

Report sponsor: Chief Executive  
Report author: Director of Corporate  
Governance, Property and Procurement

## **Appointment of Members to the East Midlands Combined County Authority**

### **Purpose**

- 1.1 To seek approval for the appointment of Members to the East Midlands Combined County Authority (EMCCA) in readiness for its inaugural meeting.

### **Recommendations**

- 2.1 To appoint the Leader of the Council to act as a member of the EMCCA.
- 2.2 To designate the Leader of the Council to act as the Lead Member on behalf of Derby City Council.
- 2.3 To appoint the Deputy Leader of the Council to act as a member of the EMCCA
- 2.4 To appoint the Cabinet Member for Children's Social Care and Skills and the Cabinet Member for Climate Change, Transport and Sustainability to act as substitute members of the EMCCA in the absence of either of the above members (if required).

### **Reasons**

- 3.1 It is a requirement of the EMCCA Regulations, when passed, that the constituent councils nominate the necessary members to EMCCA to enable its proper and effective functioning and representation from each of its Constituent Council members.
- 3.2 The Council Constitution requires that appointing representatives to outside bodies is reserved to Full Council.

### **Supporting information**

- 4.1 A devolution deal for the creation of a new East Midlands Combined County Authority (EMCCA) was agreed between the four "Constituent Councils" (Derbyshire County Council, Derby City Council, Nottinghamshire County Council and Nottingham City Council) and the Government, on 30 August 2022.

- 4.2 The Levelling-up and Regeneration Act received Royal Assent in October 2023, following which, formal approval was given in December 2023 by the four Constituent Councils to the making of the Regulations to bring EMCCA into existence and provide it with necessary powers to function effectively.
- 4.3 The Department for Levelling Up, Housing and Communities (DLUHC) laid the EMCCA Regulations prior to Christmas, which if passed, are expected to come into force at the end of February/beginning of March 2024. Once the Regulations come into force, the EMCCA will immediately come into existence and the first election for Mayor of the EMCCA will take place on 2 May 2024.
- 4.4 Once created, the EMCCA will need to hold meetings to make decisions and carry out its functions. The draft Regulations agreed by the four Councils require that each Constituent Council must appoint two of its elected members to act as members of the CCA and one of those members must be designated as a Lead Member (expected but not required to be the Leader of each Constituent Council). In addition, there must be two nominated substitute members to ensure adequate representation for meetings is available.
- 4.5 So that there is no delay to the first meeting of the EMCCA once it has been created, it is necessary for each Constituent Council to secure their approvals in advance.
- 4.6 In light of the above it is proposed that, subject to the passing of the EMCCA Regulations, Council:
- a) Appoints the Leader of the Council to act as a member of the EMCCA;
  - b) Designates the Leader of the Council to act as the Lead Member on behalf of Derby City Council;
  - c) Appoints the Deputy Leader of the Council to act as a member of the EMCCA;
  - d) Appoints the Cabinet Member for Children's Social Care, Learning and Skills and the Cabinet Member for Climate Change, Transport and Sustainability to act as a substitute member of the EMCCA in the absence of either of the above members (if required).
- 4.7 Further nominations to other committees and/or advisory boards of the EMCCA are likely to be required once the make-up of those bodies has been determined by the EMCCA as part of approval of its Constitution. Where political proportionality is required (for example as will be required for any Overview and Scrutiny Committee and the Audit Committee), the membership of each of those committees taken as a whole will 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. This means that their proportionality will reflect the overall political balance across the membership of all four constituent councils and nominations may be required from different political groups in order to achieve that balance.

It is anticipated that the Monitoring Officer of the EMCCA will notify each Council of the balance requirements and the nominations will be sought accordingly. Council is to note that there is no requirement for political balance to be achieved in making this decision to appoint elected members to act as members of the CCA.

## **Public/stakeholder engagement**

- 5.1 None required. The establishment of the EMCCA has been subject to a prior public consultation.

## **Other options**

- 6.1 None. Appointments are required to enable the EMCCA to function effectively in line with primary and secondary legislation relating to Combined County Authorities.

## **Financial and value for money issues**

- 7.1 The EMCCA will be responsible for the payment of allowances to elected members appointed by the Council which are incurred in their role as a member of the EMCCA, such as attending meetings. The allowances will be set out in the Members' Allowances Scheme approved by the EMCCA in due course.
- 7.2 By virtue of Schedule 1 to the EMCCA Regulations, no remuneration can be paid by the EMCCA to its members other than allowances for travel and subsistence paid in accordance with its approved Allowances Scheme.

## **Legal implications**

- 8.1 The Levelling Up and Regeneration Act 2023, which received royal assent on 26 October 2023, establishes a new type of combined county authority. This is distinct from a combined authority that can be created under the Local Democracy, Economic Development and Construction Act 2009. Whilst the Constituent Councils agreed a devolution deal with Government, the creation of a new East Midlands Combined County Authority is subject to the approval of the East Midlands Combined County Authority Regulations 2024 (EMCCA Regulations).
- 8.2 Schedule 1 to the EMCCA Regulations require each constituent council to appoint two of its elected members to act as members of the CCA, designate one of those members appointed as Lead Member and appoint another two of its elected members to act as members of the CCA in the absence of the other members appointed.
- 8.3 A person will cease to be a member or substitute member of the CCA if they cease to be an elected member of the Council. A person may resign as a member or substitute member of the CCA. A constituent member may also terminate the appointment of a member or substitute member at any time and appoint another member.
- 8.4 The EMCCA Regulations set out those decisions taken by the CCA which will require the consent of the Lead Member.

## **Climate implications**

- 9.1 None directly arising.

## Socio-Economic implications

10.1 None directly arising.

## Other significant implications

11.1 Representation on the EMCCA by members of the Council's executive will help ensure a strong voice for Derby at a regional level and will assist with delivery of the Council's overarching objectives, detailed within the Council Plan.

This report has been approved by the following people:

Role	Name	Date of sign-off
<b>Legal Finance Service Director(s)</b>	Emily Feenan, Director of Corporate Governance, Property and Procurement	16 February 2024
	Heather Greenan, Director of Corporate Management	20 February 2024
	Paul Simpson, Chief Executive	20 February 2024
<b>Report sponsor</b>	Alex Hough, Head of Democracy	20 February 2024
<b>Other(s)</b>		
<b>Background papers:</b>	None	
<b>List of appendices:</b>	None	