes any decision likely to result in the Combined County Authority incurring expenditure or making savings (including the receipt or loss of income) of £500,000 or more in any financial year.
- 7.3 For the purposes of (i) and (ii) above, the following shall not be treated as a Key Decision:
- any decision which is a direct consequence of implementing a previous Key Decision,
  - any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision,

- a Treasury Management decision in relation to the making, payment or borrowing of a loan,
- a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- the urgent settlement of proceedings to which the Combined County Authority is a party.
- any decision relating to the acceptance of funding

## **B Notice Provisions**

7.4 Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

- that a Key Decision is to be made in relation to the discharge of functions which are the Combined County Authority's responsibility,
- the matter in respect of which the decision is to be made,
- the decision maker's name and title if any,
- the date on which, or the period within which, the decision is to be made,
- a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
- that other documents relevant to those matters may be submitted to the decision maker, and
- the procedure for requesting details of those documents (if any) as they become available.

7.5 The Monitoring Officer will publish any such notice on the Forward Plan on the Combined County Authority's website at least 28 clear days before the Key Decision is made and make it available for public inspection at the Offices of the Combined County Authority (subject to C and D below).

7.6 Where in relation to any matter:

- the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or
- documents relating to the decision need not (because of confidential information) be disclosed to the public,

- the notice must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

## **C General Exception**

7.7 Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- where the Monitoring Officer has informed the Chair of any relevant overview and scrutiny committee by notice in writing of the matter about which the decision is to be made,
- where the Monitoring Officer has published the notice on the Combined County Authority's website and made the notice available for public inspection at the Combined County Authority's offices, and
- after 5 clear days have elapsed following the day on which the Monitoring Officer made the copy of the notice available.

7.8 As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a notice setting out the reasons why it was impracticable to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

## **D Cases of Special Urgency**

7.9 Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot reasonably be deferred.

7.10 As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must make available to the public at the Combined County Authority's offices a notice setting out the reasons why the Key Decision is urgent and cannot

reasonably be deferred; and publish that notice on the Combined County Authority's website.

## **E Requests for Statutory Consents – Non-Mayoral and Mayoral General Functions**

7.11 The 2024 Order provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery – see functions tables in **Part 3** of the constitution.

## **8. Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions**

8.1 A decision-making Officer is required to produce a written record of their decision through an Officer Decision Notice if the decision has been delegated:

- under a specific express authorisation, or
- under the Officer Delegation Scheme where the effect of the decision
- is to:
  - (a) grant a permission or license,
  - (b) affect the rights of an individual, or
  - (c) award a contract or incur expenditure which, in either case, materially affects the Combined County Authority's financial position.

8.2 For the purposes of c) above, any award of a contract or expenditure of £500,000 or over will be deemed to materially affect the Combined County Authority's financial position.

8.3 An Officer must also record and publish any Key Decision they make through an Officer Decision Notice, whether or not it is outside the criteria set out above.

8.4 An Officer must also record and publish any decision that incurs expenditure over £50,000 through an Officer Decision Notice

8.5 An Officer may also,

- (a) record, or
- (b) record and publish, any other decision outside of 8.1, if they consider this to be in the public interest

- 8.6 As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.5 b, the Monitoring Officer shall make any written record and any background papers
- available for inspection by the public:
  - at all reasonable hours, at the offices of the Combined County Authority,
  - on the Combined County Authority’s website, and
  - by such other means that the Combined County Authority considers appropriate.
- 8.7 On request the Monitoring Officer will provide:
- a copy of the written record, and
  - a copy of any background papers.
- 8.8 The Combined County Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.
- 8.9 The Combined County Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

## **9. Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)**

- 9.1 Any decision taken at a meeting of the Combined County Authority will be recorded in the minutes of the meeting.
- 9.2 Where a decision has been taken outside of a Combined County Authority meeting:
- any Key Decision taken by the Mayor or a Combined County Authority Member acting on the Mayor’s behalf will be recorded and published on the Combined County Authority’s website, together with a copy of the written report considered in respect of the decision, and
  - any decision taken by an Officer will be recorded as a written record of their decision in accordance with the Access to Information Rule 8 above.

- 10.1 The Monitoring Officer shall supply on request for any newspaper:
- a copy of the agenda and those reports open to the public,
  - any further statements necessary to indicate the nature of the items on the agenda, and
  - if the Monitoring Officer thinks fit, copies of any other documents supplied to Combined County Authority Members in connection with the item.
- 10.2 Procedure Standing Order 45 and rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

## Part 3: Freedom of Information (FOI) and the Local Government Transparency Code

- 11.1 The Freedom of Information Act 2000 and Environmental Information Regulations 2004 apply to the Combined County Authority, which therefore publishes information under a Publication Scheme. The Scheme specifies:
- the classes of information which the Combined County Authority publishes or intends to publish,
  - how information in each class is, or is intended to be, published, and
  - whether the material is, or is intended to be, available to the public free of charge or on payment.
- 11.2 The public also has a general right of access to information held by the Combined County Authority, but this is subject to exemptions
- 11.3 A request for information must be submitted to and dealt with by the Monitoring Officer.
- 11.4 A request for information under the FOIA must:
- be in writing
  - state the name of the applicant
  - state an address for correspondence, and
  - describe the information requested.
- 11.5 A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.

- 11.6 The Combined County Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
- spending and expenditure including grants,
  - procurement information including contracts,
  - organisation chart detailing senior management personnel, and
  - land and assets

## Part 4: Members' Access

### 1. General

- 12.1 Any member of the Combined County Authority is entitled to inspect any document which:
- is in the possession of or under the control of the Combined County Authority, and
  - contains material relating to any business to be transacted at a meeting of the Combined County Authority.
- 12.2 Unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1B above), other than the following (which will be open for inspection by members):
- (a) Information relating to the financial or business affairs of any particular person including the Combined County Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Combined County Authority in the course of negotiations for a contract), or
  - (b) Information which reveals that the Combined County Authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
    - to make an order or direction under any enactment
- 12.3 These rights are in addition to any other rights the member may have (such as those arising from a member's need to know at common law).
- 12.4 The accounts of the Combined County Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts.



## **2. Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee**

- 13.1 Subject to the exceptions outlined below, a member of an overview and scrutiny committee or sub-committee is entitled to a copy of any document which is in the possession or under the control of the Combined County Authority and contains material relating to any business that has been transacted at a meeting of the Combined County Authority or at a decision-making committee of the Combined County Authority. The member must make any request for such a document in writing to the Monitoring Officer, who shall consider any such request on behalf of the Combined County Authority.
- 13.2 The document must be provided as soon as reasonably practicable and, in any case, no later than 10 clear days after the Monitoring Officer receives the request.
- 13.3 No member of an overview and scrutiny committee or sub-committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information, unless that information is relevant to:
- an action or decision that the member is reviewing or scrutinising, or
  - any review contained in any programme of work of the committee or sub-committee.
- 13.4 Where the Monitoring Officer determines that a member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

## **Part 5: List of Members**

- 1.1 The Monitoring Officer will publish a list stating:
- the name and address of all current members of the Combined County Authority and the constituent or non-constituent council they represent, and
  - the name and address of all current members of the other Committees and any sub-committees.
- 1.2 A member of the public may inspect the list.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

## 4.5 Overview and Scrutiny Procedural Rules

1. The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

### 2. Membership

2.1 Members of an overview and scrutiny committee are appointed in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

2.2 The Combined County Authority shall appoint at least two elected members of each Constituent Council to each overview and scrutiny committee.

2.3 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils.

2.4 Neither the Mayor nor any other Combined County Authority Member or substitute member may be a member of an overview and scrutiny committee or sub-committee.

2.5 Within 28 days of any appointment to any overview and scrutiny committee, the Combined County Authority Monitoring Officer will publish a notice about the appointment on the Combined County Authority website setting out:

- that it has made an appointment,
- identifying each member of the committee who has been appointed
- specifying the period for which the members of the committee have been appointed.

2.6 The Combined County Authority has determined that it shall have a single Overview and Scrutiny Committee which shall be appointed by the Combined County Authority and shall have a total of 8 Constituent Council members comprising of 2 members from each Constituent Council. These will be the voting members of the Committee.

2.7 The Combined County Authority has determined that there will be 4 Non-Constituent non-voting members appointed to the Committee by the designated nominating bodies (2 appointments each).

- 2.8 In appointing members to the Overview and Scrutiny Committee the Combined County Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

### **3. Remuneration**

- 3.1 The Combined County Authority may (subject to the consideration of recommendations of an independent remuneration panel) agree to pay allowances to members of the overview and scrutiny committee/s.

### **4. Chairing**

- 4.1 The Combined County Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

- 4.2 The Chair (and any Vice Chair) must be:

- an independent person, or
- an appropriate person who is a member of one of the Constituent Councils (that is a person who is not a member of a registered political party of which the Mayor is a member).

### **5. Quorum**

- 5.1 For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

### **6. Voting**

- 6.1 Each member of the Overview and scrutiny Committee or of an Overview and Scrutiny Sub-Committee appointed from a Constituent Council has one vote.

- 6.2 Any member of an Overview and Scrutiny Committee (or sub-committee) not from a Constituent Council is non-voting unless the Combined County Authority has resolved to give such a member voting rights.

6.3 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.

## **7. Conflicts of Interest**

7.1 No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

7.2 Such a member may only attend the overview and scrutiny committee or sub-committee to:

- make representations,
- answer questions, or
- give evidence about the decision.

## **8. Working Groups (Deep Dives)**

7.1 An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, including by making recommendations

## **9. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee**

9.1 Each overview and scrutiny committee or sub-committee will set its own work programme.

9.2 The Combined County Authority, any of its committees or the Mayor may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

9.3 The following matters may be referred to an overview and scrutiny committee:

- (a) A member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,

- (b) A member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
- (c) A Combined County Authority Member may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and
- (d) any member of a Constituent Council or the Non-Constituent Council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.

9.4 Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 8.3 (c) or (d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

9.5 An overview and scrutiny committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 8.3 (c) or (d) above.

## **10. Meetings**

10.1 Overview and scrutiny committees will schedule regular meetings and meet as often as required to effectively discharge their functions.

10.2 An extraordinary meeting of an overview and scrutiny committee may be called by:

- the Chair of the committee, or
- any five members of the committee from at least two different Constituent Councils.

## **11. Attendees**

11.1 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined County Authority Member or an officer of the Combined County Authority to attend before it to answer questions or to provide information about any matter within its terms of reference.

- 11.2 Where a committee or sub-committee requires the Mayor or any other Combined County Authority Member or officer to attend, the Scrutiny Officer shall inform that person in writing giving at least 5 clear working days' notice of the meeting. The notice will state:
- the date of the meeting they are required to attend,
  - the nature of the item, and
  - whether they must produce any papers for the committee.
- 11.3 The Mayor, any other Combined County Authority Member, or officer must comply with any notice they are given.
- 11.4 Where, in exceptional circumstances, the person is unable to attend on the required date, the overview and scrutiny committee shall consult with the person to arrange an alternative date.
- 11.5 An overview and scrutiny committee or sub-committee may invite other people to attend any meeting to:
- address it,  
provide information,
  - discuss issues of local concern, and/or
  - answer questions.
- 11.6 Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 11.7 Attendees assisting the committee must be treated with respect and courtesy.

## **12. Reports and Recommendations**

- 11.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined County Authority or the Mayor.
- 11.2 If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.

- 11.3 An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 14.
- 11.4 Where in the opinion of an overview and scrutiny committee, any report or recommendation is of particular significance to any Constituent Council or the Non-Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

### **13. Notice**

- 13.1 An overview and scrutiny committee or sub-committee may by notice require the Combined County Authority or the Mayor within 2 months of receiving any report or recommendations or (if later) the notice, to:
- consider the report or recommendations,
  - respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined County Authority or the Mayor proposes to take,
  - publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 14 below.
- 13.2 The Combined County Authority or the Mayor must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee, within 2 months beginning with the date on which the Combined County Authority or Mayor received the notice, and subject to Standing Order 14 below.

### **14. Publishing a Document: Confidential and Exempt Information**

- 14.1 Standing Order 14.2 applies to the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a response of the Combined County Authority or the Mayor to any such report or recommendations.



- 14.2 In publishing the document, the overview and scrutiny committee, sub-committee, the Combined County Authority or the Mayor must exclude any confidential information and may exclude any relevant exempt information.
- 14.3 When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Combined County Authority, or the Mayor may exclude any confidential information or relevant exempt information.
- 14.4 Where information is excluded, the overview and scrutiny committee, sub-committee, the Combined Authority or Mayor:
- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
  - must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

## **15. Call-in of decisions**

- 15.1 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is to:
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
  - recommend that the decision be reconsidered
- 15.2 The following decisions may be called-in for scrutiny:
- any decision of the Combined County Authority or of any decision-making committee of the Combined County Authority, and
  - any Key Decision taken by the Mayor, other Combined County Authority Member (on behalf of the Mayor) or an officer.

with the exception of:

- any decision which the decision-maker has resolved is urgent
  - any decision relating to approving or amending governance arrangements.
- 15.3 Five members of the overview and scrutiny committee to include at least one member from two different Constituent Councils may call-in a decision eligible for call-in by notifying the Monitoring Officer or the Statutory Scrutiny Officer by 4pm on the fifth working day following publication under Standing Order 15.4 or 15.5.

- 15.4 The Monitoring Officer shall publish details of any decision taken at a meeting of the Combined County Authority or committee eligible for call-in within 2 clear working days of a meeting.
- 15.5 Any other Key Decision taken by the Mayor, a Combined County Authority Member (on behalf of the Mayor) or taken by an officer will be published as a written record within 2 clear working days of the decision being made, see further Article 6 (Decision Making) in **Part 2**, and the Access to Information Rules in **Part 4** of the Constitution.
- 15.6 When submitting a request for a call-in Members must set out the reasons for the call-in, such as how the decision has not been taken in line with the Combined County Authority decision-making principles set out in **Article 6** of **Part 2** of the constitution.

