

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.

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