

## **REPORT OF PROGRAMME MANAGER - DEVOLUTION**

### **APPROVAL OF TECHNICAL AMENDMENTS TO THE EAST MIDLANDS COMBINED COUNTY AUTHORITY REGULATIONS 2024**

#### **Purpose of the Report**

1. To seek approval of the Chief Executive of Nottinghamshire County Council to exercise the delegated power to approve any technical amendments to the East Midlands Combined County Authority Regulations 2024, which the Chief Executives of the other three Constituent Councils also agree to, on behalf of Nottinghamshire County Council, following consultation with the Leader of the Council.

#### **Information**

2. On 7 December 2023, Council considered a report seeking consent to the making of “The East Midlands Combined County Authority Regulations 2023” (Regulations), and agreement to create the East Midlands Combined County Authority. The Regulations will establish the East Midlands Combined County Authority (EMCCA).
3. Following consideration of the report, Council:
  - a) Agreed to the creation of the East Midlands Combined County Authority with the Council as a constituent member
  - b) Consented to the making of the East Midlands Combined County Authority Regulations 2023 as required by section 46(1)(d) of the Levelling Up and Regeneration Act 2023
  - c) Delegated authority to the Chief Executive to approve any technical amendments to the East Midlands Combined County Authority Regulations 2023, which the Chief Executives of the other three Councils also agree to, on behalf of Nottinghamshire County Council. This delegation is to be exercised in consultation with the Leader of the Council; and,
  - d) Approved the appointment of Melbourne Barrett, Returning Officer of Nottingham City Council as the first combined county authority returning officer for the proposed East Midlands Combined County Authority, subject to the passing of the amendments to article 6A(1) of the Combined Authorities (Mayoral Elections) Order 2017 as applied by article 12 of the Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2023.

4. The other three Constituent Councils (Derbyshire County Council, Derby City Council and Nottingham City Council – together with Nottinghamshire County Council being the 'Constituent Councils'), considered and approved reports at respective Council meetings on 7 December 2023.
5. The delegation outlined at c. was specifically sought because, as part of the parliamentary process, in parallel to the consents sought from the Constituent Councils, the Regulations were being considered by parliament's Joint Committee on Statutory Instruments (JCSI). The role of the JCSI is to focus on the technical quality of the draft Regulations as opposed to the policy content, and it was acknowledged that the JCSI process could lead to technical amendments being made to the Regulations, which would be non-negotiable.
6. The delegation enables amendments required by the JCSI to be agreed swiftly by the Chief Executive in consultation with the Leader of the Council. This avoids any delays in laying the Regulations prior to the Christmas 2023 recess.
7. The Councils have been provided with the East Midlands Combined County Authority Regulations 2024 that Government proposes to lay. The Regulations have been amended from the version circulated in the decision of full Council on 7 December 2023 in accordance with the Change Log appended to this decision record.
8. The matters identified to Council in the report of 7 December 2023 at paragraph 34 have been reflected in the final Regulations as anticipated. A number of other changes have been made which are considered to be technical drafting amendments which do not alter the substantive meaning of the approved draft, including updating the title from 2023 Regulations to 2024 Regulations.
9. As stated above, the JCSI process has been completed and a final version of the Regulations provided. The amendments made by the JCSI are set out in the attached Change Log (**Appendix 1**), together with a copy of the Regulations to be laid (**Appendix 2**). These amendments fall under the delegated authority granted by Council and do not make a material change to the content.
10. The Chief Executive is requested to exercise the delegation in consultation with the Leader and approve the amendments to the Regulations. To be effective, the amendments must also be agreed by the Chief Executives for Derbyshire County Council, Nottingham City Council and Derby City Council as specified by the delegation.

### **Other Options Considered**

11. Not to approve the technical amendments to the Regulations. This is not recommended. The Council has formally consented to the making of the East Midlands Combined County Authority Regulations 2024 as required by section 46(1)(d) of the Levelling Up and Regeneration Act 2023. As set out in the report to Full Council on 7 December 2023, the amendments made by the JCSI are non-negotiable. If the amendments are not approved, the Regulations cannot be made. As a result the EMCCA could not be established, and no powers or funding would be devolved. Approval of these non-negotiable technical amendments is required to enable the devolvement of powers and funding from central Government, and the establishment of the EMCCA.

## **Reason/s for Recommendation/s**

12. To enable the final version of the East Midlands Combined County Authority Regulations 2024 approved by the Joint Committee on Statutory Instruments to be laid.

## **Statutory and Policy Implications**

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
14. Relevant consultation was carried out in respect of the final Proposal for a period of 8 weeks which ended on 9 January 2023, and consultation feedback was considered at the time of its approval by Council on 30 March 2023.
15. An equality impact assessment (EIA) was completed in respect of the Final Proposal and was considered by Council on 30 March 2023. The EIA set out potential risks and mitigating actions as well as an action plan setting out key actions to be undertaken as the EMCCA becomes established.
16. As the Regulations are an enabling piece of legislation and therefore do not significantly change the Proposal, it was not considered necessary to either amend the existing EIA or carry out further equality analysis as the action plan and resulting mitigations remain unaltered.
17. The technical changes to the Regulations to be approved by the Chief Executive do not affect the potential risks, mitigating actions and action plan previously considered by Council.

## **Financial Implications**

18. There are no direct financial implications arising from the decision in this report.

## **RECOMMENDATION/S**

- 1) That having consulted with the Leader of the Council, the Chief Executive approves the technical amendments to the East Midlands Combined County Authority Regulations 2024 as set out in Appendix 1 and reflected in the final version of the Regulations set out in Appendix 2.

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## **Constitutional Comments (HD – 15/12/2023)**

19. Full Council specifically delegated authority to the Chief Executive to approve technical amendments to the Regulations which the Chief Executives of the other three Constituent Councils agree to, to enable the final version of the Regulations approved by the JCSI to be laid before Parliament before the Christmas recess. By this decision the Chief Executive is exercising that delegation which must be exercised in consultation with the Leader of the Council.

#### **Financial Comments (PAA – 15/12/2023)**

20. There are no specific financial implications directly arising from the report.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- [Full Council 7 December 2023 Meeting Papers](#)

#### **Electoral Division(s) and Member(s) Affected**

- All