#### **Implementing call-in of eligible decisions**

- 15.7 An urgent decision may be implemented immediately.
- 15.8 Any other decision of the Combined County Authority or a committee, or Key Decision taken by the Mayor, any other Combined County Authority Member (on behalf of the Mayor) or an officer may be implemented after midday of the sixth clear working day after the publication of the decision, unless it is called in.
- 15.9 On receipt of a call-in request, the Statutory Scrutiny Officer shall:
- notify the decision-maker of the call-in,
  - consult with the Chair of the relevant overview and scrutiny committee about whether to issue a direction under Standing Order 15.10 below,
  - and
  - call a meeting of the overview and scrutiny committee, to scrutinise the decision
- 15.10 Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant overview and scrutiny committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.

- 15.11 An overview and scrutiny committee must scrutinise the decision within 14 days of the Monitoring Officer or Statutory Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.
- 15.12 Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 15.13 below.
- 15.13 The Statutory Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the overview and scrutiny committee, within 2 clear working days of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.
- 15.14 The decision-maker must reconsider any decision not later than 10 days after the date on which the recommendations of an overview and scrutiny committee are received.
- 15.15 The Chair of the overview and scrutiny committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 15.16 The decision-maker may confirm, amend, or rescind the decision. Their response should be published in accordance with Standing Order 13.
- 15.17 A decision which has been confirmed or amended by the decision-maker may be implemented immediately.
- 15.18 An urgent decision may be implemented immediately.

## **16. Guidance of the Secretary of State**

- 16.1 An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State.

## **17. Statutory Scrutiny Officer**

- 17.1 Any references in these Standing Orders to the Statutory Scrutiny Officer are to the officer designated as such by the Combined County Authority, see further [Article 5 \(Officers\)](#) at [Part 2](#) of this Constitution.
- 17.2 The Combined Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.
- 17.3 The statutory functions of the Statutory Scrutiny Officer are:
- to promote the role of any overview and scrutiny committee or sub-committee,
  - to provide support and guidance to any overview and scrutiny committee or sub-committee and its members, and
  - to provide support and guidance to members of the Combined County Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

## **18. Additional Rights of Access to Documents**

- 18.1 Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Rules in [Part 4](#) of the Constitution.

## **19. Interpretation**

- 19.1 The Chair of an overview and scrutiny committee meeting or sub-committee, in consultation with the Monitoring Officer (or their representative) and the Statutory Scrutiny Officer (or their representative) shall make any final decision at that meeting about:
- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
  - any question of procedure not provided for by the Scrutiny Standing Orders.
- 19.2 The Monitoring Officer shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.
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Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

## **4.6 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. 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
  - 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.

Document version control	
Version:	1.1
Date:	17 June 2024
Document approved by:	EMCCA Board
To be of effect from:	17 June 2024

## 4.7 Financial Procedural Rules

1. For an interim period, the Combined County Authority will operate under the Financial Regulations of Derbyshire County Council.

### Financial regulations - Derbyshire County Council

2. The Combined County Authority approved Procurement Procedure Rules at its meeting on 4 November 2024, these are set out below.
3. The Authority to incur expenditure and make approvals will apply to limits set within this constitution, if those limits are not detailed within this constitution, then the limits within 1 and/or 2 above as relevant will apply.

Document version control	
Version:	1.2
Date:	4 November 2024
Document approved by:	EMCCA Board and amended by the Monitoring Officer to reflect Board decision
To be of effect from:	4 November 2024

## 4.8 Procurement Procedure Rules

### 1. Introduction

- 1.1. The Contract Procedure Rules (CPRs) are established under section 135 of the Local Government Act 1972 and the Procurement Contract Regulations 2015. These rules govern the procurement of all supplies, services, and works for EMCCA, including EMCCA controlled bodies where EMMCA acts as a lead commissioner using external funds. These rules apply to all EMCCA officers, and third parties involved in procurement activities.
- 1.2. The procurement process must be designed to facilitate competition, optimise quality, and deliver value for money throughout the contract's entire life cycle. This depends on the nature of the procurement, its value, and any specific social interests the contract may attract.
- 1.3. To achieve these goals, all procurements must adhere to a specific legal framework and be based on the principles of equal treatment, transparency, and non-discrimination.
- 1.4. Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority.
- 1.5. Where there is a conflict between the procurement legislation and any other relevant legislation (as identified during procurement planning) the Monitoring Officer must be consulted immediately to carry out a legal, project risk assessment.
- 1.6. When designing a procurement process, consider Central Government guidance, including Procurement Policy Notes (PPNs) and the National Procurement Policy Statement (NPPS), for best practice. While these guidelines are generally not mandatory, they must be followed where specifically identified as such. For guidance on when and how to apply current PPNs and the NPPS, consult the Head of Procurement.

1.7. Failure to comply with any provisions of these CPRs, EMCCA's Constitution, or legal requirements may be reported to the Section 73 (S73) officer, Deputy S73 officer, or the relevant officer as appropriate. Depending on the nature of the non-compliance, disciplinary action may be taken.

## **2. Principles**

2.1. All procurement procedures must:

- 2.1.1. Achieve optimal value for money.
- 2.1.2. Maintain transparency in operations.
- 2.1.3. Ensure fairness in all processes.
- 2.1.4. Adhere to the Public Contract Regulations 2015 (PCR).
- 2.1.5. Prevent non-commercial considerations from influencing contracting decisions.
- 2.1.6. Support all relevant EMCCA priorities and policies.
- 2.1.7. Comply with these CPRs.

## **3. What these rules govern.**

- 3.1. any contract for the supply (for pecuniary interest), of goods, services or works, (not exempt / excluded within these CPRS) regardless of value,
- 3.2. using Frameworks or Dynamic Purchasing Systems,
- 3.3. collaborative procurements,
- 3.4. consultancy requirements,
- 3.5. equipment hires or lease through rental agreements,
- 3.6. disposal of assets.

## **4. Exemptions**

- 4.1. These rules specifically relating to competitive processes do not apply to contracts that are classified as excluded as defined by the Public Contract Regulations 2015, including:
  - 4.1.1. Public contracts between entities within the public sector subject to meeting the tests within Regulation 12 of the PCRs.
  - 4.1.2. The acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property.
  - 4.1.3. Broadcasting time or programme provision via media service providers. Arbitration or conciliation services.
  - 4.1.4. Judicial proceedings before the courts. Legal advice in preparation of any judicial proceedings.
  - 4.1.5. Document certification and authentication services which must be provided by notaries.
  - 4.1.6. Legal services provided by trustees or appointed guardians.
  - 4.1.7. Financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments.
  - 4.1.8. Loans, whether or not in connection with the issue, sale, purchase or transfer of securities or another financial instrument.
  - 4.1.9. Employment contracts.
- 4.2. All other requirements of these CPRs, except for the competitive process, remain applicable to the aforementioned exemptions.

## 5. Waivers

- 5.1. Waivers from Contract Procedure Rules may be granted in exceptional circumstances, where this is needed it will be approved by the Head of Procurement, Monitoring Officer, S73 or Deputy S73 Officer and Chief Executive Officer.
- 5.2. If the value of the waiver is greater than the PCR threshold for Services and Supplies, then approval must be sought from the Procurement Assurance Group and be in line with the tests under Regulation 32 of the PCR.

- 5.3. A Waiver is approval that the CPR's cannot be followed for a reason that is out of EMCCA's control.
- 5.4. All Waivers from the CPR's must be recorded using the Waiver Form and approved prior to entering the contract.
- 5.5. Circumstances where time is lost through inadequate forward planning or unnecessary delays will not constitute a reason for a Waiver. Waivers cannot be approved retrospectively.
- 5.6. Waivers will only be approved as meeting any of the following criteria:
- 5.6.1. Where there is only one supplier within the market
  - 5.6.2. Where the procurement activity is grant funded and the supplier is named as a condition of that funding
  - 5.6.3. Where an existing contract that is suitable for the services, supplies or works required is not used.
  - 5.6.4. Where EMCCA is buying goods on behalf of another organisation
  - 5.6.5. Where EMCCA is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or framework.
  - 5.6.6. Where EMCCA has required an applicant for a grant to provide a detailed breakdown of their costs and to do so they have identified a supplier
  - 5.6.7. Where services need to be procured as a matter of extreme urgency - e.g. in response to an emergency - and there is insufficient time to advertise etc.
  - 5.6.8. Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic
  - 5.6.9. Contracts offered by the Monitoring Officer for the appointment of counsel.
  - 5.6.10. Where EMCCA is providing a grant or other funding to an external organisation
  - 5.6.11. Where a contract requires novation due to a change in ownership for a contracted supplier

- 5.6.12. Special circumstances make it appropriate and beneficial to negotiate with a single firm or that a single tender be invited and that best value for EMCCA can be achieved by not entering a competitive process.
- 5.7. If a waiver is not approved, then a change to what is being proposed will need to be undertaken to comply with these CPRs. If it is impossible to do this then a non-compliance will be recorded by Procurement, notified to the S73 or Deputy S73 Officer and an action plan to correct what is wrong will need to be put in place.
- 5.8. Where there are repeated requests for waivers or where non-compliances are occurring in a team then the relevant Contract Owner and Head of Procurement will produce a plan to assess the situation and propose remedial action to be taken. This plan will be provided to the relevant Director of the service and actioned.
- 5.9. These occurrences will also be reported to the S73 or Deputy S73 Officer for investigation.
- 5.10. A list of waivers that have been approved will be reported to the Procurement Assurance Group at the next available meeting.
- 5.11. A list of waivers that have been approved will be reported on an annual basis to the Audit and Governance Committee summarising the number of waivers together with the rationale for the approval.

## **6. Grants**

- 6.1. EMCCA cannot simply choose to treat a procurement as a grant to avoid conducting a competitive process. Advice should be sought from Monitoring Officer in relation to the grant process.
- 6.2. A grant is a gift of funds designated for a specific purpose and should be supported by a grant agreement. This agreement typically imposes conditions on how the grant can be utilised. The recipient may propose to use the grant to provide goods or services that align with their objectives. Failure to use the grant as intended

may result in the recovery of funds. They cannot be contracts as there is no consideration and they are not services required to be delivered by EMCCA.

6.3. The arrangement may be a grant if:

- 6.3.1. it's something that EMCCA wishes to support, the funding is given voluntarily, and EMCCA does not receive a direct benefit in return for the funds given.
- 6.3.2. Funding is provided in a way that meets the organisation's objectives.
- 6.3.3. The organisation may decide to use the funding to meet the objectives (e.g. provide activities) or to return the funds to EMCCA.
- 6.3.4. Any surplus funding must be returned to EMCCA.

6.4. Where external grant funding is received EMCCA will:

- 6.4.1. Where a procurement process is funded via external grant funding, in whole or part, which has been awarded to EMCCA by an external funding body, the Contract Owner must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.
- 6.4.2. Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, The Monitoring Officer will determine which should be followed.
- 6.4.3. A waiver form will need to be completed for grants where one of the following conditions are met:
  - 6.4.3.1. Where the procurement activity is grant funded and the supplier is named by the grantor as a condition of that funding.
  - 6.4.3.2. Where EMCCA is providing a grant to another organisation
- 6.4.4. If conditions in 6.4.3 are not met when applying for grant funding, then a compliant procurement process will need to be adhered to as outlined in these CPRs.

## **7. Roles and Responsibilities**

7.1. Officers will comply with:



- 7.1.1. EMCCA's constitution including these CPRs.
- 7.1.2. All relevant legislation
- 7.1.3. Ensure all parties acting on behalf of EMCCA also comply.
- 7.1.4. Keep the records required by section 10 of these CPRs.
- 7.1.5. Take all necessary procurement, legal, financial and professional advice.
- 7.1.6. prior to letting a contract on behalf of EMCCA, check whether:
  - 7.1.6.1. there is already an appropriate contract in place.
    - 7.1.6.1.1. where EMCCA already has an appropriate contract in place, then this must be used (subject to there being enough headroom in the advertised contract value and or permitted variations utilising Regulation 72 of the PCR) unless it can be established that the contract does not fully meet EMCCA's specific requirements in this case, and this is agreed following consultation with Procurement team and a waiver must be completed.
    - 7.1.6.2. there is an appropriate national, regional or other collaborative contract is already in place.
      - 7.1.6.2.1. where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money and meets strategic requirements of EMCCA and EMCCA can legally use the contract.

## 7.2. Directors/Heads of Service will:

- 7.2.1. ensure their Service Area complies fully and are familiar with the requirements of these CPRs.
- 7.2.2. ensure contracts are recorded in the Contracts Register as held and maintained by Procurement, and original contract documents to be retained by the Monitoring Officer.
- 7.2.3. ensure compliance with all relevant legislation and EMCCA's constitution and strategic goals.
- 7.2.4. ensure value for money and optimise risk allocation in all procurement matters.
- 7.2.5. ensure compliance with any guidelines issued in respect of these CPRs.

- 7.2.6. take immediate action in the event of a breach of the CPRs.
- 7.2.7. ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the budget supporting documentation.
- 7.2.8. submit to the Procurement team tender forms as required by these CPRs.
- 7.2.9. ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas.
- 7.2.10. seek and act upon advice from the Procurement team where necessary to ensure compliance with these responsibilities.
- 7.2.11. keep records of waivers/variations of any provision of these Contract Procedure Rules.
- 7.2.12. Keep their own register of contracts entered by or on behalf of EMCCA and exemptions recorded under Section 5 and satisfy themselves that the use of waivers has been monitored by the Procurement team.

