

## CABINET

22 April 2024

### Present:-

Councillors R Croad, A Davis, R Gilbert, J Hart (Chair), S Hughes, A Leadbetter, J McInnes (Vice-Chair), L Samuel, A Saywell and P Twiss

### Members attending in accordance with Standing Orders 25

J Brazil, C Leaver and C Whitton

F Biederman (remote attendance)

### **525** Declarations of Interest

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. The details of District and or Town and Parish Twin Hatters was on the attached list - [A list of county councillors who are also district, borough, city, parish or town councillors](#). Councillor Davis advise she would be declaring an interest under item 7 and leaving the room for the item.

### \* **526** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

### \* **527** Announcements

There was no announcement by the Chair at this meeting.

### \* **528** Petitions

There was no petition received from a Member of the Public or the Council.

### \* **529** Question(s) from Members of the Council

There was no question from a Member of the Council.

**530**     **Proposed Devon & Torbay Combined County Authority and Devolution Deal**

(Councillors Biederman, Brazil, Leaver and Whitton attended in accordance with Standing Order 25(2) and spoke to this item broadly welcoming the concept of Devolution but expressing concerns, as outlined in some of the representations in the Report, on potential democratic deficits and the role of Districts moving forwards, financial considerations and relationships with Plymouth).

(Councillor Davis declared a Disclosable Pecuniary Interest in this matter by virtue of being Chair of Exmoor National Park and also the Peninsula Transport Shadow Sub National Transport Body and withdrew from the meeting during its consideration).

The Cabinet considered the Report of the Chief Executive (CEX/24/1) which sought approval for the proposed Devon & Torbay Combined County Authority and Devolution Deal, circulated prior to the meeting in accordance with regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Appendix A contained the analysis of the responses on the draft proposal for the Devon and Torbay Combined County Authority.

Appendix B contained the full proposal for the Devon and Torbay Combined County Authority (DT CCA) for submission to the Secretary of State for Levelling Up, Housing and Communities.

The Leader commented that this meeting and Report was an important step in the Devolution journey and the views of the Consultation must be considered when deciding whether to submit the proposal for the Devon and Torbay Combined County Authority to the Secretary of State.

The Leader explained the rationale for the recommendations in the Report but highlighted a change to recommendation (f) from what had been published in order to make it clear that the Team Devon Joint Committee would have a wider role than just the CCA.

The Director of Legal and Democratic Services updated the Cabinet on the ongoing work to write the Constitution for the CCA and the progression of Governance arrangements. She highlighted that the table of powers in appendix B should be amended to reflect the full powers of the Localism Act 2011, not just economic regeneration and also that the Town and Country Planning Act 1990 should include section 241.

The Director of Performance and Partnerships added that two changes had been made to the draft proposal: to recognise role of the voluntary/community sector and also strengthen collaboration with the NHS, as outlined in paragraph 3.2.

The proposed devolution deal for Devon and Torbay had been announced by the Secretary of State for Levelling Up, Homes and Communities and published by the Department for Levelling Up, Housing and Communities (DLUHC) on 25 January 2024.

At its meeting on 2 February 2024, the Cabinet agreed to support the proposed Devon and Torbay devolution deal and resolved to carry out a joint public consultation with Torbay Council (as the Constituent Councils) on the draft proposal to establish the Devon and Torbay Combined County Authority (DT CCA).

The Levelling-up and Regeneration Act required that prior to submitting a proposal for a CCA to the Secretary of State, the Constituent Councils must undertake a public consultation on the proposal in the proposed area and consider the results.

Appendix A provided an analysis of the response to the consultation. A six-week consultation had been undertaken with the draft proposal published on the Devon and Torbay Devolution Deal website – [www.devontorbaydeal.org.uk](http://www.devontorbaydeal.org.uk). There had been a total of 890 responses to the consultation of which 99 were letters/emails from organisations and individuals, and 791 were completed online questionnaires. Each of the eight District Councils had submitted a response, and they were included in full as part of Appendix A. The analysis provided Members with an overview of the consultation process, an analysis of the responses to each of the themes in the draft proposal (maximising economic potential, addressing housing pressures, improving local transport, meeting net zero ambitions, delivering investment in Devon and Torbay, creating a strong and sustainable local economy and delivery arrangements for the Devon and Torbay Combined County Authority).

It was noted that a large proportion of the responses to the consultation included concerns and issues about how the DT CCA would function. Concerns raised by District Councils with them being defined by the Levelling-up and Regeneration Act 2023 as “non-constituent” members of CCAs. However, a Team Devon working group would be established to develop the terms of reference of the Joint Committee for consideration by the Council in September.

Some respondents raised issues about the role, purpose, and membership of the proposal for the various advisory groups that the DT CCA could consider establishing as well as concerns that the DT CCA would create an additional layer of local government and impose additional costs on Council Tax payers. Other issues raised included the size of the population of Torbay (economic coherence and democratic deficit), when compared to that of the District Councils.

The Report also outlined how other matters might be dealt with, for example the UK Shared Prosperity Fund (UKSPF), Housing and Homes England, Transport and Community Involvement as well as the role of Plymouth in the CCA, noting that the provisions of the proposed devolution deal enabled Plymouth City Council to apply to join the DT CCA at some point in the future.

The proposal was outlined in full at Appendix B for agreement by the Council and submission to the Secretary of State for Levelling Up, Housing and Communities.

