

PORTFOLIO HOLDER REPORT

DECISION OF THE LEADER OF THE COUNCIL & PORTFOLIO HOLDER FOR CORPORATE FINANCE & GOVERNANCE

Greater Essex Combined County Authority – Terms of Reference for Nominating Body

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

This report seeks approval for the Terms of Reference of the Nominating Body for non-constituent district council representation for the shadow arrangements for the Greater Essex Combined County Authority.

EXECUTIVE SUMMARY

In February 2025, the Government announced that Essex County Council, Southend City Council and Thurrock had been accepted onto the Devolution Priority Programme (DPP). The Devolution Priority Programme aims to unlock powers, funding, and strategic leadership for the Greater Essex region through the establishment of the Greater Essex Combined County Authority (GECCC).

Due to the Mayoral elections being postponed to take place in May 2028, the status of GECCA has not been formalised by legislation however, the Minister for Health Communities and Local Government (MHCLG) has confirmed they will provide each devolution priority programme area with a proportion of their investment funds to ensure they can start delivering on key local priorities and deliver the benefits of devolution ahead of the mayors taking office in 2028. Greater Essex will receive a third of its annual investment fund of £41.5 million in both 2026 / 27 and 2027 / 28. As a consequence of its ongoing commitment to devolution in Greater Essex and providing considerable interim funding and a forum for those areas within the DPP, it is anticipated that a shadow form of GECCA will be established in 2026.

Whilst continuing to reference the body as GECCA, it must be acknowledged that the future status will be a Mayoral Strategic Authority (and possibly not a Combined County Authority in the interim). Mayoral Strategic Authorities are yet to be established through legislation and the interim body status has not been confirmed however, shadow arrangements are being considered, and a nominating body is still required.

Once established, a shadow GECCA will consist of a number of constituent authorities (Essex County Council, Southend City Council and Thurrock Council). However, it can also appoint non constituent and associate members, who would be permitted to attend meetings of GECCA and participate in the debate, but will not be permitted to vote. Non-constituent members are appointed representatives from a nominating body. Associate members are individuals selected for their particular experience and expertise, for example, a representative from the local business community. The total number of these members must be fewer than the total

number of constituent council members and Mayor and therefore for the Essex model, with is no more than seven members. It is understood that the non constituent members will include the PFCC; district council representatives; a business lead; the Chair of the ICB; and a FE/HE representative.

The Leaders of Southend, Thurrock and Essex wrote to the Chair of Essex Leaders and Chief Executives on 21 November to invite the district/city and borough councils to nominate two leaders to sit on GECCA as non-voting non-constituent members. In order for district Council representatives to be appointed to GECCA, the Essex district and boroughs must first establish a constituted body to act as the nominating body.

On 4 December 2025, Government announced its decision to delay the inaugural Mayoral elections to May 2028. Despite the delay to mayoral elections work by officers and Leaders continues. To formally establish the Nominating Body, all district and borough councils within Essex have been consulted in relation to its creation and associated Terms of Reference, which are set out in **Appendix A**.

Terms of Reference enables all Leaders across the district authorities to set up a Nominating Body to agree which representation for District Authorities on the GECCA (the Combined Authority), or any other committee, sub-working group or scrutiny committee established by the Combined Authority. All Leaders of District Authorities will be members of the Nominating Body. The Leader of the Council will be a representative on this group.

The *[Essex Nominating Body]* will have the following responsibilities:

- (a) To act as a Nominating Body for the Combined Authority.
- (b) To appoint two Leaders to be the Nominated Representatives, as non-constituent members of the Combined Authority.
- (c) To be informed of any key decisions, strategy development and thematic areas being discussed at a Combined Authority level at the discretion of the Combined Authority.
- (d) Be provided with an opportunity to consider any representation(s) the Combined Authority would like its Nominated Representatives to make; and
- (e) To be provided with updates following all meetings of the Combined Authority by the Nominated Representative.

Each district tier authority is being asked to approve the content of the terms of reference for the nominating body and the first meeting of the Nominating Body is expected to be held on 26 February 2026.