### 7.3. Procurement will:

- 7.3.1. be responsible for all procurement process and compliance, including; ownership of Starting a Procurement Document and approvals, ownership of Gateway Process, process design, procurement training, procurement process management (including responsibilities for all notices up to the publication of the Contract Award Notice, ownership of e-tendering portal, ownership and provision of all procurement templates (including Authority standard form contracts), completion/ approval of procurement template and reports, and oversight of all activities relating to waivers, contract modifications or termination.

### 7.4. Contract Owners will:

- 7.4.1. be responsible for pre-procurement governance and budgetary management and approvals, supporting the planning for and management of all contracts (regardless of how they are procured); specifically, feeding into procurement documents relating to contract management requirements, managing all applications for waivers, exemption or modification requests, jointly owning the contract register with Procurement

(ensuring that information is kept up to date and that copies of contracts are attached) and forward planning for re-procurement of cyclical requirements.

#### 7.5. Contract Lead will:

7.5.1. be responsible for overseeing all technical document creation, organising any legal documents that are required in conjunction with Procurement, supporting all stages of the procurement process, co-ordinating the resourcing of tender evaluation and moderation sessions, completing any procurement related reports and any pre-contract governance requirements and working with the monitoring officer to finalise contracts all in accordance with this document, relevant procurement legislation and other associated legislation.

#### 7.6. Monitoring Officer will:

7.6.1. be responsible for all legal decisions and activities; whether delegated to legal representatives or being actioned on behalf of the Combined County Authority Board. In the event of a disagreement within the procurement process relating to approach, legislation application, or governance, the decision will sit with the Monitoring Officer.

## **8. Separation of Duties**

8.1.1. As part of the commitment to transparency, an individual that conducts a procurement, raises a purchase order, or requests a waiver cannot also approve one.

## **9. Prevention of Corruption**

9.1. Every Officer, including temporary, agency and interim staff, Councillor, or Mayor involved in any decision in respect of any Provider or contract in which they, any immediate member of their family, or close associate has a Pecuniary Interest

shall immediately notify the Monitoring Officer who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972.

9.2. In the event of any doubt or uncertainty as to whether a Pecuniary Interest will occur advice should be sought from the Head of Procurement who will consult with the S73 or Deputy S73 Officer and Monitoring Officer.

9.3. The following clauses must be included in every written EMCCA contract, with the exception of framework agreements not governed by EMCCA:

9.3.1. EMCCA may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

9.3.1.1. Offer, give or agree to give anyone any inducement or reward in respect of this or any other EMCCA contract (even if the Contractor does not know what has been done); or

9.3.1.2. Commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972; or

9.3.1.3. Commit any fraud in connection with this or any other EMCCA contract whether alone or in conjunction with EMCCA members, contractors or employees.

9.3.1.4. Any clause limiting the Contractor's liability shall not apply to this cause.

9.4. Any suspected irregularity shall be referred to the S73 or Deputy S73 Officer who shall notify the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records because of any such suspected irregularity shall be conducted by the S73 or Deputy S73 Officer. If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Director, shall also be notified.

## 10. Records

10.1. Adequate records, including electronic copies of contracts, shall be kept of each procurement process. These records will be kept for the time periods listed below:

10.1.1. Ordinary contracts - contract expiry + 6 years

10.1.2. Sealed contracts – contract expiry + 12 years

10.1.3. Property maintenance contracts - contract expiry + 15 years.

10.1.4. For building construction, it's the life of property plus 15 years or transfer to new owner.

10.1.5. The standard retention rule for unsuccessful tenders is process complete (date of last paper) + 1 year.

## **11. Estimating Contract Values**

11.1. The contract lead must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.

11.1.1. in the case of fixed-term public contracts less than 48 months in length, the total estimated value for the term of the contract.

11.1.2. in the case of public contracts without a fixed term, or public contracts the term of which cannot be defined, the monthly value multiplied by 48.

11.2. Contracts must not be artificially under or overestimated or divided into two or more separate contracts where the effect is to avoid the application of the CPRs or relevant legislation.

## **12. Route to market**

12.1. Officers should use the following table to determine the stages, activities, and documents to be included in the design of the procurement.



Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Up to £24,999	<p>Request for Quotation (RFQ)</p> <p>Obtain at least one written quote. However, to ensure value for money, it is best practice to obtain two written quotes.</p> <p>Managed by Service Area.</p> <p>Advice available from Procurement.</p>	Not required.	Lowest price.	<ol style="list-style-type: none"> <li>1) Contract owner as per the Scheme of Delegation</li> <li>2) Procurement</li> <li>3) Technical specialist (if applicable)</li> </ol>	Not required. Purchase Order.
£25,000 to £99,999	<p>Request for Quotation (RFQ)</p> <p>2 suppliers can be provided by the Service Area with 2 identified by Procurement Team where available within the East Midlands Combined Authority Area.</p> <p>Managed by Procurement.</p>	If openly advertised, then Procurement Team to advertise on e-tendering site and advertise on Contracts Finder Portal.	Lowest price or by exception most economically advantageous tender based on criteria published with the request for quotation.	<p>Procurement Team provides a reference number to be used with requisition to service team.</p> <p>If the most advantageous criteria are used, then an "Authorisation to Award" form is completed.</p>	<p>Purchase Order</p> <p>If the EMCCA's Standard Terms and Conditions are used, then a Head of Service or Director</p> <p>Or</p>

	Services must contact Procurement to run quotation processes. If most economically advantageous criteria used a tender or other relevant route identified via Procurement			<p>If a new Provider complete Vendor Request Form and send to finance/procurement.</p> <p>Attach “Authorisation to Award” or equivalent to requisition.</p> <p>Approvals:</p> <ol style="list-style-type: none"> <li>1) Contract owner as per the Scheme of Delegation</li> <li>2) Procurement</li> <li>3) Technical specialist (if applicable)</li> </ol>	If a bespoke contract, then the monitoring officer.
£100,000 to threshold for Services and Supplies	<p>Invitation to Tender (ITT)</p> <p>Advice must be sought from Procurement before commencing and a “Starting a Procurement” form completed.</p> <p>Tender process using the EMCCA’s e-tendering system.</p>	<p>EMCCA’s e-tendering system</p> <p>Contracts Finder Website</p>	<p>Most economically advantageous tender based on criteria published within the Invitation to Tender.</p>	<p>An “Authorisation to Award” form is completed.</p> <p>Then</p> <p>If a new Provider complete a Vendor Request Form and send to finance/procurement.</p> <p>Then</p>	<p>Purchase Order and then the monitoring officer.</p>



	<p>An open tender must be used for all contracts up to the Goods and Services threshold.</p> <p>Managed by Procurement Team</p>			<p>Approvals:</p> <p>(1) Contract owner (as per the Scheme of Delegation)</p> <p>(2) Procurement</p> <p>(3) Technical specialist (if applicable)</p>	
<p>Above threshold for services and supplies</p> <p>Threshold applies to all contracts including Works</p>	<p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Delegated authority should be sought from Procurement Assurance Group to award the contract when the evaluation is completed.</p> <p>Tender process using the EMCCA's e-tendering system.</p> <p>Relevant procedure will be determined via Procurement.</p> <p>Managed by Procurement.</p>	<p>EMCCA's e-tendering system</p> <p>Contracts Finder</p> <p>and</p> <p>UK FTS e-notification service</p>	<p>Most economically advantageous tender based on criteria published within the Invitation to Tender.</p>	<p>A Contract Award or Delegated Authority report is completed for inclusion in the Procurement Assurance Group Report for contracts exceeding the supplies and services threshold.</p> <p>Or</p> <p>An Authorisation to Award report is completed if Delegated Authority the Procurement Assurance Group has been granted in advance for contracts exceeding the supplies and services threshold.</p> <p>then</p>	<p>Purchase Order</p> <p>and</p> <p>then the monitoring officer.</p>

				<p>If a new Provider complete a Vendor Request Form.</p> <p>then</p> <p>Approvals:</p> <ol style="list-style-type: none"><li>1) Contract owner (as per the Scheme of Delegation)</li><li>2) Procurement</li><li>3) Technical specialist (if applicable)</li></ol>	
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## 13. Planning procurement activity

- 13.1. If the value of a contract is forecast to be £100,000 or greater then Procurement must be contacted at the earliest stage possible. A 'Starting a Procurement' form must be completed prior to the commencement of a procurement process.
  - 13.1.1. The "Starting a Procurement" form considers risk with any contract and must be fully completed and signed off by relevant stakeholders prior to any procurement process commencing. When completing the form, procurement can support you. You will also require feed in from other teams.
- 13.2. Insurance and liability requirements:
  - 13.2.1. the legal minimum of Five Million Pounds is required for employer's liability insurance.
  - 13.2.2. Public liability insurance is not legally required in the UK, risks need to be considered to identify the correct cover, no contract should be absent of this type of insurance.
  - 13.2.3. Professional indemnity insurance is not a legal requirement and will not be required in all contracts, it is usually required if the supplier provides professional services or advice.
- 13.3. Authority for awarding of contracts, greater than the supplies and services threshold, rests with the Procurement Assurance Group. To facilitate the timely award of contracts it can be beneficial to seek a delegation, at the start of the process, from the Procurement Assurance Group to the relevant Executive Director.
- 13.4. Any contract with EMCCA staff transferring under Transfer of Undertakings (Protection of Employment) Regulations 2006, regardless of value, will also be subject to approval from the Procurement Assurance Group.
- 13.5. Where the contract is complex or high value the Procurement Assurance Group may, by exception, request that a further report is provided setting out the results of the evaluation prior to the contract being awarded.

- 13.6. Where delegated authority has not been previously approved then authority to award the contract greater than the supplies and services threshold must be requested from the Procurement Assurance Group.
- 13.7. A Conflict-of-Interest declaration must be signed by all parties, including Officers (including temporary, agency and interim staff), involved in the procurement process and submitted to Procurement prior to a process commencing. For more see section 9.
- 13.8. Where a forecasted estimated contract value varies above 10% of the maximum delegation of a director prior to award, following a tender process i.e. 10% above the supplies and services threshold, then a new contract award will need to be completed and approved by the Procurement Assurance Group. Below 10%, but above the supplies and services threshold the relevant Executive Director in consultation with the S73 or Deputy S73 Officer will approve the award of contract.
- 13.9. The S73 or deputy S73 officer in conjunction with the Monitoring Officer may approve an additional uplift to contract value without further approval from the Procurement Assurance Group. This process applies where a contract value varies above the maximum delegation already approved via the Procurement Assurance Group due to prevailing market conditions.

## **14. Procurement Launch**

- 14.1. EMCCA is required to publish a full set of procurement documents when they publish the contract notice. This as a minimum should include the invitation to tender, specification, contract terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.
- 14.2. All competitive procedures above £25,000 must be managed through EMCCA's procurement team.

- 14.3. All communication with bidders should be, as far as practicable, be via electronic means, e.g., the e-tendering portal. Once a process has commenced only the procurement team should be communicating directly with bidders.
- 14.4. Where discussions are held between stakeholders and potential bidders prior to the issue of an advert or Contract Notice then these must be recorded and included in the tender pack to ensure equal treatment for all bidders.
- 14.5. All clarifications (by suppliers and EMCCA) must be raised and managed through the e-tendering portal.
  - 14.5.1. Where a supplier asks a question, the questions and responses must be shared with all bidders; an exception being where the bidder specifies that the question is commercially sensitive, and EMCCA accepts this. If EMCCA does not accept this the bidder may either withdraw the question or accept if will be shared with other bidders.
  - 14.5.2. Where, as part of the evaluation process, EMCCA identifies something that appears erroneous, needs to be clarified or was omitted, this must also be raised through the e-tendering portal.
  - 14.5.3. Where, as part of the evaluation process, EMCCA identifies something that appears erroneous, needs to be clarified or was omitted, must also be raised through the e-tendering portal.
  - 14.5.4. A record of all clarifications must be maintained.

## 15. Submissions

- 15.1. All responses to processes above £25,000 to ITTs of RFQs must be submitted electronically through EMCCA's e-tendering system and cannot be opened until after the RFQ or ITT closing date.
- 15.2. For RFQs below £25,000 responses should be returned by email to the Procurement team.
- 15.3. All late quotations and tenders must be referred to the Head of Procurement. They will only be accepted in exceptional circumstances if:

- 15.3.1. the other tenders have not been opened and;
- 15.3.2. there has been a failure of the e-tendering system or if the failure to comply is the fault of EMCCA.
- 15.4. The final decision on whether a tender will be accepted is at the discretion of the Head of Procurement.
- 15.5. The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the Head of Procurement, and the reasons documented.

## **16. Evaluation Process**

- 16.1. The contract lead will identify a team of suitably qualified and experience persons to carry out individual evaluations of their allocated question in accordance with the Selection/ Award Criteria as set out in the published procurement documentation. All evaluators will then be required to attend a moderation session.
- 16.2. EMCCA has the right (but is not obliged) to seek clarification on the submissions as part of the process. Where this prerogative is utilised, all bidders will be treated equally.
- 16.3. Evaluators must come to a consensus on scores awarded via a moderation meeting, scores must not be averaged.
- 16.4. Following the moderation of the quality element, evaluators will also review and score pricing within the process, this will then be checked and discussed with procurement. Pricing information will not be released until the moderation is complete.
- 16.5. If two bidders have the same overall score following a tender process, the contract will be awarded to the bidder with the higher quality score. If the quality scores are also identical, the contract will be awarded to the bidder with the lowest price.

- 16.6. Negotiations with bidders are only permitted in limited instances with approval of the Head of Procurement.
- 16.7. If a supplier attempts to negotiate a contract post award where this is not permitted in most circumstances, EMCCA may disregard the supplier and award to the next ranked supplier.

