

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.
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- 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.
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- 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.
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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

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