RECOMMENDATION(S)

It is recommended that the Leader following consultation with the Chief Executive and Monitoring Officer agrees:

- (a) the Terms of Reference for the Nominating Body, as set out in Appendix A, for non-constituent members of the Greater Essex Combined Authority (GECCA) or other such body or forum established for devolution within the Greater Essex Area; and**

(b) to participate in the Nominating Body as Leader of Tendring District Council.

REASON(S) FOR THE RECOMMENDATION(S)

By approving the Terms of Reference, and its participation in the Nominating Body, this would ensure the Council is able to input into the consideration by the Nominating Body for the appointments of the two non-constituent district representatives.

MHCLG has confirmed that ahead of the Mayor being elected, Greater Essex will receive new revenue and capital funding which will support growth ambitions, and the amount to be received over these two years is considerable. This level of funding will enable early investment in projects aimed to deliver growth and make a difference to the people and businesses in Greater Essex, to enable demonstration to the communities of the benefits of devolution before the Mayor is elected. It will also support a pipeline of investment that will extend to the election of the Mayor, whereupon the area will receive its full Investment Fund of £41.5m per year. Therefore, it is essential that the district council voice is represented on GECCA and to enable members to be nominated, terms of reference of a body to do so, must be agreed.

ALTERNATIVE OPTIONS CONSIDERED

The Council may not wish to approve the Terms of Reference. In doing so, it would not become a member of the Nominating Body and would therefore significantly reduce its ability to input into the consideration by the Nominating Body for the appointments of the two non-constituent district representatives. This option has been discounted.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The adopted Corporate Plan (November 2023) sets out the proposed high-level priorities for the Council 2024/28 and forms a fundamental part of the Council's Policy Framework being the central pillar on which plans, policies and strategies are developed and reviewed and will set the overall direction of the Council.

The Highlight Priority Actions adopted by Cabinet on 17 March 2025 sought to take forward the Corporate Plan. This meeting of Cabinet provides the opportunity to review progress with the Highlight Priority Actions adopted.

At its meeting on 14 November 2025, Minute 76 (b) Cabinet approved a re-alignment of the highlight priorities for the Council for the period until new unitary councils take on local government services in Greater Essex as set out in Appendix B to the report (A.3). Under the Corporate Plan theme "Working with partners to improve quality of life" and Devolution Cabinet agreed:

"Preparing for and supporting the implementation of the Mayoral Combined County Authority and seeking to ensure that Tendring's needs are articulated in respect of decision making through that devolved structure".

OUTCOME OF CONSULTATION AND ENGAGEMENT (including with the relevant Overview and Scrutiny Committee and other stakeholders where the item concerns proposals relating to the Budget and Policy Framework)

The Terms of Reference have been prepared by the Monitoring Officers across Essex and includes input from Essex County Councils Monitoring Officer, to ensure that it is reflective of the role it is being asked to perform.

As agreed at Essex Leaders & Chief Executives on 5 December 2025, District Leaders were invited to a meeting in December to discuss the draft Terms of Reference for a nominating body for GECCA. This was an opportunity to review the draft Terms of Reference ahead of seeking agreement to the Terms of Reference by each council. Comments made at the meeting were taken into account in producing the final version, as set out in Appendix A.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	YES/NO	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	

The powers originally due to be devolved to the Greater Essex Combined County Authority (GECCA) were to be included within a draft Statutory Instrument (SI)(secondary legislation which establishes a combined county authority for the area) due to be laid before parliament under existing legislation and powers contained in Levelling Up and Regeneration Act 2023. Due to the announcement to delay the Mayoral Elections this SI was not laid.

The majority of other powers were to be derived from the English Devolution and Community Empowerment Bill.

The legal status of GECCA will be a Mayoral Strategic Authority, once the English Devolution and Community Empowerment Bill is in force (currently the date is unknown). This will give functions to drive growth and deliver benefits to communities. It is understood that the interim legal status and powers have not been confirmed (or made public) although Government's ongoing commitment to Greater Essex remaining with its Devolution Priority Programme currently continues.

