



Board Meeting (Agenda Item 2)

Date: 19 March 2025

Title: Governance of the Devon and Torbay Combined County Authority

Director: Amanda Barlow, Monitoring Officer and Sean Anstee, Director of Operations

- (a) The majority of members of the CCA (or their substitutes) present and voting at the meeting to be favour, **including** both Lead Members for the constituent councils.
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1. Recommendation

- 1.1 Approves the Devon and Torbay Combined County Authority Constitution at Appendix 1 and delegates authority to the Monitoring Officer to make any legal and technical changes to the Constitution, in consultation with the Chair and Vice Chair of the Authority, ensuring that any amendments are consistent with the provisions of the Devon and Torbay Combined County Authority Regulations 2025 (referred hereinafter as the '2025 Regulations') and are reported to the subsequent meeting of this Board.
- 1.2 Confirm approval of the Devon and Torbay Combined County Authority Assurance Framework at Appendix 2.
- 1.3 Approves membership of the Overview and Scrutiny Committee, the Audit and Governance Committee, and delegates authority to the Monitoring Officer to:
- (a) convene the Devon County Council Independent Remuneration Panel, including agreeing a terms of reference and reasonable allowances in consultation with the Chair and Vice Chair of the Authority, so that the Independent Remuneration Panel can, at the earliest opportunity, undertake a review and make recommendations regarding a scheme of allowances for the Authority to consider at a future meeting of this Board;
 - (b) advertise the vacancy for the Independent Person on the Overview and Scrutiny Committee, noting that they will act as Chair of the Committee, and make recommendations for appointment at a future meeting of this Board; and
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(c) undertake an appointment process for an Independent Person of the Audit and Governance Committee and make recommendations for appointment at a future meeting of this Board.

- 1.4 Approve decisions of the Shadow Board held on 31 January 2025 to grant non-constituent members of the Authority voting rights and appointment of the Authority's Statutory Officers.
- 1.5 Approve the proposed Calendar of Meetings at Appendix 3 for the Authority, and delegates authority to the Director of Operations to make any changes to the Calendar as required throughout the 2025/26 municipal year, in consultation with the Chair of the Authority.
- 1.6 Approve the Local Protocol on Indemnity and Insurance for Elected Members and Officers at Appendix 4.

2. Purpose

- 2.1 This report seeks agreement on a number of important and procedural governance matters that are required at the first meeting of the Combined County Authority and ratifies decisions taken previously by the Shadow Board of the Authority at its meeting held on 31 January 2025.
- 2.2 The report sets out the initial governance framework of the Combined County Authority and recommends the approval of its first constitution. The draft Constitution sets out the roles and responsibilities within the governance framework, as well as the procedural rules, membership and voting arrangements for bodies within the governance framework.
- 2.3 The report confirms approval of the Authority's Assurance Framework, which has been updated to reflect establishment of the Devon and Torbay Combined County Authority on the 5 February 2025.
- 2.4 The report details requirements for Independent Persons to be appointed to the Authority's Overview and Scrutiny Committee and Audit and Governance Committee, and the proposed approach to these appointments. The report also sets out the legislative requirement that the Chair of the Overview and Scrutiny Committee shall be an Independent Person appointment.
- 2.5 The report recommends that the Monitoring Officer be provided with authority to enable the convening and review of allowances by an Independent Remuneration Panel and to advertise for the required Independent Persons, being the Chair of Overview and Scrutiny Committee and a member to sit on the Audit and Governance Committee, noting that the process for the latter is already underway.
- 2.6 The report formalises a previous decision of the Shadow Board held on 31 January 2025 which resolved to grant voting rights to non-constituent members as detailed in the main body of this report and the constitution.

- 2.7 The report seeks approval of the proposed Calendar of Meetings for the Authority, covering the Board, Regulatory Committees and each of the Advisory Groups established to support decision making of the Authority.
- 2.8 The report seeks approval of the Local Protocol on Indemnity and Insurance for Elected Members and Officers and notes the insurance arrangements for the CCA.

3. Background

- 3.1 The Devon and Torbay Combined County Authority was formally established on 5 February 2025 following Ministerial signing of the Statutory Instrument bringing the Authority into being.
- 3.2 Prior to its formal establishment, significant work has been undertaken to prepare for and design the governance arrangements of the Authority. The 2025 Regulations set out the decisions required to be taken by the Board at its inaugural meeting. These matters are dealt with in this report and others being considered at this inaugural meeting.

Constitution

- 3.3 The Authority's Constitution has previously been considered by the Shadow Board and since then has been refined following further feedback from Members of the Authority at the briefing session held in February 2025.
- 3.4 Advisory Group Terms of Reference have been updated to reflect when they have or will be approved at the first meeting of the respective Advisory Group and to set out that each Group will comply with the Authority's Constitution and decision-making frameworks.
- 3.5 The Constitution is included at Appendix 1 for approval and Members are asked to delegate authority to the Monitoring Officer to make any legal or technical changes to the Constitution, ensuring that any amendments are consistent with the provisions of the 2025 Regulations and are reported to the subsequent meeting of this Board.