## **17. Award Decisions and Approvals**

- 17.1. Before bidders can be notified of the recommendation, the decision to award must be approved in accordance with section 12 and 13 of these CPRs.
- 17.2. Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.
  - 17.2.1. Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process.
  - 17.2.2. For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder, unless this could disadvantage the winning bidder commercially. For example, if bidding for a fixed amount of one product.
  - 17.2.3. For supplier selection Questionnaires the unsuccessful bidders should be advised of the reasons they did not meet the standard to be shortlisted.
  - 17.2.4. For ITTs where the evaluation criteria comprise quality, price and if applicable social value, then unsuccessful bidders should be advised of their score against each criteria and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder.
  - 17.2.5. Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from Procurement.

- 17.3. For all contracts with a value above the PCRS threshold a mandatory 10 day 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the PCRs. No public announcements should be made prior to contract signature except for relevant requirements in PCRs. (Excluding light touch or call off contracts awarded under a framework)
- 17.4. Contract leads must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of the Monitoring Officer.
- 17.5. Contract Award Notices must be placed on Find a Tender and Contracts Finder in accordance with the PCRs. The publication of notices will be undertaken Procurement.

## **18. Exclusion of bidders from contracts**

- 18.1. If any of the following apply to a bidder, any person who has powers of representation, decision or control of the bidder, or an associated bidder, (e.g. within the same group, with same directors or owners etc.), then the bidder may be excluded from being awarded any EMCCA contract or order:
  - 18.1.1. Have failed to comply with any other agreements with EMCCA, e.g. failure to meet grant conditions, defaulted on a contract or other legal agreements.
  - 18.1.2. Are subject to any of the Mandatory and Discretionary exclusions in Regulation 57 of the PCRs.
  - 18.1.3. Are subject to any of the Selection Criteria exclusions in Regulation 58 of the PCRs.
- 18.2. If any of the above apply then the bidder should be requested to submit an explanation which details actions taken to rectify the situation. It is the Head of Procurement's decision, in consultation with the Monitoring Officer, to assess the bidder's explanation and whether to exclude the bidder.

## **19. Contract Documents**



19.1. Every Relevant Contract/must be in writing and must state clearly:

- 19.1.1. what is to be supplied (description and quality)
- 19.1.2. payment provisions (amount and timing)
- 19.1.3. rights to terminate the contract
- 19.1.4. to the law as to prevention of corruption
- 19.1.5. that the contractor may not assign or sub-contract without prior written consent
- 19.1.6. any insurance requirements
- 19.1.7. health and safety requirements
- 19.1.8. ombudsman requirements
- 19.1.9. data protection requirements if relevant
- 19.1.10. a right of access to relevant documentation and records of the bidder for monitoring and audit purposes

19.2. EMCCA's standard terms and conditions must be used where possible.

19.3. Where EMCCA's standard terms and conditions are not utilised the Monitoring officer must authorise use of nonstandard terms or framework agreements.

## 20. Contract Execution

20.1. All contracts must be signed or executed in accordance with section 12 of these CPRs.

20.2. A contract entered by or on behalf of EMCCA must:

20.2.1. Where the contract is in the form of a deed, be made under EMCCA's seal and attested as required by the Constitution, or:

20.2.2. Where the contract is in the form of an agreement be signed by an authorised officer as required by the Constitution.

20.3. A contract must be sealed where;

- 20.3.1. EMCCA wishes to enforce the contract for more than six years following a risk assessment by the contract owner, then the Monitoring Officer and Procurement or;
  - 20.3.2. The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services;
  - 20.3.3. It relates to a transfer of Land or is a requirement of the Land Registry; or
  - 20.3.4. Where there is any doubt about the authority of the person signing for the contracting party.
- 20.4. Contracts entered on behalf of EMCCA can be executed by electronic means (using an electronic execution software tool) in accordance with the process set out in Rule 19.2 and 19.3.
- 20.5. The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.
- 20.6. All contracts must be concluded formally in writing above £10,000 before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer.

## 21. Light Touch Regime

- 21.1. The light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 3 of the PCRs and a consolidated list can be seen below:
- 21.1.1. Domestic help
  - 21.1.2. Supply services of nursing personnel
  - 21.1.3. Agency staff, Manpower, Home help services for households
  - 21.1.4. Education and training services
  - 21.1.5. Event services
  - 21.1.6. Festival organisation services
  - 21.1.7. Catering services for private households

21.1.8. Canteen management services

21.1.9. School-meal services

21.1.10. Postal services

21.2. Services highlighted above still require the specific CPV codes in Schedule 3 to be listed otherwise they will be classified as a standard goods or services contract and will comply with regulations, accordingly, including the lower threshold. For a mixed contract including LTR and non-LTR services, the classification of the overall contract is determined by whichever constituent part is greater by value.

21.3. Below the LTR threshold, contracts do not normally need to be advertised in the UK e-notification service. The PCRs recognise that only services above the threshold identified in the biannual Procurement Policy Note covered by the LTR would normally be likely to be of cross border interest. Following from this, services below this threshold do not need to be advertised via the UK e-notification service, unless there are concrete indications of cross-border interest.

21.4. A small number of procedural rules for above these thresholds. EMCCA must follow the light-touch set of procurement rules for LTR contracts above the relevant threshold. The main mandatory requirements are:

21.4.1. UK e-notification service advertising: The publication of a contract notice (CN) or prior information notice (PIN). Except where the grounds for using the negotiated procedure without a call for competition could have been used, for example where there is only one provider capable of supplying the services required.

21.4.2. The publication of a contract award notice (CAN) following each individual procurement, or if preferred, group such notices on a quarterly basis.

21.4.3. Compliance with PCRs principles of transparency and equal treatment.

21.4.4. Conduct the procurement in conformance with the information provided in the contract notice or pin regarding: any conditions for participation;

time limits for contacting/responding to the authority; and the award procedure to be applied.

21.4.5. Time limits imposed by authorities on suppliers, such as for responding to adverts and tenders, must be reasonable and proportionate. There are no stipulated minimum time periods in the LTR rules, so EMCCA needs to use its discretion and judgement on a case-by-case basis.

21.5. EMCCA has the flexibility to use any process or procedure they choose to run the procurement, as long as it respects the other obligations above. There is no requirement to use the standard EU procurement procedures (open, restricted and so on) that are available for other (non-LTR) contracts. Authorities can use those procedures if helpful, or tailor those procedures according to their own needs, or design their own procedures altogether.

21.6. The LTR rules are flexible on the types of award criteria that may be used, but make clear that certain considerations can be taken into account, including (this is not an exhaustive list):

21.6.1.1. the need to ensure quality, continuity, accessibility, affordability availability and comprehensiveness of the services.

21.6.1.2. the specific needs of different categories of users<sup>1</sup>, including disadvantaged and vulnerable groups.

21.6.1.3. the involvement and empowerment of users; and

21.6.1.4. innovation.

21.7. Reserved contracts for certain services in the light-touch regime. The rules permit for certain LTR contracts to be “reserved” for organisations meeting certain criteria e.g. public service mutuals and social enterprises.

## 22. Advanced Payments

22.1. Advanced payments must be authorised by both the Head of Procurement and S73 or Deputy S73 Officer.

## 23. Disposal of Goods & Assets

- 23.1. Where EMCCA has goods or assets that are no-longer required these are to be disposed of through the following processes via Procurement:
- 23.1.1. If less than £25,000 3 written quotes
  - 23.1.2. If more than £25,000 an open competitive process
- 23.2. The S73 or Deputy S73 Officer will be required to authorise estimates of disposal valuations.
- 23.3. The highest value unconditional bid received should be accepted.
- 23.4. The chosen process must be approved in advance by the S73 or Deputy S73 Officer.

#### **24. Finance Leases excluding Land and Property**

- 24.1. Where a contract requires EMCCA to enter into a finance or lease agreement then advice should be sought from the S73 or Deputy S73 Officer in advance.
- 24.2. Finance and lease agreements must be approved by the S73 or Deputy S73 Officer prior to signing.

#### **25. Concessions and Revenue Earning Contracts**

- 25.1. Prior to EMCCA awarding a concession or entering a revenue earning contract, whether in its own right or with a commercial partner, approval of Concession Contracts is subject to the same approvals of that of Supplies, Services and Works in section 12 of these CPRs.
- 25.2. Where EMCCA is a bidder and submitting a proposal or tender in response to a contract opportunity then approval must be obtained from the S73 or Deputy S73 Officer and Monitoring Officer.

25.3. Advice from the Monitoring Officer must be sought prior to commencing any work on compiling a proposal or tender to determine if EMCCA has the power to enter the contract.

## 26. Land and Property Transactions

26.1. Before land or property or an interest in land or property is offered for sale or lease the advice of the Monitoring Officer and Executive Director of Place will be sought and the Executive Director of Place or a nominee (“the Director”) shall ensure a suitably RICS qualified valuer’s estimate of the likely price or rent has been obtained. EMCCA will normally expect that best consideration is obtained in accordance with the relevant legislation.

26.2. The advice of the Executive Director of Place must be sought for all land and property transactions and/or proposals. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of the Combined County Authority Board.

26.3. Where a contract or proposal is likely to have any property implications for EMCCA, such as the leasing, acquisition or use of premises (whether EMCCA owned or otherwise), the advice of the Executive Director of Place must be sought and followed.

26.4. Any transaction above key decision value will require the approval of the Combined County Authority Board.

Document version control	
Version:	1.0

Date:	4 November 2024
Document approved by:	EMCCA Board
To be of effect from:	4 November 2024

## **4.9 Recruitment and appointment procedure for Business Advisory Board (private sector representatives)**

### **1. Introduction**

- 1.1 The English Devolution Accountability Framework sets out requirements for a 'business voice' with all institutions with devolved powers required to embed a strong, independent, and diverse local business voice into their decision-making processes. This business board should build on the success of existing LEP boards wherever possible.
- 1.2 Any new business board members must be appointed through an open process. That process should ensure appointees are politically independent and able to provide a constructive check and challenge on local decision-making using their private sector perspective.
- 1.3 The Combined County Authority agreed on 20 March 2024 that a Business Advisory Board would create a strategic business advisory and engagement body in alignment with national policy on LEP integration and the English Devolution and Accountability Framework. This would create a business voice for the region that can provide that voice to the Mayor, the EMCCA Board and wider committees across the governance framework that would create an opportunity for business to influence a wide range of strategic thematic policy.
- 1.4 The recruitment of private sector representatives to the Business Advisory Board shall be to positions set out in the Business Advisory Board Terms of Reference.
- 1.5 The terms of office for any private sector representative on the East Midlands Business Advisory Board including the Chair, a committee or working group, will be in accordance with the Combined County Authority's governance arrangements.
- 1.6 This procedure sets out the process to be followed in relation to the recruitment of any private sector representative to the East Midlands Business Advisory Board.
- 1.7 The purpose of this procedure is to ensure that the recruitment for private sector representatives is carried out in a way which secures:



- Selection that meets the business and sectoral requirements set out in the terms of reference
- selection on the basis of merit based on aptitude and ability
- consistency, fairness, and openness in line with the Nolan principles
- appropriate succession planning, and
- effective recruitment of people who can bring new ideas and approaches.

## **2. Recruitment Exercise – Private Sector representatives**

- 2.1 The open recruitment process for Business Advisory Board membership shall begin with an advert on the public EMCCA website (and associated channels) at the earliest opportunity. The process will be overseen by the EMCCA Board Business Representative with support from EMCCA officers.
- 2.2 There are key skillsets that Business Advisory Board members will need to demonstrate in their role, in addition membership should be capable of utilising their skills, knowledge, and passion to drive forward and progress the work of the Business Advisory Board. The role profile for Business Advisory Board members is attached at Annex A and will be made available to candidates.
- 2.3 Members of the Business Advisory Board should be passionate about their business, their sector, the East Midlands region, and devolution. Where relevant they should have a track record of achievement in business and their sector. Members will be required to adhere to the Combined County Authority code of conduct and therefore should demonstrate the Nolan Principles of behaviour.
- 2.4 A full media backed recruitment campaign may take place as appropriate in respect of private sector representation as directed by the Mayor and/or the Business Advisory Board Chair.
- 2.5 To further support the recruitment process, the person specification at Annex B will be published as part of any advert.
- 2.6 All membership opportunities will be advertised openly on a variety of platforms, to ensure that people across the business community have an opportunity to apply.

- 2.7 The Combined County Authority's officers will compose an appropriate advertisement and agree a suitable deadline for applications in consultation with the Mayor and/or the Chair of the Business Advisory Board.
- 2.8 Decisions regarding recruitment specifics such as exact timeframes, advertisement details and recruitment targeting will be determined by senior EMCCA officers in consultation with the Business Representative

### **Process**

- 2.9 Following the advertised deadline, applications will be reviewed to ensure that candidates are eligible for the position and assess suitability against the role profile. This 'longlisting' review will be undertaken by the lead Combined County Authority Officer in consultation with the EMCCA Board Business Associate representative and/or the Chair of the Business Advisory Board.
- 2.10 Following longlisting the Mayor and the EMCCA Board Business Associate representative and/or the Chair of the Business Advisory Board will agree a short-list of candidates, who may then be invited to meet with an interview panel. The interview panel for private sector representatives must consist of:
- the Chair of the Business Advisory Board
  - the Mayor (or representative)
  - a senior EMCCA Officer (to be identified by the Chief Executive)
- 2.11 Before the interview, each shortlisted candidate may be asked to provide contact details for two referees. Each candidate will be assessed by the interview panel on merit, based on aptitude and ability assessed against the role profile for the position, taking into account their application, interview, and references.
- 2.12 In respect of private sector representative appointments, the Mayor and the EMCCA Board Business Associate representative and/or the Chair of the Business Advisory Board will agree candidates that they wish to appoint to the Business Advisory Board. Details will be shared with the membership of the Appointments Panel for consultation with one week given to provide feedback.

- 2.13 The Mayor will make the final decision on appointments, taking on board the feedback from the Appointments Panel and any feedback from the EMCCA Board Business Associate representative and/or the Chair of the Business Advisory Board.
- 2.14 Appointments to the Business Advisory Board will be subsequently reported to the next meeting of the Combined county Authority for noting.