The Levelling-up and Regeneration Act 2023 gave the Secretary of State the power to make regulations that established Combined County Authorities as separate free-standing bodies and gave them the responsibility for specific local authority functions. The DT CCA would be a “body corporate” that would be brought into being through statutory regulations: secondary legislation that was approved by Parliament.

Parliamentary time was limited and in order to ensure there was no delay, it was proposed that Council be asked to delegate authority to the Chief Executive in consultation with the Leader to formally consent to the regulations.

The anticipated timescale was outlined in section 6 of the Report which included, subject to approval at Torbay and this Council, was a Government decision on the final proposal in May 2024, the draft regulations (the “Statutory Instrument”) to create the DT CCA (prepared by Government) was planned for June with the Statutory Instrument being laid in Parliament in July. Consideration of the Statutory Instrument by the Joint Committee on Statutory Instruments, the House of Commons Delegated Legislation Committee and the House of Lords Grand Committee would be September/October 2024, with the Statutory Instrument coming into force in the Autumn.

Further detail relating to the running of and governance of the DT CCA, such as the arrangements for meetings, scheme of delegation to officers and details of audit and scrutiny would be matters for the Constitution of the DT CCA. As these issues were discussed, there would be opportunities for key stakeholders, including District Councils, to provide input and a Report would be presented to both Councils in September to present a draft DT CCA Constitution for acceptance, ahead of formal agreement by the CCA.

The Financial Considerations were outlined in paragraph 9 of the Report, noting that the costs of the public consultation had been shared between Devon County Council and Torbay Council. To support the establishment of the DT CCA in its early stages, the Government would provide £1 million of capacity funding over three years: £250,000 in 2024/25, £500,000 in 2025/26 and £250,000 in 2026/27. The creation of the DT CCA would lead, through the delivery of the devolution deal, to additional funding, including the £16 million of capital, being made available to be spent within the Devon and Torbay area on a wide range of services, projects and schemes.

The Impact Assessment had been updated and had been circulated with the agenda. It could be viewed on the website at <https://www.devon.gov.uk/impact/proposed-devon-and-torbay-combined-county-authority-and-devolution-deal>. This recognised that the final proposal had the potential to provide significant benefits to all communities, but specifically for people from the protected characteristic groups and deprived communities. However, this would be dependent on the implementation of the final proposal and the systems and processes that were put in place; and how the DT CCA would address inequality as an integral part of every decision. The new DT CCA would become subject to the Public Sector Equality Duty under the Equality Act 2010.

The risk to establishing the DT CCA had been included in the risk register.

The matter having been debated and the options and alternatives and other relevant factors (e.g. financial, sustainability and carbon impact, risk management, equality and legal considerations and alignment with the Council's Strategic Plan) set out in the Chief Executive's Report having been considered:

it was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED**

that Council be recommended to;

(a) thank all those who responded to the consultation be thanked, for the time they gave in considering the draft proposal and in preparing responses to it;

(b) consider the analysis of the responses (Appendix A) on the draft proposal for the Devon and Torbay Combined County Authority, showing the variety, breadth and range of views expressed,

(c) approve the proposal (Appendix B) for the Devon and Torbay Combined County Authority (DT CCA) for submission to the Secretary of State for Levelling Up, Housing and Communities, having taken into consideration and having due regard to the consultation responses and the Public Sector Equality Duty.

(d) delegate authority to the Chief Executive, in consultation with the Leader of the Council, to consent to the making of the necessary Regulations to create the Devon and Torbay Combined County Authority thereby implementing and giving effect to the proposal, subject to those Regulations reflecting the principles in the proposal document and this report.

(e) note that, subject to the approval of the proposal and making of Regulations, the Council will give consideration to a draft constitution for the DT CCA in September 2024.

(f) support the establishment of the statutory Team Devon Joint Committee to formalise the existing partnership, address shared priorities and have a voice in the work of the Combined County Authority and note that its proposed terms of reference will be considered by the Council in September 2024.

\* **531**      **Question(s) from Members of the Public**

There was no question from a Member of the public.

\* **532**      **Exclusion of the Press and Public**

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor McInnes, and

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, financial and business affairs of the Council and third parties, and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

\* **533**      **Exeter Science Park Limited Guarantee**

*(An item taken in accordance with paragraph 8 of the Cabinet Procedure Rules and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 with the consent of the relevant Scrutiny Committee Chair and under Section 100A(4) of the Local Government Act 1972 during which time the press and public were excluded).*

*(In line with paragraph 17.8 and 8 of the Scrutiny Procedure and Cabinet Procedure Rules respectively), the call-in procedure does not apply to this urgent decision).*

(Councillors Biederman, Leaver and Whitton attended in accordance with Standing Order 25(2) and spoke to this item).

The Cabinet received the Report of the Director of Finance and Public Value (DFP/24/55) relating to an Exeter Science Park Guarantee.

The Cabinet noted the actions that had been taken since approval of the Exeter Science Park Guarantee Report (considered by Cabinet on 13<sup>th</sup> March 2024) and proposals for the way forward in section three of the Report. The financial considerations of the proposals were outlined in full at section seven as well as the Risk Management matters at section 11.

The matter having been debated and the options and/or alternatives and other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the Director's Report and having been discussed at the meeting:

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hart, and

**RESOLVED** that Cabinet notes the current position and proposals, as outlined in Report, and that the recommendations at (a), (b) and (c) relating to the Exeter Science Park Limited Guarantee and ongoing negotiations, be approved, subject to inclusion of the Cabinet Member for Economic Recovery and Skills at recommendation (a).

**NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

\* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.33 am and finished at 11.41 am