Assurance Framework

- 3.6 At its Shadow Meeting on 31 January 2025, Members of the Authority approved the draft Assurance Framework for submission to the Ministry for Housing, Communities and Local Government (MHCLG). The Assurance Framework has subsequently been updated to reflect the formal establishment of the Authority and intended approval of the Authority's Constitution at its inaugural meeting.
- 3.7 Further revisions reflect the requirement to appoint an Independent Person as Chair of the Overview and Scrutiny Committee (as required by 2025 Regulations) and minor changes into the titles of the Authority's Advisory Groups.
- 3.8 Officials at MHCLG are reviewing the Assurance Framework issued in January 2025, and upon approval, will enable the release of the £1m capacity funding to the Authority.

Membership of Overview and Scrutiny Committee

- 3.9 As set out in the Assurance Framework, members of the Overview and Scrutiny Committee are to be different individuals from those who are members of the Authority Board. The political balance of the Overview and Scrutiny Committee reflects the political make-up of the Constituent Councils. It includes at least two Members nominated from each Constituent Council as well as representatives from the District Councils.
- 3.10 The 2025 Regulations require an Independent Person to be the Chair of the Overview and Scrutiny Committee. Specifically, the 2025 Regulations state “the Combined County Authority must appoint an independent person to be the chair of the overview and scrutiny committee appointed by the Combined County Authority” with the definition of an independent person prescribed in The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
- 3.11 To be considered “independent” the Chair of the Authority’s Overview and Scrutiny Committee cannot be:
- a. A member, co-opted member, or officer of the DTCCA,
 - b. A member, co-opted member, or officer of a Constituent Council (Devon County Council or Torbay Council),
 - c. A member, co-opted member, or officer of a Parish Council for which Devon County Council or Torbay Council is the principal authority,
 - d. A relative or close friend of anyone covered by 1-3 above,
 - e. A member, co-opted member, or officer of the DTCCA at any point in the 5 years preceding their appointment as Chair,
 - f. A member, co-opted member, or officer of a Constituent Council (Devon County Council or Torbay Council) at any point in the 5 years preceding their appointment as Chair; and
 - g. A member, co-opted member, or officer of a Parish Council for which Devon County Council or Torbay Council is the principal authority at any point in the 5 years preceding their appointment as Chair.
- 3.12 This therefore rules out any member, co-opted member or officer of Devon County Council or Torbay Council, any member, co-opted member or officer of a Parish Council within the Devon or Torbay area, any relative or close friend of the above and anyone who had been a member, co-opted member or officer of the DTCCA, Constituent Council or a Parish Council within the DTCCA area in the previous 5 years.
- 3.13 The 2025 Regulations also contain a provision for remuneration to be payable and requires an Independent Remuneration Panel to be convened to determine whether and at what level allowances would be set.

3.14 It is proposed that the Board delegates authority to the Monitoring Officer to convene an Independent Review Panel and as determined, this will be the existing panel already used by Devon County Council, as the Accountable Body for the Authority.

3.15 In addition to the Independent Chair, the proposed Devon County Council (DCC) and Torbay Council (TC) membership of the Overview and Scrutiny Committee is set out below:

1	Councillor P Sanders	DCC	Lead Member	
2	Councillor R Chesterton	DCC	Lead Member	
3	Councillor I Chubb	DCC	Lead Member	
	Councillor R Peart	DCC		Substitute member (for Cllrs Sanders, Chesterton, Chubb)
4	Councillor J Brazil	DCC	Lead Member	
	Councillor A Dewhirst	DCC		Substitute member (for Cllr Brazil)
5	Councillor Y Atkinson	DCC	Lead Member	
	Councillor C Whitton	DCC		Substitute member (for Cllr Atkinson)
6	Councillor Brook	TC	Lead Member	
7	Councillor Douglas-Dunbar	TC	Lead Member	
8	Councillor Foster	TC	Lead Member	
9	Councillor Johns	TC	Lead Member	
10	Councillor Tolchard	TC	Lead Member	
	Councillor Law	TC		Substitute member
	Councillor Spacagna	TC		Substitute member
11	Councillor David Clayton	Districts, Leader, North Devon Council	Lead Member	
12	Councillor Mandy Ewings	Districts, Leader, West Devon BC	Lead Member	

Membership of the Audit and Governance Committee

3.16 As set out in the Assurance Framework, members of the Audit and Governance Committee are to be different individuals from those who are members of the Authority Board. The political balance of the Audit and Governance Committee reflects the political make-up of the Constituent Councils. It includes at least two members nominated from each Constituent Council as well as representatives from the District Council's.

3.17 As with the Overview and Scrutiny Committee, there is a requirement for an Independent Person to sit on the Audit and Governance Committee, although there is no requirement for this individual to be Chair.

3.18 Devon County Council, as part of advertising a vacancy for an Independent Person on its Overview and Scrutiny Committee, also advertised the vacancy for the Authority's Audit and

Governance Committee. Approval is sought from the Board to delegate authority to the Monitoring Officer to progress the recruitment process and ask the Independent Review Panel (referenced above) to consider any appropriate levels of remuneration.