### **Private Sector reserve**

- 2.15 Where the number of suitable candidates exceeds the number of vacancies, any suitable candidate who is not appointed to a vacancy may be given the opportunity to join a private sector reserve which may remain in place until the next recruitment campaign.
- 2.16 Should a vacancy arise for a private sector representative at any time between each full campaign, then the Private Sector Relationship Manager (lead EMCCA Officer) may invite an EOI from the individuals in the Private Sector Reserve to fill this vacancy.
- 2.17 The Private Sector Relationship Manager may also invite an Expression of Interests from all existing private sector representatives in relation to any vacancy in case they wish to be considered for that vacancy.
- 2.18 Where any Expression of Interest is received:
- In respect of vacancies for private sector representatives on the Business Advisory Board, the Chair will consider any Expression of Interests and may meet with any candidates to assess their suitability for the particular position.
  - In respect of vacancies for private sector representatives on a committee, the Chair or any other appropriate member of the Business Advisory Board with the consent of the Chair will consider any Expression of Interests and may meet with any candidates to assess their suitability for the particular position.
- 2.19 If no Expression of Interests are submitted, new applicants may be sought via a recruitment campaign with the vacancy being advertised.

### **3. Recruitment Exercise – Chair**

- 3.1 The recruitment requirements for the Chair of the Business Advisory Board will be undertaken in line with the private sector representative recruitment set out above but will utilise the role profile set out at Annex C.
- 3.2 The Combined County Authority (Board) has determined that the Business Associate Member of the Combined County Authority will initially chair the Business Advisory Board until the membership of the Business Advisory Board has been established, with the Combined County Authority reconsidering this position at its annual general meeting.

#### **4. Induction, Training, Term of Office and Allowances**

- 4.1 Appropriate training and induction will be provided to all representatives of the Business Advisory Board, including private sector representatives. Further training may also be provided throughout their term, including diversity training and briefings on new developments, as and when required and this will be kept under review.
- 4.2 The terms of office for each private sector member shall be for two years, with the option to extend for a further year, to provide continuity during the initial years of activity.
- 4.3 Any extension of an additional year must be agreed with the Mayor in consultation with the EMCCA Board Business Associate representative and/or the Chair of the Business Advisory Board, and the Chief Executive. Any agreed extension must be subsequently reported to the Combined County Authority (Board).
- 4.4 No allowance is included in the Allowances Scheme for members including the Chair. Members shall be able to claim travel and expenses in line with the Allowances Scheme.

<b>Document version control</b>	
Version:	1.1
Date:	17 June 2024
Document approved by:	Combined County Authority (Board)

To be of effect from:	17 June 2024
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## Annex A: Business Advisory Board Member Role Profile

Recruitment and appointment procedure for Business Advisory Board (private sector representatives)

### Business Advisory Board Member Profile

Business Advisory Board members should be able to demonstrate:

- High level and broad management skills, both at a strategic and operational level, utilised in a complex organisation or SME.
- An understanding of how to translate local, regional, national government policy into workable, strategically focused on delivery and improvement.
- Well networked with an extensive knowledge of the needs of specific sectors/stakeholders including barriers to business growth (e.g., skills and transport) and their impact upon the East Midlands particularly from the growth and enabling sectors.
- Political Awareness with the ability to proactively engage in influencing the shaping of policy and lobbying government.
- A knowledge of designing and implementing approaches to working to constantly assess and challenge the effectiveness and efficiency across a broad range; not limited to a single specialism.
- The knowledge and expertise to be a change management leader for the East Midlands
- Business Board members will create space to have policy and strategy discussions with the CCA Board and officers.

Business Advisory Board members should utilise their skills, knowledge, and passion to drive forward and progress the work of the Business Advisory Board:

- in providing advice and support to CCA activity
- in helping engage with wider stakeholder networks and activity
- to identify and scale up existing good practice within the CCA region, including cross portfolio working, improvements and initiatives
- to identify and secure resources to deliver new opportunities
- to work with the CCA public affairs function to identify key opportunities to engage the business community on influencing priorities with Government and maintain a role of developing local business networks to support this.
- to take a partnership approach and culture should be established between Boards whereby the Business Board can provide timely advice on decisions to be taken by the CCA Board.
- to develop the necessary relationships with other business forums in the region such as the Chamber of Commerce and that it has the capability to engage appropriate business sectors/clusters as required by the Combined County Authority for key consultations.

**Business Advisory Board members will be expected to be able to individually act as sector champions for their areas of expertise, leading on engaging with local and national networks, bringing insight into CCA discussions, and supporting stakeholder engagement with CCA officers on specific pieces of work.**

## Annex B: Business Advisory Board Recruitment: Person Specification

### Recruitment and appointment procedure for Business Advisory Board (private sector representatives)

The recruitment process for Business Advisory Board membership should utilise the following person specification:

Business Advisory Board members should:

- have a strong commitment to, and understanding of, the EMCCA region and in particular the drivers of and challenges faced by the East Midlands economy
- have substantial business skills and experience gained at a senior level and be a credible individual with the stature to lead and influence
- have substantial experience of chairing groups or boards of senior executives, of providing leadership and of inspiring and motivating colleagues and stakeholders
- be independently minded – providing detachment and clarity in the development of strategy and the identification of opportunities
- have the ability to set strategic direction and to quickly understand and analyse and distil complex issues into coherent and practical actions
- have strong interpersonal and communication skills, be articulate and passionate, have an ability to influence and network, to deal with media attention and to represent the Business Advisory Board and its actions
- have experience of providing leadership in a partnership environment and have a strong commitment to collaborative and partnership working, including with the public sector
- have a genuine interest and understanding of the challenges facing the business community
- have a total commitment to equality of opportunity and diversity, including an understanding of the barriers and challenges faced by economically or socially excluded groups

It should be noted that applications will not be considered if the individual:

- is a member, officer of the Combined County Authority, or a County Council, Borough Council, District Council within the area served by the Business Advisory Board, or otherwise employed under the direction of a local authority;
- is a non-executive director or officer of an NHS Trust;
- is subject to a bankruptcy restriction order or interim order;
- is subject to a sexual risk order or be on the sexual offender's register;
- is subject to a civil injunction or criminal behavior order;
- is disqualified from acting as a director, a charter trustee or charity trustee

- within five years before the date of submission of application, have been a director or person of significant control of a company subject to a creditor's compulsory liquidation
- within five years before the date of submission of application, have been convicted of any offence and have had passed on them a sentence of imprisonment, whether suspended or not, for a period of not less than three months without the option of a fine.
- is an active member of parliament, serve as an officer in any recognised political party or make substantial personal contributions to any recognised political party.



## Annex C: Business Advisory Board Chair Role Profile

Recruitment and appointment procedure for Business Advisory Board (private sector representatives)

This role profile will be developed by the Business Advisory Board at the earliest opportunity prior to the initial recruitment exercise for the position of Business Advisory Board Chair.

# PART 5 – Protocols and Ethical Standards

## 4.1 The East Midlands Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

### Parties

1. **THE EAST MIDLANDS COMBINED COUNTY AUTHORITY**, of (“Combined County Authority”).
2. **DERBYSHIRE COUNTY COUNCIL**, of County Hall, Matlock DE4 3AG.
3. **NOTTINGHAMSHIRE COUNTY COUNCIL**, of County Hall, West Bridgford, Nottingham NG2 7QP.
4. **DERBY CITY COUNCIL**, of Council House, Corporation Street, Derby DE1 2FS.
5. **NOTTINGHAM CITY COUNCIL**, of Loxley House, Station Street, Nottingham NG2 3NG.

Each a **party** together the **parties**, and the parties (2) to (5) above collectively the “**Constituent Councils**” of the Combined County Authority.

### 1. Background and Introduction

- 1.1 The East Midlands Combined County Authority Regulations 2024 made on February 28 2024 (“the 2024 Regulations”) provide for:
  - the election of a mayor for the area of the Combined County Authority (“Mayor”) from May 2024,
  - the following functions to be conferred on the Combined County Authority:
    - functions of the Homes and Communities Agency (now known as Homes England) relating to housing and regeneration (to be exercised concurrently with Homes England),

- functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral
- Development Corporation (to be exercised by the Mayor),
- functions in relation to local passenger transport services including grants to bus service operators,
- Power to pay grant (exercisable concurrently with a Minister of the Crown).
- functions in relation to Business Rates Supplements (to be exercised by the Mayor),
- functions of the Constituent Councils to be exercised concurrently by the Combined County Authority relating to:
  - housing, regeneration, and planning, and
  - transport (including in relation to highways functions: permit schemes and civil enforcement of road traffic contraventions; and in relation to local transport functions: bus ticketing schemes and concessions, and workplace parking levy licensing schemes).
  - the provision for protection or improvement of public health

### Concurrent Functions

- 1.2 The tables of functions in **Part 3** to this protocol sets out each function (that is, power or duty) of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2024 Regulations. This table includes detail of whether functions are exercisable concurrently with the Constituent Councils (a “Concurrent Function”) and whether that concurrency is continuing or available for the duration of the transport transition period (“a Transitional Concurrent Function”).
- 1.3 Under the 2024 Regulations, there is:
- no transfer of any Concurrent Function to the Combined County Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
  - no requirement for the joint exercise of any Concurrent Function by the Combined County Authority with Constituent Councils – that is, that they are not required to act together, and
  - no requirement for a Constituent Council to involve, consult or seek the consent of the Combined County Authority in relation to the exercise of any Concurrent Function by a Constituent Council.

1.4 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2024 Regulations.

1.5 For the duration of the Transition Period, a Transitional Concurrent Function, the statements set out at 1.3 and 1.4 are applicable. It is envisaged that the exercise of Transitional Concurrent Functions by the Combined County Authority and the Constituent Councils will be governed by an Inter-Authority Agreement which will set out the detailed position in relation to the transition of transport functions to the CCA.

### Statutory Consents

1.6 The 2024 Regulations provide that the Combined County Authority's exercise of specified functions is subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery.

### Aim of this Protocol

1.7 The aim of this protocol is to promote:

- **co-operation** and **collaboration** between the Combined County Authority and the Constituent Councils in a spirit of partnership,
- **transparency** of roles and processes to engender mutual trust and confidence, and
- the **best use of resources** through co-ordination and reducing duplication between the parties.

1.8 The Combined County Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.

1.9 The Combined County Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement about how the Combined County Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

### Miscellaneous

- 1.10 For the functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (Duty to prepare an assessment of economic conditions)), the 2024 Regulations provide that a Constituent Council's duty to exercise the Concurrent Function is met when the Combined County Authority carries it out. This means that provided the Combined County Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.
- 1.11 The 2024 Regulations provide for a Statutory Consent in relation to some functions of the Combined County Authority which are to be exercised by the Mayor, including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
- 1.12 It is envisaged that in any matters relevant to a Mayoral Development Corporation or any other like body, the principles of this protocol shall be applied.
- 1.13 Where the Combined County Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined County Authority and Constituent Council may agree a bespoke protocol to govern the way the Combined County Authority exercises that Concurrent Function . In particular, it is anticipated that for the purpose of concurrency of transport functions, an Inter Authority Agreement will be agreed between the Constituent Councils and the Combined County Authority to govern the use and transition of functions in the transition period.
- 1.14 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.15 This protocol does not address the **scrutiny** of the Combined County Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

## 2. Concurrent Functions – Underlying Principles

- 2.1 This protocol sets out how the Combined County Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit. The Combined County Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined County Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 2.2 The Combined County Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3 The Combined County Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined County Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010.
- 2.4 The Combined County Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary** to the exercise of the Concurrent Function by any Constituent Council.
- 2.5 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined County Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 2.6 The parties will consult with each other before **approving, varying, or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined County Authority or any Constituent Council.
- 2.7 The Combined County Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined County Authority.

2.8 The Combined County Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined County Authority.

2.9 It is anticipated that the areas in which it is anticipated that the Combined County Authority will exercise concurrent functions will be identified early as part of the Annual Plan. This will enable early engagement and discussion with the Constituent Councils before the formal consultation stage under this protocol.

### **3. Concurrent Functions: Consultation with Constituent Councils**

3.1 The Combined County Authority will consult the Constituent Councils about any proposal by the Combined County Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.

3.2 The Chief Executive will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined County Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined County Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the Combined County Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.

3.3 The Chief Executive will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised

3.4 Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined County Authority with a view to reaching agreement on the exercise of the Concurrent Function.

### **4. Statutory Consents: Procedure**

4.1 There are two ways in which the 2024 Regulations require consent relating to the constituent councils. These are either:

- The consent of the lead member of a Constituent council, or

- The consent of the constituent council
- 4.2 The 2024 Regulations also provide for circumstances in which the consent of a district or borough council or the Peak District National Park Authority are required.
- 4.3 The 2024 Regulations provide for any **Statutory Consent** of lead members **to be given at a meeting of the Combined County Authority**. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined County Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.4 Where Statutory Consent is required from a constituent council, the Combined County Authority will seek that Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.5 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined County Authority who may provide a Statutory Consent, the Combined County Authority's Chief Executive will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 4.6 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined County Authority agrees that this is subject to the Combined County Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.
- 4.7 Where Statutory Consent is required from a district or borough council or the Peak District National Park, the Combined County Authority will seek that Statutory Consent in a timely way. To facilitate this, the Combined County Authority will engage as soon as possible with the relevant council. A notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought,



subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.

- 4.8 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the Council who may provide a Statutory Consent, the Combined County Authority's Chief Executive will notify the Chief Executive of the relevant Council as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

## 5. Dispute Resolution

- 5.1 The Combined County Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2 Any dispute between the Combined County Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Chief Executive of the Combined County Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 5.3 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined County Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

## 6. Review

The Combined County Authority and the Constituent Councils agree to review this protocol **annually**, and before any additional concurrent functions which may be conferred on the Combined County Authority in the future by any other Regulations which are exercisable by the Combined County Authority.