Prior to the establishment of the GECCA, the intention is for a Shadow Board to mirror, as closely as possible, the final composition of the future GECCA Board. Arrangements are being made for nominations for membership to GECCA to ensure full representation for all

parties are in place for when the Shadow Board meets. The nominating body will be asked to appoint the two representatives referred to above and the approval of the terms of reference will enable this decision to be taken.

YES	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
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The Monitoring Officer is the author of the Report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The role is not a position for which there is an allowance payable under the Councils Member Allowance Scheme, and therefore there are no financial implications arising out of the recommendation set out within this report.

YES	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
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There are no comments over and above those set out elsewhere in the report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	These matters are given consideration elsewhere in the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

The first meeting of the Nominating Body is due on 26th February 2026. This decision once published will be subject to the standard 5 days call in period.

ASSOCIATED RISKS AND MITIGATION

There is a potential risk is that the Nominating Body does not operate in a way that enables wider representation of its non-constituent members, and in particular for Tendring the North of Essex, and once the nominated members form part of the GECCA, they focus on representing their political parties or Council areas.

To mitigate this risk, the terms of reference for the Nominating Body include a Role Profile for the Nominated Representatives (in Section 5), which states as follows:

- 5.1 Those nominated to the Combined Authority on behalf of the Non- constituent Authorities are expected to be involved in decisions reflecting the views and objectives of the Combined Authority area as a whole as well as those of their individual local authority.
- 5.2 ...
- 5.3 It is the responsibility of the Nominated Representatives to ensure that the Non- constituent Authorities are informed of any lead member approvals (where relevant), key decisions, strategy development and thematic areas for discussion at a Combined Authority level and that the Non- constituent Authorities has an opportunity to consider any representation(s) that it would like that Nominated Representatives to make.
- 5.4 ...
- 5.5 The Nominated Representatives are expected to operate within the rules of the Combined Authority Constitution and adhere to the Code of Conduct for the Combined Authority.
- 5.6 Nominated Representatives are expected:
- (a) to attend meetings of the Combined Authority, and any committee of the Combined Authority, to which they are appointed;
 - (b) to report on the activities of the Combined Authority to the Non- constituent Authorities and the impact of those activities on the Non- constituent Authorities, taking advice as appropriate.
- 5.7 The Nominated Representatives should take an active and informed role in the affairs of the Combined Authority and in the appropriate representation of the Non- constituent Authorities.

The Terms of Reference set out the expectations of the Nominating Body and to ensure that it receives updates and is given the opportunity to make representations, this process will need to be managed.

Following the elections to the shadow authorities in May 2027, it is likely that they too will seek representation on the GECCA and to change the process of nomination to the authority. The mitigation in 2027, would be to engage through with the shadow authorities through GECCA and develop an appropriate governance mechanism that balances the interests of the different authorities for that year and going forwards to 2028.

EQUALITY IMPLICATIONS

The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

SOCIAL VALUE CONSIDERATIONS

There are no implications arising out of the recommendation set out within this report.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

There are no implications arising out of the recommendation set out in this report. However, it is important that the Council is able to actively participate, where permitted to do so, within the Essex devolution programme. The recommendation set out in this report will ensure that the Council is able to input into the consideration by the Nominating Body for the appointments of the two non-constituent district representatives.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

There are no implications arising out of the recommendation set out within this report.

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	There are no other implications arising out of the recommendation set out within this report.
Health Inequalities	
Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance)	
Area or Ward affected	None

PART 3 – SUPPORTING INFORMATION

BACKGROUND
Covered throughout the report.
PREVIOUS RELEVANT DECISIONS
At its meeting on 21 January 2025 (Minute No. 94) Full Council RESOLVED – i) acknowledges work will continue to ensure that the District of Tendring is in the best possible position should devolution and/or local government reorganisation go ahead; ii) mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and north Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges;
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
NONE

APPENDICES
Appendix A – Essex Nominating Body – Terms of Reference

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