3.19 In addition to the Independent Person, the proposed Devon County Council (DCC) and Torbay Council (TC) membership of the Audit and Governance Committee is set out below:

1	Councillor R Scott	DCC	Lead Member	
2	Councillor C Slade	DCC	Lead Member	
3	Councillor D Sellis	DCC	Lead Member	
	Councillor J Trail	DCC		Substitute member (for Cllrs Scott, Slade, Sellis)
4	Councillor S Aves	DCC	Lead Member	
	Councillor M Asvachin	DCC		Substitute member (for Cllr Aves)
5	Councillor A Dewhirst	DCC	Lead Member	
	Councillor J Brazil	DCC		Substitute member (for Cllr Dewhirst)
6	Councillor Brook	TC	Lead Member	
7	Councillor Foster	TC	Lead Member	
8	VACANCY	TC	Lead Member	
9	Councillor Penny	TC	Lead Member	
10	Councillor Tolchard	TC	Lead Member	
	Councillor Harvey	TC		Substitute member
	Councillor Strang	TC		Substitute member
11	Councillor Richard Keeling	Districts, Leader, Teignbridge DC	Lead Member	
12	Councillor Ken James	Districts, Leader, Torridge DC	Lead Member	

Voting Rights for Non-Constituent Members

3.20 Section 11(4) of the Levelling-up and Regeneration Act 2023 states that “the non-constituent members of a CCA are to be non-voting members of that authority unless the voting members resolve otherwise.”

3.21 At its Shadow Meeting held on 31 January 2025, the Authority resolved to grant Non-Constituent Members rights to vote to enable them to participate in decision making in accordance with the provisions set out in Section 4 of the 2025 Regulations.

3.22 It is recommended for approval that the inaugural meeting formally ratifies the granting of voting rights to Non-Constituent Members.

Statutory Officer Structure

- 3.23 To be legally compliant, the Devon and Torbay Combined County Authority is required to appoint statutory officers in accordance with the Local Government and Housing Act 1989 and other legislation.
- 3.24 At its Shadow Meeting held on 31 January 2025, the CCA resolved to appoint Anne-Marie Bond as Head of Paid Service, Amanda Barlow as its Monitoring Officer, and Matthew Thorpe as its Chief Finance Officer (Section 73 Officer).
- 3.25 It is recommended that the Board formally approves the Statutory Officer appointments at this meeting.

Calendar of Meetings

- 3.26 A proposed Calendar of Meetings for the Board, the Regulatory Committees, and the Advisory Groups for the 2025/26 municipal year can be found at Appendix 3. The Board is asked to note the schedule and delegate authority to the Director of Operations to make any changes as required, in consultation with the Authority's Chair.

Local Protocol on Indemnity and Insurance for Elected Members and Officers

- 3.27 The DTCCA is required to have a local protocol on indemnity and insurance for elected members and officers and it attached at Appendix 4 to this report.
- 3.28 Insurances required to be held by the Authority have been confirmed and became effective on 1 March 2025. This includes Combined Liability arrangements covering Employers Liability, Public Liability, Products Liability and Pollution Liability insurances.
- 3.29 It is recommended the Board approves the Local Protocol at Appendix 4.

4. Options and alternatives

- 4.1 This report formalises governance arrangements as required at the inaugural meeting of the Authority. The Authority Board could resolve not to approve the recommendations of this report, but this course of action would place the Authority in breach of its legal obligations and would have adverse reputational consequences.

5. Financial considerations

- 5.1 The Independent Remuneration Panel may recommend payment of allowances to members of the Regulatory Committees. A report will be presented to a future Board should there be a requirement to do so.

6. Legal considerations

- 6.1 This report outlines the decisions required by the Authority at its inaugural meeting to comply with the legislative requirements of the 2025 Regulations that brought the Authority into being.

7. Environmental impact considerations

7.1 There are no environmental impact considerations arising from this report.

8. Equality considerations

8.1 There are no equality impact considerations arising from this report.

9. Engagement and consultation

9.1 There has been regular engagement with members of the Authority Board and officers of the Constituent Councils, and with the Non-Constituent and Associate Members, covering each of the matters raised in this report.

10. Associated risks

10.1 There are no additional associated risks other than those already identified earlier in this report.

11. Conclusion

11.1 The formation of the Authority is an important milestone in realising the benefits of devolution in the Devon and Torbay area. The report sets out various steps required to secure public value and effective governance arrangements that enable to DTCCA to fulfil its duties and obligations.

Local Government Act 1972: List of background papers

None

Contact for enquiries:

Name: Sean Anstee, Director of Operations (DTCCA)

Email: sean.anstee@devon.gov.uk

Appendix 1 – Constitution

The constitution accompanies this report as a separate item.

Appendix 2 – Assurance Framework

The assurance framework accompanies this report as a separate item.

Appendix 3 – Calendar of Meetings

The calendar of meetings accompanies this report as a separate item.

Appendix 4 – Local Protocol

The Local Protocol on Indemnity and Insurance for Elected Members and Officers accompanies this report as a separate item.