The Combined County Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Chief Executive of the Combined County Authority and the Chief Executive of each Constituent Council.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA
To be of effect from:	20 March 2024

## 5.2 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.

<b>Document version control</b>	
Version:	1.0
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Document approved by:	EMCCA
To be of effect from:	20 March 2024

## 5.3 Member Code of Conduct

### 1. Definitions

- 1.1 For the purposes of this Code of Conduct, a “Member” means a member of the East Midlands Combined County Authority (“EMCCA”) including the directly elected Mayor and substitute and co-opted members. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
- (a) is a member of any committee or sub-committee of the authority, or;
  - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### 2. General Principles of Member Conduct

- 2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 2.2 Building on these principles, the following general principles have been developed specifically for the role of a Member.
- 2.3 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
  - I act lawfully
  - I treat all persons fairly and with respect; and
  - I lead by example and act in a way that secures public confidence in the role of Member.
- 2.4 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
  - I do not improperly seek to confer an advantage, or disadvantage, on any person
  - I avoid conflicts of interest
  - I exercise reasonable care and diligence; and

- I ensure that public resources are used prudently in accordance with the Combined County Authority and my local authority's requirements and in the public interest.

### **3. Application of the Code of Conduct**

3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor or are appointed as a Member of the Combined County Authority and continues to apply to you until you cease to hold office or cease to be a Member of the Combined County Authority.

3.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member

3.3 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

3.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

### **4. Standards of Member Conduct**

4.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

4.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

## 5. General Conduct

### Respect

#### 5.1. As a Member:

- **I treat other Members and members of the public with respect.**
- **I treat Combined County Authority employees, employees and representatives of partner organisations and those volunteering for the Combined County Authority with respect and respect the role they play.**

5.2 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

5.3 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

5.4 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Combined County Authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and Combined County Authority employees, where concerns should be raised in line with the Combined County Authority's member-officer protocol.

### Bullying, harassment, and discrimination

#### 5.5 As a Member:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**



- 5.6 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
- 5.7 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
- 5.8 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.9 The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Combined County Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## Impartiality of officers of the Combined County Authority

- 5.10 **As a Member:**
- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Combined County Authority.**
- 5.11 Officers work for the Combined County Authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

## Confidentiality and access to information

5.12 **As a Member:**

1. **I do not disclose information:**

- a. **given to me in confidence by anyone**
- b. **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. **I have received the consent of a person authorised to give it.**
  - ii. **I am required by law to do so.**
  - iii. **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. **the disclosure is:**
    1. **reasonable and in the public interest; and**
    2. **made in good faith and in compliance with the reasonable requirements of the Combined County Authority; and**
    3. **I have consulted the Monitoring Officer prior to its release.**

2. **I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.**

3. **I do not prevent anyone from getting information that they are entitled to by law.**

5.13 Combined County Authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the EMCCA must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **Disrepute**

5.14 **As a Member:**

- **I do not bring my role or the Combined County Authority into disrepute.**

5.15 As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You

should be aware that your actions might have an adverse impact on you, other Members and/or the Combined County Authority and may lower the public's confidence in you or the Combined County Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Combined County Authority into disrepute.

5.16 You are able to hold the Combined County Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Combined County Authority whilst continuing to adhere to other aspects of this Code of Conduct.

### Use of Position

5.17 **As a Member:**

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

5.18 Your position as a Member of the Combined County Authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

### Use of Combined County Authority resources and facilities

5.19 **As a Member:**

- **I do not misuse Combined County Authority resources.**
- **I will, when using the resources of the Combined County Authority or authorising their use by others:**
  - (a) act in accordance with the Combined County Authority's requirements; and**
  - (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Combined County Authority or of the office to which I have been elected or appointed.**

5.20 You may be provided with resources and facilities by the Combined County Authority to assist you in carrying out your duties as a Member.

5.21 Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Combined County Authority buildings and rooms.

5.22 These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Combined County Authority's own policies regarding their use.

### Complying with the Code of Conduct

5.23 As a Member:

- I undertake Code of Conduct training provided by the Combined County Authority.
- I cooperate with any Code of Conduct investigation and/or determination.
- I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

5.23 It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Combined County Authority or its governance. If you do not understand or are concerned about the Combined County Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## 6. Protecting your reputation and the reputation of the Combined County Authority

### Interests

6.1 **As a Member:**

- **I register and disclose my interests.**

6.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

- 6.3 You need to register your interests so that the public, Combined County Authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
- 6.4 You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
- 6.5 **Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## Gifts and Hospitality

- 6.6 **As a Member:**
- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Combined County Authority or from persons who may apply to the Combined County Authority for any permission, licence, or other significant advantage.**
  - **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  - **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**
- 6.7 In order to protect your position and the reputation of the Combined County Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not

related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

## Appendices

### A The Seven Principles of Public Life

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **B Registering Interests**

1 Within 28 days of becoming a Member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

2 **“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

3 **"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non-participation in case of disclosable pecuniary interest**

4 Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

- 5 Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

- 6 Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

- 7 Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest.
- 8 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 9 Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being.
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
- 10 Where a matter (referred to in paragraph 8 above) *affects* the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;



b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

11 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

12 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

13 Where a matter (referred to in paragraph 12 above) affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

14 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

15 If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.

<p><b>Sponsorship</b></p>	<p>Any payment or provision of any other financial benefit (other than from the Combined County Authority) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<p><b>Contracts</b></p>	<p>Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the authority</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<p><b>Land and Property</b></p>	<p>Any beneficial interest in land which is within the area of the Combined County Authority.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<p><b>Licences</b></p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the Combined County Authority for a month or longer</p>

\* ‘director’ includes a member of the committee of management of an industrial and provident society.

\* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest:

- a) any unpaid directorships;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- c) any body
  - i. exercising functions of a public nature
  - ii. directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA
To be of effect from:	20 March 2024

## 5.4 Member – Officer Protocol

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The purpose of this Protocol is to guide Members and officers of the East Midlands Combined County Authority (EMCCA) in their relations with one another.

## Introduction

1. This Protocol applies to Combined County Authority Members and Non-Constituent, Associate and Co-opted Members<sup>1</sup> as well as those on any working group or committee created by the Combined County Authority or the Mayor (together referred to, for the purposes of this Protocol, as “Members”).
2. It also applies to officers of the Combined County Authority.
3. The Protocol is not prescriptive, and it may not cover all situations. However, it does provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.
4. The Protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty.
5. It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government.
6. Members and officers are servants of the public and they depend on each other in carrying out the work of the Combined County Authority. Members who are elected are responsible to the electorate. All Members serve only so long as their term of office or co-option lasts, while officers are accountable to the Combined County Authority as their employer. Their job is to give advice to the Combined County Authority, as well as to individual Members, and to carry out the Combined County Authority’s work under the direction and control of the Combined County Authority and the Mayor.

7. Mutual respect between Members and officers is essential to good local government. However, close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers.
8. The relationship has to function without compromising the ultimate responsibilities of officers to the Combined County Authority as a whole, and with due regard to such technical, financial, professional and legal advice that officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and officers

## Roles Of Members

9. Members undertake many different roles. Broadly these include:
  - expressing political values and supporting the policies of the party or group to which they belong (if any) – see further the section entitled “Political Activity” at paragraph 46 onwards,
  - representing their area and advocating for the citizens who live in the area,
  - participation in active partnerships with other organisations as community leaders,
  - contributing to the decision-making by the Combined County Authority, or any joint committees, outside bodies and partnership organisations to which the Member has been appointed,
  - developing and reviewing policy and strategy, and
  - monitoring and reviewing policy implementation and service quality

## Roles Of Officers

10. Briefly, officers have the following main roles:
  - ensuring that the Combined County Authority always acts in a lawful manner,
  - implementing agreed policy,
  - managing and providing the services for which the Combined County Authority has given them responsibility and being accountable for the efficiency and effectiveness of those services,
  - providing advice to the Combined County Authority and to individual Members in respect of the services provided (see further the section entitled “Provision of Advice and Information to Members” from paragraph 21 onwards below and the section entitled “Confidentiality” from paragraph 35 onwards), and

- initiating policy proposals.

## **Respect and Courtesy**

11. For the effective conduct of the Combined County Authority business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. This plays a very important part in the Combined County Authority's reputation and how it is seen in public. It is very important that both Members and officers remember their respective obligations to enhance the EMCCA's reputation and to do what they can to avoid criticism of other Members, or other officers, in public places.

## ***Undue Pressure***

12. It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position.
13. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office. Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles which Members must understand and respect. Members should have particular regard to any advice given by them.
14. A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined County Authority property and services.
15. Similarly, an officer must neither seek to use undue influence on an individual Member to decide in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.

## ***Familiarity***

16. Close personal familiarity between individual Members and officers can damage the principle of mutual respect. It could also, intentionally, or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

17. Such familiarity could also cause embarrassment to other Members and/or other officers and even give rise to suspicions of favouritism.
18. For these reasons close personal familiarity must be avoided, and Members and officers should address each other formally in public (whether in person or in writing).

### ***Breach of Protocol***

19. If a Member considers that they have not been treated with proper respect or courtesy, they may raise the issue with the officer's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an officer if the circumstances warrant it.
20. If an officer considers that a Member has contravened the Protocol, they should consult their line manager who will, if necessary, involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint. Many complaints will be capable of informal resolution. The Monitoring Officer or the Head of Paid Service will assist in this process if necessary. Nothing in this Protocol shall prevent an officer expressing a relevant concern under the Combined County Authority's Whistleblowing Policy.*(add link once policy is approved)*

## **Provision of Advice and Information to Members**

21. Members are free to approach officers of the Combined County Authority to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as Member. This can range from a request for general information about some aspect of Combined County Authority 's activities to a request for specific advice on a matter.

### ***Information***

22. Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry.



23. The legal rights of Members to inspect Combined County Authority documents are covered partly by statute and partly by common law. The Access to Information Rules in Part 4 of the Constitution explain the position with regard to access to papers relating to the business of the Combined County Authority.
24. The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Combined County Authority. Mere curiosity is not sufficient.
25. The information sought by a Member should only be provided by officers as long as it is within the limits of the resources available. For their part, Members should seek to act reasonably in the number and content of the requests they make.
26. It is important for officers to keep Members informed both about the major issues concerning the Combined County Authority and, more specifically, about issues and events affecting the area that they represent. Members should be informed about proposals that affect their area and should also be invited to attend Combined County Authority initiated events within their area.
27. Members may be entitled under the Freedom of Information (FOI) Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Combined County Authority's Data Protection Officer will be able to advise in consultation, if necessary, with the Monitoring Officer on whether any request would fall within the Freedom of Information Act 2000.

### *Advice*

28. Officers are responsible for the provision of professional expertise to the Combined County Authority and Members are entitled to ask relevant questions and seek advice on available courses of action as they discharge their role as a Member. The response of an officer to a Member would not usually be shared with other Members without specific agreement, however Members should remember that the officer's primary duty is to the Combined County Authority as a whole and officers will therefore share their advice if they consider it appropriate to do so.

29. Sometimes officers will need to advise Members that a certain course of action cannot be carried out. Members sometimes assume that this is a case of officers deliberately obstructing the wishes of politicians. In fact, this is never the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such officers are invaluable to the Combined County Authority.

### ***Members with Special Responsibilities***

30. Combined County Authority Members and other Members who hold additional responsibilities (such as the Mayor, Committee Chairs and those with a portfolio of responsibility) will receive additional information from senior officers to help them discharge their responsibilities. This is likely to take the form of briefings on service issues, proposals and policy development. The frequency of briefings will depend on the issues concerned and the requirements of the Member involved, and the content of the informal briefing will remain confidential between the officers and Member concerned.
31. Senior officers will always be fully responsible for the contents of any report submitted in their name and reports will be amended only where the amendment reflects the professional judgement of the author of the report.
32. Members who have additional responsibilities are likely to work more closely with officers but must still respect the impartiality of officers. Officers and Members who work closely together must ensure that they do not publicly give the appearance of personal familiarity.

### ***Members of Constituent Councils with Special Responsibilities***

33. Officers of the Combined County Authority may also be asked to provide information and advice to appropriate Members of Constituent Councils, such as those Members with special responsibility for a portfolio or in relation to a specific project. This is likely to take the form of briefings and the frequency of briefings will depend on the issues concerned and the requirements of the Member involved. If the Combined County Authority has assigned a portfolio lead for the subject matter, that Member should be made aware of the information provided.

### ***The Mayor's Political Adviser***

34. The Mayor is able to appoint one political adviser<sup>5</sup>. However, the nature of this role is different to that of other officers of the Combined County Authority – see further below re political restrictions.

## Confidentiality

35. Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules in Part 4 of the Constitution, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information<sup>6</sup> and exempt information<sup>7</sup>.

36. Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- they have the consent of a person authorised to give it,
- they are required by law to do so,
- the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
- the disclosure is –
  - reasonable and in the public interest, and
  - made in good faith and in compliance with the reasonable requirements of the authority.

37. Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the committee.

38. Information and correspondence about an individual's private or business affairs will normally be classed as exempt or confidential.

39. Officers should make it clear to Members if they are giving them confidential or exempt information. If a Member is not sure whether information is confidential or exempt from

disclosure, they should ask the relevant officer, and not disclose the information in the meantime.

40. Any Combined County Authority information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties.
41. If a Member receives exempt or confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so, then they must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

## **Provision of Support Services to Members**

42. The only basis on which the Combined County Authority can lawfully provide support services (for example stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Combined County Authority. Such support services must therefore only be used on Combined County Authority business. They should never be used in connection with party political or campaigning activity or for private purposes.

## ***Correspondence***

43. Official letters on behalf of the Combined County Authority should be sent in the name of the appropriate officer, rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Combined County Authority should never be sent out in the name of a Member.

## ***Media***

44. Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while officers provide factual information. If a Member is unsure about the circumstances of a particular issue, they should contact the appropriate Director or Head of Service concerned.

## **The Combined Authority's Role as Employer**

45. In their dealings with officers, Members should recognise and have regard to the Combined County Authority's role as employer. Members should be aware that officers could rely on inappropriate behaviour of a Member in an employment case against the Combined County Authority.

## Political Activity

46. There are a number of constraints that apply to an officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989 . However, there are variations in the extent of restrictions applied - for example, the Mayor's political adviser is an employee in a politically restricted post but has freedom to become involved with political issues relevant to the Mayor.
47. In summary, politically restricted officers may be prevented from:
- being a Member of Parliament, European Parliament or local authority,
  - acting as an election agent or sub-agent for a candidate for election as a member of any of those bodies,
  - being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if their duties would be likely to require them to:-
    - participate in the general management of the party or branch; or
    - act on behalf of the party or branch in dealings with persons other than members of the party;
  - canvassing on behalf of a political party or a candidate for election to any of those bodies,
  - speaking to the public with the apparent intent of affecting public support for a political party, and
  - publishing any written or artistic work of which they are the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.
48. It is common for party groups to give preliminary consideration to matters of Combined County Authority business in advance of such matters being considered by the relevant decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically

impartial. Support may include a range of activities including briefings for Members relating to their roles, for example chairperson or spokesperson. Officers should be required to give information and advice to political groups on Combined County Authority business only and not on matters which are purely of a party-political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of officers is preserved, and that group confidentiality is maintained by officers.

49. Usually, the only officers involved in attending group meetings will be the Chief Executive, Directors or Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
50. Officers are employed by the Combined County Authority as a whole. They serve the Combined County Authority and are responsible to the Chief Executive and their respective Directors and Heads of Service, and not to individual Members, whatever office they might hold.
51. Both Members and officers are subject to their own Codes of Conduct which can be found in Part 5 of the Constitution. This Protocol provides guidance on working relationships between Members and officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

## **Sanctions**

52. Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Members' Code of Conduct.
53. Complaints about any breach of this Protocol by an officer may be referred to the Chief Executive or the Monitoring Officer.

## **Conclusion**

54. It is hoped that, by following good practice and securing sensible and practical working relationships between members and officers, the EMCCA and Mayor will enhance the delivery of high value quality services to the people of the area. Mutual understanding,

openness and respect are the greatest safeguard of the integrity of the EMCCA, its Members and officers.

<b>Document version control</b>	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA
To be of effect from:	20 March 2024

## 5.5 Officer Code of Conduct

### 1. Introduction

As a member of the East Midlands Combined County (EMCCA) team you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership - in your conduct at all times. These are known as the ‘Nolan principles’.

### 2. Policy Purpose

The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined County Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality, and objectivity. This document sets out the standards expected of all the Combined County Authority’s officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

### 3. Objectives of the Code

This code of conduct should:

- provide officers of the Combined County Authority with an effective ethical framework within which to work; and give the public confidence that the Combined County Authority’s officers are working on their behalf in an appropriate manner; and
- provide guidance to officers on the possible consequences of breaches of this code.

### 4. Responsibilities

#### **Officers of the Combined County Authority**

The Combined County Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code,



recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

### **Line Manager**

The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

### **Human Resources (HR)**

The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

### **Legal Section**

The role of Legal and Governance Services is: -

- to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications.
- to advise officers in relation to the application of this Policy, if requested; and
- to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

## **5. Political Neutrality**

The Combined County Authority expects officers to follow every policy/procedure of the Combined County Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

## **6. Personal Relationships with Members of the Combined County Authority (Members), the Public and Other Officers**

Mutual respect between officers and members is essential to good working relationships at the Combined County Authority and each should handle work matters on a professional basis. Officers of the Combined County Authority should deal with the public, Members, and other officers sympathetically, efficiently and

without bias. The Combined County Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, e.g., a member of the same family.

## **7. Equality & Diversity**

All officers and other persons who are acting on behalf of the Combined County Authority, including contractors and consultants must comply with the Combined County Authority's Equality & Diversity Policy.

## **8. EMCCA Property**

Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles, or other facilities of the Combined County Authority for personal use unless authorised to do so.

## **9. Conflict with Duties**

Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others. Officers should abide by the rules of the Combined County Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined County Authority or which would benefit from a relationship with the Combined County Authority. Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

## **10. Whistleblowing**

Where an officer becomes aware of activities which they believe to be illegal, improper, unethical, or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined County Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined County Authority or colleagues.

## **11. Treatment of Information**

The Combined County Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:

- a Member,
- a relevant Combined County Authority officer,
- other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## **12. Investigations by Monitoring Officer**

The role of the Monitoring Officer is a requirement for the Combined County Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined County Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

## **13. Compromising the Impartiality of the Combined County Authority's Officers**

Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined County Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

#### **14. Improper Use of Position**

Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

#### **15. Considering Advice Provided**

If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

#### **16. Personal and Prejudicial Interests**

The attached guidance in relation to personal and prejudicial interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.

Registration of any such interest protects the Combined County Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined County Authority has this policy provides assurance to the public that the Combined County Authority is acting in the public interest. The Combined County Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.

An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Head of Legal and Governance Services.

In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined County Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined County Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

## **17. Registers of Interests – Legislative Implications**

The Combined County Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However, it is possible that the Combined County Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000. Officers must advise when their circumstances change to update or remove records from the register. The register will be reviewed annually by the Legal Services to ensure it is up to date and in compliance with the Information Commissioner's requirements.

## **18. Gifts and Hospitality**

Officers must comply with the Combined County Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the legal and governance pages on the Intranet *[link to be inserted here once available]*.

## **19. Equality Impact Assessment**

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

## 20. Formal Action

Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within the Combined County Authority's Disciplinary, Conduct & Capability Policy and Procedure.

## 21. Changes to Policy

The Combined County Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined County Authority and ensure compliance with relevant legislation. A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

## Schedule 1 – Notification of Interests

Notification by an Officer of the East Midlands Combined County Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:	
Job title:	
Reports to:	

I [intend to]\* have the following financial interests:- (delete as appropriate)\*

Please complete the following boxes or put "none" or "n/a" as appropriate.

- a. Business or other employment outside the Combined County Authority working hours:
- b. (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):

- c. Name(s) of any company or business having a place of business or land in Derbyshire or Nottinghamshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:
  
- d. Names of any company or business which carries on business with the Combined County Authority, or which may carry on such business or may or is tendering for contracts from the Combined County Authority in which I own or have an interest in any shares at all:
  
- e. Description of any contract for goods, services or works made between the Combined County Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:
  
- f. Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined County Authority or another authority or sites where the Combined County Authority or that other authority is or may be involved in development relevant to the Combined County Authority, such as bus stations, new transport interchanges:
  
- g. Address or other description of any land or buildings where the landlord is the Combined County Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:
  
- h. Address or other description of any land the Combined County Authority's area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

I [intend to] have the following other interests:

- i. I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined County Authority as its representative:
  
- ii. (j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:
  
- (k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:
  
- (l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

**I request that the details of my financial or other interest be exempt from registration for the following reasons:**

Date: .....

Signed .....

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA
To be of effect from:	20 March 2024



## 5.6 Combined County Authority Complaints Procedure

The complaints procedure is in development

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA
To be of effect from:	20 March 2024

# PART 6 – Allowances

This Scheme may be cited as the East Midlands Combined County Authority Members' Allowances Scheme and shall have effect for the municipal year 2024/25. It shall continue in force, as amended from time to time, until revoked or amended.

## 1. In this scheme:

'the Mayor'	the person elected as mayor by the local government electors for the Combined County Authority Area
'the Combined County Authority'	The Board
'EMCCA'	the East Midlands Combined County Authority
'the Constituent Councils'	Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council
'the Deputy Mayor'	the member of the EMCCA appointed by the Mayor to be the Mayor's deputy pursuant to section 29(1) of the 2023 Act
'the 2023 act'	the Levelling Up and Regeneration Act 2023
'The EMCCA Regulations'	<ul style="list-style-type: none"><li>a) The East Midlands Combined County Authority Regulations 2024</li><li>b) Such other secondary legislation made by the Secretary of State in relation to the EMCCA pursuant to the 2023 Act</li></ul>
'Mayoral functions'	any function of the EMCCA which is exercisable only by the Mayor (or the Mayor's delegate) by virtue of the EMCCA Regulations or any other enactment (whenever passed or made)
'Nominating body'	a body designated by the EMCCA under section 11(1) of the 2023 Act

'Non-Constituent Member'	A non-constituent member is 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
'Associate Member'	An associate member is an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-up and Regeneration Act 2023

**2. This scheme applies** to the Mayor, all Combined County Authority Members, Non-Constituent Members, Associate Members, Business Advisory Board Members, and individuals appointed to Mayoral governance functions.

**3. Schedules to the Scheme:**

- Schedule A: Allowances and Remuneration
- Schedule B: Approved Duties
- Schedule C: Expenses

## The Scheme

### 1. Introduction

1.1 This scheme sets out the entitlement of:

- The Mayor
- Combined County Authority Members
- Combined County Authority Committee Members
- Non-Constituent Members
- Associate Members
- Business Advisory Board Members

### 2. Allowances

## The Allowance for the Mayor

- 2.1 The East Midlands Combined County Authority Regulations 2024 set out requirements for the determination of allowable allowances and expenses, the regulations make it clear that no remuneration is to be payable by the Combined County Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined County Authority.
- 2.2 The Combined County Authority may establish an independent remuneration panel to recommend a scheme to the Combined County Authority regarding the allowances payable to:
- a) the Mayor;
  - b) the deputy mayor provided that the deputy mayor is not a leader or elected mayor of a constituent council;
  - c) independent persons appointed under article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017; and
  - d) members of the overview and scrutiny committee and members of the audit committee.
- 2.3 An independent remuneration panel must consist of at least three members none of whom:
- a) is also a member of the Combined County Authority or is a member of a committee or sub-committee of the Combined County Authority or a member of a constituent council of the Combined County Authority or a member of a district council; or
  - b) is disqualified from being or becoming a member of the Combined County Authority.
- 2.4 The IRP has recommended an allowance for the Mayor as set out in Schedule A which has been approved by the Combined County Authority and is index linked to the National Joint Committee for Local Government Employees (NJC) index (the percentage annual cost of living salary increase as applied each year to staff). The increase to be applied annually reflecting the date of appointment of the Mayor.

## Other Allowances

2.5 The IRP has recommended an allowance for:

- Chair of Overview & Scrutiny Committee
- Member of the Overview & Scrutiny Committee
- Independent Member of the Audit & Governance Committee
- Member of the Audit & Governance Committee
- Independent Member(s) for standards matters

2.6 The details of this allowance are set out in Schedule A. These allowances are index linked to the National Joint Committee for Local Government Employees (NJC) index (the percentage annual cost of living salary increase as applied each year to staff). The increase to be applied annually reflecting the date of appointment of the Mayor.

2.7 With the exception of those listed in 2.5 any Combined County Authority Member is only entitled to expenses for and subsistence and no other allowances under this scheme. For clarity this includes members of the Business Advisory Board.

2.8 An individual can only receive one allowance from the Combined County Authority.

## **3.Travel Expenses**

3.1 Subject to any exceptions or requirements set out in this Scheme, a Member, as defined above in 1.1, engaged in any of the Approved Duties set out in Schedule B, as applicable, may reclaim any travel costs they incur, in accordance with Schedule C

## **4.Subsistence Expenses**

4.1 Subject to any exceptions or requirements set out in this Scheme, a Member, as defined above in 1.1, engaged in any of the Approved Duties set out in Schedule B, as applicable, may reclaim any subsistence costs they incur, in accordance with Schedule C

## 5. Childcare and Dependent Care Allowance

- 5.1 Subject to any exceptions or requirements set out in this Scheme, a Member, as defined above in 1.1, engaged in any of the Approved Duties set out in Schedule B, as applicable, may reclaim any costs they incur, in accordance with Schedule C

## 6. Implementation and Backdating of Recommendations

- 6.1 The allowances are implemented from the date of the Annual Meeting and paragraph 7 (Part Year Entitlements) applies.

## 7. Part Year Entitlements

- 7.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to allowances where, in the course of a year, this Scheme is amended or that Member becomes, or ceases to be, a Member, or accepts or relinquishes the responsibilities of a role for which an allowance is payable.
- 7.2 If an amendment to this Scheme changes the amount to which a Member is entitled, then in relation to each of the periods:
- a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
  - b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this Scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.

- 7.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, the entitlement of that Member to any allowance shall be to the payment of such part of the allowance as bears to the whole the same proportion as

the number of days during which their term of office subsists bears to the number of days in that year.

- 7.4 Where this Scheme is amended as mentioned in paragraph 7.2, and the term of office of a Member does not subsist throughout the whole, or any period mentioned in sub-paragraph 7.2(a), the entitlement of any such Member to an allowance shall be to the payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which their term of office as a member subsists bears to the number of days in that period.

## 8. Renunciation of entitlement to remuneration or expenses

- 8.1 Any Member may by notice in writing given to the Monitoring Officer to forego all or any part of their entitlement to any expenses under this scheme.

## 9. Claims and Payments

- 9.1 A claim for travelling and subsistence expenses under this Scheme shall be made in writing within three months of the date of the duty in respect of which the entitlement to the allowance arises.

- 9.2 A claim for all expenses under this Scheme or any expense under any other provisions shall include, or be accompanied by, a statement signed by the claimant that:

- the claimant has incurred the expenditure shown on the claim,
- the claimant has not made and will not make any other claim either under this scheme or to any other body or organisation in respect of the matter to which their claim relates.

- 9.3 No expenses will be paid under this Scheme without:
- a) a dated receipt (except in relation to car mileage claims), and
  - b) in the case of travel expenses, the amount being in line with the requirements and restrictions set out in Schedule C, and

- c) in the case of subsistence expenses, the amount not exceeding the maximum authorised by the Combined County Authority in Schedule C
- d) in the case of car mileage expenses, that:
- e) no suitable alternative public transport was available (claimant to provide explanation) or there were special circumstances (to be specified by claimant), and
- f) it was not reasonable for the claimant to have travelled with another Member or officer (claimant to provide explanation), and,
- g) in the case of travel expenses for taxi costs incurred, that it was not reasonable to use public transport (claimant to provide explanation) and that the Monitoring Officer has agreed this in advance where reasonably practicable.

9.4 Subject to any external timing constraints, payments shall be made:

- a) in respect of allowances and remuneration payable to those listed in 2.5 in instalments of one- twelfth of the amount specified in this Scheme each month.
- b) in respect of travelling, subsistence, childcare/dependent carers' expenses, in each month for all fully completed claims received by the end of the previous week; and
- c) in respect of a large expense claim, suitable arrangements will be made where specially requested by the claimant concerned.

9.5 Where a payment of one-twelfth of the amount specified in this Scheme in respect of an allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 7 (Part Year Entitlements), they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

## **10. Duplication of allowances and expenses claims**

10.1 No Member may receive an allowance or expenses from more than one authority in respect of the same duties.



## 11. Information Technology Provision

11.1 The Mayor will be provided with IT equipment to enable the discharge of their functions. No other Member will be provided with IT equipment.

## 12. Publishing remuneration and expenses paid

This Scheme will be published on the Combined County Authority's website.

A summary of remuneration and expenses paid under this Scheme each year will be published on the Combined County Authority's website.

### Schedule A: Allowances and Remuneration

#### Mayoral Remuneration (per annum)

<b>The Mayor</b>	<b>£93,000</b>
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#### Deputy Mayoral Remuneration (per annum)

<b>Deputy Mayor (role 1 as defined in IRP report 2024)</b>	<b>£18,600</b>
<b>Deputy Mayor (role 1 + 2 as defined in IRP report 2024)</b>	<b>£46,500</b>

#### Overview & Scrutiny Committee (per annum)

<b>Chair</b>	<b>£9,500</b>
<b>Members</b>	<b>£1,000</b>

### Audit & Governance Committee (per annum)

<b>(Independent) Chair</b>	<b>£9,500</b>
<b>Members</b>	<b>£1,000</b>

### Independent Person(s) (per annum)

<b>Independent Person</b>	<b>£1,000</b>
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## Schedule B: Approved Duties

The following are specified as an approved duty for purpose of the payment of travelling and subsistence expenses and dependents carers allowance:

- (i) A meeting of the Combined County Authority, any committee or sub-committee of the Combined County Authority or of any other body to which the Combined County Authority and/or the Mayor makes appointments or nominations, or of any committee or sub-committee of such body.
- (ii) Any other meeting the holding of which is authorised by the Combined County Authority, provided that it is a meeting to which members of at least two political groups have been invited.
- (iii) (Meetings of a non-commercial, non-political and non-party political nature, (including with Ministers, Members of Parliament, European Members of Parliament, representatives of Government Departments and representatives of major companies who have an involvement in any matter relevant to functions of the Combined County Authority) attended by:
  - a) a Combined County Authority Member, or
  - b) any Non-Constituent or Associate Member who is the Chair or Deputy Chair of a relevant committee, or

- c) any Non-Constituent or Associate Member who is a nominee of (a) or (b) above

in their capacity as a representative of the Combined County Authority, for the purpose of discussing matters which relate to the functions of the Combined County Authority or of a constituent or non-constituent council of the Combined County Authority, or any other council in which the Combined County Authority has an interest in the particular function involved.

- (iv) Conferences, seminars and study courses, only where the Monitoring Officer is satisfied that they represent value for money and are being held for the purpose of discussing non-political matters which relate to the functions of the Combined County Authority or any functions of the local authorities in which the Combined County Authority has an interest.
- (v) At representative functions, official functions, responding to invitations to meet and/or address voluntary and other organisations, site visits and meetings with officers subject to the prior agreement of the Monitoring Officer.

For the purposes of clarity where this relates to a member of the Business Advisory Board the following are specified as an approved duty for the purposes of payment of travelling and subsistence expenses and other expenses set out in the scheme:

- (i) Meetings of the Combined County Authority (Board, Committees, Business Advisory Board and others contained as part of the Governance Structure of EMCCA)
- (ii) Meetings contained within the Mayoral Governance structure (as defined by the Monitoring Officer)
- (iii) Subject to prior agreement by the Monitoring Officer other activity that:
- attendance is in the capacity as a member of the Business Advisory Board,
  - the meeting represents value for money, and
  - the function or event is being held for the purpose of discussing non-political matters which relate to the functions of the Business Advisory Board:

- a) meetings of a non-political and non-party political nature, including with Ministers, Members of Parliament, European Members of Parliament, representatives of Government Departments and representatives of major companies, and
- b) attending any of the following:
  - conferences, seminars and study courses
  - representative function and events,
  - official functions and events,
  - responding to invitations to meet and/or address relevant organisations,
  - site visits, and
  - meetings with the Combined County Authority or other local authority officers.

## Schedule C: Expenses

### Travelling Expenses

#### 1. Bus and Rail Travel

Members are expected to travel by bus or by standard class rail, or by bicycle. First class travel is considered acceptable only in the following circumstances and by prior agreement of the Monitoring Officer:

- Additional space and privacy are required during the journey in order to work or to enable confidential conferences to be held on the train.
- Where the cost of discounted first-class travel is less than that of the cheapest available standard class ticket.
- To avoid disadvantaging members when travelling with other organisations, or
- Any other special circumstances, which in the view of the Monitoring Officer, would justify first class travel.

Rail travel should be booked in advance through the Combined County Authority to take advantage of discounted tickets and special offers.

Claims for car expenses will therefore only be paid where there is no suitable alternative public transport available or there are special circumstances.

## 2. Car Mileage Rates - the HMRC mileage rates from time to time in force

Approved mileage rates		
	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and Vans	<b>45P</b>	<b>25P</b>
Motorcycles	<b>24P</b>	<b>24P</b>
Bicycles	<b>20P</b>	<b>20P</b>

## 3. Passenger Rates

Where a Member carries a passenger, they can claim the HMRC approved passenger mileage rate of 5p per passenger mile, in addition to the applicable mileage rates for motor cars.

## 4. Motorcycle Mileage Rates

24p per mile (indexed to HM Revenue and Customs approved rates).

## 5. Bicycle Mileage Rate

20p per mile (indexed to HM Revenue and Customs approved rates).

## 6. Taxi Travel

In rare circumstances (for example, cases of urgency or where no alternative mode of public transport is reasonably available), it may be necessary to travel by taxi. In such circumstances, the amount of the fare paid is reimbursable on production of a valid receipt. Where reasonably practicable, agreement should be sought in advance from the Monitoring Officer.

## 7. General Travel Expenses

To reduce costs to the Combined County Authority, a Member should not travel independently where it would be possible to travel with another Member or officer. A Member may claim specific reimbursement for expenditure incurred on tolls, ferries, or parking fees as these are deemed to be additional to the basic car allowance rates.

## Subsistence Expenses

8. Day subsistence rates are based on ‘meals’ taken with eligibility based on the time of the day the meal is taken and time away from home as set out below.

In each instance only the actual cost incurred may be claimed with the following being the maximum rates claimable:

Day Subsistence Rates		
Breakfast Allowance	<b>£8.28</b>	More than 4 hours away from normal place of residence before 11am.
Lunch Allowance	<b>£11.28</b>	More than 4 hours away from normal place of residence including the period between 12 noon and 2pm.
Tea Allowance	<b>£4.54</b>	More than 4 hours away from normal place of residence including the period between 3pm to 6pm.
Evening Meal Allowance	<b>£14.09</b>	More than 4 hours away from the normal place of residence after 7pm.

*Note: The current total daily maximum subsistence claimable (£38.19) should not be disaggregated and applied to specific meals but a 24-hour maximum claimable to be spent upon subsistence as required.*

## 9. Overnight stays

All overnight accommodation should be booked and paid for directly through the Combined County Authority taking advantage of any corporate rates and offers to seek out the most reasonably priced accommodation available, thus avoiding any claims for

reimbursement. Where, exceptionally, this is not possible, actual costs will only be reimbursed where they are supported by receipts.

## 10.Overseas Travel

Members are entitled to claim reasonable expenses in relation to their journey and stay, reimbursable upon production of receipts. It is expected that the necessary travel and accommodation arrangements would be booked in advance through the Combined County Authority in advance to take advantage of special rates and offers.

In the case of Business Advisory Board Members only, the Chief Executive is also required to confirm that the member of the Business Advisory Board's attendance at the overseas function or event:

- is in the capacity as a member of Business Advisory Board,
- represents value for money, and
- is required to facilitate the proper promotion or safeguarding of Combined County Authority interests.

*Note: In the case of travel abroad there are sometimes difficulties in obtaining receipts. However, for the reasons given above, reimbursement will only be available where receipts are provided.*

## 11.Meals provided free of charge

Members are required to deduct an appropriate amount from the subsistence expenses specified in the table above in respect of any meals provided free of charge by an authority or body in respect of the meal or the period to which the expense relates. Expenses cannot be claimed where a free meal has been provided.

## 12.Meals taken on Trains

Where main meals are taken on trains during the period for which there is an entitlement to day subsistence expenses, the reasonable cost of meals (including VAT) shall be reimbursable in full. This will then replace the specific meal allowances set out above.

## Childcare and Dependent Care Allowance

13. Where a Member needs to engage a carer to enable them to carry out an Approved Duty, an allowance is payable in respect of the expenses of arranging for the care of:
- Members' children under the age of 14, or
  - any dependents where there is medical or social work evidence that care is required.

The Approved Duties for which the dependent carers' allowance may be claimed are set out in Schedule B.

14. The allowance is subject to the following conditions:
- a) The allowance is payable for the care of any dependent person within the claimant's household.
  - b) The allowance is only payable when the care is provided by someone who is not a household or family member.
  - c) The amount payable will be for the actual cost of care.
  - d) Payment will be made to the member, not the carer.
  - e) The claimant will be required to sign a declaration that they have complied with these conditions.
15. The maximum rates of such allowances are set out below and are subject to the Member observing the protocol on the claims procedure and eligibility criteria.

### Childcare Element

16. For children under the age of 14:
- the real UK Living Wage, as determined by the Living Wage Foundation;
  - care must be provided by a registered child-minder. Other Dependents Element



17. Maximum rate payable = the hourly rate charged by Adult Social Services for domiciliary home care.
18. For both types of care, there is a monthly cap of £100, regardless of type or number of dependents and receipts must be provided.

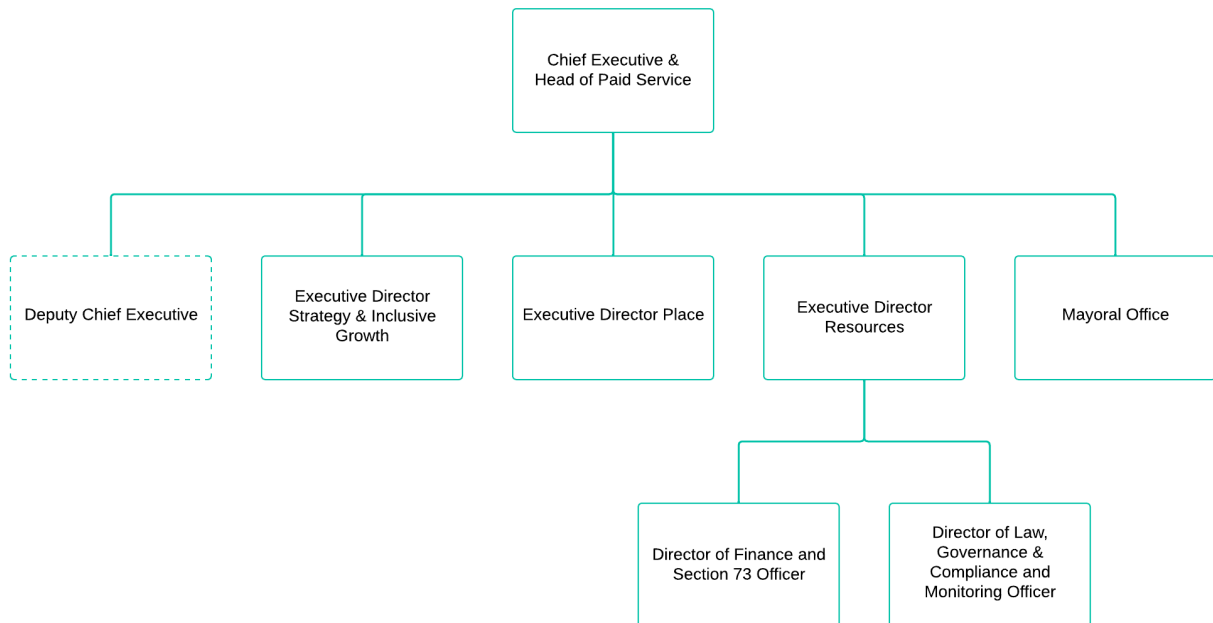
<b>Document version control</b>	
Version:	1.0
Date:	17 June 2024
Document approved by:	EMCCA Board
To be of effect from:	17 June 2024

# PART 7 – Management Structure

## 7.1 The East Midlands Combined County Authority Management Structure

### Interim Management Structure

1.1 The Appointments Panel agreed an interim management structure in June 2024 to support the operation of the Combined County Authority as it moved through the process of permanent recruitment to Chief Officer posts.



### Management Structure

1.2 The permanent management structure agreed by the Appointments Panel to be recruited to is set out below:

