



**Devon and Torbay**  
Combined County Authority

# **DEVON AND TORBAY COMBINED COUNTY AUTHORITY CONSTITUTION**

For approval on 19 March 2025

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# Part 1: Introduction

## 1. Background

1.1 The Devon and Torbay Combined County Authority (“the Authority”) is a body corporate established pursuant to the Devon and Torbay Combined Authority Regulations 2024 (DTCCA Regulations) on 5 February 2025 in order to bring together the two upper tier Councils of Devon and Torbay, working collaboratively with the City and District Councils, National Parks, and businesses and partners, to champion the interests of its residents and the area as a whole, both nationally and internationally.

1.2 The Constituent Councils of the Authority are:

1.2..1 Devon County Council; and

1.2..2 Torbay Council

1.3 The Non-Constituent and Associate Members of the Authority are:

1.3..1 Nominated Representatives of the City and District Councils

1.3..2 Business Advisory Group Representative

1.3..3 Skills and Employment Advisory Group Representative

1.3..4 Devon, Cornwall and the Isles of Scilly Police and Crime Commissioner

1.3..5 [VACANCY]

1.4 Each Constituent Council must appoint three of its elected members to be members of the Authority of which one must be a lead member for that Council. The lead member(s) will be the leader(s) of the Constituent Councils.

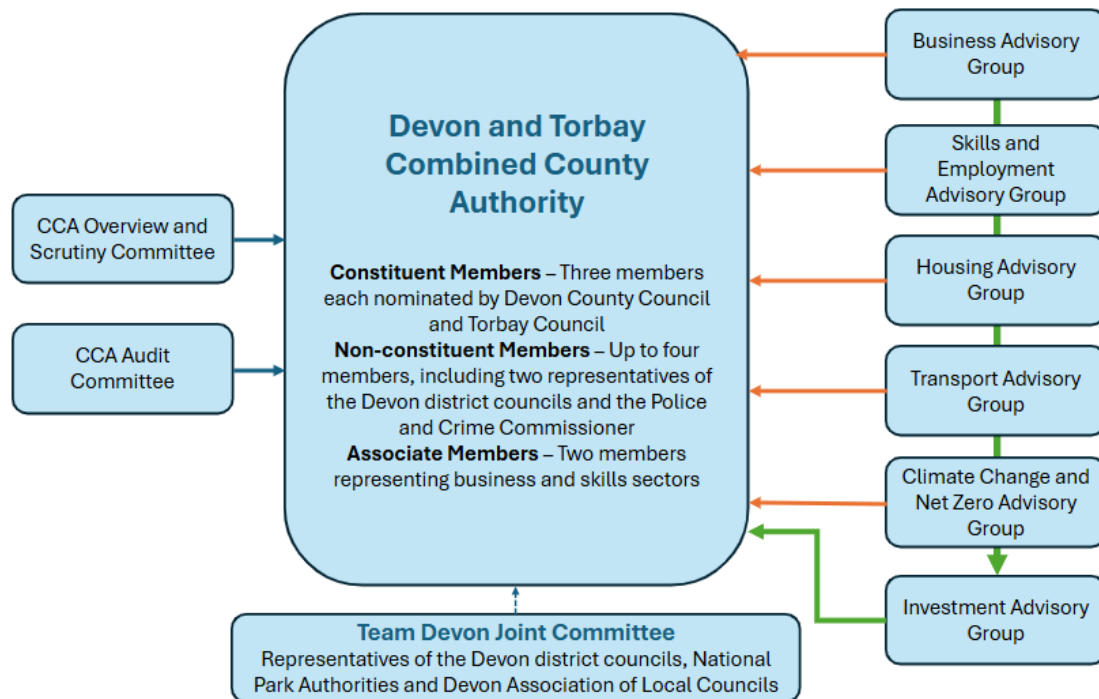
1.5 Each Constituent Council must appoint another three of its elected members who may act as members of the Authority in the absence of any members they appointed under Article 1 paragraph 1.7 below.

1.6 The Authority will have no more than six (in total) Non-Constituent and Associate members.

1.7 The functions of the Authority are those conferred or imposed on it by the DTCCA Regulations or any other enactment (whenever passed or made) or as may be delegated to it. The Authority will exercise all its powers and duties in accordance with the law and this Constitution.

- 1.8 All decisions of the Authority should be made in accordance with the following principles:
- 1.8..1 (a) proportionality (meaning the action must be proportionate to the results to be achieved)
  - 1.8..2 (b) due consultation (including the taking of relevant professional advice).
  - 1.8..3 (c) respect for human rights.
  - 1.8..4 (d) clarity of aims and desired outcomes
  - 1.8..5 (e) due consideration to be given to alternative options to guard against any form of predetermination in any decision-making process, and
  - 1.8..6 (f) the public sector equality duty.
- 1.9 The Authority is responsible for a range of functions across Devon and Torbay, these include:
- 1.9..1 Adult education and skills functions (enabling decision-makers to closer align spending on skills with the opportunities and needs in the local economy in order to engage adults and provide them with the skills needed for entering and sustaining employment, an apprenticeship, traineeship, or other further learning).
  - 1.9..2 Business growth and innovation functions (explore future trailblazer opportunities to secure greater private investment in local priorities, strengthen local innovation capacity to help realise the potential of local innovation assets and the innovation potential of small and medium enterprises, realise the global export potential of local businesses).
  - 1.9..3 Land and housing powers (broad powers to acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration. Ability to invest to deliver housing for the area. Land assembly and compulsory purchase powers for housing and regeneration purposes).
  - 1.9..4 Net zero, energy and environment functions (enabling the Authority to establish heat network zoning, evolve waste management in its area and exploit opportunities to re-use waste heat, flood alleviation).
  - 1.9..5 Transport functions (setting and delivering a transport strategy for the area, maximising opportunities for transport investment, providing oversight and assurance of investment delivery. Development of public transport services across the area, facilitating the delivery of public transport improvements).

## 1.10 CCA Operational Structure:



## 2. The Constitution

- 2.1 This Constitution sets out how the Authority shall operate and how decisions are made, including the procedures that are to be followed to ensure its work is efficient and effective and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones the Authority have chosen to follow.
- 2.2 The Constitution has 7 parts, plus several appendices. These are outlined below as follows:
- 2.2..1 Part 1: Introduction to the Authority and its Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.
  - 2.2..2 Part 2: Articles of the Constitution which set out the underpinning legal framework of the Authority and signpost readers to relevant aspects throughout the constitution.
  - 2.2..3 Part 3: Responsibility for Functions setting out who is responsible for exercising each function of the Authority.
  - 2.2..4 Part 4: Procedure Rules which govern how the Authority and its decision-makers operation, including:

- 2.2..4.1 formal meetings of the Authority and its committees.
- 2.2..4.2 Hot to access information; and
- 2.2..4.3 Procedures relating to finance and contracts.
  
- 2.2..5 Part 5: Ethical Standards, Scheme of Delegation of Functions to Chief Officers and Schedule of Proper Officers.
- 2.2..6 Part 6: Members Allowances Scheme (to be determined)
- 2.2..7 Part 7: Management Structure
  
- 2.3 The purpose of the constitution is to:
  - 2.3..1 (a) enable the Authority to provide leadership to the community in partnership with Councils, citizens, businesses, and other organisations,
  - 2.3..2 (b) enable decisions to be taken efficiently and effectively,
  - 2.3..3 (c) provide ways to hold decision-makers to public account,
  - 2.3..4 (d) ensure that no one reviews or scrutinises a decision in which they have been directly involved,
  - 2.3..5 (e) clarify who takes decisions and ensure that decision-makers explain the reasons for decision; and
  - 2.3..6 (f) help deliver the Authority's vision of a more prosperous Devon and Torbay Combined County Authority area.
  
- 2.4 The Monitoring Officer will regularly monitor and review the operation of the Constitution; this will include an annual review to ensure that it remains fit for purpose.
  
- 2.5 The Monitoring Officer is authorised to make the following changes to the Constitution:
  - 2.5..1 (a) a minor variation,
  - 2.5..2 (b) legal or technical amendments that do not materially affect the Constitution,
  - 2.5..3 (c) required to be made to remove any inconsistency, ambiguity, or typographical error,
  - 2.5..4 (d) required to be made to give effect to any decision of the Authority or a committee, sub-committee or officer exercising delegated power; or
  - 2.5..5 (e) required to reflect any changes to job or role titles.
  
- 2.6 Any such amendments must be reported retrospectively to the Authority for noting.
  
- 2.7 A majority of the Constituent Council members can propose a review of the Constitution.

- 2.8 Any amendments or changes proposed by such a review, shall require a majority vote.
- 2.9 Changes to the Constitution shall only be approved by the Authority Board.
- 2.10 The Chief Finance Officer (Section 73 Officer) shall be responsible for monitoring and keeping under review the Financial Regulations set out in the Constitution.
- 2.11 The Monitoring Officer shall make any final decision regarding the application of the Constitution.

### 3. Definitions

- 3.1 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

‘2023 Act’	the Levelling-up and Regeneration Act 2023.
‘Accountable Body (Administering Authority)’	Devon County Council.
‘Associate member’	An Associate member is an individual appointed to be a member of the DTCCA in accordance with section 12 of the 2023 Act.
‘Combined County Authority, or DTCCA, or the Authority’	The Devon and Torbay Combined County Authority.
‘Concurrent Function’	any function of the Authority conferred by the 2024 Order which is exercisable concurrently with the Constituent and/or Districts and City Councils of the Devon and Torbay area. That is, both the Authority and Constituent and /or Districts and City Councils of the Devon and Torbay area may exercise the functions independently of one another.
‘Constituent Councils’	Devon County Council and Torbay Council.
‘DTCCA Regulations’	(a) the Devon and Torbay Combined County Authority Regulations 2024

	(b) Such other secondary legislation made by the Secretary of State in relation to the DTCCA pursuant to the 2023 Act.
‘Nominating Body’	A body designated by the DTCCA under section 11(1) of the 2023 Act.
‘Non-Constituent member’	A Non-Constituent member is an individual nominated as a representative by a nominating body designated as such by the DTCCA in accordance with section 11 of the 2023 Act.
‘Observer’	An Observer status confers no legal status and is an arrangement between the Authority and the Observer, who is not from the Constituent or Non-Constituent Authorities, with the aim of promoting a shared strategic approach to joint working in the development of significant Policy issues.
‘Offices of the Authority’	Devon County Council, County Hall, Topsham Road, Exeter, EX2 4QD.
“Proper Officer”	An officer appointed by the Authority to carry out certain administrative functions as is required by statute.
‘Team Devon Joint Committee’	Representatives of Devon District Councils, National Park Authorities and Devon Association of Local Councils.

## Part 2: Articles

The Articles of the Constitution set out the underpinning legal framework of the Authority and signpost readers to the relevant aspects of the Constitution.

The Articles includes a set of Articles which describe how the CCA operates:

1. [Article 1](#): The Combined County Authority
2. [Article 2](#): Citizens and the Authority
3. [Article 3](#): Joint Arrangements
4. [Article 4](#): Officers
5. [Article 5](#): Decision making (to include protocol with City and District Council's and National Parks consent
6. [Article 6](#): Finance and Legal Matters

### Article 1: The Devon and Torbay Combined County Authority

- 1.1 The Authority was established pursuant to the DTCCA Regulations on the 5<sup>th</sup> February 2025 as the Devon and Torbay Combined County Authority.
- 1.2 The Authority Board and its supporting governance framework will work together in collaboration, in the interests of the people of Devon and Torbay. This Constitution sets out the arrangements to ensure effective conduct of the Authority's business, in the spirit of collaboration, mutual respect and transparency.
- 1.3 All members of the Authority shall act in the best interests of the whole of the Devon and Torbay, having considered all relevant matters and available information prior to making a decision on any matter, and shall strive to work on the basis of consensus, taking decisions through agreement wherever possible.

### Membership of the Authority

- 1.4 The Authority shall have no more than twelve members in total. Consisting of, six Constituent members, four Non-Constituent members, and two Associate members.
- 1.5 Each Constituent Council shall appoint three of its elected members to be a member of the Authority.
- 1.6 Each of the Constituent Council must appoint one of their members referred to in paragraph 1.5 above, to be a lead member. The lead member shall be the appointed leader of each respective Council, unless otherwise agreed by that Council.



- 1.7 Each Constituent Council must appoint another three of its elected members who may act as members of the Authority in the absence of any members they appointed under paragraph 1.5 above. These shall be referred to as ‘substitute members’ and shall form the overall number of twelve, when acting as a member in the absence of an appointed member under paragraph 1.5 above.
- 1.8 Substitute members are expected to attend meetings of the Authority’s Board wherever possible, to observe matters determined and to assist their decision making in the absence of an appointed member.
- 1.9 There shall be four Non-Constituent members (of which two shall be nominated by the City and District Councils, and the Authority in partnership with government, shall invite the Devon, Cornwall and the Isles of Scilly Police and Crime Commissioner (PCC) to be a Non-Constituent member, to ensure close collaboration and joint working between the Authority and the PCC. A fourth is to be confirmed by the Authority).
- 1.10 There shall be two Associate members, as decided by the Authority. These shall represent the voice of the business community and separately, the voice of the skills/education sector. Associate members shall be non-voting members, in accordance with section 12(3) of the 2023 Act.
- 1.11 Non-Constituent and Associate members shall each nominate a substitute member who may act as members of the Authority in the absence of any members appointed under paragraphs 1.9 and 1.10 above.
- 1.12 A member (or substitute member) of the Authority shall cease to be such a member immediately upon them ceasing to be a member of the appointing Constituent or Non-Constituent Council. The Constituent or Non-Constituent Council will appoint a replacement member as soon as practicable.
- 1.13 Substitute members shall only be appointed from a pool list held by the Monitoring Officer. It is for each Constituent Council, Non-Constituent Council and Associate member to ensure that the pool list held by the Monitoring Officer is kept up to date.
- 1.14 A Constituent or Non-Constituent Council may, at any time of its choosing, terminate the appointment of a member or substitute member and appoint another as a member or substitute member in that person’s place. Notice of such termination and/or appointment must be given in writing by the relevant

Constituent or Non-Constituent Council, by written notice served on the Monitoring Officer. The new appointment shall take effect, and the previous appointment terminated, at the end of one week from the date on which the notice is given, or such longer period not exceeding one month, as is specified in the notice and this appointment shall be ratified at the next Authority meeting.

- 1.15 A member may resign from the Authority by written notice served on the Proper Officer of the Constituent or Non-Constituent Council that appointed them, and the resignation takes effect on receipt of the notice by the Constituent or Non-Constituent Council that appointed them. The Constituent or Non-Constituent Council must serve written notice of the resignation on the Monitoring Officer, as soon as reasonably possible thereafter and this appointment shall be ratified at the next Authority meeting.
- 1.16 The Authority may co-opt additional non-voting representatives to attend its meetings as it considers necessary.
- 1.17 No remuneration is payable by the Authority to its members, other than as specified in the Authority's scheme of allowances.
- 1.18 Members shall at all times, observe the Code of Conduct for Members set out in Part 5 of this Constitution.

### Chair and Vice Chair

- 1.19 The Chair shall be held by one of the Constituent Council's lead members and shall rotate every two years, with the other Constituent Council lead member.
- 1.20 A person ceases to be Chair if they cease to be an elected member of the Authority. If the office of Chair becomes vacant, that vacancy shall automatically be filled by the replacement lead member of the currently held Constituent Council for the remainder of the two year term.
- 1.21 A person ceases to be Chair where a motion of no confidence in the Chair is moved and seconded and agreed by four or more Constituent Council members.
- 1.22 The Vice-Chair shall be held by the other Constituent Council lead member of that held by the Chair.
- 1.23 A person ceases to be a Vice-Chair if they cease to be an elected member of the Authority. If the office of Vice-Chair becomes vacant, that vacancy shall

automatically be filled by the replacement lead member of the currently held Constituent Council for the remainder of the two year term.

- 1.24 At each meeting of the Authority, the Chair shall preside. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, the members present shall choose by a simple majority vote, another member of the Authority to preside.
- 1.25 The procedure for the appointment of the Chair and Vice-Chair(s) is set out in the DTCCA Procedure Rules in Part 4 of this Constitution.

### Meetings and Procedure

- 1.26 The Authority will usually meet bi-monthly (once every 2 months), but additional meetings may take place within the bi-monthly period should the need arise.
- 1.27 There are three types of Authority meeting:
- 1.27.1 (a) the annual meeting;
  - 1.27.2 (b) ordinary meetings; and
  - 1.27.3 (c) extraordinary meetings.
- 1.28 Meetings will be conducted in accordance with the Authority Rules of Procedure set out in Part 4 of this Constitution.

### Responsibility for Functions

- 1.29 Only the Authority will exercise the DTCCA functions set out in Part 3 of this Constitution.
- 1.30 The Authority may delegate the discharge of its functions which are not reserved to the Authority, its committees or sub-committees, its officers, joint committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 1.31 The Authority has delegated the discharge of the Authority's functions to committees and officers in accordance with the scheme of delegation contained in Part 3, of this Constitution.
- 1.32 The Authority will review their scheme of delegation regularly.

### Committees of the Combined County Authority

- 1.33 The Authority is required to appoint an Audit and Governance Committee and one or more Overview and Scrutiny Committee(s). These are Statutory committees – see Part 3 for relevant terms of reference

- 1.34 The Authority has established a number of committees to discharge the functions set out in Part 3 of this Constitution.
- 1.35 The Authority may establish such other committees as it thinks fit to discharge its functions.
- 1.36 The Authority may appoint a committee to advise the Authority on any matter relating to the exercise of functions of the Authority.
- 1.37 The functions which a committee may exercise are set out in the committee's terms of reference – see further, Part 3 of the Constitution.

## Article 2: Citizens and the Authority

### Access to Information

- 2.1 The Access to Information Rules in Part 4 of the Constitution set out the public's rights to information held by the Authority, including:
  - 2.1.1 in relation to meetings of the Authority and its committees and sub-committees, (subject to exceptions including in relation to confidential or sensitive information), rights:
    - (a) to attend meetings,
    - (b) to inspect agendas of and reports to meetings and background documents,
    - (c) to access documents after a meeting including minutes; and
    - (d) to report on and record a meeting.
  - 2.1.2 to inspect the Authority's Forward Plan to find out about:
    - 4.0 any Key Decision to be made by the Authority, and
    - 5.0 any request to be made to a Constituent Council for a Statutory Consent to exercise a concurrent function which gives rise to a financial liability.
- 2.2 To inspect written records of decisions made by officers.
- 2.3 To access information generally held by the Authority.
- 2.4 To inspect a list of Authority members.

### Consultation

- 2.5 The Authority must consult with citizens in accordance with any statutory requirement to do so.

### Petitions

- 2.6 The Authority does not operate a Petitions Scheme.

## Complaints

- 2.7 Citizens have the right to complain to the Authority under its complaints scheme, or the Local Government Ombudsman (after using the Authority’s complaints scheme).
- 2.8 Citizens may submit any complaint about the conduct of an Authority member to the Authority’s Monitoring Officer. All complaints must be in writing, using the prescribed form, in accordance with the procedure for considering complaints alleging a failure to comply with the Members’ Code of Conduct in Part 5 of this Constitution. Completed forms must be returned to **[TBC - INSERT DETAILS]**

## Article 3: Joint Arrangements

- 3.1 The Authority does not currently operate any joint arrangements.

## Article 4: Officers

### Statutory Officers

- 4.1 The Authority is required to appoint or designate the following statutory officers:
- 4.1.1 (a) Chief Executive (Head of Paid Service),
  - 4.1.2 (b) Monitoring Officer; and
  - 4.1.3 (c) Section 73 Chief Finance Officer
- 4.2 By law, some functions of the Monitoring Officer and Section 73 Chief Finance Officer (apart from the administration of the financial affairs of Authority) must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

### Chief Officers

- 4.3 Chief Officers for the purposes of Part 3 (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Chief Executive, the Monitoring Officer, Section 73 Officer Chief Finance Officer.

### Chief Executive – Statutory Functions

- 4.4 The Chief Executive, where the Chief Executive considers it appropriate, must prepare a report to the Authority setting out their proposals in relation to:
- 4.4.1 (a) the manner in which the discharge by the Authority of its different functions is coordinated,
  - 4.4.2 (b) the number and grades of staff required by the Authority for discharging its functions,

- 4.4.3 (c) the organisation of the Authority's staff; and
  - 4.4.4 (d) the appointment and proper management of the Authority's staff.
- 4.5 The Authority must consider any such report at a meeting within three months of the report first being sent to the Authority members.
- 4.6 The Chief Executive must consider any application for exemption from political restriction in respect of any post in the Authority by the holder for the time being of that post and may give directions to the Authority to include a post in the list of politically restricted posts.

### Monitoring Officer – Statutory Functions

- 4.7 If it appears to the Monitoring Officer that any proposal, decision, or omission by the Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Authority member (after consulting so far as practicable with the Chief Executive and Section 73 Chief Finance Officer). The Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Authority members. The Authority must ensure that the implementation of the proposal or decision, must be suspended until the report has been considered.

### Section 73 Chief Finance Officer – Statutory Functions

- 4.8 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Authority, in accordance with Section 73 of the Local Government Act 1985.
- 4.9 After consulting so far as practicable with the Chief Executive and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Authority:
- 4.9.1 (a) has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
  - 4.9.2 (b) has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or,
  - 4.9.3 (c) is about to enter an item of account unlawfully.
- 4.10 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Authority incurred in a financial year is likely to exceed the resources available to the Authority.
- 4.11 The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Authority member. The Authority must consider the

report at a meeting not later than 21 days after the report has been sent to the Authority members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

### Statutory Scrutiny Officer

4.12 The Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.

### Data Protection Officer

4.13 The Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.

### General

4.14 The Authority may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

4.15 Officers will comply with the Code of Conduct for officers.

## Article 5: Decision Making

### Responsibility for Decision Making

5.1 The Authority will issue and keep up to date a record of what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in Part 3 of this Constitution.

### Principles of Decision Making

5.2 All decisions of the Authority should be made in accordance with the following principles:

5.2.1 (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations,

5.2.2 (b) where appropriate, the realistic evaluation of alternatives,

5.2.3 (c) proportionality (i.e., the action must be proportionate to the desired outcome),

5.2.4 (d) due consultation and the taking of professional advice from officers;

5.2.5 (e) respect for human rights and equalities,

5.2.6 (f) a presumption in favour of openness,

5.2.7 (g) clarity of aims and desired outcomes; and

5.2.8 (h) reasons being given for the decision, as appropriate.

## Key Decisions

5.3 A “key decision” means a decision, which in the view of the Overview and Scrutiny Committee is likely to:

5.3.1 (a) result in the Authority spending or saving a significant amount, compared with the budget for the service or function the decision relates to, or

5.3.2 (b) have a significant effect on communities living or working in an area made up of two or more electoral divisions in the area.

5.4 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision, if that amount is less than £1,000,000.

5.5 A decision-maker may only make a “key decision” in accordance with the requirements of the:

5.5.1 (a) Access to Information Rules, and

5.5.2 (b) Authority Procedure Standing Orders

5.6 Any Key Decision may be reviewed or scrutinised by an Overview and Scrutiny Committee.

## Types of Decision

5.7 Decisions reserved to the Authority which relate to the functions listed in Part 3 of this Constitution will be made by the Authority and not delegated. The Authority meeting will follow the Rules of Procedure set out in Part 4 of this Constitution when considering any matter.

5.8 Decision making by committees and Joint committees established by the Authority will follow those parts of the Rules of Procedure set out in Part 4 of this Constitution as apply to them.

5.9 Decision making by officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3 of this Constitution and other provisions of this Constitution.

## Recording Decisions

5.10 Any decision taken at a meeting of the Authority or one of its committees or sub-committees will be recorded in the minutes of the meeting. Any other decision



will be recorded in accordance with Access to Information Rules in Part 4 of this Constitution.

## Article 6: Finance, Contracts and Legal Matters

### Financial Management

- 6.1 The management of the Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in Part 4 of the Constitution.

### Legal Proceedings

- 6.2 The Monitoring Officer is authorised to institute, settle, defend, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority interests.

### Authentication of Documents

- 6.3 Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- 6.4 Any contract with a value exceeding £50,000 entered into by the Authority shall be made in writing. Such contracts must be signed by a duly authorised officer of the Authority or made under the Common Seal of the Authority attested by an authorised officer, or some other person authorised by the Monitoring Officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the Authority attested by an authorised officer, or some other person authorised by the Monitoring Officer.

### Common Seal of the Authority

- 6.5 The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.

## Part 3: Responsibility for Functions

### Section 1: Introduction

Part 3 sets out the responsibility for the functions of the Authority.

#### Devon and Torbay Combined County Authority (DTCCA) Functions

- 1.1 Part 3 - Section 2 sets out an overview of the DTCCA Functions, including those conferred by the DTCCA Regulations.
- 1.2 DTCCA Functions are exercised by the DTCCA at a meeting of the Authority or in accordance with arrangements agreed by the DTCCA.
- 1.3 Certain DTCCA Functions can only be exercised with the consent of a relevant Constituent Council, City or Districts Council's or the National Parks. These are identified in Part 3 - Section 2.
- 1.4 The DTCCA may make arrangements for any DTCCA Function, except those reserved to the DTCCA, to be exercised:
  - 1.4.1 (a) by a committee or sub-committee of the DTCCA,
  - 1.4.2 (b) by an officer of the DTCCA,
  - 1.4.3 (c) by another local authority, or
  - 1.4.4 (d) under joint arrangements with one or more other local authorities.
- 1.5 Part 3 - Section 3 sets out the DTCCA Functions which have been reserved to the DTCCA and must be taken at a meeting of the DTCCA.
- 1.6 Part 3 - Section 4 sets out the DTCCA Functions which have been delegated to committees or sub-committees of the DTCCA and the terms of reference agreed for those committees and sub-committees.
- 1.7 Part 3 - Section 5 sets out the Terms of Reference for the DTCCA Advisory Groups.
- 1.8 Part 3 - Section 6 sets out the DTCCA Functions which have been delegated to officers of the DTCCA.
- 1.9 Part 3 - Section 7 sets out the DTCCA Functions which are to be exercised by another local authority or under joint arrangements with one or more other local authorities.

- 1.10 Where a DTCCA function has been delegated under arrangements, this does not prevent the DTCCA exercising the function.

### Statutory Consents

- 1.11 The Protocol for the exercise of Statutory Consents shall be followed in respect of DTCCA Functions that can only be exercised with the consent of a relevant City Council, District Council or National Parks.

### General Roles and Responsibilities of Officers

- 1.12 The Authority approves strategies and policies which determine the framework in which operational decisions are made – see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.
- 1.13 Officers implement decisions made by the Authority (or any decision-making committee of the Authority). Officers also take measures to carry out these policies and decide day to day operational matters, within the framework of these decisions.
- 1.14 Officers must comply with Article 5 (Decision-making) of the Constitution when exercising authority delegated to them.
- 1.15 Decision making by officers is subject to other control measures. These include:
- 1.15.1 (a) Standing Orders, including the Contracts Standing Orders, and Financial Regulations in Part 4 of the Constitution.
  - 1.15.2 (b) Officers' Code of Conduct, Gifts and Hospitality Policy, and the Conflicts of Interest Policy and Protocols in Part 5 of the Constitution.
  - 1.15.3 (c) Identified organisational values, an Anti-Fraud, Bribery, and Corruption Policy, and internal audit and risk management arrangements.
- 1.16 When exercising their delegated authority, an officer must:
- 1.16.1 (a) ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Authority, and
  - 1.16.2 (b) follow approved practices and procedures of the Authority, including relevant Government guidance and industry or professional best practice.

### Funding of the Authority

- 1.17 The Authority will be funded by the two Constituent Councils. The Authority may seek the power to borrow. In practice it is expected that the running costs of the

Authority will be met by either continued central Government support or with funding from the Constituent Councils.

- 1.18 The proposed Authority will not have the power to raise a precept. That means it will not be able raise money through increasing Council Tax.

### Functions of the Authority

1.19 Authority Functions include:

- 1.19.1 set a budget for the proposed Authority;
- 1.19.2 duty to prepare an economic assessment of the proposed Authority area;
- 1.19.3 compulsory purchase, land acquisition and disposal and development of land powers (the exercise of compulsory purchase functions is subject to the consent of all the local planning authorities affected);
- 1.19.4 consideration of whether to seek the power to borrow and to explore the extent of those powers;
- 1.19.5 housing supply and regeneration functions;
- 1.19.6 duty to review air quality plans and propose and undertake steps to support the delivery of those plans by Councils in the proposed Authority area; and
- 1.19.7 incidental powers in relation to its functions (the power to do anything which is incidental to the exercise of its functions).
- 1.19.8 area-wide Local Transport Plan
- 1.19.9 incidental powers in relation to its functions (the power to do anything which is incidental to the exercise of its functions).
- 1.19.10 power to establish sub-committees to exercise Authority functions.
- 1.19.11 establish formally constituted Advisory Groups which form part of operation of the proposed Authority, but which have no formal decision making power.
- 1.19.12 the role of any Advisory Group is to advise the Authority on the exercise of functions in their areas of expertise.

## Section 2: Devon and Torbay Combined County Authority (DTCCA) Functions – Conferred by the 2024 Order

<b>FUNCTION</b>	<b>LEGISLATION</b>	<b>ORDER REFERENCE</b>	<b>CONCURRENT WITH CONSTITUENT COUNCILS</b>	<b>RELEVANT CCA MEMBER(S) TO CONSENT/ AND OR DISTRICT</b>	<b>VOTING</b>
General Power of Competence	Part 1, Chapter 1 Localism Act 2011 General Power of Competence	TBC	Y	N	Simple Majority
Members Allowances	Local Authorities (member allowances) (England) Regulations 2003	Reg 20	N	N	Simple Majority
<b>FINANCE, INVESTMENT, INNOVATION AND TRADE</b>					
Local authority economic assessments	Section 69 Local Democracy, Economic Development and Construction Act 2009	Reg 31(1)	Y	N – this will be a reserved decision to Constituent Councils with requirement to consult and seek the participation of the City and Districts.	Simple Majority
Requires Local Authorities and Police to consider the impact of their activities of crime and disorder in their area	Section 17A Crime and Disorder Act 1998		Y	N	Simple Majority
Ability to move staff and resources for the purposes	Sections 113, 142 (2), 144, 145 and 222			N	Simple Majority

of delivering local government functions	Local Government Act 1972		N - Local Authorities retain current powers		
Research and information collection	Sections 88 (1) and (2) Local Government Act 1985		N	N	Simple Majority
Voting right of committee members	Section 13 Local Government and Housing Act 1989		N/A	N	N/A
	Local Government Pension Scheme Regulations 2013		N	N	N/A
Provision of grants and expenditure use	Section 31 Local Government Act 2003		Y	Y- Where the exercise of power will result in financial liability of a Constituent Council, that Constituent Council must consent	Simple Majority
<b>HOUSING AND PLANNING</b>					
		Reg 8(1)(f)		Y – requires the consent of:	

Power to compulsorily acquire land for development / planning purposes	Section 226 Town and Country Planning Act 1990		Y - concurrent with City or Districts	the lead member for any Constituent Council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member;  each City or District Council whose local government area contains any part of the land subject to the proposed compulsory acquisition; and the National Park Authority if the Authority proposes to exercise the functions in respect of the whole or any part of the area of the National Park	Simple Majority
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Reg 8(1)(g)	Y - concurrent with City or Districts	N	Simple Majority
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Reg 8(1)(h)	Y - concurrent with City or Districts	N	Simple Majority
Power to acquire land for exchange	Section 230(1) Town and Country Planning Act	Reg 8(1)(i)	Y - concurrent with City or Districts	N	Simple Majority

	1990				
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Reg 8(1)(j)	Y - concurrent with City or Districts	N	Simple Majority
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Reg 8(1)(k)	Y - concurrent with City or Districts	N	Simple Majority
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Reg 8(1)(l)	Y - concurrent with City or Districts	N	Simple Majority
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Reg 8(1)(m)	Y - concurrent with City or Districts	N	Simple Majority
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Reg 8(1)(n)	Y - concurrent with City or Districts	N	Simple Majority
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Reg 8(1)(o)	Y - concurrent with City or Districts	N	Simple Majority
Power to use and develop open spaces	Section 241 Town and	Reg 8(1)(p)		N	Simple Majority



	Country Planning Act 1990		Y - concurrent with City or Districts		
Power to provide housing or other land	Section 5 Housing and Regeneration Act 2008	Reg 7(1)(a)	N - concurrent with Homes England	N	Simple Majority
Power for regeneration, development or effective use of land	Section 6 Housing and Regeneration Act 2008	Reg 7(1)(b)	N - concurrent with Homes England	N	Simple Majority
Powers in relation to infrastructure	Section 7 Housing and Regeneration Act 2008	Reg 7(1)(c)	N - concurrent with Homes England	N	Simple Majority
Powers to deal with land	Section 8 Housing and Regeneration Act 2008	Reg 7(1)(d)	N - concurrent with Homes England	N	Simple Majority
Power to acquire land (other than compulsory acquisition)	Section 9 Housing and Regeneration Act 2008 (excluding Section 9(2))	Reg 7(1)(e)	N - concurrent with Homes England	Y -  Requires consent of lead member(s) whose Council area contains any part of the relevant land.  Consent of each City or District Council whose area contains any part of the relevant land.	Simple Majority

				<p>Consent of each National Park Authority whose area contains any part of the relevant land.</p> <p>Where exercise results in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.</p>	
Restrictions on disposal of land	Section 10 Housing and Regeneration Act 2008	Reg 7(1)(f)	N - concurrent with Homes England	N	Simple Majority
Powers in relation to acquired land	Section 11 Housing and Regeneration Act 2008	Reg 7(1)(g)	N - concurrent with Homes	N	Simple Majority
Powers in relation to and for statutory undertakers	Section 12 Housing and Regeneration Act 2008	Reg 7(1)(h)	N- concurrent with Homes England, City and Districts	N	Simple Majority
Powers in relation to financial assistance	Section 19 Housing and Regeneration Act 2008	Reg, 8 (5)	N - concurrent with Homes England	N	Simple Majority
Powers in relation to burial grounds and consecrated land etc	Paragraphs 19 and 20 of Schedule 3 Housing and Regeneration Act 2008	Reg 7(1)(i)	N - concurrent with Homes England	N	Simple Majority

Extinguishment or removal powers, counter-notices and notification of proposal to make order	Paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 Housing and Regeneration Act 2008	Reg 7(1)(j)	N - concurrent with Homes England	N	Simple majority
Duty to conduct periodical review of Housing needs	Section 8 Housing Act 1985	Reg 8(1)(a)	Y - concurrent with City or Districts	N	Simple Majority
Power to make provision of board and laundry facilities	Section 11 Housing Act 1985	Reg 8(1)(b)	Y - concurrent with City or Districts	N	Simple Majority
Power to make provision of shops, recreation grounds, etc	Section 12 Housing Act 1985	Reg 8(1)(c)	Y - concurrent with City and Districts	N	Simple Majority
Power to acquire land for housing development (other than compulsory purchase)	Section 17 Housing Act 1985 (exc 17(3))	Reg 8(1)(d)	Y - concurrent with City or Districts	Y- Requires consent of lead member(s) whose area contains any part of the relevant land.  Consent of each City or District Council whose area contains any part of the relevant land.	Simple Majority

				<p>Where exercise of 17 (3) results in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.</p> <p>Consent of each National Park Authority whose area contains any part of the relevant land.</p>	
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Reg 8(1)(e)	Y - concurrent with City or Districts	N	Simple Majority
<b>TRANSPORT</b>					
Power to agree the Local Transport Plan	Section 108 Transport Act 2000	Reg 10	Y - for duration of transition period	<p>Y – of Constituent Council in whose area it is proposed function will be exercised</p> <p>Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.</p>	Simple Majority

Power to make Advanced Quality Partnership Scheme	Section 113C Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duty to impose Registration Restrictions in connection with Quality Partnership Schemes	Section 113D Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Facilities, measures and standards of advanced quality partnership schemes	Section 113E Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Requirements relating to advanced quality partnership schemes including traffic regulation orders	Section 113F Transport Act 2000 Section	Reg10	Y - for duration of transition period	N	Simple Majority
Duties relating to notice and consultation	Section 113G Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Requirements for inclusion in scheme	Section 113H Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Powers to postpone schemes	Section 113I Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duties in respect of schemes	Section 113J Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Regulations about schemes involving existing facilities or measures	Section 113K Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to vary or revoke scheme	Section 113L Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority

Supplementary provisions relating to variation of schemes	Section 113M Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS power to make regulations about schemes	Section 113N Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS power to issue guidance about schemes	Section 113O Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to make quality partnership scheme	Section 114 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Notice and consultation duties in respect of quality partnership schemes	Section 115 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duty to include certain specifications in schemes	Section 116 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to postpone schemes	Section 117 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Obligations in respect of implementation of schemes	Section 118 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Regulations about schemes involving existing facilities	Section 119 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to vary/revoke scheme	Section 120 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Supplementary powers and duties relating to variation of schemes	Section 121 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Regulations about schemes		Reg 10		N	

	Section 122 Transport Act 2000		Y - for duration of transition period		Simple Majority
Guidance about schemes	Section 123 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to make franchising scheme	Section 123A Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duty to assess proposed franchising scheme	Section 123B Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duty to seek consent of SoS in relation to franchising schemes	Section 123C Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duty to seek audit report in relation to proposed franchising scheme	Section 123D Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duty to consult on franchising scheme	Section 123E Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority
Requirements of consultation document	Section 123F Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duty to publish report in response to consultation	Section 123G Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duties relating to making and publication of scheme	Section 123H Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

Power to postpone local service contracts	Section 123I Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Effect of local service contracts	Section 123J Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Powers/duties in relation to entering local service contracts	Section 123K Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Exceptions to 123K	Section 123L Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to vary scheme	Section 123M Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to revoke scheme	Section 123N Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to provide interim service	Section 123O Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to grant service permit	Section 123P Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Requirements relating to application for service permit	Section 123Q Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to publish notice of conditions attached to service permit	Section 123R Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority



Power to revoke or suspend service permit	Section 123S Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Appeal of refusal of service permit	Section 123T Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
SoS may make regulations about schemes	Section 123U Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
SoS may make regulations making transitional provisions about schemes	Section 123V Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
SoS may issue guidance about schemes and duty to have regard	Section 123W Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple majority
Application of TUPE to local service contracts	Section 123X Transport Act 2000	Reg 10	Y - for duration of transition period	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to make advanced ticketing schemes	Section 134C Transport Act 2000	Reg 10	Y	N	Simple Majority
Duties to give notice and consult on advanced ticketing schemes	Section 134D Transport Act 2000	Reg 10	Y	N	Simple Majority
Powers and duties relating to making of scheme	Section 134E Transport Act 2000	Reg 10	Y	N	Simple Majority
Effect of scheme	Section 134F Transport Act 2000	Reg 10	Y	N	Simple Majority
SoS may issue guidance, duty to have regard	Section 134G Transport Act 2000	Reg 10	Y	N	Simple Majority

Power to make joint and through ticketing schemes	Section 135 Transport Act 2000	Reg 10	Y	N	Simple Majority
Duties to give notice and consult on advanced ticketing schemes	Section 136 Transport Act 2000	Reg 10	Y	N	Simple Majority
Powers and duties relating to making of scheme	Section 137 Transport Act 2000	Reg 10	Y	N	Simple Majority
Effect of scheme	Section 138 Transport Act 2000	Reg 10	Y	N	Simple Majority
Power to make enhanced partnership plans or schemes	Section 138A Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Further parties to scheme	Section 138B Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duties in respect of local services	Section 138C Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Nature of enhanced partnership scheme	Section 138D Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to vary or revoke	Section 138E Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duty to prepare proposal, give notice and consult in relation to scheme	Section 138F Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Powers to make scheme	Section 138G Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duties in respect of content of scheme	Section 138H Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority

Power to postpone all or part of scheme	Section 138I Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Effect of plans and schemes	Section 138J Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to vary scheme	Section 138K Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duties in respect of variation	Section 138L Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Powers and duties in respect of making variation	Section 138M Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Supplementary requirements in respect of variation	Section 138N Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to revoke enhanced partnership plan or scheme	Section 138O Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS power to make regulations in respect of plan or scheme	Section 138P Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS may make regulations re transitional provisions about schemes	Section 138Q Transport Act 2000	Reg 10	Y - during transition period	N	Simple Majority
SoS may issue guidance, duty to have regard	Section 138R Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Application of TUPE	Section 138S Transport Act 2000	Reg 10	Y - during transition period	N	Simple Majority
		Reg 10		N	

Duty to determine availability of bus information	Section 139 Transport Act 2000		Y - for duration of transition period		Simple Majority
Duty to make information available	Section 140 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Duty to have regard to combination of economy, efficiency and effectiveness in respect of bus information	Section 141 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS power to require provision of information about bus services	Section 141A Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Traffic regulation to reduce or limit pollution	Section 142 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to obtain information about local services	Section 143 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to obtain information in relation to franchising schemes	Section 143A Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to obtain information for purpose of preparing enhanced partnership schemes	Section 143B Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Powers and duties in respect of mandatory concessions	Section 145A Transport Act 2000	Reg 10	Y	N	Simple Majority

Supplementary provisions relating to mandatory concessions	Section 146 Transport Act 2000	Reg 10	Y	N	Simple Majority
Power to enforce mandatory concessions	Section 148 Transport Act 2000	Reg 10	Y	N	Simple Majority
Duty to reimburse operators for providing concessions	Section 149 Transport Act 2000	Reg 10	Y	N	Simple Majority
Duties regarding procedure for reimbursement arrangements in respect of mandatory concessions	Section 150 Transport Act 2000	Reg 10	Y	N	Simple Majority
Concessions in Greater London	Section 151 Transport Act 2000	Reg 10	N	N	Simple Majority
Agreements providing for service subsidies	Section 152 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Competition tests for the exercise of functions and agreements relating to buses	Section 153 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
SoS power to make grants to bus operators	Section 154 Transport Act 2000	Reg 10	Y - during transition period	N	Simple Majority
Sanctions against operators of bus service failing to comply	Section 155 Transport Act 2000	Reg 10	Y - during transition period	N	Simple Majority
SoS power to make grants for the purpose of carrying out transport functions	Section 157 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority

Abolition of financial plans of Passenger Transport Executives	Section 159 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Provisions in relation to making of regulations and orders	Section 160 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Minor and consequential amendments	Section 161 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Interpretation	Section 162 Transport Act 2000	Reg 10	Y - for duration of transition period	N	Simple Majority
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads. (Enabling power of SoS/HE)	Section 6 Highways Act 1980	Reg 11	Y	Y – consent of Constituent Council in whose area the function is proposed to be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority

Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Reg 11	Y	Y – consent of Constituent Council in whose area the function is proposed to be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Powers in respect of Passenger Transport Authorities and Executives	Section 57 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority
Amendments in respect of Passenger Transport Authorities and Executives	Section 58 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority
Transfer of bus undertakings of Executives to companies owned by Authorities	Section 59 Transport Act 1985	Reg 9	Y -for duration of transition period	N	Simple Majority
Exclusion of public sector cooperation requirements and bus operating powers.	Section 60 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority

Power of SoS to give direction on proposals to divide undertaking	Section 61 Transport Act 1985	Reg 9	Y, for duration of transition period	N	Simple Majority
Duties of passenger transport executives to protect employee benefits on transfer or division of bus undertakings	Section 62 Transport Act 1985	Reg 9	Y, for duration of transition period	N	Simple Majority
Duty in non-metropolitan counties to secure appropriate public passenger transport services	Section 63 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Duties regarding consultation and publicity with respect to policies and services	Section 64 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority
Power to co-operate with TfL or any subsidiaries	Section 65 Transport Act 1985	Reg 14(1)	Y	N	Simple Majority
Exclusion of powers to provide services which require Public Service Vehicles operator's licence	Section 66 Transport Act 1985	Reg 14(1)	Y	N	Simple Majority
Power to form bus companies to run council bus undertakings	Section 67 Transport Act 1985	Reg 14(1)	Y	N	Simple Majority
Duties with regard to transfer schemes for bus undertakings	Section 68 Transport Act 1985	Reg 9	Y	N	Simple Majority



Duty to submit proposals to SoS in respect of joint undertakings	Section 69 Transport Act 1985	Reg 9	Y	N	Simple Majority
Supplementary duties relating to transfer to joint undertakings	Section 70 Transport Act 1985	Reg 9	Y	N	Simple Majority
Exemption for councils running small bus undertakings	Section 71 Transport Act 1985	Reg 9	Y	N	Simple Majority
Definitions relevant to public transport companies	Section 72 Transport Act 1985	Reg 9	Y	N	Simple Majority
Duties of controlling authority in respect of public transport companies	Section 73 Transport Act 1985	Reg 9	Y	N	Simple Majority
Disabilities of directors of public transport companies	Section 74 Transport Act 1985	Reg 9	Y	N	Simple Majority
Powers to subscribe/acquire shares	Section 75 Transport Act 1985	Reg 9	Y	N	Simple Majority
Duty of controlling authority to exercise control to appoint auditors	Section 76 Transport Act 1985	Reg 9	Y	N	Simple Majority
Powers of passenger transport executives to enter agreements	Section 78 Transport Act 1985	Reg 9	Y	Y - Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority

Powers of passenger transport executives to make loans	Section 79 Transport Act 1985	Reg 9	Y	Y - Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Duties not to inhibit competition	Section 80 Transport Act 1985	Reg 9	Y- for duration of transition period	N	Simple Majority
Powers for provision, maintenance and operation of bus stations and associated facilities	Section 81 Transport Act 1985	Reg 9	Y- for duration of transition period	Y -Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Restrictions on discriminatory practices in relation to	Section 82 Transport Act 1985	Reg 9	Y- for duration of transition period	Y- Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority

provision/operation of bus stations and facilities					
Supplementary provisions in relation to provision, maintenance and operation of bus stations and facilities	Section 83 Transport Act 1985	Reg 9	Y- for duration of transition period	Y -  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Provisions regarding compensation for loss of employment	Section 84 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority
Provisions relating to incorporation of passenger transport executives	Section 85 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority
Provision for modification of enactments of SoS	Section 86 Transport Act 1985	Reg 9	Y - for duration of transition period	N	Simple Majority
Interpretation	Section 87 Transport Act 1985	Reg 9	Y- for duration of transition period	N	Simple Majority
Duties in respect of expenditure for public	Section 88 Transport Act 1985	Reg 9	Y	Y – during transition period only.	Simple Majority

passenger transport services				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Duty to invite tender for subsidised services	Section 89 Transport Act 1985	Reg 9	Y	N	Simple Majority
Duties in relation to obligation to tender for subsidised services	Section 90 Transport Act 1985	Reg 9	Y	N	Simple Majority
Exceptions to duty to invite tender for subsidised services	Section 91 Transport Act 1985	Reg 9	Y	N	Simple Majority
Duty to have regard to interest of public and of persons providing public passenger transport services in their area	Section 92 Transport Act 1985	Reg 9	Y	N	Simple Majority
Power to establish travel concession scheme	Section 93 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Provisions relating to administration of concession schemes	Section 94 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Duties in relation to publicity requirements for concession schemes	Section 95 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Obligation to admit operators to concession schemes	Section 96 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Powers to oblige participation in travel concession schemes	Section 97 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Duties relating to the issue of participation notices	Section 98 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Power to release operator from compulsory participation	Section 99 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Supplementary provisions relating to powers to oblige participation in concession schemes	Section 100 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercise  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Powers to enforce participation in travel concession schemes	Section 101 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority



				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Obligations relating to subsidies for travel concessions	Section 103 Transport Act 1985	Reg 9	Y	Y – of constituent council in whose area it is proposed function will be exercised  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Obligations of Passenger Transport Executives in exercising powers	Section 104 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Power to offer travel concessions in operation of public passenger transport services	Section 105 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Power to make grants for transport facilities and services	Section 106 Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Power to make grants for bus services	Section 106A Transport Act 1985	Reg 9	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Interpretation	Section 112 Transport Act 1985	Reg 9	N	N	Simple Majority
Provision for civil enforcement of traffic contraventions	Part 6, and paragraph 10 of schedule 8, Traffic	Reg 13	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

	Management Act 2004			Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions  (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	Reg	Y	Y – of constituent council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road	Reg	Y	Y – of Constituent Council in whose area it is proposed function will be exercised	Simple Majority

	Traffic Contraventions  (Representations and Appeals) (England) Regulations 2022			Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Preparation of permit schemes	Section 33 Traffic Management Act 2004	Reg 13	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Implementation of permit schemes of strategic highways companies and local highways authorities in England	Section 33A Traffic Management Act 2004	Reg 13	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.	Simple Majority

				Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	
Variation and revocation of permit schemes	Section 36 Traffic Management Act 2004	Reg 13	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority
Functions of constituent councils as Permit Authorities	Traffic Management Permit Scheme (England) Regulations 2007	Reg 13	Y	Y – of Constituent Council in whose area it is proposed function will be exercised.  Where exercise of power will result in financial liability falling on a Constituent Council, the consent of the lead member of that Council is required.	Simple Majority

## Section 3: DTCCA Authority Board (Reserved Functions)

### Overview of Combined County Authority Functions

- 3.1 The Authority Board has collective responsibility for decision making, acting in the best interests of the Devon and Torbay Combined County Authority area. The following functions are reserved to the Authority Board:
- to set, review, keep up to date and revise the long-term vision of the DTCCA,
  - to agree, review, keep up to date and revise the strategic objectives for the DTCCA,
  - to agree key strategy and policy for the DTCCA,
  - to adopt, amend or withdraw any major strategy or policy,
  - to ensure the DTCCA undertakes statutory and appropriate communication and consultation in the setting of the budget and policy framework,
  - overall responsibility for the implementation and delivery of the Strategic Plan.
  - to drive future devolution and lobbying of Government,
  - to agree prioritisation and re-purposing of funds,
  - to agree approval of projects and programmes in line with the Scheme of Delegations,
  - to consider and agree employment and human resources policy,
  - to exercise General powers of the DTCCA,
  - responding to Gateway Reviews,
  - consenting to the making of Regulations under the Levelling Up and Regeneration Act 2023,
  - agreeing to change the name of the DTCCA,
  - consenting to proposals for changing existing arrangements relating to the DTCCA, and
  - all other matters which, by law, must be reserved to DTCCA.

### Functions reserved to the Authority Board

- 3.2 The following functions are reserved to the Authority Board:

3.2.1 Strategy and Policy: the adoption of, and any amendment to or withdrawal of any major strategy or policy of the Authority.

3.2.2 Frameworks: the adoption of, and any amendment to or withdrawal of the following framework documents:

- Assurance Framework.
- Monitoring & Evaluation Framework.
- Performance Management Framework.
- Risk Management Framework.

3.2.3 Financial Matters

- Approving the Authority Budget
- Approving the estimates of income and expenditure and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992.

- Approving the borrowing limits of the Authority, including determining the borrowing limits of the Authority in relation to transport matters pursuant to section 3 of the Local Government Act 2003.
- Approving the Treasury Management Strategy and the Investment Strategy of the Authority.
- Approving the capital programme of the Authority and approving new transport schemes.
- The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009.

#### 3.2.4 People

- Approving the appointment of the Chief Executive, Monitoring Officer, Chief finance Officer (S73 Officer).
- Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto)
- Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000
- The determination of collective terms and conditions of employees.

#### 3.2.5 Governance: decisions related to:

- Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act;
- Adopt the Member Code of Conduct and arrangements therein.
- Establishment and membership of Committees and Sub-Committees;
- Establishment and membership of Joint Committees and Commissions;
- Approve the nomination of lead member responsibilities and membership and chairs of committees and sub-committees
- Approval of allowance schemes;
- Appointment of an Independent Person of the Audit and Governance Committee;
- Appointment of Statutory Officers;
- Delegation of functions to third parties;
- Establishment of Trading Companies;
- Any other matters reserved to the Board.

3.3 The Authority shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and S73 Officer.



## Voting

- 3.4 Voting arrangements are set out in the Authority Procedure Rules in Part 4 of the Constitution and the Authority Functions conferred by the 2024 Order.

## Membership

- 3.5 The Authority Board membership consists of the following:
- three elected member appointments by each Constituent Authority
  - up to a maximum of six Non-Constituent and Associate Members
- 3.6 Further details regarding membership are set out in Article 1 of the constitution.

## Designation of a Nominating Body

- 3.7 The Authority can:
- Agree the designation of a nominating body or the removal of such a designation.
  - Agree the number of nominating bodies that may be designated by the Authority,
  - Agree the Non-Constituent members that may be appointed by a nominating body of the Authority.
  - Agree the process for the appointment, disqualification, resignation or removal of a Non-Constituent member or substitute member.
  - Approve the appointment or removal of Non-Constituent members and substitute members.
  - Agree the process for the appointment, disqualification, resignation or removal of an Associate member or substitute member
  - Approve the appointment or removal of Associate members or substitute members.
- 3.8 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the Authority before the expiry of that period, they cease to be a member of the Authority.

## Executive Bodies

- 3.9 The Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.

## Commissions, Working and Advisory Groups

- 3.10 The Authority Board has the power to delegate its functions, which are not reserved to it, to Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Board cannot delegate its functions to individual members of the Board.
- 3.11 The Authority may establish Commissions. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Authority.
- 3.12 The Authority will determine the remit, terms of reference, membership and budget for Commissions.
- 3.13 The Authority may establish informal working groups. These groups will be non-decision-making groups of officers and members.
- 3.14 The Authority may establish formal Advisory Groups. These groups are non-decision-making groups of representatives selected from the DTCCA area, officers and members.

## Quorum

- 3.15 The Quorum details are set out in the Authority Procedure Rules set out in Part 4.

## Section 4: Functions Delegated to Committees and Sub-Committees and the Terms of Reference for those Committees

4.1 The Terms of Reference for the following committees and governance bodies are set out in this section:

- a) Audit and Governance Committee (Regulatory Committee)
- b) Overview and Scrutiny Committee (Regulatory Committee)
- c) Team Devon (Joint Committee)

## Audit and Governance Committee – Terms of Reference

### *Objectives and Key Principles of the Audit and Governance Committee*

The Audit and Governance Committee's role is to review and scrutinise the institution's financial affairs (including consideration of any devolved funds), ensure appropriate corporate governance and risk management and assess whether it is delivering value for money and to maintain high standards of Members conduct.

Specifically, this will include:

- To ensure effective scrutiny of the capital strategy, treasury management strategy and policies;
- To review and assess the Authority's risk management, internal control and corporate governance arrangements;
- To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Authority's functions;
- To determine Standards Complaints relation to Members of the Authority; and
- To make reports and recommendations to the Authority in relation to reviews conducted in relation to the above functions.

### *Proceedings of the Audit and Governance Committee*

#### **Membership**

In accordance with the Levelling-up and Regeneration Act 2023 and given the role of the Committee, its membership must involve different individuals than those who are Members of the proposed Devon and Torbay Combined County Authority (DTCCA).

Membership of the Committee will be made up of:

- Five members from Devon County Council
- Five members from Torbay Council
- Two members from Devon District Councils
- One independent person

There will be a requirement for political balance on the Audit and Governance Committee to reflect the political balance of the constituent councils.

In line with the requirement to maintain stability appointments shall be made for a minimum of two years.

#### **Quorum**

For business to be transacted at a meeting, two thirds of the total number of members of the committee or sub-committee must be present.

#### **Chair and Vice Chair of the Committee**

The Chair and Vice Chair of the Audit and Governance Committee will be appointed by the DTCCA Board, following a proposal put to them by the Audit and Governance Committee. The Chair and Vice Chair shall not be a member of a registered political party of which their respective Constituent Council Lead Member of the DTCCA is also a member.

### **Proceedings at Audit and Governance Committee**

There shall be at least four ordinary meetings of the Audit and Governance Committee in each year in accordance with the Authorities Calendar of Meetings. In addition, extraordinary meetings may be called when appropriate by the Chair or by the DTCCA's Chief Executive if either considers it necessary.

#### *Core Functions*

The Audit and Governance Committee shall be satisfied that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievements of the Authority's objectives.

The Audit and Governance Committee shall also ensure that high standards expected of the Authority's elected Members are upheld, in compliance of the requirements within the DTCCA's Constitution and the law.

In relation to the internal audit function:

- Oversee its independence, objectivity, performance and professionalism;
- Support the effectiveness of the internal audit process, and
- promote the effective use of internal audit within the assurance framework.

The Audit and Governance Committee will:

1. consider the effectiveness of the Authority's risk management arrangements and the control environment, including reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations;
2. monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and managing the Authority's exposure to the risks of fraud and corruption;
3. consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control; and
4. support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process, review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

5. Determine Standards complaints and receive reports, as and when required.

## Overview and Scrutiny Committee – Terms of Reference

### *Objectives and key principles of the Overview and Scrutiny Committee*

The role of the Overview and Scrutiny Committee is to monitor the decision making of the Devon and Torbay Combined County Authority (DTCCA) to ensure that the decision making is appropriately focussed on community needs, and that high quality delivery is taking place for the benefit of the whole of the DTCCA region.

### **Scope of the committee**

- To review the implementation of the DTCCA policy and budget framework and ensure effective scrutiny of the strategies and policies and consider the scope for new policies for the Authority's use and management of its resources.
- To assess the effectiveness of decisions of the Authority in the areas of statutory activity and relate Overview and Scrutiny to the achievement of the Authority's strategic priorities and objectives and of delivering best value in all its activities. To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

### *Proceedings of the Overview and Scrutiny Committee*

### **Membership**

In accordance with the Levelling-up and Regeneration Act 2023 and given the role of the Committee, its membership must involve different individuals than those who are Members of the DTCCA Board.

Membership of the Committee will be made up of:

- Five Members from Devon County Council
- Five Members from Torbay Council
- Two Members from Devon District Councils
- An independent person who shall be the Chair of the Overview and Scrutiny Committee

There will be a requirement for political balance on the Overview and Scrutiny Committees to reflect the political balance of the constituent councils. The constituent councils will also consider how best to ensure that wider relevant partners (business, education and university, community) are represented effectively on the Overview and Scrutiny Committees.

At least 2 named members will be nominated as substitutes from each constituent council for the Overview and Scrutiny Committee. The list of substitute Overview and Scrutiny Committees Members shall be held by the DTCCA's Monitoring Officer, and drawn from, where required.

In line with the requirement to develop appropriate knowledge and regional insight in long term investments, appointments shall be made for at least two years.

### **Quorum**

For business to be transacted at a meeting, two thirds of the total number of members of the Committee or Sub-Committee must be present.

### **Overview and Scrutiny Chair**

The Chair of the Overview and Scrutiny Committee will be an independent person, appointed by the DTCCA, following a fair and open recruitment process. The definition of independent person is prescribed in The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

There will be a standing invitation for the Chair of the Committee to attend the DTCCA Board meetings to create an opportunity for the Committee's comments on proposed decisions or issues to be shared directly, where appropriate.

### **Proceedings at Overview and Scrutiny Committees**

There shall be at least four ordinary meetings of the Overview and Scrutiny Committee in each year in accordance with the Authority's Calendar of Meetings. In addition, extraordinary meetings may be called when appropriate by the Chair or by the DTCCA's Chief Executive if either considers it necessary.

The Overview and Scrutiny Committee may appoint Sub-Committees or ad hoc task and finish groups or spotlight reviews to investigate specific topics on its behalf on a time-limited basis, reporting back to the Committee with a report and recommendations. It can also establish a standing overview group or conduct masterclasses to increase understanding and awareness for Committee Members.

Once it has formed recommendations on a proposal or decision, an Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the DTCCA Board as appropriate. The DTCCA Board shall consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the Chief Executive.

### **Work Programme**

The Overview and Scrutiny Committee will be responsible for setting its own work programme taking into account the wishes of all members of that Committee in line with these procedure rules. When considering their work programme, they shall:

- determine whether an issue is more appropriately dealt with by one of the constituent councils;
- take into account the resources available to support that programme, and avoid establishing priorities for which the costs exceed the likely benefits; and

- avoid initiating enquiries at a time, or in a manner which disrupts the effective and efficient operation of the Authority, or unnecessarily delays the conduct of its business;

Any Member of the Authority shall be entitled to give notice to the DTCCA's Chief Executive that they wish an item relevant to the remit of the Overview and Scrutiny Committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the agenda for that meeting and the Member can explain to the Committee why the issue is important and then the Overview and Scrutiny Committee can determine whether the matter is added to its work programme.

### **Finance and Budget considerations**

To inform the Overview and Scrutiny Committee of policies and decisions, and using all available evidence or assessments, Members should consider the viability locally of funding sources, financial propriety, and the extent to which the policy or decision being scrutinised is likely to provide value for money.

### **Call In**

Any Member wishing to call-in a decision is advised to first seek guidance from the Monitoring Officer on the relevance of their stated grounds for the call-in and demonstrate that they have been mindful of that advice when deciding whether to proceed with the call-in. Any Member or Members calling-in any decision must specify the reasons for so doing which will be reported to the Overview and Scrutiny Committee together with any advice received from the Monitoring Officer.

A decision shall be called in for scrutiny by the Committee if a call-in request is signed by at least five members of the Overview and Scrutiny Committee from at least two Constituent Councils, is received by the Monitoring Officer within the Call-in Period; and the Monitoring Officer considers that one or more of the criteria have been met for the request to be valid:

- Not in accordance with the Authorities budget and policy framework;
- in a manner which is inconsistent with the Constitution and procedures of the Authority;
- without adequate consultation with relevant parties;
- without adequate evidence to inform that decision, or with inaccurate or misleading evidence; and/or
- without sufficient regard to the financial or other impacts of the decision or the risks arising from the decision.

On receipt of a valid call-in request, the Committee meeting to review the decision shall follow the following format:

- A representative of the Members requesting the call-in will explain the reasons for calling-in the decision;



- other Members of the Committee may ask questions or seek clarification on the reasons for call-in;
- the (representative of the) decision maker and/or supporting officer(s) will explain the reasons for the decision being made and respond to any issues raised by the call-in;
- Members of the Committee may ask questions or seek clarification; and
- the Committee will then deliberate and come to a decision.

If having considered the decision, a Scrutiny Committee remains concerned, it may refer the decision to the Devon and Torbay Combined Authority for reconsideration and will set out in writing the reasons for its concern and any proposed amendments. If, having considered the decision, the Scrutiny Committee decide not to ask for it to be reconsidered or amended in any way, it shall be implemented with immediate effect.

### **Annual Report**

The work of the Overview and Scrutiny Committee should report annually to the Combined Authority on the activities and achievements of the function.

### **Scrutiny Officer**

The Authority must designate one of its officers as the Statutory Scrutiny Officer of the Overview and Scrutiny Committee to:

- promote the role of the Overview and Scrutiny Committee;
- provide support and guidance to the Overview and Scrutiny Committee and its members; and
- provide support and guidance to Members of the Authority in relation to the functions of the Overview and Scrutiny Committee.

The Authority may not designate any officer of a Constituent Council as the Statutory Scrutiny Officer.

### **Hearing from Members of the Public**

Any member of the public who is resident in the area served by the Combined County Authority may make oral representations on any substantive matter listed on the agenda. This must relate to a specific matter or examination of services provided or to be provided, therefore excludes items such as minutes and work programming items.

Representations will be limited to a maximum of three minutes per person, within an overall time limit of 15 minutes at the start of the meeting.

If a member of the public wishes to make a representation, they should, via email, submit details of the points they wish to raise, before 12 noon, four working days before the meeting.

There will not be detailed answers to any points that are raised at the meeting, although officers or members may choose to respond if they wish to do so, including on matters of inaccuracy. This is not a debate, but an opportunity for clarification if needed. Members may take into consideration the points that are raised in their questioning of the subject at the appropriate point in the meeting.

If more than one person wishes to make the same point or make similar representations, those persons may be asked to agree a spokesperson to make a single presentation.

## Team Devon Joint Committee – Terms of Reference

The Team Devon Joint Committee (hereafter referred to as the “Joint Committee”) will act as a joint committee under section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. The Joint Committee will undertake the functions detailed in section 4 below.

The Joint Committee will not hold funds or monies on behalf of the member authorities.

### **Key Purpose**

The Joint Committee will be the means by which Devon’s National Park Authorities, Parish, Town, District and County Councils work jointly on shared priorities for the benefit of people and places across the County.

### **Membership**

The membership of the Joint Committee will comprise a representative of each of the following (hereafter the Constituent Authorities):

- Dartmoor National Park Authority
- Devon Association of Local Councils (associate member)
- Devon County Council
- East Devon District Council
- Exeter City Council
- Exmoor National Park Authority
- Mid Devon District Council
- North Devon District Council
- South Hams District Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council
- NHS Integrated Care Board (ICB) (co-opted member)
- Devon and Cornwall Police (co-opted member)

Each of the bodies listed above shall appoint one member and one named substitute member to the Joint Committee on an annual basis. Each member shall have one vote including substitute members and no member (including the Chair) is to have a casting vote. A body’s substitute member can only attend and vote if the body’s member is not present.

The Devon Association of Local Councils will be an associate member of the Joint Committee, and its appointed member (or substitute member) will have authority to speak and vote on any matter on behalf of the Association.

For each of the nine councils (i.e. the eight District, City, Borough and County Councils), the member appointed shall be that Council's Leader. Political balance rules will not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the Dartmoor and Exmoor National Park Authorities, the appointed members (or substitute members) shall have authority to speak and vote on matters on behalf of both National Park Authorities. The Joint Committee may co-opt non-voting representatives from the private, voluntary, community, social enterprise, or other public sector bodies at any time.

A member or substitute member of the bodies shall cease to be such a member immediately upon them ceasing to be a member of the body. The body will appoint a replacement member as soon as practicable.

A member may resign from Joint Committee by written notice served on the Monitoring Officer of the body that appointed them, and the resignation takes effect on receipt of the notice by the body that appointed them. The body must serve written notice of the resignation on the Joint Committee's Secretary as soon as reasonably possible.

## **Functions**

The functions of the Joint Committee will be to:

- Support continuous improvement and value for money in the ways that Devon's National Park Authorities, Parish, Town, District and County Councils exercise their duties and responsibilities. This could include aligning performance measures and sharing or integration of services.
  
- Contribute to the following environmental, economic and social wellbeing objectives for Devon's people and communities:
  - Economic development (incorporating green growth)
  - Housing and homelessness
  - Transport infrastructure
  - Climate change
  - Natural and cultural heritage
  - Health and wellbeing inequalities
  - Migration and asylum
  
- Advise, inform and support the work of any the Devon and Torbay Combined County Authority (DTCCA).

## **Administering Authority**

Devon County Council will be the Administering Authority for the Joint Committee and shall provide secretarial, legal, financial and communications support to the Committee. The role of the secretary to the Joint Committee shall be:

- to maintain a record of membership of the Joint Committee and any sub-committees or advisory groups appointed.
- to summon meetings of the Joint Committee or any sub-committees or advisory groups.
- to prepare and send out the agenda for meetings of the Joint Committee or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group).
- to keep a record of the proceedings of the Joint Committee or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes.
- to take such administrative action as may be necessary to give effect to decisions of the Joint Committee or any sub-committees or advisory groups.
- to perform such other functions as may be determined by the Joint Committee from time to time.

The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

### **Appointment of Chair and Vice-Chair**

The Joint Committee shall elect a Chair and Vice-Chair from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote. If a deadlock occurs between two or more candidates, a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot, then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

A vacancy occurring in the positions of Chair or Vice-Chair between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

The Chair and Vice-Chair shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to the following provision, continue in office until a successor is appointed. In the absence of the Chair and the Vice-Chair at a meeting, the voting members of the Committee present shall elect a Chair for that meeting. The Chair or Vice-Chair may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

### **Quorum**

The quorum shall be six members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

## **Voting**

Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

Where all voting members are unable to agree the following will apply;

1. In exceptional circumstances where a formal vote is required and no body is financially affected, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands.
2. In circumstances where one or more bodies are either financially impacted or proposals relate to the specific geographical area of the body or bodies, the body or bodies member(s) must first consent to the proposal and indicate an intention to vote in favour of the proposal, the proposal will then be put to the vote in accordance with clause 8.1 above.

On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each member voted and there shall also be recorded the name of any member present who abstained from voting.

A member may demand that their vote is recorded in the minutes of the relevant meeting.

The proceedings of the Joint Committee are not invalidated by any vacancy among its members or any defect in the appointment or qualifications of any member.

## **Joint Committee's Sub-Committees and Advisory Groups**

The Joint Committee may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.

The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers, Joint Committee members or such third parties as the Joint Committee considers appropriate.

## **Meetings**

The Joint Committee will meet no less than quarterly. Meetings will be held at such times, dates and places as may be notified to the members of the Joint Committee by the secretary, being such time, place and location as the Joint Committee shall from time to time resolve.

Meeting papers will be circulated five clear working days in advance of any meeting. The Chair has discretion to accept or reject urgent items that are tabled at any meeting.

Additional ad hoc meetings may be called by the secretary, in consultation, where practicable, with the Chair and Vice-Chair of the Joint Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the Joint Committee, addressed to the Secretary:

- from and signed by two members of the Joint Committee, or
- from the Chief Executive of any of the member bodies.

The Secretary shall settle the agenda for any meeting of the Joint Committee after consulting, where practicable, the Chair or in their absence the Vice-Chair; and shall incorporate in the agenda any items of business and any reports submitted by the Chief Executive, Chief Finance Officer or Monitoring Officer of any of the members.

The Joint Committee shall, unless the person presiding at the meeting or the Joint Committee determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out below.

### **Access to Information**

Meetings of the Joint Committee will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.

These rules do not affect any more specific rights to information contained elsewhere under the law.

The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each body is to co-operate with the Secretary in fulfilling any requirements.

Any Freedom of Information or Subject Access Requests (or other request received pursuant to Freedom of Information or Data Protection legislation) received by the Joint Committee should be directed to the relevant body(s) for that body to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more member authorities, they will liaise with each other before replying to the request.

### **Attendance at meetings**

The Chair may invite any person, whether a member or officer of one of the member bodies or a third party, to attend the meeting and speak on any matter before the Joint Committee.

Third parties may be invited to attend the Joint Committee on a standing basis following a unanimous vote of those present and voting.

Where agenda items require independent experts or speakers, the officer or member body proposing the agenda item should indicate this to the Secretary and provide the

Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in Joint Committee meetings will be subject to the discretion of the Chair.

### **Procedure Rules**

**Attendance:** At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

**Order of Business:** Subject to the provisions below, the order of business at each meeting of the Joint Committee will be:

- Apologies for absence.
- Declarations of interests.
- Approve as a correct record and sign the minutes of the last meeting.
- Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public.

The person presiding at the meeting may vary the order of business at the meeting.

### **Disclosable Pecuniary Interests (DPI)**

If a new DPI comes to light, they have 28 days in which to tell the Monitoring Officer and add it to the register. If it is a new interest that hasn't yet been registered and is engaged at a meeting when business is being considered at which they are present, the DPI must be declared at the meeting

If a member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, they must not participate in any:

- discussion of the business of the meeting or, if they become aware of a DPI during the meeting, not participate any further in the discussion
- vote taken on the matter at the meeting

This limit applies to any form of participation, including speaking as a member of the public or as an interested councillor.

They should also leave the room if their continued presence is not compatible with the relevant Code of Conduct or the Nolan Principles.

Minutes - There will be no discussion or motion made in respect of the minutes other than as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

**Rules of Debate:** A member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of



order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- To amend the motion
- To adjourn the meeting
- To adjourn the debate or consideration of the item
- To proceed to the next business
- That the question now be put
- That a member be not further heard or do leave the meeting
- To exclude the press and public under Section 100A of the Local Government Act 1972

**Conduct of Members:** Members of the Joint Committee will be subject to their own bodies Code of Conduct.

**Application to Sub-Committees:** The procedure rules and also the access to Information provisions set out above shall apply to meetings of any sub-committees of the Joint Committee.

**Scrutiny of Decisions:** Any member body may call in any decision of the Joint Committee in accordance with that member body's constitution. If any decision of the Joint Committee is subject to call-in by any member body or bodies, the Joint Committee shall take no action to implement that decision unless the call-in process upholds the decision.

**Winding up of the Joint Committee:** The Joint Committee may be wound up immediately by a unanimous vote of all the members.

**Amendment of this constitution (that being Joint Committee: Team Devon, and not the DTCCA constitution):** This Constitution can only be amended by resolution of each of the members.

Any agreed amendment of the Joint Committee: Team Devon, Constitution, must be notified in writing to the DTCCA's Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA's Constitution.

## Section 5: Functions and Terms of Reference for the Advisory Groups

5.1 The Terms of Reference for the following Advisory Groups are set out in this section:

- a. Business Advisory Group
- b. Skills and Employment Advisory Group
- c. Housing Advisory Group
- d. Transport Advisory Group
- e. Climate Change and Net Zero Advisory Group
- f. Investment Advisory Group

## Business Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Business Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Business Advisory Group on [XX XXX 2025]
<b>Purpose</b>	The Devon and Torbay Business Advisory Group Board (DTBAG) is the “voice of business” and will advise, guide, and inform the Devon and Torbay Combined County Authority (DTCCA), including in shadow form, to make local decisions on strategic economic planning for Devon and Torbay.
<b>Role</b>	The overarching role of the DTBAG is to provide business with a meaningful role in developing, implementing, and monitoring the DTCCA’s economic strategy. The Group will have a role in setting annual priorities, securing investment and designing appropriate programmes to address business needs. In addition, the DTBAG will apply and work within the DTCCA’s Assurance Framework and Constitution and provide expertise, insight, intelligence, and evidence from business to support the growth and economic ambitions of the DTCCA.
<b>Strategic Role</b>	<p>The detailed strategic and operational role of the DTBAG is set out below:</p> <ul style="list-style-type: none"> <li>• provide a strong, meaningful, independent and diverse business voice for the area, offering insight, expertise and advice to the DTCCA;</li> <li>• support and work with the DTCCA Board and Executive officers, leveraging business networks, knowledge, expertise and insight to support engagement and negotiation with Government and funding agencies to secure additional devolved powers and investment to Devon and Torbay;</li> <li>• work with the DTCCA Board and Executive officers to represent the business voice in engagement across Government Departments, promoting key opportunities and raising the profile of Devon and Torbay in line with the economic strategy for Devon and Torbay;</li> <li>• provide advice and support to the DTCCA Board on business and economy matters, and work with and alongside other established Advisory Groups providing the business voice and perspective in developing and implementing housing, transport, skills and net zero priorities;</li> <li>• provide advice, evidence and insight to the DTCCA Board to support the setting of economic objectives and investment priorities covering business support, infrastructure, innovation, and sector opportunities;</li> <li>• work with business representatives across the South West and within other devolved areas to support collaborative approaches to key economic development priorities;</li> </ul>

	<ul style="list-style-type: none"> <li>• build and maintain effective strategic relationships and connections with the Plymouth and Somerset Growth Boards on common evidence-based needs and priorities, including for example, joint business facilitated events focusing on common strategic items such as infrastructure and labour market;</li> <li>• provide market credibility and a strong vehicle for leveraging match funding for public sector programmes, and developing effective partnership projects to support growth; and</li> <li>• provide strategic positioning into the Great Southwest and other regional partnerships as appropriate, helping to align local and regional activity.</li> </ul>
<b>Operational Role</b>	<ul style="list-style-type: none"> <li>• work with DTCCA Executive officers to shape the DTCCA’s business, trade and investment and innovation programmes, projects and investment proposals to reflect local business and economic needs to support the delivery of the DTCCA’s agreed economic priorities;</li> <li>• work with the DTCCA’s Executive officers to shape and support the DTCCA’s economic evidence base and provide intelligence and insight to underpin the Economic Strategy, in support of current Economic Plans for Devon and Torbay and setting of growth / sector priorities, business cases and funding bids;</li> <li>• provide regular business intelligence and insights to the DTCCA Board, working with the DTCCA Executive officers;</li> <li>• guide and inform the DTCCA’s business and economy work programme, monitoring performance and progress and working with the DTCCA Executive officers to oversee the development, and implementation of future schemes and programmes;</li> <li>• have oversight of Local Enterprise Partnership (LEP) legacy projects, programmes and transferred functions making such recommendations to the DTCCA Board as appropriate (such as capital schemes, business support and digital skills activity), supporting accountability and reporting into Government, to include Growth Hub and Careers Hub;</li> <li>• advise the upper tier local authorities until the DTCCA is established and then the DTCCA Board on the management of any LEP legacy funds, including the use of monies returned from Growing Places Fund loans; and</li> <li>• provide challenge and insight on business impacts of public sector initiatives, providing delivery expertise.</li> </ul>
<b>Compliance, Operation and Code of Conduct</b>	<p>The DTBAG will be established through an open recruitment and selection process and its operation will follow the Nolan Principles. It will form one of the several DTCCA’s Advisory Groups. The Chairperson of the DTBAG will sit on the DTCCA Board as an Associate Member.</p>

<p><b>Conflicts of Interest</b></p>	<p>There will be a clear Conflict of Interest Policy, and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>• Any conflicts of interest must be declared by DTBAG members at the start of each meeting and recorded in the minutes.</li> <li>• If any member of DTBAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>• If a DTBAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict of Interest Policy and Code of Conduct for the DTBAG.</li> </ul>
<p><b>Meetings and Decisions</b></p>	<p>There will be at least six DTBAG meetings per year and no more than monthly. These may be held virtually. Additional meetings can be requested by the Chair or Vice Chair to discuss issues of significant importance or for urgent decisions.</p> <p>Meeting papers will be circulated one week in advance by the DTCCA Secretariat and any considered confidential will be stated as such. Written proceedings may be used where decisions, advice or input is required between meetings.</p> <p>For urgent matters which require decisions, advice or input outside normal meetings, the Chair may make decisions on behalf of the DTBAG in consultation with the Vice Chair and the lead Executive officer. Any decisions taken in this manner will require a written update to the next DTBAG meeting, setting out the rationale why an urgent decision was required, and the actions taken.</p> <p>All DTBAG decisions will be recorded in writing and published online. Any amendments to these decisions can only be made at a future DTBAG meetings, with the amendment also being recorded in writing.</p> <p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTBAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p>

	<p>At least 3 members from Torbay and 5 members from Devon (which must include either the Chair or Vice Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan Principles, this will be managed in accordance with the Code of Conduct for the DTBAG. This may result in the member being removed from the Board.</p>
<b>Task and Finish Groups</b>	<p>The DTBAG will establish ‘task and finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with other Advisory Groups. DTBAG will keep a register on these subgroups and clearly define their work programme, including key objectives and milestones.</p>
<b>Complaints</b>	<p>Should members of the DTBAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTBAG</li> <li>o Stage 2: DTCCA Chief Executive</li> <li>o Stage 3: Chair of the DTCCA</li> </ul> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>
<b>Communication and Information Sharing</b>	<p>The DTBAG will contribute to the DTCCA’s Communications and Engagement Strategies and will work within any Communication Protocols established.</p> <p>The following communications fall within scope of the DTBAG:</p> <ul style="list-style-type: none"> <li>• Regular “state of the economy” updates.</li> <li>• Annual economic report update.</li> <li>• Press releases as and when appropriate.</li> <li>• Meeting minutes / decisions will be published online.</li> <li>• Economic Objectives and Priorities.</li> <li>• Economic Strategy and associated plans.</li> <li>• Programme updates and briefings on key projects and programmes.</li> </ul>

	Communication priorities and methods to be agreed by the DTBAG in line with the DTCCA's protocol.
<b>Secretariat from DTCCA</b>	Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive Officer will attend and support the work of the Group.
<b>Membership</b>	<p>There will be a broad base for membership, with an open and transparent recruitment and selection process, enabling a wide range of business types, sizes, and locations to be represented and which reflect local economic strengths and priorities across Devon and Torbay, giving a diversity of business voices. Business types include the social enterprise and charitable sectors.</p> <p>The initial recruitment and selection process will seek representation from:</p> <ul style="list-style-type: none"> <li>• Business representative organisations (up to two)</li> <li>• Social enterprise business</li> <li>• Charitable or voluntary sector</li> <li>• High tech business sector</li> <li>• Tourism sector</li> <li>• Rural farming, food and drink and land-based sector</li> <li>• Fishing sector</li> <li>• Digital sector</li> <li>• Creative, culture and heritage sector</li> <li>• Marine and maritime sector</li> <li>• Environmental technologies and energy sector</li> <li>• Advanced manufacturing sector</li> <li>• Construction sector</li> <li>• Health and life sciences</li> <li>• Professional services</li> </ul> <p>The recruitment process will ensure that appointees are politically independent and able to provide a constructive check and challenge on local decision-making, using their private sector perspective.</p>

As the “voice of business”, members will represent the business community and their role, rather than their personal views or that of their business/employer.

Members will be outward facing, which includes participating and sharing intelligence (in both directions) with broader initiatives and other national and regional partnerships, where appropriate.

Local leaders will also have the flexibility to adjust the membership of the DTBAG Board, including by inviting the participation of local economic partners outside of the business community. Any new Board members must be appointed through an open process. Final selection of membership on to the DTBAG Board to be made through a panel of Elected Leaders and Senior Officers.

The DTBAG Board should be representative of those with protected characteristics.

When membership is refreshed, this will be through further recruitment processes, not an assumed “place” for a particular organisation. There will be a maximum length of service, to be agreed, for service on the DTBAG.

The Membership will represent the breadth of Devon and Torbay’s economy and regional links and reflect the spirit of a balanced partnership between public, private, and voluntary/community sectors.

The size of the DTBAG will be sufficient to recognise the diversity of businesses making up the local economy, and different geographies. It will also be small enough to operate efficiently and effectively. The target number is 15 private sector representatives representing Devon and Torbay. In addition, officers from the DTCCA and District Councils, public health and other agencies can attend, along with Government Department representatives and Chairs or other nominated members from the other Advisory Groups as appropriate and as Observers.

By invitation, others such as sector experts may be called to join the DTBAG for one off meeting or a short period of time or to be part of a Task and Finish group. Members of the DTCCA Board may also attend Task and Finish groups on an ad hoc basis. It is possible for a person to represent more than one organisation.

Businesses or organisations located outside of Devon and Torbay may still be members of the DTBAG where their operations and services support the economic performance of the Devon and Torbay economy.

DTBAG members who do not attend three consecutive meetings (without providing apologies) may, without an acceptable reason determined by the DTBAG Chair, be requested to step down from being a member of the DTBAG.



<b>Duration of Term</b>	<p>The term expected of a private sector member of the Group is three years, with the opportunity to have this term extended by a further three year maximum. Any member of the group who wishes to stand down within two years, should provide a 3 month notice to the Chair and by agreement, remain until another member is appointed to the Group. The decision to extend membership of the DTBAG will be the DTCCA Chief Executive's, in consultation with the DTCCA Chair.</p>
<b>Chair and Vice Chair</b>	<p>The Chair and a Vice Chair of the DTBAG will be nominated by the private sector membership of the DTBAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair or Vice Chair are unable to continue in these roles, each should provide a minimum of a month's notice to the Chair of the DTCCA Board. The DTBAG private sector Board members will be asked to nominate a new Chair or Vice Chair, either on a temporary or permanent basis. Where this is temporary, a permanent Chair or Vice Chair should be appointed within 3 months of the post becoming vacant.</p>
<b>Amendments, Modification and Reviewing Terms of Reference</b>	<p>Any changes to these Terms of Reference must be agreed by the DTCCA Board and subsequently endorsed by all DTBAG group members.</p> <p>These DTBAG Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA's Constitution and the terms of reference with the DTCCA's other Advisory Groups</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA's Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA's Constitution.</p>
<b>Other</b>	<p>All DTCCA Advisory Groups should be cognisant of each other's' roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p> <p>The Chair or Vice Chair or another nominated member by the Group, shall sit on the Investment Advisory Group and ensure there is clear information flow between the two Groups.</p>

## Skills and Employment Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Skills and Employment Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Skills and Employment Advisory Group on [XX XXX 2025]
<b>Purpose</b>	<p>The Devon and Torbay Skills and Employment Advisory Group (DTSEAG) supports the DTCCA Board by providing advice on skills and employment matters, making recommendations on priorities, programmes and funding decisions. It will be responsible for drafting Skills and Employment Plans built from labour market intelligence and evidence, monitoring the performance and impact of the Skills and Employment interventions undertaken by the DTCCA and supporting the DTCCA’s growth ambitions and corporate plan. The DTSEAG will work alongside Devon County Council as the Accountable Body for the DTCCA and Executive officers to provide timely advice and guidance to the DTCCA Board on skills and employment issues.</p> <p>The DTSEAG will apply and work within the DTCCA’s Assurance Framework and Constitution and provide its advice to support delivering the priorities for the DTCCA set out in the Local Growth Plan and other strategies and plans. The DTSEAG will sit alongside and complement the Local Skills Improvement Partnership, led by Devon Chamber as the region’s nominated Employer Representative body, which will continue to lead on the development of the broader strategic framework for skills in the area. The DTSEAG will work with the other advisory groups as required.</p> <p>The overarching objective of the DTSEAG is to provide expertise and advice from across the public and private sector on key skills and employment decisions ensuring these meet the DTCCA’s overall objectives, support the purpose of the DTCCA and deliver good value for money.</p> <p>The detailed operational role of the DTSEAG is set out below:</p>

<b>Role</b>	<p>The DTSEAG will need to be flexible and agile ensuring it can respond to new opportunities and challenges, and work with other DTCCA Advisory Group experts and the DTCCA Board to respond to changes in skills and employment performance. It will:</p> <ul style="list-style-type: none"> <li>• Develop skills plans, programmes that support educational progression at all levels across the Devon and Torbay area, assisting young people and adults to achieve a good job or career, and supporting our area to learn and grow,</li> <li>• Assist and support design, delivery and evaluation of devolved powers and funding for skills and employment including Adult Skills Fund, Connect to Work, Free Courses for Jobs and Careers Hubs to support young people and adults into work, achieve a good quality job, meaningful training opportunity or other pathways into improved life chances,</li> <li>• Provide insight and knowledge on key employer and wider business skills gaps and future needs to develop interventions and plans to secure the skills and staff they need to thrive and consider the provision and capacity to deliver identified key skills and qualifications, supporting the delivery the DTCCA’s Local Growth Plan,</li> <li>• Promote inclusive employment and skills practice across the DTCCA and partner agendas, making a strong case for diversity and inclusivity in investment practices and provision,</li> <li>• Fostering relationships with influential stakeholder groups in or outside our area, bringing a wealth of knowledge and evidence to help inform decision making around skills and employability,</li> <li>• Consider the capacity and provision within the education, training and private training provider network with regards skills and employment priorities, driving forward programmes that will enhance our educational and learning performance, including recommendations on capital decisions,</li> <li>• Marketing and championing our area as a skills and educational champion; and</li> <li>• Appraise strategic investment, risks and management of resources.</li> </ul>
<b>Strategic Role</b>	Covered in the previous section
<b>Operational Role</b>	Covered in the previous section

<p><b>Compliance, Operation and Code of Conduct</b></p>	<p>The DTSEAG will be established through a nomination process of the skills and education institutes and business representatives. The selection of the VCSE and Health representatives will be invited to join by the Executive.</p> <p>The DTSEAG’s operation will follow the Nolan Principles and be supported by the Executive officers of the DTCCA, the Accountable Body and other senior officers as needed. It will form one of the several DTCCA’s Advisory Groups. The Chairperson of the DTSEAG will sit on the DTCCA Board as an Associate Member.</p>
<p><b>Conflicts of Interest</b></p>	<p>There will be a clear Conflict of Interest Policy, and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>• Any conflicts of interest must be declared by DTSEAG members at the start of each meeting and recorded in the minutes.</li> <li>• If any member of DTSEAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>• If a DTSEAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict of Interest Policy and Code of Conduct for the DTSEAG.</li> </ul>
<p><b>Meetings and Decisions</b></p>	<p>There will be at least six DTSEAG meetings per year and no more than monthly. These meetings may be held virtually. Additional meetings can be requested by the Chair or Vice Chair to discuss issues of significant importance or for urgent decisions.</p> <p>Meeting papers will be circulated one week in advance by the DTCCA Secretariat and any considered confidential will be stated as such. Written proceedings may be used where decisions, advice or input is required between meetings.</p>

	<p>For urgent matters which require decisions, advice or input outside normal meetings, the Chair may make decisions on behalf of the DTSEAG in consultation with the Vice Chair and the lead Executive officer. Any decisions taken in this manner will require a written update to the next DTSEAG meeting, setting out the rationale why an urgent decision was required, and the actions taken.</p> <p>All DTSEAG decisions will be recorded in writing and published online. Any amendments to these decisions can only be made at a future DTSEAG meetings, with the amendment also being recorded in writing.</p> <p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTSEAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p> <p>At least 3 members from Torbay and 5 members from Devon (which must include either the Chair or Vice Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan Principles, this will be managed in accordance with the Code of Conduct for the DTSEAG. This may result in the member being removed from the Board.</p>
<p><b>Task and Finish Groups</b></p>	<p>The DTSEAG will establish ‘Task and Finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with other DTCCA Advisory Groups. DTSEAG will keep a register on these subgroups and clearly define their work programme, including key objectives and milestones.</p>
<p><b>Complaints</b></p>	<p>Should members of the DTSEAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTSEAG</li> <li>o Stage 2: DTCCA Chief Executive</li> </ul>

	<p>o Stage 3: Chair of the DTCCA</p> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>
<b>Communication and Information Sharing</b>	The DTSEAG will contribute to the DTCCA's Communications and Engagement Strategies and will work within any Communication Protocols established.
<b>Secretariat from DTCCA</b>	Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive officer will attend and support the work of the Group.
<b>Membership</b>	<p>The membership of the DTSEAG will be drawn from a combination of Skills, Education, and other stakeholders including business and the voluntary and community sectors. It includes up to 10 skills and employment organisation representatives, 4 business members drawn from DTCCA's Devon and Torbay Business Advisory Group (DTBAG) or co-opted from one of the other DTCCA Advisory Groups, a Health representative and a Voluntary Community Social Enterprise (VCSE). The group will balance statutory and institutional partners with a business and community voice.</p> <p>The 10 institutional partners on the DTSEAG will be made up of</p> <ul style="list-style-type: none"> <li>• Higher Education Institutions (2)</li> <li>• Further Education Colleges (5)</li> <li>• Devon and Cornwall Training Provider Network (1)</li> <li>• Devon and Torbay Association of Headteachers (1)</li> <li>• Devon and Plymouth Chamber (as DfE's Nominated LSIP Lead Organisation) (1)</li> </ul> <p>Four business leaders will be drawn from the DTCCA's DTBAG in the first instance or co-opted from one of the other DTCCA's Advisory Groups. These members will bring specific sectoral and geographic knowledge and expertise.</p> <p>A Public Health and VCSE representative will be included on the DTSEAG.</p>

	A Chair of the DTSEAG will be selected by the DTSEAG members and the Chair will be an Associate member of the DTCCA Board.
<b>Duration of Term</b>	The term expected of a member of the Group is three years, with the opportunity to have this term extended by a further two year maximum. Any member of the group who wishes to stand down within three years, should provide a 3 month notice to the Chair and by agreement, remain until another member is appointed to the Group. The decision to extend membership of the DTSEAG will be the DTCCA Chief Executive's, in consultation with the DTCCA Chair.
<b>Chair and Vice Chair</b>	<p>The Chair and a Vice Chair of the DTSEAG will be nominated by the membership of the DTSEAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair or Vice Chair are unable to continue in these roles, each should provide a minimum of a month's notice to the Chair of the DTCCA Board. The DTSEAG members will be asked to nominate a new Chair or Vice Chair, either on a temporary or permanent basis. Where this appointment is temporary, a permanent Chair or Vice Chair should be appointed within 3 months of the position becoming vacant.</p>
<b>Amendments, Modification and Reviewing Terms of Reference</b>	<p>Any changes to these Terms of Reference must be agreed by the DTCCA and subsequently endorsed by all DTSEAG group members.</p> <p>These Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA's Constitution and the Terms of Reference of the DTCCA's other Advisory Groups.</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA's Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA's Constitution.</p>
<b>Other</b>	All DTCCA Advisory Groups should be cognisant of each other's' roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve

	<p>coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p>
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	<p>The Chair or Vice Chair or another nominated member by the Group, shall sit on the Investment Advisory Group and ensure there is clear information flow between the two Groups.</p>
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## Housing Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Housing Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Housing Advisory Group on [XX XXX 2025]
<b>Purpose</b>	<p>The Devon and Torbay Housing Advisory Group Board (DTHAG) is the “Voice of the housing authorities” within the governance framework of the DTCCA, and will advise, influence, and inform the DTCCA Board to support the delivery of the housing aspects of the devolution deal. It also provides the autonomy for housing authorities to respond to ideas, concepts and solutions that might sit outside such a Deal, and to advise the DTCCA Board on areas where there is scope for greater strategic impact on housing matters.</p> <p>The overarching objective of the DTHAG is to improve access to safe, secure, high-quality housing, across all tenure types, which enables our residents to lead happy and healthy lives, contributing positively to the communities of Devon and Torbay.</p> <p>The DTHAG will:</p> <ul style="list-style-type: none"> <li>• Enhance a collaborative political and strategic delivery framework across the DTCCA geography to identify and evidence the gaps in dealing with the strategic challenges across our diverse housing market areas,</li> <li>• Develop an action plan for DTCCA Board approval – to deliver on the recommendations from the final report of the independent, academic-led Devon Housing Commission. In particular, the response to future socio-economic and demographic challenges facing our housing market areas and reporting findings into both the DTCCA and all member authorities in order to build consensus and facilitate collaboration on future interventions. This will include discussions with relevant Government agencies and partners to develop practical local solutions in collaboration with local authorities and local housing provider,</li> <li>• Provide oversight and leadership – of any cross-organisational housing sub-groups or task and finish groups that are established (this is to link in with 3.3 ‘Task and Finish groups’ to ensure the governance link between Task and Finish groups and the Advisory Group).</li> </ul>

	<ul style="list-style-type: none"> <li>• Add value and champion any of the individual or collective local authority housing ‘asks’ through negotiations with appropriate Government departments and agencies and provide opportunity for sub-regional or regional collaboration in order to explore innovative housing solutions,</li> <li>• Work with relevant stakeholders - to develop and agree a key set of indicators that will help monitor performance and progress in dealing with the Devon housing crisis and to help contextualise DTCCA delivery and Assurance Framework; and</li> <li>• Influence and respond to change - by being clear about the limitations of existing local influence over policy drivers affecting the housing market and pushing for flexibility and innovation in helping councils and other housing providers to deliver solutions. Also providing a forum that can advise on collaborative response to any major change in national housing policy.</li> </ul>
<p><b>Role</b></p>	<p>The overarching role of the DTHAG is to provide housing authorities with a meaningful role in developing, implementing and monitoring the DTCCA’s strategic intent with regards to housing and associated issues. The group will have a role in recommending annual priorities, securing investment and designing appropriate programmes to address the housing needs of communities across the Devon and Torbay area. In addition, the DTHAG will apply and work within the DTCCA’s Assurance Framework and Constitution and provide expertise, insight, intelligence, and evidence from housing authorities, providers and other associated experts to support the ambitions of the DTCCA.</p> <p>The detailed strategic and operational role of the DTHAG is to advise the DTCCA Board on matters pertaining to housing. To include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• To work with delivery partners and stakeholders to produce a shared investment pipeline delivering more social, affordable and low Carbon homes,</li> <li>• To evidence the role that housing can play in delivering improved outcomes across major strategic policy areas such as health, economic growth, social and environmental policy’s,</li> <li>• To explore the common supply and demand side issues contributing to the Devon housing crisis in the social, affordable and private housing markets and to consider the potential solutions that might be delivered by taking a collective, sub-regional approach,</li> </ul>

	<ul style="list-style-type: none"> <li>• To receive the recommendations from the Devon Housing Commission and advise on ways to implement these,</li> <li>• To understand community housing pressures and advise on ways to support, facilitate and enable greater take up and proliferation of community-led solutions,</li> <li>• To advise on measures that could assist in addressing housing solutions for Devon’s care leavers and other vulnerable groups,</li> <li>• To strengthen the voices of individual housing and planning authorities; to empower and add value,</li> <li>• To share examples of best practice and opportunities to learn from others at scheme or system level,</li> <li>• To consider strategic alignment of investment options in respect to additional revenues generated by the implementation of the second homes additional council tax charge; and</li> <li>• To support the DTCCA Board in any other related areas in order to deliver its ambition and aspiration on matters relating to housing.</li> </ul> <p>While such approaches may be pursued through collective action between sub-regional partners and other Government or non-governmental bodies, or through negotiated deal propositions in the Devon Deal, the guiding purpose of the DTHAG is to improve housing outcomes across Devon and Torbay.</p> <p>Whilst Plymouth City Council is not a member of the DTCCA, it is important that the DTHAG maintains a strategic link with the authority in the delivery of housing across the wider geography, linked as it is by the cross-boundary adoption of joint local plans where these reflect sensible spatial boundaries in recognition of travel and commuting patterns.</p>
<b>Strategic Role</b>	Covered in the previous section
<b>Operational Role</b>	Covered in the previous section

<b>Compliance, Operation and Code of Conduct</b>	The DTHAG will be established through a nomination process with one elected member representing each of the 9 local housing authorities and its operations will follow the Nolan Principles. It will form one of the several DTCCA's Advisory Groups.
<b>Conflicts of Interest</b>	<p>There will be a clear Conflict of Interest Policy, and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>• Any conflicts of interest must be declared by DTHAG members at the start of each meeting and recorded in the minutes.</li> <li>• If any member of DTHAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>• If a DTHAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict of Interest Policy and Code of Conduct for the DTHAG. Where appropriate, a referral may also be made to an elected members respective Council, where they have been appointed to DTHAG as an outside body.</li> </ul>
<b>Meetings and Decisions</b>	<p>There will be at least four DTHAG meetings per year. These meetings may be held virtually. Additional meetings can be requested by the Chair or Vice Chair to discuss issues of significant importance or for urgent decisions.</p> <p>Meeting papers will be circulated one week in advance by the DTCCA Secretariat and any considered confidential will be stated as such. Written proceedings may be used where decisions, advice or input is required between meetings.</p> <p>For urgent matters which require decisions, advice or input outside normal meetings, the Chair may make decisions on behalf of the DTHAG in consultation with the Vice Chair and the designated DTCCA Housing Executive lead officer. Any decisions taken in this manner will require a written update to the next DTHAG meeting, setting out the rationale why an urgent decision was required, and the actions taken.</p> <p>All DTHAG decisions will be recorded in writing and published online. Any amendments to these records or minutes can only be made at a future DTHAG meetings, with the amendment also being recorded in writing.</p>

	<p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTHAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p> <p>At least 5 of the 9 members (which must include either the Chair or Vice Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan Principles, this will be managed in accordance with the Code of Conduct for the DTHAG. This may result in the member being removed from the Board.</p>
<b>Task and Finish Groups</b>	<p>The DTHAG may establish ‘Task and Finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with other Advisory Groups. DTHAG will keep a register on these subgroups and clearly define their work programme, including key objectives and milestones.</p>
<b>Complaints</b>	<p>Should members of the DTHAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTHAG</li> <li>o Stage 2: DTCCA Chief Executive</li> <li>o Stage 3: Chair of the DTCCA</li> </ul> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>
<b>Communication and Information Sharing</b>	<p>The DTHAG will contribute to the DTCCA’s Communications and Engagement Strategies and will work within any Communication Protocols established.</p> <p>The following communications fall within scope of the DTHAG:</p>

	<ul style="list-style-type: none"> <li>• Regular ‘state of the housing market’ updates.</li> <li>• Annual housing delivery report update.</li> <li>• Press releases as and when appropriate.</li> <li>• Meeting minutes / decisions will be published online.</li> <li>• Housing Objectives and Priorities</li> <li>• Housing Strategy and associated plans</li> <li>• Housing impacts of significant planning changes/reform</li> <li>• Programme updates and briefings on key projects and programmes</li> </ul> <p>Communication priorities and methods to be agreed by the DTHAG in line with the DTCCA’s protocol.</p>
<p><b>Secretariat from DTCCA</b></p>	<p>Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive Officer will attend and support the work of the Group.</p>
<p><b>Membership</b></p>	<p>Each of the nine local housing authorities will have one seat on the DTHAG. It is anticipated that this would be either the relevant housing portfolio holder/cabinet member, or the leader as appropriate. However, it will be for each local housing authority to nominate their member.</p> <p>DTHAG members who do not attend three consecutive meetings (without providing apologies) may, without an acceptable reason determined by the DTHAG Chair, be requested to step down from being a member of the DTHAG and a replacement sought.</p> <p><b>Associate Membership</b></p> <p>There are a range of key strategic interested parties that would be beneficial contributors to housing advice at the scale of the DTCCA geography. It is proposed that invitations be extended to the following organisations to take up permanent associate membership, which would confer full participation without voting rights.</p> <ul style="list-style-type: none"> <li>• Plymouth City Council</li> <li>• Devon County Council</li> <li>• Devon Association of Local Councils (DALC)</li> <li>• Homes England</li> <li>• LiveWest</li> </ul>

	<p><b>Others</b></p> <p>By invitation, others such as sector experts may be called to join the DTHAG for one off meetings, or a short period of time or to be part of a Task and Finish Group. Members of the DTCCA Board may also attend on an ad hoc basis. It is possible for a person to represent more than one organisation.</p>
<b>Duration of Term</b>	To be determined
<b>Chair and Vice Chair</b>	<p>The Chair and a Vice-Chair of the DTHAG will be nominated by the membership of the DTHAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair or the Vice-Chair are unable to continue in these roles, each should provide a minimum of a month's notice to the Chair of the DTCCA Board. The DTHAG members will be asked to nominate a new Chair or Vice-Chair, either on a temporary or permanent basis. Where this appointment is temporary, a permanent Chair or Vice-Chair should be appointed within 3 months of the position becoming vacant.</p>
<b>Amendments, Modification and Reviewing Terms of Reference</b>	<p>Any changes to these Terms of Reference must be agreed by the DTCCA Board and subsequently endorsed by all DTHAG group members.</p> <p>These DTHAG Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA's Constitution and the Terms of Reference of the DTCCA's other Advisory Groups.</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA's Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA's Constitution.</p>
<b>Other</b>	<p>All DTCCA Advisory Groups should be cognisant of each other's' roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p> <p>The Chair or Vice Chair or another nominated member by the Group, shall sit on the Investment Advisory Group and ensure there is clear information flow between the two Groups.</p>

## Transport Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Transport Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Transport Advisory Group on [XX XXX 2025]
<b>Purpose</b>	<p>The Devon and Torbay Transport Advisory Group Board (DTTAG) is the “voice of the transport industry” and will advise, guide, and inform the Devon and Torbay Combined County Authority (DTCCA) in supporting the CCA fulfil its local transport authority function. The collective efforts of DTTAG will help strengthen engagement with Government and its related funding agencies to make compelling cases for investment in line with its Devon and Torbay Local Transport Plan (LTP).</p> <p>The LTP vision is that “<i>Transport will facilitate sustainable growth and support reaching net zero carbon by 2050 at the latest. Well-integrated, accessible and inclusive transport will improve travel choice and benefit the health and wellbeing of everyone.</i>”</p>
<b>Role</b>	<p>The overarching role of the DTTAG is to provide expertise, insight, intelligence, and evidence from the transport industry to support the development, implementation, and monitoring of the CCA’s Local Transport Plan.</p> <p>The Group will have a strategic role in shaping the transport policy framework and inputting to annual capital programme priorities. It will provide support and challenge to ensure the DTCCA is in the strongest position to secure transport investment that supports the social, economic and environmental ambitions of Devon and Torbay.</p>
<b>Strategic Role</b>	<ul style="list-style-type: none"> <li>• provide a strong, meaningful, independent and diverse transport industry voice for the area, offering insight, expertise and advice to the CCA to shape future transport policy development locally and regionally, and support investment priorities, including innovative solutions;</li> <li>• leverage transport industry networks, knowledge, expertise and insight to support engagement and negotiation with Government departments and other funding agencies to strengthen transport investment opportunities in Devon and Torbay;</li> <li>• provide advice and support to the Executive officers, as necessary, on transport matters, and work with and alongside other established advisory groups to raise the profile of the challenges and opportunities within Devon and Torbay;</li> </ul>



	<ul style="list-style-type: none"> <li>provide market credibility and a strong vehicle for leveraging match funding for public sector programmes, and developing effective partnership projects to support the aims of the Local Transport Plan; and</li> </ul>
<b>Operational Role</b>	<ul style="list-style-type: none"> <li>oversee the development and implementation of the Local Transport Plan and other supporting documents and strategies, monitoring performance and progress with the capital programme against the agreed budget and delivery timescales;</li> <li>support the CCA's evidence base and provide intelligence and insight to underpin the Local Transport Plan, related transport strategies and support prioritisation of schemes, business cases and funding bids;</li> <li>Input to the development of new transport policies and programmes, and act as a sounding board for future investment priorities and decisions.</li> </ul>
<b>Compliance, Operation and Code of Conduct</b>	<p>The DTTAG will be established by invite with involvement of key strategic transport representatives from active travel, public transport and strategic road and rail organisations, the DfT and leading academic and transport profession institutions. Its operation will follow the Nolan Principles. Once the CCA is established, it will form one of several proposed Advisory Groups. The Chairperson of the DTTAG will sit on the Investment Advisory Group.</p>
<b>Conflicts of Interest</b>	<p>There will be a clear conflict of interest policy and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>Any conflicts of interest must be declared by DTTAG members at the start of each meeting and recorded in the minutes.</li> <li>If any member of DTTAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>If a DTTAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict-of-Interest Policy and Code of Conduct for the DTTAG.</li> </ul>
<b>Meetings and Decisions</b>	<p>There will be three DTTAG meetings per year and these may be virtual. Additional meetings can be requested by the Chair or Vice-Chair to discuss issues of significant importance or for urgent decisions.</p> <p>Meeting papers will be circulated one week in advance by the CCA Secretariat and any considered confidential will be stated. Written proceedings may be used where decisions, advice or input is required between meetings.</p> <p>As an advisory group, DTTAG may need to vote on formal recommendations to be submitted to the CCA Board.</p>

	<p>For urgent matters which require decisions, advice or input outside normal meetings, the Chair may make decisions on behalf of the DTTAG in consultation with the Vice-Chair and the lead Executive officer. Any decisions taken in this manner will require a written update to the next DTTAG meeting, setting out the rationale why an urgent decision was required, and the actions taken.</p> <p>All DTTAG decisions will be recorded in writing and published online. Any amendments to these decisions can only be made at a future DTTAG meeting, with the amendment also being recorded in writing.</p> <p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTTAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p> <p>At least 50% of members from DTTAG (which must include either the Chair or Vice-Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan principles, this will be managed in accordance with the Code of Conduct for the DTTAG. This may result in the member being removed from the Board.</p>
<b>Task and Finish Groups</b>	<p>The DTTAG will establish ‘task and finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with other Advisory Groups.</p>
<b>Complaints</b>	<p>Should members of the DTTAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTTAG</li> <li>o Stage 2: DTCCA Chief Executive</li> </ul>

	<p>o Stage 3: Chair of the DTCCA</p> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>
<b>Communication and Information Sharing</b>	<p>The DTTAG will contribute to the CCA Communications and Engagement Strategies and will work within any Communication Protocols established.</p> <p>The following communications fall within scope of the DTTAG:</p> <ul style="list-style-type: none"> <li>• Press releases as and when appropriate.</li> <li>• Meeting minutes / decisions will be published online.</li> <li>• Programme updates and briefings on key projects and programmes</li> </ul> <p>Communication priorities and methods to be agreed by the DTTAG in line with the CCA’s protocol.</p>
<b>Secretariat from DTCCA</b>	<p>Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive Officer will attend and support the work of the Group.</p>
<b>Membership</b>	<p>There will be a broad base for membership enabling a wide range of professional transport experience, including active travel, public transport and strategic road and rail organisations. The DfT and leading academic and transport profession institutions across Devon and Torbay will also be involved, giving a diverse transport industry voice.</p> <p>Attendees are politically independent and able to provide a constructive check and challenge on local decision-making using their transport sector perspective.</p> <p>As the “voice of transport industry”, members will represent the transport community and their role, rather than their personal views or that of their business/employer.</p> <p>Members will be outward facing, which includes participating and sharing intelligence (in both directions) with broader initiatives and other national and regional partnerships, where appropriate.</p>

	<p>Leaders of the Constituent Councils will also have the flexibility to adjust the membership of the board. Selection of membership on to the Board to be made through a panel of Senior Officers.</p> <p>The Board should be representative of those with protected characteristics, defined by The Equality Act 2010.</p> <p>The Membership will represent the breadth of Devon and Torbay’s regional transport links and reflect the spirit of a balanced partnership.</p> <p>The size of the DTTAG will be sufficient to recognise the diversity of the transport sector. It will also be small enough to operate efficiently and effectively. The target number is 10 representatives. In addition, officers from the DTCCA, Devon County Council, Torbay Council, local highway authorities and District Councils, public health and other agencies can attend, along with additional Government Department representatives and Chairs or other nominated members from the other Advisory Groups as appropriate and as Observers.</p> <p>By invitation, others such as sector experts or community, voluntary and user groups may be called to join the DTTAG for one off meetings or a short period of time or to be part of a Task and Finish Group. Members of the CCA Board may also attend on an ad hoc basis. It is possible for a person to represent more than one organisation. Businesses or organisations located outside of Devon and Torbay may still be members of the DTTAG where their operations and services support the performance of the Devon and Torbay transport system.</p> <p>DTTAG members who do not attend three consecutive meetings (without providing apologies) may be requested to step down without an acceptable reason.</p>
<b>Duration of Term</b>	To be determined
<b>Chair and Vice Chair</b>	<p>The Chair and a Vice Chair of the DTTAG will be nominated by the membership of the DTTAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair of the Vice Chair are unable to continue in these roles, each should provide a minimum of a month’s notice to the Chair of the CCA Board. The DTTAG Board members will be asked to nominate a new Chair</p>

	<p>or Vice Chair, either on a temporary or permanent basis. Where temporary, a permanent Chair or Vice Chair should be appointed within 3 months.</p>
<p><b>Amendments, Modification and Reviewing Terms of Reference</b></p>	<p>Any changes to these Terms of Reference must be agreed by the DTCCA and subsequently endorsed by all DTTAG group members.</p> <p>These Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA’s Constitution and the Terms of Reference of the DTCCA’s other Advisory Groups.</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA’s Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA’s Constitution.</p>
<p><b>Other</b></p>	<p>All DTCCA Advisory Groups should be cognisant of each other’s’ roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p> <p>The Chair or Vice Chair or another nominated member by the Group, shall sit on the Investment Advisory Group and ensure there is clear information flow between the two Groups.</p>

## Climate Change and Net Zero Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Climate Change and Net Zero Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Climate Change and Net Zero Advisory Group on [XX XXX 2025]
<b>Purpose</b>	<p>The Devon and Torbay Climate Change and Net Zero Advisory Group Board (DTCCAG) is the “voice of climate change and the environment” and will advise, guide, and inform the Devon and Torbay Combined County Authority (DTCCA) in its decision making to support local decisions on climate change and environment matters for Devon and Torbay (D&amp;T).</p> <p>The overarching objective of the DTCCAG is to support the implementation and monitoring of the Devon Carbon Plan and the Local Nature Recovery Strategy.</p>
<b>Role</b>	The overarching role of the DTCCAG is to provide expertise, insight, intelligence, and evidence on climate change and the environment. The Group will have a role in shaping the inputting to priorities, securing investment and designing appropriate programmes to support the social, economic and environmental ambitions of the DTCCA.
<b>Strategic Role</b>	<ul style="list-style-type: none"> <li>• provide a strong, meaningful, independent and diverse climate change and environment voice for the area, offering insight, expertise and advice to the CCA to shape future policy development and investment priorities, including innovative solutions;</li> <li>• support and work with the Executive officers leveraging climate change and environment networks, knowledge, expertise and insight to support engagement and negotiation with Government departments and other funding agencies to strengthen climate change and environment investment opportunities in Devon and Torbay;</li> <li>• provide advice and support to the Executive officers, as necessary, on climate change and environment matters, and work with and alongside the DTCCA’s other Advisory Groups to raise the profile of the challenges and opportunities within Devon and Torbay;</li> <li>• provide market credibility and a strong vehicle for leveraging match funding for public sector programmes, and developing effective partnership projects to support the aims of the Devon Carbon Plan, the Devon, Cornwall and Isles of Scilly Climate Change Adaptation Strategy and the Local Nature Recovery Strategy; and</li> <li>• provide strategic positioning into the Climate Emergency Response Group and other regional partnerships as appropriate, helping to align local and regional activity;</li> </ul>

<b>Operational Role</b>	<ul style="list-style-type: none"> <li>oversee that the work of the D&amp;T CCA contributes to the implementation of the Devon Carbon Plan, the Devon, Cornwall and Isles of Scilly Climate Change Adaptation Strategy and the Local Nature Recovery Strategy, monitoring performance and progress with the capital programme against the agreed budget and delivery timescales.</li> </ul>
<b>Compliance, Operation and Code of Conduct</b>	<p>The DTCCAG will be established by invite with involvement of key climate change and environment representatives. Its operation will follow the Nolan Principles. DTCCAC will form one of the several DTCCA's Advisory Groups.</p>
<b>Conflicts of Interest</b>	<p>There will be a clear conflict of interest policy and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>Any conflicts of interest must be declared by DTCCAG members at the start of each meeting and recorded in the minutes.</li> <li>If any member of DTCCAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>If a DTCCAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict-of-Interest Policy and Code of Conduct for the DTCCAG.</li> </ul>
<b>Meetings and Decisions</b>	<p>There will be three DTCCAG meetings per year and these may be virtual. Additional meetings can be requested by the Chair or Vice-Chair to discuss issues of significant importance or for urgent decisions.</p> <p>Meeting papers will be circulated one week in advance by the CCA Secretariat and any considered confidential will be stated. Written proceedings may be used where decisions, advice or input is required between meetings.</p> <p>For urgent matters which require decisions, advice or input outside normal meetings, the Chair may make decisions on behalf of the DTCCAG in consultation with the Vice-Chair and the lead Executive officer. Any decisions taken in this manner will require a written update to the next DTCCAG meeting, setting out the rationale why an urgent decision was required, and the actions taken.</p> <p>All DTCCAG decisions will be recorded in writing and published online. Any amendments to these decisions can</p>

	<p>only be made at a future DTCCAG meetings, with the amendment also being recorded in writing.</p> <p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTCCAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p> <p>At least 50% of members from DTCCAG (which must include either the Chair or Vice-Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan principles, this will be managed in accordance with the Code of Conduct for the DTCCAG. This may result in the member being removed from the Board.</p>
<p><b>Task and Finish Groups</b></p>	<p>The DTCCAG will establish ‘task and finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with the DTCCA’s other Advisory Groups.</p>
<p><b>Complaints</b></p>	<p>Should members of the DTCCAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTCCAG</li> <li>o Stage 2: DTCCA Chief Executive</li> <li>o Stage 3: Chair of the DTCCA</li> </ul> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>



<p><b>Communication and Information Sharing</b></p>	<p>The DTCCAG will contribute to the CCA Communications and Engagement Strategies and will work within any Communication Protocols established.</p> <p>The following communications fall within scope of the DTCCAG:</p> <ul style="list-style-type: none"> <li>• Press releases as and when appropriate.</li> <li>• Meeting minutes / decisions will be published online.</li> <li>• Programme updates and briefings on key projects and programmes</li> </ul> <p>Communication priorities and methods to be agreed by the DTCCAG in line with the CCA’s protocol.</p>
<p><b>Secretariat from DTCCA</b></p>	<p>Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive Officer will attend and support the work of the Group.</p>
<p><b>Membership</b></p>	<p>There will be a broad base for membership enabling a wide range of professional climate change and environment experience, across Devon and Torbay, giving a diverse climate change and environment industry voice.</p> <p>Attendees are politically independent and able to provide a constructive check and challenge on local decision-making using their climate change and environment sector perspective.</p> <p>As the “voice of climate change and environment industry”, members will represent the climate change and environment community and their role, rather than their personal views or that of their business/employer.</p> <p>Members will be outward facing, which includes participating and sharing intelligence (in both directions) with broader initiatives and other national and regional partnerships, where appropriate.</p> <p>The Leaders of the Constituent Councils will also have the flexibility to adjust the membership of the board. Selection of membership on to the Board to be made through a panel of Senior Officers at Devon County Council and Torbay Council.</p> <p>The Board should be representative of those with protected characteristics, as defined by The Equality Act 2010.</p>

	<p>The Membership will represent the breadth of D&amp;T’s regional climate change and environment and reflect the spirit of a balanced partnership.</p> <p>The size of the DTCCAG will be sufficient to recognise the diversity of the climate change and environment sector. It will also be small enough to operate efficiently and effectively. The target number is 10 representatives. In addition, officers from the DTCCA, Devon County Council, Torbay Council, local highway authorities and District Councils, public health and other agencies can attend, along with additional Government Department representatives and Chairs or other nominated members from the DTCCA’s other Advisory Groups as appropriate and as Observers.</p> <p>By invitation, others such as sector experts may be called to join the DTCCAG for one off meetings or a short period of time or to be part of a Task and Finish Group. Members of the CCA Board may also attend on an ad hoc basis. It is possible for a person to represent more than one organisation.</p> <p>Businesses or organisations located outside of Devon and Torbay may still be members of the DTCCAG where their operations and services support the performance of the Devon and Torbay climate change and environment system.</p> <p>DTCCAG members who do not attend three consecutive meetings (without providing apologies) may without an acceptable reason determined by the DTCCAG Chair, be requested to step down from being a member of the DTCCAG and a replacement sought.</p>
<p><b>Duration of Term</b></p>	<p>Any member of the group who wishes to stand down should provide a 3 month notice to the Chair and by agreement remain until another member is appointed to the Group.</p>
<p><b>Chair and Vice Chair</b></p>	<p>The Chair and a Vice Chair of the DTCCAG will be nominated by the membership of the DTCCAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair or the Vice Chair are unable to continue in these roles, each should provide a minimum of a month’s notice to the Chair of the CCA Board. The DTCCAG Board members will be asked to nominate a new Chair</p>

	<p>or Vice Chair, either on a temporary or permanent basis. Where temporary, a permanent Chair or Vice Chair should be appointed within 3 months.</p>
<p><b>Amendments, Modification and Reviewing Terms of Reference</b></p>	<p>Any changes to these Terms of Reference must be agreed by the Board of CCA and subsequently endorsed by all DTCCAG group members.</p> <p>These DTCCAG Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA’s Constitution and the Terms of Reference of the DTCCA’s other Advisory Groups.</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA’s Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA’s Constitution.</p>
<p><b>Other</b></p>	<p>All DTCCA Advisory Groups should be cognisant of each other’s’ roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p> <p>The Chair or Vice Chair or another nominated member by the Group, shall sit on the Investment Advisory Group and ensure there is clear information flow between the two Groups.</p>

## Investment Advisory Group – Terms of Reference

<b>Devon and Torbay CCA – Investment Advisory Group – Terms of Reference</b>	
<b>Approval</b>	Approved by the Devon and Torbay Housing Advisory Group on [XX XXX 2025]
<b>Purpose</b>	<p>The Devon and Torbay Investment Advisory Group (DTIAG) supports the DTCCA Board by:</p> <ul style="list-style-type: none"> <li>• providing advice on public and private investment opportunities,</li> <li>• making recommendations on investment decisions,</li> <li>• developing prioritised investment pipelines, and</li> <li>• oversees monitoring the impact and delivery of DTCCA funded programmes and schemes.</li> </ul> <p>The DTIAG will work alongside Devon County Council as the Accountable Body for the DTCCA and Executive officers to provide timely advice and guidance to the DTCCA.</p> <p>The DTIAG will apply and work within the DTCCA’s Constitution and Assurance Framework providing its advice to support the delivery of the priorities for the DTCCA set out in the Local Growth Plan and other strategies and plans.</p> <p>The DTCCA has five Advisory Groups:</p> <ul style="list-style-type: none"> <li>• Business Advisory Group</li> <li>• Skills and Employment Advisory Group</li> <li>• Housing Advisory Group</li> <li>• Transport Advisory Group and</li> <li>• Climate Change and Net Zero Advisory Group</li> </ul> <p>Each Advisory Group representative will provide recommendations to the Investment Advisory Group on the allocation of capital funding to programmes within their own Terms of Reference. The overarching objective of the DTIAG is to provide expertise and advice to the DTCCA Board from across the public and private sector on key</p>

	<p>investment decisions ensuring these meet DTCCA’s overall objectives, support the purpose of the DTCCA and deliver good value for money. The DTIAG will ensure that the inter-relationships between each of the themes are considered and the potential impacts on each theme (both positive and negative) are understood.</p>
<p><b>Role</b></p>	<p>The overarching role of the DTIAG is to provide skills and expertise to support the investment decisions of the DTCCA in delivering the outcomes and impact set out in its strategies and plans. The thematic Advisory Groups will all be represented on the DTIAG to ensure a consistent approach is adopted for prioritising and delivering revenue and capital funding, and full consideration is given to maximising all investment opportunities to leverage other funding.</p> <p>The detailed strategic and operational role of the DTIAG is to:</p> <ul style="list-style-type: none"> <li>• Support the creation of investment proposals and propositions bringing together thematic knowledge, evidence and expertise from across the DTCCA’s five advisory groups.</li> <li>• Give advice to the DTCCA and, where appropriate, recommendations on investment decisions spanning transport, skills, business support, innovation, low carbon and regeneration.</li> <li>• Provide oversight and leadership to strengthen investment proposals and propositions into Government and other funders, drawing on private and public sector knowledge and influence.</li> <li>• Providing technical and business acumen to support the DTCCA to make investment decisions, including prioritising an overall investment pipeline of projects and programmes.</li> <li>• Provide oversight and monitoring of investments made by the DTCCA spanning the work of all the DTCCA’s other Advisory Groups.</li> <li>• Work with other relevant stakeholders across the private and public sector to secure inward investment and funding to support the objectives of the DTCCA.</li> <li>• Advise and guide the Executive, Accountable Body and DTCCA to address risks, and how to respond to changes in funding, policies and consider new opportunities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Provide a forum that can advise on collaborative responses to any new powers and funding devolved to the DTCCA.</li> </ul>
<b>Strategic Role</b>	Covered in previous section
<b>Operational Role</b>	Covered in previous section
<b>Compliance, Operation and Code of Conduct</b>	<p>The DTIAG will be established through a nomination process of either the Chair, Vice Chair or a representative from each the DTCCA’s Advisory Group.</p> <p>It will be supported by the Executive officers of the DTCCA, the Accountable Body and other senior officers as needed.</p> <p>Its operation will follow the Nolan Principles.</p> <p>DTIAG will form one of the several DTCCA’s Advisory Groups.</p>
<b>Conflicts of Interest</b>	<p>There will be a clear Conflict of Interest Policy, and a register of both pecuniary and non-pecuniary interests will be maintained. Each member will provide a declaration of their interests for the register.</p> <ul style="list-style-type: none"> <li>• Any conflicts of interest must be declared by DTIAG members at the start of each meeting and recorded in the minutes.</li> <li>• If any member of DTIAG has a conflict of interest on any agenda item or discussion, this must be declared prior to the item being discussed and will be recorded in the minutes.</li> <li>• If a DTIAG member has a conflict of interest on an agenda item, this will be managed in accordance with the Conflict of Interest Policy and Code of Conduct for the DTIAG. Where appropriate, a referral may also be made to an elected members respective Council, where they have been appointed to DTIAG as an outside body.</li> </ul>
<b>Meetings and Decisions</b>	There will be at least four DTIAG meetings per year. These meetings may be held virtually. Additional meetings can be requested by the Chair or Vice-Chair to discuss issues of significant importance or for urgent decisions.

	<p>Meeting papers will be circulated one week in advance by the DTCCA Secretariat and any considered confidential will be stated as such. Written proceedings may be used where decisions, advice or input is required between meetings.</p> <p>For urgent matters which require consideration outside normal meetings, the Chair may provide a view on behalf of the DTIAG in consultation with the Vice-Chair and the designated DTCCA investment Executive lead officer. Such matters will be the subject of a written update to the next DTIAG meeting, setting out the rationale why urgent consideration was required, and the views provided, and subsequent actions taken.</p> <p>All DTIAG decisions will be recorded in writing and published online where they are not deemed to be confidential. Any amendments to these records or minutes can only be made at a future DTIAG meetings, with the amendment also being recorded in writing.</p> <p>Occasionally, issues of a confidential nature may be discussed that cannot be disclosed outside of the DTIAG meeting; when this occurs, it will be stated by the Chair at the beginning of the relevant item and recorded in the minutes.</p> <p>Any decisions will be made by a majority vote. If the voting is equal, the Chair will have a second or casting vote. A meeting must be quorate for any decisions to occur.</p> <p>At least 50% of members from DTIAG (which must include either the Chair or Vice-Chair) need to be present for a meeting to be quorate.</p> <p>If a member is considered by 1 or more other members to be behaving in conflict with the Nolan principles, this will be managed in accordance with the Code of Conduct for the DTIAG. This may result in the member being removed from the Board.</p>
<p><b>Task and Finish Groups</b></p>	<p>The DTIAG may establish ‘Task and Finish’ groups, to facilitate progress on specific themes and issues as required, and where appropriate these may be joint with other DTCCA Advisory Groups. DTIAG will keep a register on these subgroups and clearly define their work programme, including key objectives and milestones.</p>

<b>Complaints</b>	<p>Should members of the DTIAG have a complaint or conflict that cannot be resolved, this should be reported in writing, to the following people in alignment with the recommended stages:</p> <ul style="list-style-type: none"> <li>o Stage 1: DTCCA Executive Lead officer for the DTIAG</li> <li>o Stage 2: DTCCA Chief Executive</li> <li>o Stage 3: Chair of the DTCCA</li> </ul> <p>At each stage, if the dispute cannot be resolved within 14 working days it will be escalated to the next level, with the Chair of the DTCCA having the final decision.</p>
<b>Communication and Information Sharing</b>	<p>The DTIAG will contribute to the CCA Communications and Engagement Strategies and will work within any Communication Protocols established.</p>
<b>Secretariat from DTCCA</b>	<p>Ongoing secretariat responsibilities to be agreed by the DTCCA Board and it is expected that an Executive Officer will attend and support the work of the Group.</p>
<b>Membership</b>	<p>Its membership is drawn from the DTCCA’s other Advisory Groups to ensure that a holistic view on all investments is considered in the work of this group:</p> <ul style="list-style-type: none"> <li>• Business Advisory Group</li> <li>• Skills and Employment Advisory Group</li> <li>• Housing Advisory Group</li> <li>• Transport Advisory Group and</li> <li>• Climate Change and Net Zero Advisory Group</li> </ul> <p>DTIAG members who do not attend three consecutive meetings (without providing apologies) may, without an acceptable reason determined by the DTIAG Chair, be requested to step down from being a member of the DTIAG and a replacement sought from the respective DTCCA Advisory Group to which the member represents.</p>



<b>Duration of Term</b>	To be determined.
<b>Chair and Vice Chair</b>	<p>The Chair and a Vice Chair of the DTIAG will be nominated by the membership of the DTIAG and appointment agreed through a simple majority. These individuals will be asked to perform these roles for up to two years.</p> <p>Where the Chair or the Vice Chair are unable to continue in these roles, each should provide a minimum of a month's notice to the Chair of the DTCCA Board. The DTIAG members will be asked to nominate a new Chair or Vice Chair, either on a temporary or permanent basis. Where the appointment is temporary, a permanent Chair or Vice Chair should be appointed within 3 months of the position becoming vacant.</p>
<b>Amendments, Modification and Reviewing Terms of Reference</b>	<p>Any changes to these Terms of Reference must be agreed by the CCA and subsequently endorsed by all DTIAG group members.</p> <p>These DTIAG Terms of Reference will be reviewed annually to ensure they remain current and appropriate.</p> <p>These Terms of Reference will also remain under review to ensure consistency with the DTCCA's Constitution and the Terms of Reference of the DTCCA's other Advisory Groups.</p> <p>Any agreed changes to these Terms of Reference must be notified in writing to the DTCCA's Monitoring Officer, to enable any associated technical changes to be agreed and made to the DTCCA's Constitution.</p>
<b>Other</b>	<p>All DTCCA Advisory Groups should be cognisant of each other's' roles and where appropriate, DTCCA Officers will seek to ensure cross-thematic awareness and suitable programming, as required. This may also involve coordination of briefings between relevant Advisory Group Chairs as appropriate, to ensure efficient deliberation and effective advice.</p> <p>The Chair or Vice Chair or another nominated member of the other DTCCA's Advisory Groups, shall sit on the Investment Advisory Group and ensure there is clear information flow between their respective Groups.</p>

## Section 5: Scheme of Delegation

### Functions to Chief Officers and Schedule of Officers

#### *General Roles and Responsibilities of Officers*

- 5.1 The Combined County Authority approves strategies and policies which determine the framework in which operational decisions are made – see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.
- 5.2 Officers implement decisions made by the Combined County Authority (or any decision making committee of the Combined County Authority). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
- 5.3 Officers must comply with Article 5 (Decision-making) in Part 2 of the Constitution when exercising authority delegated to them.
- 5.4 Decision-making by officers is subject to other control measures. These include:
  - Standing Orders including the Contracts Standing Orders and Financial Regulations in Part 4 of the Constitution
  - Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts Interest Policy and Protocols in Part 5 of the Constitution
  - Identified organisational values
  - an anti-fraud, bribery, and corruption policy, and
  - internal audit and risk management arrangements.
- 5.5 When exercising their delegated authority, an officer must:
  - ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Combined County Authority, and
  - follow approved practices and procedures of the Combined County Authority including the Devon County Combined Authority Assurance Framework, relevant Government guidance and industry/professional best practice.
- 5.6 The Authority will produce and maintain a scheme of delegation to chief officers and a schedule of proper officers for various functions in accordance with section 101 of the Local Government Act 1972, which enables the Authority to delegate any of its functions which are not reserved to the Authority.

- 5.7 The scheme referred to in paragraph 1. 1 above will be open to public inspection as required by section 100G of the Local Government Act 1972 and specify those powers of the Authority which are exercisable from time to time by officers of the Authority and stating the title of the officer in question by whom the powers are exercisable.
- 5.8 A chief officer in the context of this document means a chief officer as defined in the Authority's employment rules.
- 5.9 Chief officers to whom Authority to act has been delegated may themselves subdelegate the Authority to act to another officer where that officer is acting on behalf of a chief officer.
- 5.10 Any decisions or actions taken by a chief officer, or other person on behalf of a chief officer, must be recorded and published in accordance with:
- (i) the provisions of the Openness of Local Government Bodies Regulation 2014;
  - (ii) statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - (iii) the constitution, the Authority's standing orders and financial regulations;
  - (iv) the revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's financial regulations; and
  - (v) any policy or direction of the Chair, Authority or any committee acting in exercise of powers delegated to that committee by the Authority.
- 5.11 Officers may not exercise delegated powers where:
- (i) the matter is reserved to the Chair or the Authority by law or by the constitution;
  - (ii) the matter is a function which cannot by law be discharged by an officer;
  - (iii) the Chair, Authority or a committee, sub-committee or joint committee to which the Authority is a party, has determined that the matter should be discharged otherwise than by an officer;
  - (iv) the Chief Executive has directed that the officer concerned should not exercise a delegated function in special circumstances.
- 5.12 Before exercising delegated powers, particularly on matters involving the reputation of the Chair of the Authority, officers should consider the advisability of consulting the Chief Executive and or the Chair of the Authority.

- 5.13 Any reference in this scheme of delegation to any enactment shall include a reference to any amendment or re-enactment of the same. Where a change in the title of a chief officer has occurred and the timing of that change has not allowed for the amendment of this constitution, where it is clear that the officer making the decision is clearly identifiable as the officer to whom the Authority was originally delegated, any reference to the officer in the scheme of delegation will mean the duly authorised officer.
- 5.14 Where, in relation to an item before the Chair, Authority, or a committee, a chief officer is given specific Authority to determine a particular matter, the officer should ensure that there is an appropriate audit trail to evidence such determination.

#### *Delegation to Officers*

- 5.15 This Officer Delegation Scheme sets out the Combined County Authority Functions delegated to officers by the Combined County Authority.
- 5.16 The Combined County Authority's Standing Orders in Part 4 of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers or post-holders.
- 5.17 Where the Combined County Authority have appointed a committee to discharge functions, that committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an officer.
- 5.18 The Combined County Authority (or a committee) may continue to exercise any function which it has delegated to an officer.

#### *Sub Delegations*

- 5.19 Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally (although they will remain responsible for any decision taken on their behalf). Such an officer (in their absence) may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf. Referral of Matters to the Combined County Authority or Relevant Committee – Combined County Authority Functions
- 5.20 An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined County Authority or a relevant committee

### *Key Decisions*

- 5.21 The Access to Information Rules in Part 4 of the constitution apply where an officer exercises their delegated authority to take a Key Decision.
- 5.22 A key Decision is defined in Article 5: Decision-Making in Part 2 of the Constitution.

### *Call-in of Officer Decision*

- 5.23 Any Key Decision taken by an officer under delegated authority is open to call-in, in accordance with the Overview & Scrutiny Standing Orders in Part 4 of the constitution.

### *Recording Officer Decisions*

- 5.24 An officer is required to complete a written record of their decision in accordance with the Access to Information Rules in Part 4 of the Constitution. All reports and officer decisions shall be held by the Monitoring Officer

### *Concurrent Functions*

- 5.25 An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Combined County Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation.

### *Statutory Consents*

- 5.26 No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent.
- 5.27 An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.

## **Officer Delegation Scheme: Delegations**

- 5.27 The Chief Executive may direct an Officer not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter for determination:
- in respect of any Combined County Authority Function to a relevant committee to the Combined County Authority, or (where the delegated authority is of a general delegation),
  - to the Chief Executive

## General Delegations (Authority Functions) to the Chief Executive or Chief Officers

### *General Delegations to all Chief Officers*

- 5.28 The day-to-day routine management, supervision and control of services provided for the Chair and/or the Authority by officers under their control in accordance with the Rules of Procedure and Financial Regulations of the Authority.
- 5.29 The Chief Executive may direct an officer not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter for determination in respect of any Authority Function to a relevant committee to the Authority, or (where the delegated authority is of a general delegation), to the Chief Executive.
- 5.30 Each Officer is authorised to carry into effect without reference to the Authority or to any of its committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:
- 5.31 Expenditure: to incur expenditure within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in Part 4 of the Constitution within the following approval limits:

No.	Authority to Incur Expenditure	Approver
1	Above £1m	The Chief Executive in consultation with the Section 73 Officer and the Lead Members provided it is within budget
2	Between £0.5m and £1m	Chief Executive in consultation with Section 73 Officer provided it is within budget
3	Up to £0.5m	Director of Operations (and statutory officers) in consultation with the Section 73 Officer provided it is within budget

- 5.32 To incur expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the Authority Assurance Framework.

### 5.33 Human Resources:

5.33.1 to appoint officers within the approved funded staffing structure in accordance with the Authority's Recruitment Policy.

5.33.2 to appoint officers on a temporary basis to provide cover for absences within approved budgets.

5.33.3 With the exception of:

- granting voluntary redundancy requests,
- releasing preserved pension benefits on ill health grounds, and
- payments to any officer for loss or damage to property arising out of their employment with the Authority to determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, following consultation with the section 73 Officer and Monitoring Officer.

#### *Proper Officer Functions*

5.34 Each Executive Director is appointed the Proper Officer for any function within their remit.

#### *Miscellaneous*

5.35 To implement and ensure compliance with requirements relating to:

- health and safety
- data protection, freedom of information and transparency,
- surveillance activities,
- human rights,
- risk management,
- equality and diversity; and
- safeguarding

#### *Delegations to the Chief Executive*

5.36 The Chief Executive is designated the Head of Paid Service of the Authority and is authorised to exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989. The duties of the Chief Executive are to report to the Authority where necessary, setting out proposals with respect to the co-ordination of the Authority's functions, the number and grades of staff required and the organisation, appointment and proper management of the Authority's officers and approval of the annual governance statement.

5.37 The Chief Executive is authorised to exercise any Authority Function which is not:

- expressly reserved to the Combined County Authority,

- a function of any other officer in their capacity as a statutory officer, always provided that:
  - i) exercising this authority to approve any economic development loan is subject to the conditions set out below and in consultation with the Section 73 Officer, and
  - ii) any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person representing the Business Voice or of non-constituent member of the Combined County Authority is taken in accordance with the Conflicts of Interest Policy.

5.38 The Chief Executive is further authorised to take decisions which would have been taken by a committee and where, for exceptional circumstances, that committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.

5.39 The Chief Executive, in consultation with the Section 73 Officer and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials or services provided that the spend is within the Authority's approved budget. Prior to exercising this delegation, the Chief Executive must consult Lead Members, and following the decision, must publish an Officer Decision Notice.

5.40 In order to exercise 5.39 above, the business case or procurement must be approved by the Authority Board within the Medium Term Financial Plan (MTFP) and, in the case of a tender or quotation, must be approved in accordance with the Authority's Contracts Procedure Rules, i.e.:

- the decision relates to the delivery of the agreed business plan for that business area.
- the decision accords with any officer decision making guidance issued to officers.
- once the decision has been made the officer complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014.
- decisions taken will be reported to the next available authority as part of a delegated authority report.



- 5.41 To commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Authority, save for those earmarked funds and reserves which the Authority specifically reserves the right to itself or another Committee to approve, and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next meeting of the Authority after the commitment is made.
- 5.42 To discharge any function of the Authority which has not been specifically delegated to another officer, committee or reserved to the Authority under this constitution, and to direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- 5.43 Take any action which is required as a matter of urgency in the interests of the Authority, in consultation (where practicable) with the Lead Members.
- 5.44 Take preliminary steps to protect the rights and interests of the Authority, subject to consultation with the Lead Members of the Authority in relation to any Bill or Statutory Instrument or Order in Parliament.
- 5.45 To conduct before either House of Parliament any proceedings (including the retention of parliamentary agents and counsel) connected with the passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.
- 5.46 Nominate, appoint and remove, in consultation with the Lead Members of the Authority representatives on the Group of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consent required within relevant constitutions.
- 5.47 To provide a comprehensive policy advice service to the Authority and in particular to advise on the Authority's plans and strategies, including the sustainable community strategy and the local transport plan.
- 5.48 Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy including approval of the issue of all official Authority publicity and official publications.

- 5.49 The appointment of the Chief Executive will be on a majority agreement of the members appointed by Constituent Council's present and voting.

*Delegations to the Section 73 Officer*

- 5.50 The Section 73 Chief Finance Officer of the Authority may exercise any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Authority's financial affairs.

- 5.51 The Section 73 Chief Finance Officer is authorised to exercise the following Authority functions with the exception of any matter:
- expressly reserved to the Authority,
  - expressly within the terms of reference of a Authority committee or
  - which the Chief Executive has directed the Section 73 Chief Finance Officer to refer to the Authority or any Committee for determination.

to carry out any function in relation to:

- 5.52 The taking of all actions required on borrowing, investment and financing, subject to the submission to the Authority of an annual report of the section 73 Officer on treasury management activities and at six-monthly intervals in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 5.53 To manage all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- 5.54 The preparation of financial and accounting procedures to be followed by officers of the Authority and officers of Constituent Council's working on Authority matters.
- 5.55 To accept grant offers on behalf the Authority, subject to all the terms and conditions set out by the grant awarding body.
- 5.56 The submission of all claims for grant to the UK Government or the European Union.
- 5.57 To make all necessary banking arrangements on behalf of the Authority, to sign all cheques drawn on behalf of the Authority or make arrangements for cheques to be signed by other officers or to arrange for such cheques to bear the signature of the section 73 Officer.

- 5.58 To monitor capital spending and submit a report to the Authority at not less than quarterly intervals. This report will separately identify the capital expenditure relating to schemes promoted by the Authority.
- 5.59 In relation to revenue expenditure under the control of officers, to consider reports of officers on any likely overspending, and to approve transfers between expenditure heads up to a maximum of £100,000, provided that, where it is not possible to finance an overspending by such a transfer, the matter shall be referred as appropriate to the Authority.
- 5.60 The collection of all money due to the Authority, and the writing-off of bad debts.
- 5.61 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 5.62 To administer the scheme of the Chair's and members' allowances.
- To discharge the functions of the Responsible Financial Officer under the Accounts and Audit (England) Regulations 2011, including the requirement under regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and the Authority income and expenditure for that year.
- 5.63 To discharge the functions of the Authority under the Accounts and Audit Regulations 2015 (with the exception of Regulations 4(3), 6(4) and 8(3)).
- 5.64 To sign certificates under the Local Government (Contracts) Act 1997.
- 5.65 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any associated Regulations.
- 5.66 To determine an amount (not exceeding the equivalent of £9,000 or €15,000) being the maximum sum which the Authority will receive in cash without the express written consent of the section 73 Officer.
- 5.67 To exercise the responsibilities assigned to Section 73 Officer in the Financial Regulations and the Contract Procurement Rules.
- 5.68 The appointment of the Section 73 Officer will be on a majority agreement of the members appointed by Constituent Council's present and voting.

### *Delegation to the Monitoring Officer*

5.69 The Monitoring Officer for the Authority may exercise any statutory function of the Monitoring Officer.

5.70 With the exception of any matter:

- expressly reserved to the Authority or
- which the Chief Executive has directed to refer to the Authority or any committee for determination.

The functions of the Monitoring Officer shall be as follows:

5.71 Should at any time it appear to the Monitoring Officer that any proposal, decision or omission by the Chair and/or the Authority has given rise to, or is likely to give rise to, unlawfulness or maladministration, they will prepare a report to the Authority with respect to that proposal, decision or omission.

5.72 In order to contribute to the promotion and maintenance of high standards of conduct, the Authority has delegated to the Monitoring Officer, the following powers to deal with matters of conduct and ethical standards in accordance with the requirements of the Localism Act 2011:

- (i) to act as the Authority's Proper Officer to receive complaints that the Chair/members have failed to comply with the Authority's Code of Conduct for Members;
- (ii) to determine in accordance with the Authority's arrangements for dealing with complaints that the Chair/members have failed to comply with the Authority's Code of Conduct for Members (the Authority's arrangements), including whether to reject, informally resolve or investigate a complaint;
- (iii) to seek informal resolution of complaints that Chair/members have failed to comply with the Authority's Code of Conduct for Members wherever practicable;
- (iv) to arrange for the appointment of an investigating officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
- (v) to issue guidance to be followed by any investigating officer who may be appointed to investigate complaints;
- (vi) to confirm in accordance with the Authority's arrangements, an investigating officer's finding of no failure to comply with the Authority's Code of Conduct for Members;
- (vii) where an investigating officer's report finds that the subject member has failed to comply with the Authority's Code of Conduct for Members, to determine, in accordance with the Authority's arrangements, either to seek a local resolution or to send a matter for local hearing;

- (viii) to maintain a whistleblowing policy in accordance with the terms of this constitution and make the whistleblowing policy available to the Chair, all members and officers.
- 5.73 The appointment of the Monitoring Officer will be on a majority agreement of the members appointed by Constituent Council's present and voting.
- 5.74 The Monitoring Officer shall prepare and maintain a Register of the Chair's and Members' Interests to comply with the requirements of the Localism Act 2011 and the Authority's Code of Conduct for Members and ensure that it is available for inspection and published on the Authority's website as required by the act.
- 5.75 To grant dispensations under section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer:
- (i) considers that without the dispensation, the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (ii) considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (iii) considers that granting the dispensation is in the interests of persons living in the Authority's area; or
  - (iv) considers that it is otherwise appropriate to grant a dispensation.
- 5.76 Provide advice on the scope of powers and Authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to the Chair, all members and officers.
- 5.77 To institute, conduct, prosecute and defend any legal proceedings on behalf of the Chair and/or the Authority as may be necessary to protect and promote the Chair's/Authority's interests in accordance with any general policy laid down by the Authority, subject to consultation with the Chair in any case where the matter is of significance to the Authority's reputation or where the Authority is to appeal to the Court of Appeal or the Supreme Court.
- 5.78 To settle, if appropriate and in the interests of the Authority, any actual or threatened legal proceedings.

- 5.79 To instruct counsel and professional advisers, where appropriate.
- 5.80 To give undertakings on behalf of the Chair and/or the Authority.
- 5.81 To supervise the preparation and sealing or signature of legal documents.
- 5.82 To authorise other officers to seal documents in accordance the constitution, or to sign documents which are not required to be under seal.
- 5.83 To complete all property transactions and contractual arrangements where terms have been agreed by the Authority or a committee or by chief officers acting under the scheme of delegation.
- 5.84 To deal with and determine exemptions under Section 36 of the Freedom of Information Act 2000.
- 5.85 To accept on behalf of the Chair and/or the Authority the service of notices, orders and legal procedures.
- 5.86 Under section 223 of the Local Government Act 1972, to authorise officers who are not admitted solicitors to appear in Magistrates' Court on behalf of the Authority.
- 5.87 Under the provisions of the Local Government and Housing Act 1989, the Authority shall appoint a Monitoring Officer. The appointment of the Monitoring Officer will be on a majority agreement of the members appointed by Constituent Council's present and voting.

## Part 4: Procedure Rules

### Membership of the Authority

- 5.3 The Authority comprises the members as provided by the Orders.
- 5.4 Each member will act in the best interests of the Authority, having considered all relevant matters and available information prior to making a decision on any matter. They will make decisions that are based in the best interests of the whole of the Authority.
- 5.5 A member (or substitute member appointed under Standing Order 12) of the Authority shall cease to be such a member immediately upon them ceasing to be a member of the appointing constituent or non-constituent Council. The constituent or non-constituent Council will appoint a replacement member as soon as practicable. Replacements shall only be appointed from a pool list held by the Monitoring Officer.
- 5.6 A constituent or non-constituent Council may at any time of its choosing terminate the appointment of a member or substitute member and appoint another as a member or substitute member. Notice of such termination and/or appointment must be given in writing by the relevant constituent or non-constituent Council by written notice served on the Proper Officer and the new appointment shall take effect, and the previous appointment terminate, at the end of one week from the date on which the notice is given, or such longer period not exceeding one month as is specified in the notice.
- 5.7 The Authority may co-opt additional non-voting representatives to attend its meetings as it considers necessary.
- 5.8 A member may resign from the Authority by written notice served on the Proper Officer of the constituent or non-constituent Authority that appointed them, and the resignation takes effect on receipt of the notice by the constituent or non-constituent Authority that appointed them. The constituent or non-constituent Authority must serve written notice of the resignation on the Authority as soon as reasonably possible.
- 5.9 No remuneration is payable by the Authority to its members other than as specified in the Authority's scheme of allowances.

## Suspending and Amending Standing Orders

- 5.10 The Authority may by resolution suspend Standing Order 16 (Order of Business) for the duration of a meeting.

### Annual Meeting

- 5.0 The Authority will normally hold an annual meeting every year, between 1 March and 30 June. It shall be held at a time fixed by the Authority
- 5.2 The Authority may by resolution suspend Standing Order 16 (Order of Business) for the duration of a meeting.

The annual meeting will:

- i. name the Chair, and one Vice-Chair to be appointed by the Authority (Bi-annual);
  - ii. agree the annual budget of the Authority, as approved by Lead Members of the Authority (Standing Order 18.1);
  - iii. appoint such committees, their membership and Chair/Vice-Chair as the Authority considers appropriate;
  - iv. appoint members to outside bodies as required;
  - v. appoint members to the Advisory Groups
  - vi. agree the dates and times for the ordinary meetings of the Authority for the forthcoming year; and
  - vii. consider any other business set out in the notice convening the meeting.
- 5.3 If there is a vacancy in the office of Chair or Vice-Chair of the Authority, an appointment will be made at the next ordinary meeting of the Authority, or if the next ordinary meeting of the Authority is to be held within 14 days of the vacancy arising, at the meeting following that meeting (if required).

### Ordinary Meetings

The Authority may decide to hold any number of ordinary meetings in a municipal year, in addition to its annual meeting. Each ordinary meeting shall be held at such date and time as the Authority decides.

- 6.1. At an ordinary meeting, the Authority will:
- a. approve the minutes of the last meeting;
  - b. receive any declarations of interest from members;



- c. consider minutes/reports from any committee or sub-committee of the Authority;
- d. consider motions submitted in the name of a member of the Authority; and
- e. consider any other business specified in the notice convening the meeting.

### Extraordinary Meetings

- 7.1. An extraordinary meeting of the Authority may be called in the following circumstances:
  - a. by resolution of the Authority; or
  - b. by both lead members of the constituent Councils; or
  - c. by the Chair of the Authority at any time; or
  - d. by the Chief Executive, Monitoring Officer or Chief Finance Officer at any time; or
  - e. where at least four members from the constituent councils have signed a requisition which has been presented to the Chair of the Authority (the meeting is called if, after seven days following the receipt of such a requisition, the Chair of the Authority has refused to call a meeting).
- 7.2. Any requisition under Standing Order 7.1(iv) above will be addressed to the Chair of the Authority by being left for the Chair at the offices of the Authority. The requisition will indicate the business to be transacted at the meeting.
- 7.3. The date, time and location of any extraordinary meeting will be fixed by the Chief Executive, in consultation with the Chair.

### Place of Meetings

- 8.1. The Authority shall hold its meetings at any place within the area of the Authority, as determined by the Chief Executive.

### Notice of Meetings and the Notice to Attend

- 9.1. At least five clear working days before a meeting of the Authority, the Chief Executive will issue a notice to attend the meeting, which sets out the business to be carried out at the meeting together with the date and time, which shall be sent to every member.
- 9.2. The Chair shall have agreed the business to be considered at any ordinary meeting of the Authority in consultation with the Chief Executive.

- 9.3. The notice of meetings will be carried out in accordance with the Access to Information Procedure Rules.

### Public Access to Agenda and Reports

- 10.1. Subject to Standing Order 10.3, at least five clear working days before a meeting of the Authority, the Chief Executive will make available for inspection by the public at the offices of the Authority a copy of the agenda and (subject to Standing Order 10.4) reports for the meeting.
- 10.2. Where an additional item is added to an agenda, copies of which are open to inspection by the public, copies of the item (or of the revised agenda) and copies of any report for the meeting relating to the item (subject to Standing Order 10.4), shall be open to inspection from the time the item is added to the agenda.
- 10.3. Nothing in Standing Order 10.1 or Standing Order 10.2 requires copies of any agenda, item or report to be open to inspection by the public until copies are available to members.
- 10.4. Where a report or any part of a report is not open to public inspection, the Chief Executive will mark the report (or the part) 'Not for publication' and state on the description of the exempt information by virtue of which the Authority is likely to exclude the public.
- 10.5. All information shall be dealt with by the Authority in accordance with the Access to Information Procedure Rules.

### Public Access to Meetings

- 11.1. Every meeting of the Authority shall be open to the public except to the extent that the public are excluded (during the whole or part of the proceedings) to prevent the likely disclosure of confidential information, or, by resolution, to prevent the likely disclosure of exempt information.
- 11.2. A motion to exclude the public may be moved without notice at any meeting in relation to an item of business whenever it is likely that if members of the public were present for that item there would be disclosure of exempt information.

### Substitute Members

- 12.1. Each member of a constituent Council will appoint one further elected member to act as a substitute member who may attend for the ordinary member of the constituent Council when that ordinary member is unable to attend or act.

- 12.2. Each non-constituent Council will appoint one further elected member who may attend for an ordinary member of that non-constituent Council when the ordinary member is unable to attend or act.
- 12.3. Substitute members may attend meetings in the capacity only:
- a. to take the place of the ordinary member for whom they are the substitute, where the ordinary member will be absent for the whole of the meeting;
  - b. after they, or the ordinary member they are substituting for, has provided the Monitoring Officer with notice of the substitution before the commencement of the meeting in question and the substitute member shall only be permitted from the pool list held by the Monitoring Officer;
  - c. where an adjourned meeting is reconvened, and it is essential for that substitute member to continue to attend for a specific item to comply with the spirit of natural justice.
- 12.4. Substitute members will have all the powers and duties of an ordinary member of the Authority for the duration of the meeting at which they act as substitute to the member but will not be able to exercise any special powers or duties exercisable by the person for whom they are the substitute.

### Chair and Vice-Chair

- 13.1. A person ceases to be Chair if they cease to be an elected member of the Constituent Council. If the office of Chair becomes vacant, the constituent Council shall put forward a replacement member.
- 13.2. A person ceases to be Chair where a motion of no confidence in the Chair is moved and seconded and agreed by four or more constituent members.
- 13.3. Where a person ceases to be Vice-Chair of the Authority, the Board will appoint a new Vice-Chair to fill the vacancy.
- 13.4. At each meeting of the Authority, the Chair shall preside. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, the members present shall choose by a vote another member to preside.

### Quorum

- 14.1. No business shall be transacted at a meeting of the Authority unless the Chair or Vice-Chair and a minimum of at least four members of the constituent Councils are present.

- 14.2. If during any meeting of the Authority, the person presiding over the meeting declares that there is no quorum of members present, the meeting will be adjourned for 15 minutes. If after 15 minutes, there is still no quorum present, the meeting shall be adjourned and referred to the next ordinary meeting unless arrangements are made for an extraordinary meeting or dealt with as a matter of urgent business.
- 14.3. For the purposes of this Standing Order, a meeting will not be deemed inquorate where the number of members present falls below that specified in Standing Order 14.1 for the sole reason of a member being unable to participate on an individual item and therefore temporarily absent due to a conflict of interest.

### Items of Business

- 15.1. No item of business may be considered at any meeting except:
- a. the business set out in the notice;
  - b. business required by law to be transacted at the annual meeting; or
  - c. business brought before the meeting as a matter of urgency in accordance with Standing Order 15.2.
- 15.2. No item of business may be considered at any meeting except:
- a. a copy of the agenda including the item (or a copy of the item) has been open to public inspection for at least five clear days before the meeting; or
  - b. by reason of special circumstances, which shall be specified in the minutes and the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

### Order of Business

- 16.1. All other items of business will be dealt with in the order specified in the notice of the meeting, except that such order may be varied at the discretion of the Chair.

### Rules of Debate

#### *Speeches*

- 17.1. The Chair will introduce each item to be considered at the meeting in order they appear on the agenda or such order as it considers best for the effective conduct of the meeting. The Chair may invite an officer, representative(s) of an Advisory Group(s) and/or Team Devon or another member to present the item. Each person shall then be given an opportunity to speak on the item and the report. The Chair will determine the order in which persons may address the meeting.

- 17.2. Unless the Chair decides otherwise, each member shall speak only once on each item, other than to seek a point of order, a point of personal explanation or where a right of reply is reserved to the member.
- 17.3. When speaking, a member shall address the Chair. While a member is speaking, the other members shall not speak, unless indicating that they wish to raise a point of order or a point of personal explanation. A member wishing to raise a point of order or personal explanation shall wait to be invited to do so by the Chair, before speaking.
- 17.4. Whenever during a debate, the Chair raises or issues a clear instruction of the intention, all other members shall be silent.
- 17.5. Any member while exercising the right to speak on the item may:
  - a. move a motion; or
  - b. move an amendment to a motion; or
  - c. move that an item be withdrawn.
- 17.6. Any member who has already spoken on any motion shall not speak on that same motion again while it is the subject of debate, except:
  - a. to speak once on an amendment moved by another member;
  - b. if the motion has been amended since they last spoke, to move a further amendment;
  - c. if their first speech was on an amendment moved by another member (whether or not the amendment was carried) but they then wish to speak on the main issue;
  - d. in exercise of a right of reply;
  - e. on a point of order or by way of personal explanation;
  - f. where the Chair is of the opinion that it would be prudent to provide an opportunity for clarification to be given or to allow the debate to proceed to an effective conclusion.
- 17.7. Subject to the outcome of any such motion, once each member who wishes to speak has done so, the Chair shall move the item, which shall be decided in accordance with Standing Order 18.

- 17.8. When a motion is under debate, no other motion shall be moved except the following procedural motions:
- a. to amend the motion;
  - b. to withdraw the motion;
  - c. a closure motion;
  - d. a motion under Standing Order 23 (prevention of disorderly conduct);
  - e. a motion to exclude the public and press;
  - f. to not hear further from a named member or to exclude them from the meeting (see Standing Order 23).

### Motions Raised in Debate

- 17.9. A motion shall not be discussed unless it has been moved and seconded.
- 17.10. When seconding a motion, a member may reserve their speech until a later period of the debate by declaring their intention to do so.
- 17.11. The following motions may be moved at any meeting at which they would be in order:
- a. to elect a person to preside, in the absence of the Chair and Vice-Chair, for the duration of the meeting;
  - b. relating to the accuracy of the minutes;
  - c. to change the order of business;
  - d. to refer a matter to an appropriate body or individual;
  - e. to establish a committee or appoint a member arising from an item on the agenda for the meeting;
  - f. to receive reports or adopt recommendations of a committee or an officer and any relevant resolutions;
  - g. closure motions (see Standing Order 17.15);
  - h. the suspension of Standing Orders in accordance with the constitution;
  - i. to exclude the public and press from a meeting where there is likely to be disclosure of exempt or confidential information;
  - j. to give the consent of the Authority where it is required by the constitution;
  - k. to prevent disorderly conduct.

17.12. When any motion, notice of which has not been given in writing, has been moved and seconded, the Chair may require that it shall be put into writing and handed to them before it is further discussed.

17.13. With the consent of the meeting, signified without discussion, a member may:

- a. alter a motion of which they have given notice; or
- b. with the consent of the seconder, alter a motion which has been moved and seconded.

17.14. With the consent of the seconder and of the meeting, signified without discussion, the mover of a motion may withdraw it. No member shall speak on a motion that is withdrawn.

### Closure Motions

17.15. At the conclusion of a speech by a member on a motion before the meeting, any other member may move, without comment, a motion:

- a. that the meeting proceeds to the next business; or
- b. that the matter be put to the vote; or
- c. that the meeting is adjourned.

17.16. If the closure motion is seconded, then the person presiding shall proceed as follows:

- a. on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise their right of reply under Standing Order 17.18, before the original motion is put to the vote;
- b. on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion their right of reply on that Authority.

17.17. If the meeting is not reconvened, the original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements have been made for an extraordinary meeting to consider that business or the business is dealt with as a matter of urgency.

17.18. Closure motions not seconded shall lapse.

17.19. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, they may move from the Chair, that the matter be put to the vote.

### Right of Reply

17.20. The mover of any motion has a right of reply, immediately before the motion is put to the vote. The mover shall speak for no more than five minutes.

17.21. If an amendment is moved and seconded, the mover of the original motion shall, have a right of reply at the close of the debate on the amendment, of not more than five minutes, but they shall not otherwise speak on the amendment.

17.22. The mover of an amendment shall have no right of reply to the debate on their amendment.

17.23. For the purposes of this paragraph, a person who moves an amendment is not moving a motion.

### Amendments to Motions

17.24. An amendment shall be relevant to the motion and shall either be:

- a. to refer the matter to the appropriate body or individual for consideration or reconsideration; or
- b. to leave out words; or
- c. to insert or add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

17.25. An amendment shall not be discussed unless it has been moved and seconded.

17.26. When seconding an amendment, a member may reserve their speech until a later period of the debate by declaring their intention to do so.

17.27. No amendment shall be moved to an amendment.

17.28. When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to them before it is further discussed.

17.29. When any amendment has been moved and seconded, the person presiding may call a 5 minute adjournment for members to consider the amendment before it is further discussed.



- 17.30. With the consent of the seconder and of the meeting, signified without discussion, the mover of an amendment may amend it or withdraw it. No member shall speak on an amendment that has been withdrawn.
- 17.31. Under normal circumstances, only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this course would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.
- 17.32. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

### Previous Decisions and Motions

- 17.33. At a meeting of the Authority, no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months, or which has the same effect as one which has been rejected within that period unless:
- a. it is a recommendation of a committee; or
  - b. notice of such motion has been given by four members of the Authority under Standing Order 17.33.

### Motions Submitted in the Name of a Member

- 17.34. With the exception of Standing Order 17.34, any member appointed by a constituent or non-constituent Council may give notice of not more than one motion for consideration at any ordinary meeting of the Authority. Such a motion may be considered at the request of that member without prior reference to a committee. Where a motion raised by a member under this Standing Order was deferred from a previous meeting, that member may still submit a further motion under Standing Order 17.33.
- 17.35. The Chair of the Authority may give notice of more than one motion for consideration at any ordinary meeting of the Authority.

- 17.36. Unless the person presiding at any meeting of the Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Authority shall:
- a. be given in writing and signed by the member (or members) who proposes to move the motion; and
  - b. state the date of the Authority meeting at which it is proposed to be moved; and
  - c. be delivered to the Monitoring Officer not later than 12.00pm on the eighth working day before the day of the Authority meeting but not including the day of the meeting itself.
- 17.37. Motions will be listed on the agenda in the order of which notice is received by the Monitoring Officer, unless the member giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- 17.38. The Monitoring Officer shall only accept a notice of motion which relates to those matters for which the Authority has powers, duties and responsibility, or which affect the area of the Authority, or part of it, or its citizens, or a number of them, and shall keep a record of the date and time at which every motion is delivered to them. That record shall be open to inspection by the public for a period of 12 months from date of delivery.
- 17.39. A motion shall only be moved at the relevant meeting by the person who has submitted it, or by another member nominated by them where notice of this has been given to the Monitoring Officer prior to the commencement of the meeting.
- 17.40. Unless a member requests otherwise under Standing Order 17.36, a motion, notice of which has been received, shall stand referred to the appropriate committee to which the subject matter of the motion relates.
- 17.41. Where a member has given notice of their intention to move a motion under this Standing Order, which relates to any matter which has already been determined by a committee or an officer acting under delegated powers, such a motion shall not seek to amend the decision.
- 17.42. At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than five minutes. If an amendment to the motion is moved and seconded, the mover of the original

motion shall have a right of reply on the amendment of not more than five minutes but shall not otherwise speak on the amendment.

17.43. Where notice of a motion has been given and has been included on the agenda for a meeting of the Authority, but the motion has not been moved and seconded (for whatever reason), nor deemed to have been referred to a committee, that motion shall lapse.

17.44. Where a meeting of the Authority is cancelled, postponed or adjourned to a later date, any unconsidered motions will be considered at the next ordinary meeting of the Authority or at a later meeting selected by the member proposing the motion.

## Voting

18.1. Voting shall be in accordance with the table set out titled, Combined County Authority Functions Order, conferred by the 2024 Order at pages 27-76.

18.1.1. Decisions on reserved matters will be for Constituent members only and will require a simple majority of Constituent Council members to vote in favour. Matters reserved for the Constituent Councils would include:

- Membership and governance (including voting rights) of the Authority
- The election of the Chair and Vice Chair of the Authority (which shall rotate bi-annually within the Constituent Councils);
- Agreement of the annual budget of the Authority;
- Policy Framework;
- Associated scrutiny, audit and governance arrangements, including membership;
- Major investment decisions; and
- All Transport Functions

18.1.2. Of those matters reserved for the Constituent Councils, the following will require both Lead Members to vote in favour:

- Approval of the Authority's budget, including significant financial decisions.
- Approval of and significant amends to the Constitution
- Appointment of the Chief Executive, the Monitoring Officer and Section 73 (Chief Finance Officer);
- Approval of the policy framework, which will include:
  - Corporate Strategy;
  - Economic Growth Strategy;

- Skills and Employment Strategy;
- Local Transport Plan, Bus Service Improvement Plan (BSIP) and the Local Cycling and Walking Infrastructure Plans (LCWIP);

18.1.3. The following decisions would require the consent of the Lead Member of the relevant Constituent Council, or substitute members acting in their place, in whose area the decision will apply:

- Compulsory purchase of land or buildings by the Authority;
- The exercise of Homes England compulsory purchase power will also require the consent of the relevant Planning Authority;
- Any decision by the Authority that could lead to a financial liability falling directly upon that Constituent Council; and
- Such other matters as may be contained within the Authority's Constitution.

18.2. Where consensus is required and not achieved, this shall result in no decision.

18.3. Each member is to have one vote, and no member (including the Chair) is to have a casting vote.

18.4. On the request of any member, supported by an appointed member of the other Constituent Council before a vote is taken, the voting on any question shall be recorded so as to show whether each member present gave their vote for or against that question or did not vote.

18.5. A member may demand that their vote is recorded in the minutes of the relevant meeting.

18.6. The proceedings of the Authority are not invalidated by any vacancy among its members or any defect in the appointment or qualifications of any member.

18.7. Members appointed by non-constituent authorities may only vote on the following matters which affect the non-constituent Authority areas:

- a. the grant of further powers from Government and/or local public bodies;
- b. land and/or spatial activity undertaken by the Authority within the area of a non-constituent Council;
- c. public service reform;
- d. all Authority matters concerned with education, employment and skills, enterprise and business support, business regulation, innovation, transport,

environmental sustainability, housing, economic intelligence, digital connectivity and regeneration;

## Points of Order

- 19.1. A member may ask to speak on a point of order or in personal explanation. The member must be allowed to put the point of order or personal explanation on invitation from the Chair and without interruption.
- 19.2. A point of order shall only relate to an alleged breach of a specified statutory provision, a specified Standing Order or procedural rule, and the way in which the member raising it considers that it has been broken. A
- 19.3. personal explanation shall be confined to some material part of a former speech by the member during the meeting which may appear to have been misunderstood or taken out of context.
- 19.4. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and not challenged at the meeting.
- 19.5. The ruling of the Chair on the interpretation of the Constitution, the standing orders and the conduct of proceedings at the meeting of the Authority shall be final and not challenged at the meeting.

## Record of Attendance

- 20.1. All members will ensure that their names are recorded as being present during the whole or part of all meetings.

## Attendance by Committee or Sub-Committee Chairs

- 21.1. The Chair of any of the Authority's committees or sub-committees may be invited to attend and speak at any meeting of the Authority to:
  - a. present any reports or recommendations of that committee or sub-committee; or
  - b. answer questions about any matter set out in the minutes of that committee or subcommittee; or
  - c. contribute to discussion about any matter which is relevant to the functions discharged by the committee or sub-committee of which they are Chair.

## Reporting Proceedings

- 22.1. Without prejudice to the Chair's powers in Standing Order 23, and subject to Standing Order 23.2 and 23.3, any meeting of the Authority is open to the public

and any person attending may report on the meeting and publish or disseminate the recording at the time of the meeting or after the meeting.

- 22.2. The Chair may decide not to permit oral reporting/commentary of the meeting as it takes place, if the person reporting or providing the commentary is present at the meeting and such reporting/commentary is judged by the Chair to be disruptive to the meeting itself.
- 22.3. Where the public are excluded from a meeting to prevent the likely disclosure of confidential or exempt information, the Chair may also prevent any person from reporting on that meeting using methods:
  - a. which can be used without that person's presence, and
  - b. which enable persons not at the meeting to see or hear the proceedings at the meeting as it takes place or later.
- 22.4. Reporting in this context of this Standing Order means:
  - a. filming, photographing and making an audio recording of proceedings;
  - b. using any other means for enabling people not present to see or hear proceedings at a meeting as it takes place or later; or
  - c. reporting or providing commentary on proceedings at a meeting, orally or in writing so that the report or commentary is available as the meeting takes place or later to persons not present.

## General Disturbance

- 23.1. If a general disturbance makes orderly business impossible, the Chair may:
  - a. adjourn the meeting for as long as necessary; or
  - b. call for any part of the meeting room open to the public, to be cleared.
- 23.2. If a member of the public interrupt's proceedings, the Chair shall warn the person concerned. If they continue to disrupt the proceedings, the Chair may order the person to be removed from the meeting.
- 23.3. If the Chair considers at any meeting that a member or observer is behaving improperly or offensively, or is deliberately obstructing business, the Chair may move that the member should not be heard further. If seconded, the motion will be voted on without discussion. If the member or observer continues to behave in the same way, the Chair may:
  - a. adjourn the meeting for a specified period; or
  - b. move that the member or observer leaves the meeting (such a motion will be voted on without seconding or discussion).

## Minutes

- 24.1. A permanent record of the minutes of each meeting shall be retained by the Authority.
- 24.2. The minutes of a meeting must be signed at the next meeting of the Authority by the person presiding at that meeting. No discussion shall take place upon the minutes except about their accuracy.
- 24.3. Any minute purporting to be signed in accordance with Standing Order 24.2 is to be received in evidence without any proof.
- 24.4. Until the contrary is proved a meeting of the Authority, committee or subcommittee, a minute of whose proceedings has been signed in accordance with Standing Order 24.2 is deemed to have been duly convened and held and all members present at the meeting are deemed to have been duly qualified.

## Member Conduct

- 25.1. Any minute purporting to be signed in accordance with Standing Order 24.2 is to be received in evidence without any proof.
- 25.2. Members shall comply with the Members' Code of Conduct, including those relating to registering and disclosing of disclosable pecuniary and other interests.

## Compliance with the Constitution

- 26.1. All meetings of the Authority will be conducted in accordance with the relevant Standing Orders set out in the constitution when considering any matter.
- 26.2. All Members of the Authority will observe the policies set out in the constitution.

## Review and Revision of the Constitution

- 27.1. The Monitoring Officer will monitor and review the operation of the constitution on a yearly basis, or sooner where required, and shall make recommendations for amendments as appropriate, to ensure that the aims and principles of the constitution are given full effect.

- 27.2. The Monitoring Officer may carry out any legal, technical/non-material amendments to the constitution.

## Publication of the Constitution

- 28.1 The Monitoring Officer will arrange for electronic copies of the constitution to be made available to all members and for public inspection. An electronic copy of the constitution will also be made available on the Authority's website.

## Observers

- 29.1. The Authority may invite observers, which are not constituent authorities or non-constituent authorities to become Observers of the Authority providing that they comply with Standing Order 29.5 below.
- 29.2. Observer status confers no legal status and is an arrangement between the Authority and the observer with the aim of promoting a shared strategic approach to joint working in the development of significant policy issues.
- 29.3. Any observer may be represented at meetings of the Authority by a named representative or a named substitute. Written notice of the names of the observer's representative or substitute must be provided to the Clerk by the observer prior to attendance at any meeting of the Authority. Such representative or substitute may participate in the debate on any agenda items and must comply with the terms of the constitution as they relate to debate but will not have entitlement to vote on any issue or agenda item.
- 29.4. The Chair of any meeting of the Authority may require the observer's named representative or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.
- 29.5. Where the Authority invites any observer in addition to the current observers to become an observer, then the Authority's Monitoring Officer will prepare a memorandum of understanding in such form as the Monitoring Officer deems appropriate. Observer status will take effect on the date that the memorandum of understanding, which has been signed by the observer is received by the Authority.
- 29.6. The provisions in relation to the participation in the debate on agenda items relate to meetings of the Authority only and not to any of its committees or sub-committees.



29.7. In respects of Part 2 matters observers, the press and public will be excluded in accordance with Section 12 A Local Government Act 1972.

## Budget and Policy Rules

30.1. In respects of Part 2 matters observers, the press and public will be excluded in accordance with Section 12 A Local Government Act 1972.

30.2. These rules reflect specific statutory requirements relating to the approval of budgets and policies by the DTCCA.

30.3. Decision-makers should consider whether any consultation is required in respect of their proposals, in addition to the statutory requirements specified in these rules.

30.4. Decision-makers should also engage with a Combined County Authority Overview and Scrutiny Committee (and any other committee of the Authority) as appropriate in the development and scrutiny of proposals.

30.5. When approving budgets or policies, decision-makers must comply with the provisions relating to Key Decisions in the Access to Information Rules in Part 4 of the Constitution.

## Key Decisions

31.1. A key decision means a decision of the Chair, Authority or officer which is likely:

- to result in the Authority incurring expenditure, making savings or generating income amounting to £1m or more; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Authority.

31.2. Forward Plan

- The Authority will produce a register of forthcoming key decisions ('the forward plan') in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## Functions

31.3. The Authority will approve any policy in relation to Functions.

## Local Transport Plan

32.1. Preparing and reviewing a Local Transport Plan under section 108 of the Transport Act 2000 is a General Function.

- 32.2. In preparing and keeping the Local Transport Plan under review, the Authority must consult:
- a. each local traffic authority for the Authority's Area,
  - b. the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
  - c. each county council and district council in the area of the Authority
- 32.3. In preparing and keeping the Local Transport Plan under review, the Authority must also consult such of the following as the Authority considers appropriate:
- a. operators of any network or station, or of any railway's services in the Authority's Area, operators or providers of other transport services in the Authority's Area, or representative organisations,
  - b. organisations appearing to the Combined County Authority to represent the interests of users of transport services and facilities in the Authority's Area, and
  - c. other persons whom they consider appropriate.
- 32.4. In the transition period the Local Transport Plan must be approved by the Authority by a budget setting vote. After the end of the transition period, by a simple majority vote.
- 32.5. Combined County Authority must have regard to any relevant statutory guidance when discharging this function.
- 32.6. As soon as practicable when a new Local Transport Plan has been prepared or altered, the Authority must:
- a. publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
  - b. cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
  - c. supply a copy to any person on request.

## Authority Procedures

### *Inspection of Land, Premises etc*

- 33.1. The Chair or a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter

### *Canvassing of Members*

- 33.2. Canvassing of Members directly or indirectly for any appointment under the control of the Authority shall disqualify the candidate concerned for the appointment.
- 33.3. A Member shall not solicit for any person any appointment under the control of the Authority but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission with an application for employment.

*Relatives of the Chair, Members, or Officers*

- 33.4. A candidate for any appointment who knows that he/she is related to the Chair, any Member, or Officer of the Authority shall when making application, disclose that relationship to the Officer to whom the application for appointment is required to be submitted. A candidate who fails to disclose such relationship will be disqualified from the appointment and if appointed, shall be liable to dismissal without notice. Every Member, Officer or the Chair shall disclose to the Officer concerned any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for appointment. The Officer concerned shall report to the Authority any such disclosures made to him/her.

*Inspection of Minutes and Documents*

- 33.5. Without prejudice to any rights which arise as an elector or member of the public, the Chair or Member may, for the purpose of his/her duty as the Chair or Member, but not otherwise, on application to the Monitoring Officer, inspect the minutes of the Authority and any document which has been considered by the Authority and shall on request be supplied for the like purposes with a copy of such a document, provided that the Chair or Member shall not knowingly call for a copy of any document relating to a matter in which he/she has a Personal Interest as defined in the Authority's Code of Conduct for the Chair and Members, and that this shall not preclude the Monitoring Officer from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

*Variation and Revocation of Standing Orders*

- 33.6. Any addition, variation or revocation to these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next meeting of the Authority. Provided that this Standing Order shall not apply to any review of Standing Orders at the annual meeting of the Authority.

### *Suspension of Standing Orders*

33.7. Any Standing Order may be suspended at a meeting of the Authority where such suspension is moved as regards any business at the meeting and approved by the Chair and a majority of the Members at the meeting.

### *Committees, Sub-Committees and Working Groups of the Authority*

33.8. The Chair and the Authority shall, at its Annual Meeting, appoint the Chairs of, and approve terms of reference for, such Committees, Sub-Committees and Working Groups as are deemed necessary to conduct the business of the Authority in the forthcoming year.

33.9. Where a new Committee, Sub-Committee or Working Group is established during the year, or a casual vacancy occurs in the position of Chair of a Committee, Sub-Committee or Working Group, the meeting of the Authority that establishes the new Committee, Sub-Committee or Working Group, or the meeting of the Authority following the vacancy occurring (as the case may be), shall appoint the Chair of the Committee, Sub-Committee or Working Group.

33.10. The Chair and Vice-Chair of every Committee, Sub-Committee or working group shall be authorised to carry out any necessary duties (including attendance at meetings with Officers) which are related to the discharge of powers or duties of such Committee, Sub-Committee or Working Group.

33.11. Standing Orders shall, with any necessary modifications, apply to meetings of Committees, Sub-Committees or Working Groups.

33.12. Subject to any statutory provision or to any resolution (including any such resolution as requires a decision of one Committee, Sub-Committee or Working Group to be considered or approved by another committee) and to the provisions of this Standing Order, powers and duties allocated to any committee shall be delegated to and exercisable on behalf of the Authority by that committee.

33.13. Every delegation to a Committee, Sub-Committee or Working Group of any power or duty shall be subject to any general or special instructions given by the Authority to the Committee, Sub-Committee or Working Group as to how the power or duty shall be exercised or discharged.

33.14. The powers and duties allocated to a Committee, Sub-Committee or Working Group, in so far as they are not delegated powers and duties of that committee, shall be exercised by the committee subject to confirmation of their decisions by the Chair and/or the Authority.

- 33.15. Any decision of a committee with regard to a power or duty which is not delegated to that committee shall be taken as recommendation to the Chair and/or to the Authority and shall be submitted to the Authority for its consideration and decision.
- 33.16. The minutes of a meeting of a Sub-Committee shall be submitted to the next convenient meeting of the Committee by which it was appointed and no act of a Sub Committee shall have effect until approved by that Committee.
- 33.17. Any Member of a Committee, Sub-Committee or Working Group may appoint any other Member to attend and act on their behalf at a meeting which they are unable to attend and shall have notified the Monitoring Officer accordingly before the relevant meeting.

#### *Common Seal*

- 33.18. The Common Seal of the Authority shall be kept in the custody of the Monitoring Officer (or such other person nominated) and the affixing of the Common Seal shall be attested by the Monitoring Officer or a person nominated by him/her.
- 33.19. A decision of the Authority shall be sufficient Authority for the sealing of any document necessary to give effect to the decision.
- 33.20. A record of every sealing of a document of which the Common Seal shall have been affixed shall be made and shall be signed by the person who has attested the Common Seal.
- 33.21. Common Seal of the Authority shall be affixed to those documents which in the opinion of the Monitoring Officer require to be sealed.

#### *Signing of Agreements and Contracts etc*

- 33.22. The Monitoring Officer is the agent of the Authority to sign all formal written agreements and contracts entered into by the Chair and/or the Authority or by a Committee which has the power to act on behalf of the Chair or the Authority.

#### *Adoption of Financial Regulations*

- 33.23. The Authority shall adopt Financial Regulations which shall be observed by the Chair, all committees, Members and Officers.

### *Interpretation*

- 33.24. The decision of the Chair of the meeting on the question of the construction of the Standing Orders and on any question of order not provided for by the Standing Orders shall be final.
- 33.25. The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Standing Orders.
- 33.26. In these Standing Orders where the context so requires, reference to the Authority shall mean the Chair and/or the Authority acting through its committees or other committees exercising delegated powers.

### *Standing Orders to be Given to the Chair and Members*

- 33.27. A copy of the Authority's Standing Orders and Financial Regulations shall be given by the Monitoring Officer to the Chair and every Member upon on his/her first being appointed to the Authority.

### **Access to Information Procedure Rules**

- 34.1. These rules are a summary of rights to attend meetings of the Authority its Committees and Sub-Committees, and of access to documents held by the Authority and the elected Chair for the Devon and Torbay. The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's and the Chair's possession, conferred by the Local Government Act 1972 and by some other legislation.

### *Access to Meetings*

- 34.2. A meeting of the Authority (including meetings of its committees and subcommittees) is open to the public, except as stated in Rules 2 and 3 below.
- 34.3. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a government department, and information the disclosure of which is prohibited by statute or by Court order.
- 34.4. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, and of the Authority itself, action likely to lead to criminal proceedings,

matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

- 34.5. Attendance does not provide an automatic or guaranteed right to speak at meetings.
- 34.6. Public meetings may be filmed or recorded in accordance with statutory provisions.
- 34.7. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be made available for inspection at the offices of the Authority, between the hours of 10.00 am and 4.00 pm on working days. The agendas and reports will also be published on the Authority's website.
- 34.8. A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.
- 34.9. The Authority will supply paper copies of the following to any person, other than at a meeting under 7 above, on payment of a charge for postage and other costs as determined appropriate:
  - a. any agenda and reports which are open to public inspection;
  - b. any further statements or particulars necessary to indicate the nature of the items in the agenda;
  - c. if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

#### *Inspection of Minutes*

- 34.10. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection under the Rules above, will be available for public inspection at the offices of the Authority at Devon County Council, County Hall, Topsham Road, Exeter, EX2 4QD between the hours of 10.00 am and 4.00 pm on working days.

34.11. The minutes will also be published on the Authority's website. This right of inspection exists for six years from the date of the meeting concerned.

#### *Inspection of Background Papers*

34.12. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.

34.13. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request. Where reasonably practicable, a link to the background papers will be published on the Authority's website.

#### *Additional Access for Members of the Authority*

34.14. Any document in the possession or under the control of the Chair or the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member (subject to Rule 11 above) and must be available for inspection for at least five clear days before the meeting except:

- a. where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- b. where an item is added to the agenda at shorter notice, a document that would be required to be available in relation to that item, must be available for inspection when the item is added to the agenda

34.15. Where a document discloses certain specified categories of exempt information it need not be open to inspection by the Chair or a Member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

34.16. Where it appears to the proper officer that compliance with paragraph (34.14) or (34.15) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.



*Additional rights of access to documents for members of Overview and Scrutiny Committees*

- 34.17. Where it appears to the proper officer that compliance with paragraph (34.14) or (34.15) in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.
- 34.18. Subject to paragraph (34.4) a member of an Overview and Scrutiny Committee of the Authority is entitled to a copy of any document which:
- a. is in the possession or under the control of the Chair or the Authority and
  - b. contains material relating to:
    - (i) any business that has been transacted at a meeting of a decision-making body of the Authority;
    - (ii) any decision that has been made by the Chair under the Authority granted to him by statute, regulation, order, directive or the Authority;
    - (iii) any decision that has been made by an officer of the Authority for which he is responsible to the Chair or the Authority.
- 34.19. Subject to paragraph (34.4), where a member of an Overview and Scrutiny Committee requests a document which falls within paragraph (34.17), the Chair and/or the Authority must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request is received.
- 34.20. No member of an Overview and Scrutiny Committee is entitled to a copy of any document or part of a document that contains exempt or confidential information unless the Monitoring Officer considers it is relevant to an action or decision that that member is reviewing or scrutinising or any review contained in any programme of work of a scrutiny committee or sub-committee which he is a member of; or which contains advice provided by a political adviser or assistant.
- 34.21. Where the Chair or the Authority determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (34.19), it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

### *Publication of Additional Information*

- 34.22. The Authority must maintain a register stating the name of the Chair, every Member and their appointing council or local enterprise partnership. The register is published on the website and is also open to inspection by the public at the offices of the Authority at Devon County Council, County Hall, Topsham Road, Exeter, EX2 4QD between the hours of 10.00 am and 4.00 pm on working days.
- 34.23. The Authority will maintain a list specifying the powers delegated by it or by the Chair to its Officers, and stating the title of the Officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection but excludes delegations of less than six months' duration.

### *Financial Documents*

- 34.24. The Chair or a Member of the Authority has a right to inspect the Authority's accounts.
- 34.25. Any local government elector for the district of a Constituent Authority or a Non-constituent Authority has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2015 (as amended).
- 34.26. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them except that no personal information about a member of the Authority's staff or any other identifiable person is required to be disclosed.

### *Documents Deposited with the Authority*

- 34.27. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

### *Other Documents*

- 34.28. Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.

34.29. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.

34.30. The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in Rules 34.15, 34.16, 34.19 and 34.20 above.

#### *Fees*

34.31. No fee will be charged for providing the facility of inspecting background papers.

34.32. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

#### *Forward Plan General Functions*

34.33. Definition of a Key Decision: A Key Decision means a decision of a decision maker, which in the view of an Overview and Scrutiny Committee of the Authority is likely:

- a. to result in the Authority incurring significant expenditure, or the making of significant savings, having regard to the Authority's budget for the service or function to which the decision relates; or
- b. to be significant in terms of its effects on persons living or working in an area comprising two or more electoral divisions in the area of the Authority.

34.34. For the purposes of (a) above, this includes any decision likely to result in the Authority incurring expenditure or making savings (including the receipt or loss of income) of £1,000,000 or more in any financial year.

34.35. For the purposes of (a) and (b) above, the following shall not be treated as a Key Decision:

- a. any decision which is a direct consequence of implementing a previous Key Decision,
- b. any decision which is the result of varying a previous Key Decision in line with recommendations made by an Overview and Scrutiny Committee following a call in of that decision,
- c. a Treasury Management decision in relation to the making, payment or borrowing of a loan,

- d. a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
- e. the urgent settlement of proceedings to which the Authority is a party.
- f. any decision relating to the acceptance of funding

34.36. Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:

that a Key Decision is to be made in relation to the discharge of functions which are the Authority's responsibility,

- a. the matter in respect of which the decision is to be made,
- b. the decision maker's name and title if any,
- c. the date on which, or the period within which, the decision is to be made,
- d. a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
- e. the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
- f. that other documents relevant to those matters may be submitted to the decision maker, and
- g. the procedure for requesting details of those documents (if any) as they become available.

34.37. The Monitoring Officer will publish any such notice on the Forward Plan on the Authority's website at least 28 clear days before the Key Decision is made and make it available for public inspection at the Offices of Authority (subject paragraph 34.38, 34.39 and 34.40 below).

34.38. Where in relation to any matter:

- a. the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or
- b. documents relating to the decision need not (because of confidential information) be disclosed to the public, the notice must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

#### *General Exception*

34.39. Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:

- a. where the Monitoring Officer has informed the Chair of any relevant Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made,
- b. where the Monitoring Officer has published the notice on the Authority’s website and made the notice available for public inspection at the Authority’s offices, and
- c. after 5 clear days have elapsed following the day on which the Monitoring Officer made the copy of the notice available.

34.40. As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a notice setting out the reasons why it was impracticable to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

#### *Cases of Special Urgency*

34.41. Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained agreement from the Chair of any relevant Overview and Scrutiny Committee that the making of the Key Decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must make available to the public at the Authority’s offices a notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred; and publish that notice on the Authority’s website.

#### *Requests for Statutory Consents*

34.42. The 2024 Order provides that the exercise of General Concurrent Functions are subject to a consent provision, (“Statutory Consent”), to safeguard the Constituent Councils’ role in local decision-making and delivery – see functions tables in Part 3 of the constitution.

#### *Public Access to Written Records of Decisions Made by Officers*

34.43. A decision-making Officer is required to produce a written record of their decision through an Officer Decision Notice if the decision has been delegated:

- a. under a specific express authorisation, or
- b. under the Officer Delegation Scheme where the effect of the decision

- c. is to: (a) grant a permission or license, (b) affect the rights of an individual, or (c) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position.

34.44. For the purposes of c) above, any award of a contract or expenditure of £1,000,000 or over will be deemed to materially affect the Authority's financial position.

34.45. An Officer must also record and publish any Key Decision they make through an Officer Decision Notice, whether or not it is outside the criteria set out above.

34.46. An Officer must also record and publish any decision that incurs expenditure over £50,000 through an Officer Decision Notice.

34.47. An Officer may also:

- a. record, or
- b. record and publish, any other decision outside of 44, if they consider this to be in the public interest

34.48. As soon as reasonably practicable after an officer has made a written record, the Monitoring Officer shall make any written record and any background papers:

- a. available for inspection by the public:
- b. at all reasonable hours, at the offices of the Authority,
- c. on the Authority's website, and
- d. by such other means that the Authority considers appropriate.

34.49. On request the Monitoring Officer will provide:

- a. a copy of the written record, and
- b. a copy of any background papers.

34.50. The Combined County Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.

34.51. The Combined County Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

34.52. Rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

#### *Freedom of Information (FOI) and the Local Government Transparency Code*

34.53. The Freedom of Information Act 2000 and Environmental Information Regulations 2004 apply to the Authority, which therefore publishes information under a Publication Scheme. The Scheme specifies:

- a. the classes of information which the Authority publishes or intends to publish,
- b. how information in each class is, or is intended to be, published, and
- c. whether the material is, or is intended to be, available to the public free of charge or on payment.

34.54. The public also has a general right of access to information held by the Authority, but this is subject to exemptions

34.55. A request for information must be submitted to and dealt with by the Monitoring Officer.

34.56. A request for information under the FOIA must:

- a. be in writing
- b. state the name of the applicant
- c. state an address for correspondence, and
- d. describe the information requested.

34.57. A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.

34.58. The Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:

- a. spending and expenditure including grants,
- b. procurement information including contracts,
- c. organisation chart detailing senior management personnel, and
- d. land and assets

#### *Procedure before Taking a Key Decision*

34.59. Subject to general exceptions a Key Decision may not be taken unless:

- a. a notice (called here a forward plan) has been published in connection with the matter in question at the offices of the Authority and on its website;
- b. where the decision is to be taken at a meeting of the Authority or one of its committees/sub-committees, notice of the meeting has been given in accordance with the rules regarding the notice for meetings.

34.60. Where a decision has been made by the Chair, the Authority or an officer and was not treated as being a key decision and a relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, that Overview and Scrutiny Committee may require the decision maker to submit a report to the Authority within such reasonable period as the committee may specify.

34.61. A report under paragraph 34.59 must include details of the decision and the reasons for the decision; the decision maker; and the reason the decision maker is of the opinion that the decision was not a key decision.

*Confidential Information*

34.62. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Confidential information means:

- a. information given to the Authority by a Government department on terms which forbid its public disclosure, or
- b. information the public disclosure of which is prohibited by or under an Act or Court Order.

Exempt Information

34.63. The Authority may resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed to the public if the public were present during the item.

Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

Paragraph 1	Information relating to any individual.
Paragraph 2	Information which is likely to reveal the identity of an individual.
Paragraph 3	Information relating to the financial or business affairs of any particular person (including the Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or



	the Charities Act 2011. “Financial or business affairs” includes contemplated, as well as past or current, activities.
Paragraph 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or officer holders under the Authority
Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
Paragraph 6	Information which reveals that the Authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment.
Paragraph 7	Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

34.64. Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992.

34.65. Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

34.66. A resolution to exclude the public from a meeting must:

- a. identify the proceedings, or the part of the proceedings, to which it applies,
- b. state the description of the exempt information giving rise to the exclusion of the public, and

- c. confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### *General Disturbance*

34.67. Procedure Standing Order 21.7 in Part 4.1 of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

## Overview and Scrutiny Procedure Rules

35.1. The Authority must appoint one or more Overview and Scrutiny Committees whose proceedings shall operate in accordance with the Terms of Reference (Overview and Scrutiny) in Part 3 of the Constitution.

### *Standing Order 2 – Membership*

35.2. Members of an Overview and Scrutiny Committee are appointed in accordance with the Terms of Reference (Overview and Scrutiny) in Part 3 of the Constitution.

35.3. The Authority shall appoint at least five elected members of each Constituent Council to each Overview and Scrutiny Committee.

35.4. The majority of members of any Overview and Scrutiny Committee or sub-committee must be elected members of the Constituent Councils.

35.5. Member of the Authority or substitute member may not be a member of an Overview and Scrutiny Committee or sub-committee.

35.6. Within 28 days of any appointment to any Overview and Scrutiny Committee, the Authority Monitoring Officer will publish a notice about the appointment on the Authority website setting out:

- a. that it has made an appointment,
- b. identifying each member of the committee who has been appointed
- c. specifying the period for which the members of the committee have been appointed.

35.7. The Authority has determined that it shall have a single Overview and Scrutiny Committee which shall be appointed by the Authority and shall have a total of 10 Constituent Council members comprising of 5 members from each Constituent Council. These will be the voting members of the Committee.

35.8. The Authority has determined that there will be 2 Non-Constituent non-voting members appointed to the Committee by the designated nominating bodies (1 appointment each).

35.9. In appointing members to the Overview and Scrutiny Committee Authority must ensure that the members of the committee taken as a whole 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.

#### *Standing Order 3 – Remuneration*

35.10. The Authority may (subject to the consideration of recommendations of an independent remuneration panel) agree to pay allowances to members of the Overview and Scrutiny Committee/s.

#### *Standing Order 4 – Chairing*

35.11. The Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

35.12. The Chair (and any Vice Chair) must be:

- a. an independent person, or
- b. an appropriate person who is a member of one of the Constituent Councils (that is a person who is not a member of a registered political party of the chair).

35.13. For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

#### *Standing Order 5 – Voting*

35.14. Each member of the Overview and Scrutiny Committee or of an Overview and Scrutiny Sub-Committee appointed from a Constituent Council has one vote.

35.15. Any member of an Overview and Scrutiny Committee (or sub-committee) not from a Constituent Council is non-voting unless the Authority has resolved to give such a member voting rights.

35.16. A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.

#### *Standing Order 6 – Conflicts of Interest*

35.17. No member of an Overview and Scrutiny Committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

- 35.18. Such a member may only attend the Overview and Scrutiny Committee or sub-committee to:
- a. make representations,
  - b. answer questions, or
  - c. give evidence about the decision.

*Standing Order 7 – Working Groups*

- 35.19. An Overview and Scrutiny Committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, including by making recommendations.

*Standing Order 8 – Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee*

- 35.20. Each Overview and Scrutiny Committee or sub-committee will set its own work programme.

- 35.21. The Combined County Authority, any of its committees may ask an Overview and Scrutiny Committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

- 35.22. The following matters may be referred to an Overview and Scrutiny Committee:
- a. A member of an Overview and Scrutiny Committee may refer to the committee any matter which is relevant to the functions of the committee,
  - b. A member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
  - c. A Authority Member may refer to an Overview and Scrutiny Committee any matter which is relevant to the function of the committee and is not an excluded matter; and
  - d. any member of a Constituent Council or the Non-Constituent Council may refer to an Overview and Scrutiny Committee any matter which is relevant to the functions of the committee and is not an excluded matter.

- 35.23. Where a matter is referred to an Overview and Scrutiny Committee by any member under Standing Order 35.22 (c) or (d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

35.24. An Overview and Scrutiny Committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 35.22 (c) or (d) above.

#### *Standing Order 9 – Meetings*

35.25. Overview and Scrutiny Committees will schedule regular meetings and meet as often as required to effectively discharge their functions.

35.26. An extraordinary meeting of an Overview and Scrutiny Committee may be called by:

- a. the Chair of the committee, or
- b. any five members of the committee from both different Constituent Councils.

#### *Standing Order 10 – Attendees*

35.27. An Overview and Scrutiny Committee or sub-committee may require an officer of the Authority to attend before it to answer questions or to provide information about any matter within its terms of reference.

35.28. Where a committee or sub-committee requires any Authority Member or officer to attend, the Scrutiny Officer shall inform that person in writing giving at least 5 clear working days' notice of the meeting. The notice will state:

- a. the date of the meeting they are required to attend,
- b. the nature of the item, and
- c. whether they must produce any papers for the committee.

35.29. The Authority Member, or officer must comply with any notice they are given.

35.30. Where, in exceptional circumstances, the person is unable to attend on the required date, the Overview and Scrutiny Committee shall consult with the person to arrange an alternative date.

35.31. An Overview and Scrutiny Committee or sub-committee may invite other people to attend any meeting to:

- a. address it, provide information,
- b. discuss issues of local concern, and/or
- c. answer questions.

35.32. Each member of an Overview and Scrutiny Committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.

35.33. Attendees assisting the committee must be treated with respect and courtesy.

*Standing Order 11 – Reports and Recommendations*

35.34. An Overview and Scrutiny Committee or sub-committee may make reports or recommendations to the Authority.

35.35. An Overview and Scrutiny Committee or sub-committee may publish any report or recommendations, subject to Standing Order 14.

35.36. Where in the opinion of an Overview and Scrutiny Committee, any report or recommendation is of particular significance to any Constituent Council or the Non-Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the Overview and Scrutiny Committee or sub-committee which made the report or recommendation.

*Standing Order 12 – Notice*

35.37. An Overview and Scrutiny Committee or sub-committee may by notice require the Authority within 2 months of receiving any report or recommendations or (if later) the notice, to:

- a. consider the report or recommendations,
- b. respond to the Overview and Scrutiny Committee or sub-committee indicating what (if any) action the Authority proposes to take,
- c. publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 14 below.

35.38. The Authority must respond to a report or recommendations made by an Overview and Scrutiny Committee or a sub-committee, within 2 months beginning with the date on which the Authority received the notice, and subject to Standing Order 14 below.

*Standing Order 13 – Publishing a Document: Confidential and Exempt Information*

35.39. Standing Order 35.40 applies to the publication of any document comprising a report or recommendations of an Overview and Scrutiny Committee or sub-committee, or a response of the Authority to any such report or recommendations.

35.40. In publishing the document, the Overview and Scrutiny Committee, sub-committee, the Authority must exclude any confidential information and may exclude any relevant exempt information.

35.41. When providing a copy of a document, the Overview and Scrutiny Committee, sub-committee and/or, the Authority, may exclude any confidential information or relevant exempt information.

- 35.42. Where information is excluded, the Overview and Scrutiny Committee, sub-committee, the Authority:
- a. may replace so much of the document as discloses the information with a summary which does not disclose that information, and
  - b. must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

*Standing Order 14 – Call-in of decisions*

- 35.43. The power of an Overview and Scrutiny Committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is to:
- a. direct that a decision is not to be implemented while it is under review or scrutiny by the Overview and Scrutiny Committee, and
  - b. recommend that the decision be reconsidered
- 35.44. The following decisions may be called-in for scrutiny:
- a. any decision of the Authority or of any decision-making committee of the Authority, and
  - b. any Key Decision taken by other Authority Member or officer, with the exception of:
  - c. any decision which the decision-maker has resolved is urgent
  - d. any decision relating to approving or amending governance arrangements.
- 35.45. Six members of the Overview and Scrutiny Committee to include at least two member from the Constituent Councils may call-in a decision eligible for call-in by notifying the Monitoring Officer or the Statutory Scrutiny Officer by 4pm on the fifth working day following publication under Standing Order 35.36 or 35.47 below.
- 35.46. The Monitoring Officer shall publish details of any decision taken at a meeting of the Authority or committee eligible for call-in within 2 clear working days of a meeting of the Authority
- 35.47. Any other Key Decision taken by the Authority Member or taken by an officer will be published as a written record within 2 clear working days of the decision being made, see further Article 6 (Decision Making) in Part 2, and the Access to Information Rules in Part 4 of the Constitution.
- 35.48. When submitting a request for a call-in Members must set out the reasons for the call in, such as how the decision has not been taken in line with the Authority decision-making principles set out in Article 6 of Part 2 of the constitution.

*Standing Order 15 – Implementing call-in of eligible decisions*

- 35.49. An urgent decision may be implemented immediately.
- 35.50. Any other decision of the Authority or a committee, or Key Decision taken by the any other Authority Member or an officer may be implemented after midday of the sixth clear working day after the publication of the decision, unless it is called in.
- 35.51. On receipt of a call-in request, the Statutory Scrutiny Officer shall:
- a. notify the decision-maker of the call-in,
  - b. consult with the Chair of the relevant Overview and Scrutiny Committee about whether to issue a direction under Standing Order 15.10 below, and
  - c. call a meeting of the Overview and Scrutiny Committee, to scrutinise the decision
- 35.52. Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant Overview and Scrutiny Committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an Overview and Scrutiny Committee, for a period not exceeding 14 days from the date on which the direction is issued.
- 35.53. An Overview and Scrutiny Committee must scrutinise the decision within 14 days of the Monitoring Officer or Statutory Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.
- 35.54. Where an Overview and Scrutiny Committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 35.55 below.
- 35.55. The Statutory Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the Overview and Scrutiny Committee, within 2 clear working days of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.
- 35.56. The decision-maker must reconsider any decision not later than 10 days after the date on which the recommendations of an Overview and Scrutiny Committee are received.



35.57. The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.

35.58. The decision-maker may confirm, amend, or rescind the decision. Their response should be published in accordance with Standing Order 13.

35.59. A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

35.60. An urgent decision may be implemented immediately.

#### *Standing Order 16 – Guidance of the Secretary of State*

35.61. An Overview and Scrutiny Committee or sub-committee must have regard to any guidance issued by the Secretary of State.

#### *Standing Order 17 – Statutory Scrutiny Officer*

35.62. Any references in these Standing Orders to the Statutory Scrutiny Officer are to the officer designated as such by the Authority, see further Article 5 (Officers) at Part 2 of this Constitution.

35.63. The Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.

35.64. The statutory functions of the Statutory Scrutiny Officer are:

- a. to promote the role of any Overview and Scrutiny Committee or sub-committee,
- b. to provide support and guidance to any Overview and Scrutiny Committee or sub-committee and its members, and
- c. to provide support and guidance to members of the Authority in relation to the functions of any Overview and Scrutiny Committee or sub-committee.

#### *Standing Order 18 – Additional Rights of Access to Documents*

35.65. Additional rights of access to documents for members of any Overview and Scrutiny Committee or sub-committee are set out in the Access to Information Rules in Part 4 of the Constitution.

#### *Standing Order 19 – Interpretation*

35.66. The Chair of an Overview and Scrutiny Committee meeting or sub-committee, in consultation with the Monitoring Officer (or their representative) and the Statutory Scrutiny Officer (or their representative) shall make any final decision at that meeting about:

- a. how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
- b. any question of procedure not provided for by the Scrutiny Standing Orders.

35.67. The Monitoring Officer shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.

## Officer Employment Procedural Rules

### *General*

- 36.1. The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.
- 36.2. The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.
- 36.3. The functions of appointment and dismissal of and taking disciplinary action against Chief Officers must be discharged by the Authority.
- 36.4. This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers.
- 36.5. The Authority Chief Officers are, in accordance with the Local Government and Housing Act 1989, defined as follows:
  - a. a statutory chief officer (e.g., the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer);
  - b. a non-statutory chief officer (e.g., an officer who reports directly to the Head of Paid Service)

### *Recruitment and Appointment*

- 36.6. The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer, or of the partner of such persons.
- 36.7. No candidate so related to a Member, or an officer will be appointed without the authority of the Head of Paid Service, or an officer nominated by them.

- 36.8. The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- 36.9. No Member will seek support for any person for any appointment with the Authority.
- 36.10. Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

#### *Disciplinary Action*

- 36.11. The Head of Paid Service, the Monitoring Officer or Chief Finance Officer, and any other Chief Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 36.12. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 36.13. Members will not be involved in the disciplinary action against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

#### *Dismissal*

- 36.14. Members will not be involved in the dismissal of any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

## Finance Procedure Rules

### Financial Regulations

#### *The Purpose of Financial Regulations*

- 37.1. The Devon and Torbay Combined Authority (the Authority) is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.
- 37.2. The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one

of their officers be responsible for the administration of those affairs. The Constitution of the Authority designates the Chief Finance Officer as the Section 73 Officer and therefore the officer responsible for establishing and maintaining the Authority's Financial Regulations which set out the financial policies of the Authority. The Chief Finance Officer is responsible for presenting all updates which must be approved by the Board. Any breaches of these regulations must be reported to the Board.

- 37.3. The Chief Finance Officer is also responsible for the accounting system, ensuring, by maintaining an effective and adequate internal audit, that all accounting records are satisfactorily maintained.
- 37.4. For employees, these regulations form part of the Officer's Code of Conduct, so a breach will be considered a disciplinary offence which will invoke those procedures (and can lead to dismissal).
- 37.5. For Members, adherence to these regulations form part of the [Members' Code of Conduct \(DCC\)](#). Any breach of the Code will be reported to the Monitoring Officer who will make an appropriate decision on actions to be taken.

### Status of Financial Regulations

- 37.6. Financial regulations provide the framework for managing the Authority's financial affairs. They apply to every Member and officer of the Authority and anyone acting on its behalf.
- 37.7. The regulations identify the financial responsibilities of the statutory officers; Chief Executive, Monitoring Officer and the Chief Finance Officer, constituent, non-constituent and associate members and all officers working on behalf of the Authority.
- 37.8. All Members and officers have a responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money, and achieves best value.
- 37.9. The Authority's detailed financial procedures which officers must follow, fall under the jurisdiction of the Chief Finance Officer and are accessible to all officers. In the absence of developed financial procedures, the Financial Procedures of the accountable body, Devon County Council, must be adhered to.

## Where Financial Regulations fit in

37.10. Financial Regulations are linked to other internal regulatory documents forming part of the Authority's Constitution which is the collective term for various Authority regulations and provisions including the Procurement Policy, Contract Procedure Rules, Procedures for Tenders and Contracts, Disposal of Surplus Property and Insurance.

## Financial Principles

37.11. The Authority is responsible for the stewardship of public money and will make arrangements to safeguard the interests of taxpayers and other stakeholders.

37.12. The Authority expects its Members and officers to exercise high standards in financial management and administration and aims to stimulate openness and a climate of frankness that it will support through policies and regulations, such as the Whistleblowing Policy. The Authority upholds the Nolan Principles and its Best Value Duty.

## A - Financial Management

### *A1. The Board*

37.13. The Board is responsible for adopting The Constitution and Members' Code of Conduct and for approving the Budget and Policy Framework and borrowing within which the Authority operates. It is also responsible for approving and monitoring compliance with agreed policy and reporting decisions taken.

37.14. The Board is responsible for adopting the budget as presented by the Chief Finance Officer on an annual basis.

### *A2. The Overview and Scrutiny Committee*

37.15. The Overview and Scrutiny Committee is responsible for monitoring the decision making of the Board and ensuring that it acts within its powers.

### *A3. Committees and Advisory Groups*

37.16. The Audit and Governance Committee has delegated authority from the Board. It has the right of access to all of the information it considers necessary and can consult directly with internal or external auditors. The Committee's remit is to support and monitor the Authority in the areas of governance, risk management, external audit, internal audit, financial reporting and other related areas to ensure that the financial and governance decision making position of the proposed CCA is sound. It is also responsible for approving the Annual Governance Statement and Statement of Accounts on behalf of the Authority. It reviews the external auditor's plans and reports for the Authority and the internal

audit's annual plan and report. The Audit and Governance Committee also receives reports regarding the Authority's risk management arrangements and risk register.

37.17. The Authority advisory groups advise on strategic direction and on the exercise of functions in their areas of expertise. Such areas of expertise are business, skills and employment, housing, environment and investment. Any such group has no formal decision making powers.

#### *A4. Statutory Officers*

37.18. The Chief Executive is responsible for the corporate and overall strategic management of the Authority. They must report to and provide information for the Board. They are responsible for establishing a framework for management direction and standards and for monitoring the effectiveness of the organisation.

37.19. The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law or maladministration and for ensuring that the procedures for recording and reporting key decisions are operating effectively. The Monitoring Officer is responsible for advising all Members and officers about who has the authority to take a particular decision and whether a decision is likely to be considered contrary to the policy framework and powers vested in the Authority. The Monitoring Officer and the Chief Finance Officer are also responsible for advising the Board if a decision could be considered contrary to the budget.

37.20. The Chief Finance Officer has responsibility for the proper administration of the Authority's financial affairs. This includes ensuring compliance with key financial controls, providing financial advice and advising on the Authority's financial position, advising on preparation of revenue and capital budgets, and treasury management.

37.21. The Chief Finance Officer is also responsible for ensuring lawfulness and the financial prudence of decision making. After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Board in relation to an Authority function and the Authority's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully. The Chief Finance Officer, in conjunction with the Chief Executive and after consultation with the

Lead Members, 1 shall have the powers to take any action necessary to safeguard the interests of the Authority.

37.22. The Chief Finance Officer is responsible for advising the Board on all financial matters. They must be consulted on all financial matters and given adequate opportunity to provide written comment in any report with financial implications. All reports to the Board with significant financial implications are to be made under the joint names of the Director of Operations and the Chief Finance Officer.

37.23. The Chief Finance Officer is the Money Laundering Reporting Officer for the Authority. He/she is responsible for notifying the National Crime Agency (NCA) of any suspected cases of money laundering committed within the accounts of the Authority as soon as possible and fulfil other duties as defined by legislation or regulation related to the post.

#### *A5. Financial Control*

37.24. The Director of Operations must operate efficient systems of financial control on behalf of the Chief Finance Officer and is responsible for:

- a. Ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- b. Ensuring that Members are advised of legal implications of all proposals and that the legal implications have been agreed with the Monitoring Officer.
- c. Organising the signing of contracts on behalf of the Authority (except where the seal of the Authority is applied). The Director of Operations has authority to sign contracts below £1,000,000. Before signing a contract, the Director of Operations must be satisfied that the necessary approval to award the contract has been obtained. Where contract variation could increase the value of the contract to be in excess of £1,000,000, approval from the Chief Finance Officer must be sought prior to agreement from the Board.
- d. Consulting with the Chief Finance Officer and seeking his/her approval on any matter that could materially affect the Authority's financial position before any commitments are incurred.

#### *A6. Accounting Arrangements*

37.25. The Chief Finance Officer is responsible for keeping the accounts and financial records of the Authority. They must also approve accounting and other systems with a financial function.

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<sup>1</sup> A Lead Member means the elected Leader(s) of the Constituent Council(s).

- 37.26. Accounting procedures will reflect recommended professional practices, and follow accounting principles as determined by the Chief Finance Officer. Accounting procedures will be reviewed as necessary by the Chief Finance Officer in consultation with the Board to ensure that they provide the information required.
- 37.27. No change to existing accounting procedures must be made without prior consultation with the Chief Finance Officer.
- 37.28. The Chief Finance Officer must examine and certify where required any submission, estimate, or claim for payment of grant by a Government Department or funding from any other body. Officers responsible for the administration of such grants, funds and spending associated with them must ensure compliance with the conditions of the grant/funding and where appropriate adhere to the (internal document) Authority's Minimum Standards for External Funding.
- 37.29. The Chief Finance Officer, where required, must examine, and certify any financial return to a Government Department or other body.

#### *A7. Year-end accounting*

- 37.30. The Chief Finance Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the "Code of Practice on Local Authority Accounting in the United Kingdom," (CIPFA/LASAAC). The Board is responsible for approving the annual Revenue and Capital Outturn and for agreeing procedures for carrying forward under and overspending on budget headings. The Authority's final financial position as presented in the Annual Statement of Accounts will be approved by the Audit and Governance Committee on behalf of the Board.

## **B. Financial Planning and Control of Expenditure**

### *B1. Policy Framework*

- 37.31. The Board is responsible for agreeing the Authority's policy framework and budget on recommendation from the Chief Finance Officer. In terms of financial planning the key elements are:
- a. The Strategic Plan
  - b. The medium-term financial plan
  - c. The annual revenue budget
  - d. The capital strategy
  - e. The multi-year capital programme budget
  - f. The Treasury Management Strategy



## *B2. Revenue Budget Preparation*

- 37.32. The Chief Finance Officer is responsible for ensuring that a revenue budget for the coming year and a medium-term financial plan for the four subsequent financial years is prepared annually for consideration by the Board.
- 37.33. The Chief Finance Officer is responsible for providing guidance on the general format of the budget.
- 37.34. The Board is responsible for allocating budget for each of the five key delivery areas.
- 37.35. The Director of Operations will prepare, in consultation with the advisory groups and in accordance with the framework set down by the Chief Finance Officer an estimate of income and expenditure for the ensuing financial year.
- 37.36. Approval of the budget must be voted on by the Constituent Members. Both Lead Members must vote in favour in addition to a simple majority for the annual budget to be approved.
- 37.37. The Chief Finance Officer is responsible for reporting to the Board on the robustness of estimates contained within the proposed budget and the adequacy of reserves allowed for in the budget proposals.

## *B3. Resource Allocation*

- 37.38. The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures that both capital and revenue expenditure plans take account of the Authority's policy framework and changing priorities within that.
- 37.39. It is the responsibility of the Director of Operations to ensure that the revenue and capital budget estimates reflect agreed plans, are in line with the medium-term financial plan, the capital strategy and that they reflect the views of the advisory groups and any guidance issued by the Overview and Scrutiny Committee. The guidance will take account of the following:
- a. Legal requirements
  - b. Medium term planning prospects
  - c. The Strategic Plan
  - d. Available resources and spending pressures
  - e. Value for money and best value
  - f. Other cross cutting issues

#### *B4. Maintenance of Reserves*

37.40. It is the responsibility of the Chief Finance Officer to provide the Board with a written report on levels of reserves that are considered prudent. This advice to be based on an annual risk assessment of the Authority.

37.41. The Authority's medium term financial plan should, in part, be based on how to either reach or maintain the recommended level of reserves.

#### *B5. Revenue Budget Monitoring and Control*

37.42. Management and control of the revenue budget is the responsibility of the Director of Operations.

37.43. The Director of Operations and the Chief Finance Officer will jointly carry out regular budget monitoring and reporting to identify financial problems and key issues and to recommend the action necessary to resolve them. Responsibility for the delivery of such actions rests with the Director of Operations.

37.44. Monitoring reports defining financial problems and key issues with recommended action will be made to the Board on a regular basis.

37.45. The Authority's final financial position as presented in the Annual Statement of Accounts will be approved by the Audit and Governance Committee.

#### *B6. Authority to Incur Revenue Expenditure*

37.46. No expenditure shall be incurred or any reduction in income authorised by any officer or Committee unless such expenditure or reduction in income is:

- a. covered by the annual or supplementary budgets approved by the Board
- b. through the benefit of a carried forward under-spending
- c. covered by a virement (see B7)

#### *B7. Virements*

37.47. Where a virement represents a major change in policy and is greater than £100,000, the Director of Operations and the Chief Finance Officer need to prepare a brief report for the Board seeking its approval to the policy change and the associated virement. Approval is by consensus with both Lead Members voting in favour of the change, and with a simple majority for other members.

37.48. All other virements should be approved by the Director of Operations and the Chief Finance Officer informed in writing.

## *B8. Capital Expenditure and Leasing*

### *Preparation of the capital programme*

- 37.49. The Chief Finance Officer is responsible for ensuring a five-year capital programme is prepared and recommends it to the Board for approval.
- 37.50. For the capital programme to be approved, both Leaders must vote for its approval and the approval is carried by a simple majority of other members.
- 37.51. Before items are included in the proposed capital programme the sector relevant advisory group must analyse and appraise options for the programme and prepare a business case for the best option. Smaller, related programmes of work may be aggregated, but where the programme or the project has a cost of greater than £100,000 a separate business case must be produced and included within the proposed capital programme.
- 37.52. The Chief Finance Officer is responsible for ensuring that the proposed capital programme aligns with the Strategic Plan.
- 37.53. Where a capital project or programme has a revenue implication, approval must be sought in line with the regulations set out in section B2 (above).
- 37.54. Control of existing capital projects and programmes
- 37.55. The Chief Finance Officer is responsible for ensuring that any amendments to the capital programme align with the Strategic Plan.
- 37.56. Approval for amendments to the capital programme, including revisions to existing projects, should be obtained in line with the table below and should include both the amendment to the approved capital programme and its financing.

<b>Limit for new projects or amendment to existing projects</b>	<b>Authorisation required</b>
Any project involving the acquisition of land and/or buildings	Approval from Board: consensus by both Leaders and a simple majority of other members.

<b>Limit for new projects or amendment to existing projects</b>	<b>Authorisation required</b>
For all other projects	All programmes and projects which are funded through external grants or contributions must seek approval from the Board: consensus by both Leaders and a simple majority of other members
For all projects requiring external borrowing	All programmes and projects which require external borrowing must go to Board for approval: consensus by both Leaders and a simple majority of other members

37.57. New approvals and variations approved in year must be reported to the Chief Finance Officer as part of the budget monitoring cycle.

37.58. Capital items purchased must be recorded in the appropriate register or inventory.

#### *Capital receipts*

37.59. The Chief Finance Officer must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed.

37.60. The procedures for declaring properties surplus to requirements are set out in Devon County Council's the Code of Practice for the Disposal of Surplus Property.(5g)

37.61. The Director of Operations will be responsible for the negotiations of all such sales. Approval must be sought from the Chief Finance Officer on the sale of assets at less than full market value.

37.62. Capital receipts are defined in legislation, and must be accounted for separately from revenue income, in accordance with the Local Government Act 2003.

#### *Leasing: Property and other assets*

37.63. All vehicle, plant, furniture, and equipment leasing must be negotiated in conjunction with the Chief Finance Officer. Provision for the acquisition of leased items must be included in the capital programme.

37.64. All property leases must be notified to the Chief Finance Officer, who will seek the approval of the Board before a commitment is entered into.

## C. Risk Management And Internal Control

### *C1. Risk Management*

37.65. The Audit and Governance Committee is responsible for approving the Authority's Risk Management Strategy and for reviewing the overall effectiveness of the strategy.

37.66. The Chief Finance Officer, in conjunction with the Director of Operations is responsible for preparing the Authority's Risk Management Policy statement and for promoting it throughout the Authority and updating it.

### *C2. Internal Control*

37.67. Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient, and effective use of resources and that the Authority's assets and interests are safeguarded, and the best value duty is upheld.

#### *Systems of internal control*

37.68. The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.

37.69. It is the responsibility of the Director of Operations to establish sound arrangements for planning, appraising, authorising, and controlling operations to achieve continuous improvement, economy, efficiency, and effectiveness and for achieving best value and their financial performance targets.

37.70. The Directors of Operations is responsible for ensuring staff receive appropriate training to undertake their financial responsibilities, in accordance with any standards set by the Chief Finance Officer.

37.71. The Chief Finance Officer will prepare an Annual Governance Statement. which will be published as part of the Annual Statement of Accounts and will be approved by the Audit and Governance Committee.

### *C3. Retention of Records*

37.72. Accounting and other records must be retained for periods that comply with the Authority's Record Retention Schedule

#### *C4. Investments and Treasury Management*

- 37.73. The Authority adopts the key recommendations of the CIPFA's Treasury Management in Public Services Code of Practice: The Code. Accordingly, the Authority will create and maintain, as the cornerstone for effective treasury management:
- a. a treasury management policy statement, stating the policies, objectives, and approach to risk management of its treasury management activities.
  - b. suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 37.74. Prudential indicators as shown in the Prudential Code for Capital Management (limits for external borrowing, other long-term liabilities, and related matters).
- 37.75. The Board is required to approve certain maximum borrowing levels before the start of each financial year based on the recommendations of the Chief Finance Officer.
- 37.76. The Board will receive reports on its treasury management activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in the TMP.
- 37.77. The Board delegates responsibility for the execution and administration of treasury management decisions to the Chief Finance Officer.
- 37.78. The Scrutiny and Overview Committee will be responsible for ensuring the effective scrutiny of the treasury management strategies and policies.
- 37.79. The Chief Finance Officer is empowered to make decisions regarding the premature repayment of debt, the acquisition of new debt and debt rescheduling within the borrowing limits set by the Board. All such decisions will be in line with the TMP. A full analysis of the budgetary implications of the debt rescheduling will be undertaken before any decision is reached. This analysis will include an assessment of all risk factors affecting the current and future cost implications of the debt rescheduling.
- 37.80. All of the following shall be made in the name of the Authority:
- a. Investments
  - b. Securities
  - c. Title deeds to all property
  - d. Borrowings

- e. Stocks, bonds, and mortgages
- f. Funds held in trust

#### *C5. Fraud and Corruption*

37.81. It is considered that all officers and Members occupy a position in which they are expected to safeguard, or not to act against, the financial interests of the Authority.

37.82. All officers and Members are responsible for giving immediate notification to the Head of Devon Audit Partnership where there are grounds to suggest or there is any suspicion of fraudulent activity, financial impropriety or irregularity concerning cash, stores or other property of the Authority or held by the Authority.

#### *C6. Audit Requirements*

37.83. In accordance with delegated powers and the Accounts and Audit Regulations 2015 the Chief Finance Officer shall ensure that the Authority maintains effective arrangements for internal audit to evaluate the effectiveness of its risk management, control, and governance processes, taking into account public sector internal auditing standards and guidance.

37.84. The Authority is responsible for the appointment of their own external auditor under the provisions of the Local Audit and Accountability Act 2014. Any such appointment must be approved by Board

37.85. The Authority may, from time to time, be subject to audit, inspection, or investigation by external bodies such as HM Revenue and Customs who have statutory rights of access.

#### *C7. Staffing*

37.86. All staff working for the Authority will be employed by the accountable body, Devon County Council.

37.87. The Chief Executive in consultation with both lead members is responsible for determining how officer support for the Board will be organised.

37.88. The Director of Operations is responsible for the operation of the following controls over staffing:

37.89. A staffing strategy is in place that matches staffing requirements and budget allocations

- 37.90. Appropriate methods are used to forecast staffing requirements and related costs.
- 37.91. Staffing establishments specified as full time equivalents are approved alongside the annual budget and the budget includes the costs for the staffing establishment at the grades designated.
- 37.92. For any subsequent increases in establishment levels, funding must exist, and approval is required from the Chief Finance Officer and Board.
- 37.93. Only properly authorised vacancies can be advertised.
- 37.94. Corporate minimum standards on recruitment and selection are followed at all stages of the recruitment process.
- 37.95. The payment of all salaries, wages, pensions, compensation and other emoluments to all employees or former employees shall be made in accordance with Devon County Council's Financial Procedures as issued by the Chief Finance Officer.

#### *C8. Guarantees*

- 37.96. Where there is a need for the issue of a guarantee which has potential financial or resource implications, this must be agreed with the Chief Executive and the Chief Finance Officer, approved by the Board and have the support of both lead members, with a majority consensus of other constituent members.

### **D. Income, Banking And Taxation**

#### *D1. Income and Banking*

##### *Income*

- 37.97. The Director of Operations is responsible for accurately identifying the sums due to the Authority.

##### *Banking arrangements*

- 37.98. The Chief Finance Officer is the sole officer authorised to make arrangements regarding the Council's bank accounts in accordance with the detailed standards.
- 37.99. The Chief Finance Officer will make arrangements for regular overall bank reconciliation.



## *D2. Taxation*

- 37.100. The Chief Finance Officer is responsible for advising the Director of Operations of guidance issued by appropriate bodies and relevant legislation as it applies, on all matters relating to taxation of both revenue and capital items including the treatment of VAT, stamp duty and employee related taxation issues that affect the Authority and ensuring compliance with relevant legislation.
- 37.101. The Chief Finance Officer is responsible for maintaining the Authority's VAT records, making all VAT payments, receiving VAT credits, and submitting VAT returns by their due date as appropriate.

## **E. Collaborative Arrangements**

### *E1. Collaborative Arrangements, Joint Ventures, and Joint Operational Models*

- 37.102. The Chief Finance Officer must be consulted on the financial and probity implications of all proposed arrangements before any such agreements are finalised. Final arrangements must then be approved by the Chief Finance Officer before recommendation to the Board.
- 37.103. Formal joint ventures will be subject to Board approval. Both lead members must approve and there must be a majority consensus from the other constituent members. All proposals for formal joint ventures must be assessed through robust options analysis and appraisal with the preferred option being developed into a viable business case before being recommended by the Chief Finance Officer to the Board for approval. Approval must be gained in advance of the signing of any agreements or formal commitment of the Authority.

### *E2. External Funding*

- 37.104. Any proposal for the Authority to be the Accountable and/or Lead body must be approved by the Chief Finance Officer who will then recommend approval to the Board
- 37.105. Prior to the submission of any bid for external funding, the Chief Finance Officer must be consulted on the financial and probity implications of the project. This covers all funding which is competitively bid and/or where funding bodies are extending current funding proposals or allocating new funds. External Funding Minimum Standards describe the process for committing to external funds.

## GLOSSARY OF TERMS

<b>Term</b>	<b>Description</b>
(the) Authority	The Devon and Torbay Combined Authority.
Best Value	The consideration of overall value, including economic, environmental, and social value, of any project or planned expenditure.
Capital expenditure	<p>Capital expenditure includes the following:</p> <ol style="list-style-type: none"> <li>1. the acquisition of land, buildings, furniture, equipment, plant, and vehicles.</li> <li>2. the construction of new buildings or improvements to existing buildings.</li> <li>3. road improvements, bridgeworks, and traffic management and waste disposal schemes.</li> <li>4. internal or external professional fee costs on the above.</li> <li>5. grants and advances for a capital purpose.</li> <li>6. property leases for more than three years duration.</li> </ol> <p>Other expenditure may be brought within the definition of capital expenditure by Central Government Regulations.</p>
Capital receipt	The sale of land, buildings and leases of land or buildings of more than three years duration, are capital receipts. Particular rules must be observed in dealing with the proceeds.
Value for Money	The optimal use of resources to achieve the intended outcomes. This does not mean the cheapest price.
Virement	Movements of budget provisions between budget headings.

## The Procurement Policy

### *Background*

38.1. Procurement is the process of ensuring an organisation is able to obtain the goods, services and works it requires to operate efficiently, fulfil its purpose and support its performance objectives.

## *Policy*

38.2. The Authority is committed to setting appropriate standards and achieving value for money in all goods, works and services it procures. The Authority adheres to and promotes the following principles of Best Value procurement.

i. **Procurement Generally**

38.3. The Authority is required to:

- a. be driven by desired outcomes and results;
- b. generate most commercially advantageous balance of quality and cost;
- c. ensure efficient administrative, compliance and monitoring processes;
- d. expedite simple or routine transactions, particularly through ecommerce;
- e. allow a flexible approach to developing procuring and partnering arrangements;
- f. encourage competition;
- g. encourage the continuing participation of suitably quality service providers;
- h. promote sustainability and equality;
- i. demonstrate transparency and accountability;
- j. exercise due diligence

38.4. All procurement programmes will be required to demonstrate:

- a. commitment to service users;
- b. value for money;
- c. due diligence
- d. compliance with Service aims and objectives;
- e. continuous improvement;
- f. commitment to quality and project whole life costing;
- g. effective management, systems and procedures;
- h. commitment to the Authority's strategic goals;
- i. compliance with the regulatory and financial framework of the
- j. Authority, Government and UK Law;
- k. consultation (as and where required) with relevant groups ;

- l. an even handed approach between private providers, the voluntary and community sector, and in-house fulfilment ;
- m. appropriate risk management within its procurement activities to protect the interests of the Authority and those of the community of Devon.

**ii. Partnerships**

38.5. The Authority acknowledges the importance of partnerships in delivering Best Value with the private and voluntary sectors, other public bodies acting locally and with central Government itself. The Authority will encourage the development of such new methods and approaches to procurement to secure the delivery of services more efficiently, effectively and economically.

38.6. The four Cs of Best Value — Challenge, Consult, Compare and Compete — are considered an integral part of this procurement policy.

**iii. Competition**

38.7. Competition may often provide the desired solution to procurement unless issues of risk, long term disadvantage or strategic importance make it inappropriate.

38.8. The objective of the Authority's procurement policy is to provide a means to drive performance by harnessing competition. This policy aims to use competitive forces to achieve Best Value, linked with delivery model appraisal and route to market consideration.

38.9. Through indirect Competition (i.e. benchmarking) the Authority will assess the competitiveness of different functions by reference to other bodies including best value authorities and private and voluntary sector providers.

38.10. Through direct competition (i.e. alternative means of procurement). The Authority will consider, having regard to current performance and suitability whether an alternative means of procurement is appropriate, including delivery model appraisal and route to market assessment. Contracts will be awarded to the provider offering the most advantageous balance of quality and cost.

38.11. The following will be considered essential elements of competition irrespective of whether indirect or direct:

- a. Strategic values and the Authority's policy objectives will be protected
- b. Probity, accountability and competitive neutrality will be ensured
- c. The responsibilities and accountabilities of all parties must be explicit

- d. Periodic re-tendering of activities must take place unless contract extensions are expressly authorised by the Board

38.12. Services already subject to direct competition will be continually reviewed against the requirements of this policy, to ensure that the manner in which the service is provided remains the most appropriate to deliver Best Value.

iv. **Due Diligence**

38.13. Prior to any arrangements where a financial relationship will exist between the Authority and external organisation(s) or where any organisation is to be given permission to use the Authority's name, logo, email or telephony system is put into place, the following minimum due diligence checks must be carried out to ensure the validity of that organisation(s):

- a. Validity of declared Company House data including company number, status and returns to Companies House including:
  - b. company information, e.g. registered address and date of incorporation
  - c. current and resigned officers
  - d. document images
  - e. mortgage charge data
  - f. previous company names
  - g. insolvency information

Companies House information can be found at:

[Companies House](#)

Validity of declared VAT Registration number: VAT Registration information can be found at: <https://www.gov.uk/check-uk-vatnumber>

38.14. In terms of Charities, appropriate due diligence checks might include the following:

- a. Check Charity Registered number exists and is current;
- b. Ensure validity of VAT registration;
- c. Verify bank account information;
- d. Check relevant insurances are in place;
- e. Check Data Protection matters are covered;

- f. Check charity References from that charity's other clients;
- g. Ensure appropriate value for money is to be achieved through the proposals, regardless of whether the provider is a charity, or any other organisation type.
- h. Undertake Disclosure and Barring checks of relevant personnel, dependent on the service being delivered; and
- i. Ensure proposals for services to be delivered are clear, specifications are fit for purpose, documented and agreed, with suitable contract management performance monitoring in place.

38.15. All the above need to be proportionate, as always, to the subject matter, financial value and levels of risk involved with the service to be delivered.

38.16. Validity of declared Charity number: Charity number registration can be found at The Charity Commission

38.17. Should you require to undertake enhanced due diligence checks because of risk, value or where the basic checks indicate that there is an anomaly, please contact. The Procurement service at : [procure@devon.gov.uk](mailto:procure@devon.gov.uk)

**v. Procurement as a Strategic Enabler**

- a. The Authority is committed to the principle and practice of sustainability in all of its operations. In furtherance of this, and in consultation with local businesses, the Authority will take a number of steps to promote sustainability in the local economy.
- b. to publicise electronically and through other mechanisms its procurement intentions;
- c. to publicise how local firms can do business with the Authority;
- d. to foster close working between the procurement and economic development activities of the Authority;
- e. to publicise the Authority's expectations of quality and terms of trade.
- f. The Authority will promote the use of environmentally sustainable products and activities as far as possible within its resource constraints
- g. The Authority will use its procurement influence to promote best practices throughout its supply chain in relation to sustainability, diversity and equality issues. Where appropriate, conditions of contract will be incorporated to cover these matters

- h. The Authority has regard to the impact of the UK procurement law and regulation requirements and Government Procurement Statements and policy notes on procuring locally. Wherever possible, the Authority will aim to source locally within the framework of rules within which it operates.

**vi. Procurement Planning**

- 38.18. The Authority requires Services to develop forward looking and innovative procurement plans, consistent with the Medium Term Financial Planning Framework. These shall be translated into annual Procurement Plans consistent with the Revenue Budget and Capital Programme.
- 38.19. The Procurement Policy is part of the Financial Regulations of the Authority, and must be applied alongside the Procedures for Tenders and Contracts and the Contracts Procedure Rules.

## Annual Procurement Plan

### Role of the Plan

- 38.20. The Annual Procurement Plan will serve as a statement of procurement intentions for the Authority and is intended to allow a holistic and forward planned view to be taken on procurement activity. It will enable the Authority to identify opportunities in order to benefit from early delivery model appraisal, links with the supply market, economies of scale, reduce the costs of competition and as appropriate, to develop markets. It will also enable the Authority to identify opportunities for using innovative procurement methods and routes to market.
- 38.21. The plan will be used to share knowledge on procurement activities to ensure the Authority achieves maximum benefit from its considerable purchasing power. The plan will be used to advise elected members on procurement matters and will also enable the Authority to manage risks associated with large scale purchasing.
- 38.22. The plan will be prepared annually at the start of the financial year but will need to be updated regularly as changes to procurement intentions become known. Whilst predominantly focusing on the year ahead the plan will also have a "rolling" element and will show the continuing contracts from previous years and, as far as possible, look ahead to the following two years to facilitate planning.

### Contents of the Plan

Goods/Services/Works/Utilities to be procured:

- a. Description of each main purchase area
- b. Monetary value or budget

Distinguish between:

- a. New purchases/works
- b. Existing contact extensions
- c. Existing contact variation
- d. Re-tendering of existing contracts
- e. Date when procurement will take place
- f. Preferred method of procurement following option evaluation
- g. Comment on state of the market (based on best available information)
- h. Contract period
- i. Location of works, goods or service delivery
- j. Innovative features
- k. Monitoring arrangements
- l. List of continuing contracts from earlier periods and their annual value

38.23. In addition to this content the Specialist Hub Lead will be required to indicate expected major variations from the plan over the following two years. This outline of the medium term will facilitate planning beyond the coming year and may be viewed alongside the Authority's longer-term budget strategy.

### **Strategic Procurement Service**

38.24. Within the context of the Authority's regulatory procedures in respect of procurement the Strategic Procurement Service will:

- a. Review Service Annual Procurement Plans and make recommendations on the methods of procurement through the Board, where appropriate, having taken a holistic view of these plans for the Authority, with a view to obtaining optimum value for money.

38.25. These reviews to include consideration of the use of these methods of procurement where Services consider open competition to be inappropriate:

- a. Contract extensions or renewal without re-tendering



- b. Single tenders from specialist or solitary traders
- c. Negotiated tenders
- d. Partnership arrangement

38.26. In addition to considering the use of these particular methods, the service will have an on-going interest in the use of open competition:

- a. To consider packaging and aggregation opportunities within the Authority's planned procurement activity.
- b. To act in an advisory capacity to service managers on procurement matters (e.g. market development).
- c. To consider and advise on innovative arrangements for procurement.
- d. To periodically review the Authority's framework for procurement, the Procurement Process and its Minimum Standards and Procedures for Tenders and Contracts and issue other supplementary detail guidance as necessary.
- e. To bring together the network of skills, experience and knowledge of all Services for the benefit of the Authority and the community of Devon.

## Procedures for Tenders and Contracts

### *General*

39.1. These procedures apply to all contracts, including arrangements for the carrying out of works, the supply of goods and services and the acquisition and disposal of assets. These procedures must be read in conjunction with the Contract Procedure Rules - Minimum Standards for Tenders and Contracts and any procurement guidance notes issued by the Procurement Officer.

39.2. Codes of Conduct dealing with Interests of Members and Officers apply to all contracts.

39.3. Due Diligence: for all arrangements where a financial relationship exists between The Authority and external organisation(s) or an organisation uses The Authority's name, logo, e-mail or telephony system the minimum due diligence checks must be applied (see DCC's Constitution Part 5 Code of Business Conduct, Procurement Policy (i) page 128 and (v) page 130). Conflict of interest checks must be undertaken for transparency.

### *Quotation and Tendering Procedures*

39.4. Apart from particular types of contract specified in section 3 (below), the minimum required number of tenders or quotations to be invited from appropriate contractors for a given estimated value of contract are:

- a. Above £1,000 and up to £2,500 (£5,000 for works) two oral quotations:
- b. Above £2,500 (£5,000 for works) and up to £10,000, Invite three organisations to submit written quotations;
- c. Above £10,000 and up to £100,000, Invite three organisations to submit written formal quotations submitted by a specified date and time and based on a written specification and evaluation criteria (referred hereafter as “formal quotation”);
- d. Above £100,000, and up to Public Procurement thresholds, invite four organisations to submit tenders;
- e. Over Public Procurement thresholds, invite organisations to submit tenders in accordance with the requirements of the Public Contract Regulations.

39.5. The values are for single items or groups of items, which must not be disaggregated artificially. From 1 January 2024 the sterling equivalents of Public Procurement thresholds (including VAT) are £214,904 for supplies and services, £5,372,609 for works and £663,540 for contracts falling within the light-touch regime and £5,372,609 for concession contracts. The Public Procurement thresholds are changed on 1 January of each even-dated year.

39.6. Where quotations apply, they should be sought from contractors selected from a qualified vendors list if one exists but if not from suitable contractors or, for a formal quotation, through open competition.

39.7. Where formal quotations are required, they should be sought from organisations selected from a qualified vendors list. Where there is no such list, formal quotations may be sent directly to a minimum of three organisations who have been selectively invited to bid without recourse to open advertisement of the opportunity or they may be selected through open competition.

39.8. Where competitive tenders are required there will be a choice of procedures. For contracts up to Public Procurement thresholds, organisations may be selected from a qualified vendors list. Where there is no such list, and for contracts over Public Procurement thresholds, appropriate advertisement must be undertaken inviting suitable organisations to express an interest in tendering. Alternatively, a suitable Framework Agreement can be used (see para 3.3 below). Route to market appraisal should be undertaken to identify and recommend options. Tenders may be received from either all who respond to an advertisement (open competitive tendering) and, for contracts over Public Procurement thresholds, from a selection of suitable contractors who have expressed an interest and who are invited by the Authority to tender (selective tendering). The number of tenderers to be invited to tender will depend on the particular market and the individual project procurement strategy.

39.9. If selection is to be from standing lists, arrangements for standing list compilation, maintenance, review and use must be approved in advance by the Monitoring Officer.

#### *Procurement Notification Process*

39.10. Officers planning to carry out any procurement exercise with a value of £10,000 or more must record this via an electronic procurement notification form. This can be used to create a central list of contracts for the Authority.

#### *Appropriate Advertising*

39.11. Tenders up to the Public Procurement thresholds, where there have been no selective invitations to quote or tender and all tenders above the Public Procurement thresholds, will be advertised on the Authority e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Central Digital Platform website.

39.12. For services, supplies and works where the total contract value, including any options to extend the initial term of the contract are expected to exceed Public Procurement thresholds, a relevant public procurement Notice must also be placed and must follow Public Contract Regulations (PCR 2024) requirements with particular regard to be given to the timescale for such tenders.

39.13. Any formal quotation following the open competition procedure will be advertised on the Authority's e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Central Digital Platform website. The Procurement Officer will determine in conjunction with the project team, if further advertising in relevant local newspapers and trade publications and suchlike is also required.

39.14. The Procurement Officer will ensure that the e-tendering system website address is publicised appropriately, namely [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk)

#### *Selective Tendering*

39.15. Following advertisement of tenders above the Public Procurement thresholds for goods and services (whether in relation to goods, services or works), invitations shall be sent to the prospective tenderers who are best qualified to bid.

#### *Invitation to Tender*

39.16. Every invitation to tender must specify that the Authority e-tendering system will be used to issue and receive tender documentation. The invitation must state the date and time by which the tender must be received by the e-tendering system and

that the tender will be held in the secure area of the e-tendering system and cannot be accessed until after the deadline. Adequate time must be allowed for the preparation and return of tenders ensuring compliance where appropriate with the Public Contract Regulations (PCR 2024).

#### *Invitation to Quote*

39.17. The e-tendering system must be used for a formal quotation, save for any exceptions approved by the Procurement Officer. The e-tendering system is expected to be used for exchange of all quotation documents. Adequate time must be allowed for their preparation and return.

#### *Certification notice by Tenderers*

39.18. Tenderers shall certify and give undertakings that:

- a. the tender is genuine and intended to be competitive;
- b. they have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person\*;
- c. they have not done and will not do, at any time before the time and date specified for the return of the tender, any of the following:
  - inform any person\* the amount or approximate amount of the proposed tender, except where the confidential disclosure of the approximate amount of the tender was necessary to obtain insurance premium or other quotations necessary for tender preparation;
  - enter into any agreement or arrangement with any other person\* with the aim of preventing tenders being made or as to the amount of another tender or the conditions on which the tender is made;
  - offer to pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the Authority any of the actions specified and described in this section; o cause or induce any person to do any of these things.

**\*outside the consortium if a consortium tender,**

#### *Receipt, Custody and Opening of Tenders and Formal Quotations*

39.19. The Authority's e-tendering system will record the date and time of receipt of all tenders and formal quotations. Any tender or formal quotation not received via the Authority's e-tendering system (if applicable) must be marked with the date and time of receipt and the initials of the receiving officer, and recorded. Any tender or formal quotation received after the specified time shall be recorded as such but must not be considered.

### *Use of e-auction functionality*

39.20. An e-auction process may form part of the overall tender process. The Procurement Officer must approve any proposal to use this process, and such approval will include consideration of all software, systems and procedures to be used. The invitation to tender must state that an e-auction will form part of the tender process.

### *Acceptance of Single Quotation or Tender Received*

39.21. This section deals with situations where either a single quotation or tender is received. For contracts up to £10,000, the Director of Operations will determine whether or not to accept the quotation. For contracts over £10,000, the Procurement Officer and the Director of Operations shall jointly consider whether or not, in their professional judgement, best value would be obtained. The following provisions shall then apply:-

In instances where only one tender is received, the Procurement Officer will discuss with the Chief Finance Officer who will determine if in their view best value would be obtained. If so, the quotation or tender may be accepted. However if in their view value for money would not be obtained, or if there is any doubt, the tendering exercise may be terminated and repeated. If there is any doubt as to the ability to terminate the process, the matter should be referred to the Monitoring Officer for their advice.

### *Financial Provision for Contracts*

39.22. Where tenders or quotations received vary from the approved estimate, the Director of Operations must identify funding for any increase. Where the increase exceeds the greater of 5% or £25,000, the funding must be approved by the Chief Finance Officer before awarding the contract. Approval of the Board must also be obtained before awarding the contract where the variation exceeds £100,000.

### *Maintaining the Contracts Database*

39.23. Upon the award of a contract with a value of £10,000 or more, the Director of Operations is responsible for ensuring the details are entered into the Authority's the contracts database and that the database is kept up to date.

## **Treasury Management Code of Practice**

- 40.1. The Authority will create and maintain, as cornerstones for effective treasury management:
- a. a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities; and

- b. suitable Treasury Management Practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 40.2. Investment Management Practices (IMP) for investments which are not for treasury management purposes.
  - 40.3. The Authority will receive reports on its treasury and investment management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in the TMPs and IMPs.
  - 40.4. The implementation and regular monitoring of its treasury management policies and practices will be undertaken by the Board. Responsibility for the execution and administration of treasury management decisions will be delegated to the Chief Finance Officer, who will act in accordance with the Authority's policy statement and TMPs and IMPs, and CIPFA's Standard of professional Practice on Treasury Management.
  - 40.5. The Authority nominates the Audit and Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

## Treasury Management Policy

- 40.6. The Authority defines its treasury management activities as: The management of the Authority's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- 40.7. The Authority regards the successful identification, monitoring and control of risk to be the prime criteria by which effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation, and any financial instruments entered into to manage these risks.
- 40.8. The Authority acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.

40.9. The Treasury Management Practices (TMPs) will be applied to ensure that this Policy is delivered. The Authority will through the use of these practices ensure that security and liquidity are prioritised ahead of yield within the defined risk framework.

## Treasury Management Practices

Treasury Management Practices (TMPs) set out the manner in which the Authority will seek to achieve its treasury management policies and objectives and how it will manage and control those activities.

### TMP1 Treasury Risk Management

The Authority regards a key objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that robust due diligence procedures cover all external investment.

The Chief Finance Officer will ensure the design, implementation and monitoring of all arrangements for the identification, management and control of treasury management risk. The Chief Finance Officer will report at least annually on their adequacy and suitability, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the Authority's objectives in this respect, all in accordance with the procedures set out in TMP6 Reporting requirements and management information arrangements.

In respect of each of the following risks, the arrangements, which seek to ensure compliance with these objectives, are set out.

#### *Credit and counterparty risk management*

The Authority regards a prime objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with which funds may be deposited, or investments made, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4 'Approved Instruments, methods and techniques'. It also recognises the need to have, and maintain, a formal counterparty policy in respect of those organisations with which it may borrow, or with whom it may enter into other financing or derivative arrangements. This will set out the organisation's policy and practices relating to environmental, social and governance (ESG) investment considerations.

The Authority's arrangements have been formulated to restrict the exposure to risk by taking account of the credit standing of counterparties, and setting limits to different types of borrowers.

The credit ratings of all three major rating agencies (Fitch, Moody's and Standard & Poor's ) will be used to ensure that commercial institutions satisfy the requirements of the current policy. In essence the Authority looks for the highest rating from banks and sets lending limits against each one. Banks and UK Building Societies that do not attract these ratings are not considered at all. The actual ratings sought by the Authority may be varied as part of the regular review of lending policy and counterparties.

Lending to other Local Authorities, and Public Bodies is allowed, with differing credit limits according to the type of institution.

The List of Approved Counterparties is kept under close review and is subject to amendment in the light of changes to credit ratings, takeovers and mergers, or changes to the type of institution.

Approved institutions are placed on the lending list, deposits may not be made to any institution, which does not conform to the requirements of the Lending List, nor is any transaction allowed to be entered into through any money broker not featuring on the approved list. The financial press and other sources are monitored with a view to discovering cases where an institution on the List is in any difficulty, financial or otherwise. If appropriate, any organisation will be immediately suspended from the list until such time that they demonstrate their creditworthiness. The decision to suspend a counterparty is made by the Devon County Council Head of Pensions and Investments, and notified to other officers by the issue of a revised Approved List.

#### *Liquidity Risk Management*

The Authority will ensure it has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available which are necessary for the achievement of its business and service objectives.

Should borrowing be required, the Authority will not borrow earlier than required to meet cashflow needs unless there is a clear business case for doing so, and will only do so for the current capital programme, to fund future debt maturities, or to ensure an adequate level of short term investments to provide liquidity for the Authority.

The daily cash flow is managed by officers in order to 'smooth' the flow of funds into and out of the Authority, ensuring best returns on surplus funds, whilst minimising borrowing costs on days where there is a shortage. Short term borrowing and lending is generally undertaken in periods of under one month to ensure as far as is possible that on no one day should there be a requirement to have to fund shortages in excess of £1 million. Days when it is known that large outflows of money will take place e.g. payroll dates, are obvious dates to ensure there is sufficient liquidity.



Balances that are identified as not being for immediate use, say within the next few months, may be invested for longer periods.

### *Interest Rate Risk Management*

The Authority will manage its exposure to fluctuations in interest rates with a view to containing its net interest costs or revenue, in accordance with its Treasury Management Policy and Strategy and in accordance with TMP6 Reporting requirements and management information arrangements.

It will achieve these objectives by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of interest rates. This should be subject to the consideration and, where required, approval of any policy or budgetary implications.

The level of exposure to Interest Rate Risk depends on the balance of fixed to variable monies. Here the risk is twofold. Being locked in to fixed funding when rates are falling, or failing to take advantage at a time when rates are perceived as low, or are forecast to rise; conversely, being locked into investments when rates are rising, and being unable to take advantage of this situation.

The Authority has a policy of borrowing the fixed rate long-term element of its loans portfolio with loans from the Public Works Loan Board (PWLB) or the Money Market. This policy is subject to annual reassessment as part of the adoption of the Treasury Policy Statement.

Interest Rate Risk is not increased by this policy as it is still possible to manage by switching existing loans from fixed to variable or vice versa, or re-scheduling existing debt, i.e. repaying existing debt, and re-borrowing over a shorter, or perhaps longer period. However, the existing arrangements operated by the Board of different rates for repaying loans as to those applied to new advances, mean that such changes are often uneconomic. Regard must always be had of the potential costs of any re-scheduling, as often they will attract a premium payable to the lender. This point is also referred to later under 'refinancing risk.'

Market Loans, usually in the form of Lender's Option Borrower's Option (LOBOs), offer an alternative to borrowing from the PWLB. Here money is borrowed for an initial period against the issue of a Bond, and gives the Lender the Option of varying the rate at the end of the period. If this Option is taken, the Authority as Borrower can in turn agree to the new rate, or repay the loan without penalty. The flexibility offered by such loans can be a great help in managing this type of risk. The lender, who has the choice to (or not to) exercise the first option, has to be seen as having the greater control of the arrangement.

On the investment side, the use of Call Accounts, Notice Money, Money Market Funds, and Callable Deposits all introduce a degree of flexibility not offered by fixed term investments.

The CIPFA Code requires that any hedging tools such as derivatives are only used for the management of risk and the prudent management of financial affairs. Derivatives are securities whose price is dependent upon or derived from one or more underlying assets, the most common being stocks, bonds, commodities, currencies, interest rates and market indexes. They can be used to hedge (provide insurance) against risk or for speculative purposes; however it is the Authority's policy not to use derivatives in its treasury management activities.

#### *Exchange Rate Risk Management*

The Authority will manage its exposure to fluctuations in exchange rates so as to minimise any detrimental impact on its budgeted income/expenditure levels.

It will achieve this objective by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility to take advantage of unexpected, potentially advantageous changes in the level or structure of exchange rates. The above is subject at all times to the consideration and, if required, Authority approval of any policy or budgetary implications.

The risk from fluctuating exchange rates is not material as far as the Authority is concerned, as there is currently very little of either income or expenditure transacted in currencies other than Sterling.

#### *Inflation Risk Management*

The Authority will keep under review the sensitivity of its treasury assets and liabilities to inflation, and will seek to manage the risk accordingly in the context of the whole organisation's inflation exposures.

During periods of low and stable inflation, there is little requirement for active consideration of its impact. The key objectives are that investments reap the highest real rate of return, with debt costing the lowest real cost. In periods of higher or more volatile inflation, projections of inflation will become part of the debt and investment decision-making criteria, both strategic and operational.

#### *Refinancing Risk Management*

The Authority will ensure that its borrowing and other long term liabilities are negotiated, structured and documented, and the maturity profile of the monies so raised is managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time.

It will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective, and will avoid over-reliance on any one source of funding if this might jeopardise its achievement.

External long term funding is arranged by the Treasury staff in accordance with the Treasury Strategy, which is adopted by the Authority's members before the start of each financial year. All borrowings are with either the Public Works Loan Board or a major bank as lender.

Loans are offered by the Board over periods of one to fifty years and can be either at fixed or variable rates. There are also three methods of repaying loans; Maturity, by Equal Instalments of Principal (EIP), or as Annuity loans

PWLB loans are fairly flexible; variable loans can be converted to fixed loans and vice versa, debt can be re-scheduled over different periods. Re-scheduling existing fixed rate debt however introduces an element of refinancing risk, which is increased in re-scheduling loans with long maturity profiles. The penalty (or premium) payable is dependent on the relationship between the loan rate and the current repayment rate for loans of a period equal to the unexpired term. As PWLB rates are reviewed daily, the timing of the rescheduling exercise is important if the costs of any penalties are not to cause problems to budgeted expenditure levels.

#### *Legal And Regulatory Risk Management*

The Authority will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy under TMP1 'credit and counterparty risk management', it will ensure that there is evidence of counterparties' powers, authority and compliance in respect of the transactions they may effect with the organisation, particularly with regard to duty of care and fees charged.

The Authority recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the Authority.

Authority officers carry out their duties with reference to Local Government Acts and Regulations, and in accordance with the Authority's Treasury Management Policy.

In framing the Lending List, reference is made to official circulars from the Bank of England and to Credit Agency reports in order to vet potential counterparties. In return, the Authority, if requested, will provide to those institutions, documentation to support the Authority's and Authority Officer's powers to enter into any transaction. Annual Accounts, Treasury Management Strategy Statements, and Schemes of Delegation are exchanged with counterparties.

Under no circumstances are officers involved in cash management allowed to borrow or lend for the purpose of generating surpluses from speculative money market dealings.

#### *Operational Risk, Including Fraud, Error And Corruption*

The Authority will ensure that it has identified the circumstances that may expose it to the risk of loss through inadequate or failed internal processes, people and systems or from external events. Accordingly, it will employ suitable systems and procedures and will maintain effective contingency management arrangements to these ends.

Day to day treasury management activities are undertaken on behalf of the Authority by officers of Devon County Council. Systems and procedures are in place to ensure that all money market deals are documented and authorised.

Proprietary systems are used to record money market transactions (Logotech Treasury Management), and to process transactions (Barclays.net). Both of these systems are operated with a clear division of duties between personnel involved in data entry, checking, and authorisation of transactions. Both systems are accessed only through a system of passwords. Reports and records from the systems also allow independent checks by others, for example Internal Audit, on the accuracy and completeness of all transactions, and to verify that they were made in accordance with agreed policy.

A summary of each day's activity is kept which shows the opening bank balances, and record of individual receipts and payments to be transacted during the day. This allows a forecast to be made of the end of day balance, and from this, the requirement to either borrow or lend funds.

Generally, if the forecast closing balance is less than £100,000 overdrawn, it is not economic to borrow at rates just marginally below the rate payable by having an overdrawn balance. The transaction costs, and the cost of brokerage, will more than outweigh any saving of interest.

A forecast credit balance of anything below £250,000 will not be offered to the 'market', but will be simply kept with Barclays Bank.

All borrowing is conducted via money brokers, and every effort is made to ensure that no one broker is given a disproportionate amount of business.

Lending can be arranged either direct with counterparties, or via a broker (as lending does not attract brokerage). It is clearly important to show that the interest rate for deposits made was competitive, and so a record is kept of rates available from other potential borrowers on the day.

Deals are entered into the Logotech system, and reports produced from it confirming the details entered, and a current list of all outstanding borrowing and lending. The Barclays.net system is used to electronically transfer funds where deposits have been

agreed, or where borrowings are to be repaid. Confirmation reports of data input to Barclays.net are created, and together with the Logotech reports and the Summary Sheet are passed to another section for checking and validation.

Authorisation to release electronic payments is restricted to a small number of senior officers, each of whom has been allocated a unique sign in.

Arrangements are in place to ensure that the roles of creator, validation and authoriser are covered for holidays and other absences.

Officers responsible for cash management follow the recommended procedures set out in the London Code of Conduct. This code requires that:

- Officers should not disclose or discuss, or press others to disclose or discuss, any information relating to specific deals transacted without permission from the relevant counterparty or broker;
- Visits to or from brokers should not be organised without the express permission of a senior officer. Any hospitality received must be declared and recorded;
- The dealer must bear in mind that in accepting a firm price, they are committing the Authority to dealing at that rate. If a dealer wishes merely an indicative price, this must be made clear; and
- Brokers must be supplied with a copy of the Authority's current approved Counterparty Lending List.

### *Price Risk Management*

The Authority will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.

The majority of lending is in the form of cash deposits. However a proportion of the Authority's funds may be invested in alternative forms of investment where the capital value may fluctuate. These will be managed in such a way as to minimise the risk of financial loss.

### *Commercial Investments*

The Authority does not currently have a policy of making commercial investments outside of its treasury management activity for mainly financial reasons. All capital investments outside of treasury management activities are held explicitly for the purposes of operational services, including regeneration, and are monitored through existing control frameworks.

## TMP2 Performance Measurement

The Authority is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its treasury management policy statement.

Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the Authority's stated business or service objectives. It will be the subject of regular examination of alternative methods of service delivery, of the availability of fiscal or other grant or subsidy incentives, and of the scope for other potential improvements.

The review of treasury management decisions is carried out at regular officer meetings held to discuss treasury matters. This forum reviews past actions as well as considering the period ahead.

The minutes of these meetings are made available to External Audit as part of their Annual Audit, and to Internal Audit should they be required.

The performance of the treasury management function will be measured against agreed benchmarks. Performance criteria will include measures of effective treasury risk management in addition to measures of financial performance (income or savings).

Long term debt is judged in terms of average rate of all external debt, and comparisons made with previous years.

Investment earnings are measured against published benchmarks, including Base Rate and the Sterling Overnight Index Average (SONIA).

At present the Authority has delegated implementation of treasury management activity to Devon County Council and has no plans to appoint other external cash fund managers. It is not felt that the cost of such an appointment is likely to be covered by any marginal return over what is currently being achieved internally. However, this matter needs to be reviewed from time to time, and records are kept of the performance of a number of fund managers.

## TMP3 Decision-Making and Analysis

Devon County Council will maintain full records of its treasury management decisions taken on behalf of the Authority, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for accountability, e.g. demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time.

In respect of every decision made, Devon County Council's Treasury staff will have certainty about the legality of the transaction, and be content that the transaction helps deliver the Authority's objectives as set out in the Strategy Statement.

Third parties will have been checked to ensure their credit worthiness and to ensure that limits have not been exceeded. Rates will be fully checked against the market to ensure they are competitive.

With particular regard to borrowing, market and economic factors will influence the timing of any funding, the most appropriate period, and the repayment profile.

Similarly, before investing, account will be taken of the existing cash flow, and market conditions, before fixing the optimum period.

Devon County Council employs Treasury Management Advisors, who are able to ensure that the officers are informed of any potential changes that may affect treasury decisions.

Records are kept not only of all transactions, but also of all documents that were a part of reaching the decision. For example, when investing, bids will be obtained from a number of banks, and a record kept of these to demonstrate that the one taken was competitive.

#### TMP4 Approved Instruments, Methods and Techniques

The Authority will undertake its treasury management activities by employing only those instruments, methods and techniques detailed, and within the limits defined in 'TMP1, Risk Management'.

The following are approved activities performed by the Authority:

- a. Borrowing;
- b. Lending;
- c. Debt repayment and rescheduling;
- d. Consideration, approval and use of new financial instruments and treasury management techniques;
- e. Managing the underlying risk associated with capital financing and surplus funds;  
and
- f. Managing cash flow.

The Authority's policy is not to use derivatives in its treasury management.

There are a number of ways of raising external capital finance, which are set out in Local Government Acts,

The Chief Finance Officer considers borrowing from the Public Works Loan Board and from banks to be the most appropriate form of borrowing, but alternatives to these, which are allowed to Local Authorities, may well be considered.

(Increasingly, there are other potential sources for the funding of capital projects, e.g. Private Finance arrangements, or the use of leasing, but they are not considered here).

The majority of lending is in the form of cash deposits. However a proportion of the Authority's funds may be invested in alternative forms of investment where the capital value may fluctuate. These will be managed in such a way as to minimise the risk of financial loss. The potential list of alternative forms of investment includes UK Government Gilts, bond funds and property funds, but only those specified within the annual Treasury Management Strategy shall be permitted.

The Authority has reviewed its classification with financial institutions under MIFID II and will seek elective professional client status where required in order to access the investment opportunity set out in its treasury management policies and strategy. The Authority will set out in its annual treasury management strategy those organisations with which it is registered as a professional client and those with which it has an application outstanding to register as a professional client.

### TMP5 Organisation, Clarity and Segregation of Responsibilities, and Dealing Arrangements

The Authority considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, and for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times a clarity of treasury management responsibilities.

The principles on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

If and when the Authority intends, as a result of lack of resources or other circumstances, to depart from these principles, the Chief Finance Officer will ensure that the reasons are properly reported in accordance with TMP6 Reporting requirements, and the implications properly considered and evaluated.

The Chief Finance Officer will fulfil all such responsibilities in accordance with the Authority's policy statement and TMPs and, as a CIPFA member, the Standard of Professional Practice on treasury management. The Chief Finance Officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangement for absence cover.

The Chief Finance Officer will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds.

There are a number of bodies and individuals with responsibilities in this area.



### *The Board*

The Board will receive reports on treasury management policies, practices and activities, including audit reports. As a minimum, each year, the Board will have to consider:

- The Treasury Strategy Report, setting out the strategy and plans to be followed in the coming year. This report is part of the Budget process;
- A Mid-Year Monitoring Report; and
- An Annual Treasury Management Stewardship Report on the performance of the Treasury Management function, and highlighting any areas of non-compliance with agreed policy.

(The content of these three reports are more fully explained in TMP 6 'Reporting Arrangements'.)

The Board is required to approve any amendments to the organisation's adopted Treasury Management Policy Statement, and the selection of external service providers, including agreeing terms of appointment.

### *The Chief Finance Officer*

The Chief Finance Officer is responsible for recommending (changes to) Treasury Management Policies to the Board for approval, and for ensuring they receive as a minimum, the three annual reports referred to above. The Chief Finance Officer will ensure that Treasury Policies are adhered to, and if not will bring the matter to the attention of elected members as soon as possible.

The Chief Finance Officer will receive reports from the Treasury Team, both Internal and External Audit, and from other sources regarding performance. It is the responsibility of the Chief Finance Officer to consider such reports, and any recommendations arising from them.

Prior to entering into any long term borrowing, lending or investment transaction, it is the responsibility of the Chief Finance Officer to be satisfied, by reference to the Devon County Council Investment Team that the proposed transaction does not breach any statute, external regulation or the Authority's Financial Regulations.

The Chief Finance Officer has delegated powers to take the most appropriate form of borrowing from the approved sources, and to take the most appropriate form of investments in approved instruments. In practice these powers are in turn delegated to the Devon County Council Investment Team.

### *The Head of Pensions and Investments (Devon County Council)*

The Head of Pensions and Investments needs to ensure the adequacy of treasury management resources and skills, the effective division of responsibilities within the

treasury management function, and that all transactions are authorised in accordance with the financial regulations of the Authority.

#### *The Treasury Management Team (Devon County Council)*

The Treasury management Team are responsible for optimising the Authority's investment returns commensurate with minimum risk, and in accordance with agreed policy and strategy.

Nominated team members are responsible for the execution of transactions, and for ensuring that they are documented in accordance with agreed practice.

In performing their roles they need to be aware of maintaining relationships with third parties and external service providers, which may well lead to identifying and recommending opportunities for improved practice.

Reports, both verbal and written are required to be made to the Chief Finance Officer and the Head of Pensions and Investments.

#### *Internal Audit (Devon Assurance Partnership)*

The responsibilities of Internal Audit include ensuring compliance with approved policy and procedures, reviewing division of duties and operational practice, assessing value for money from treasury activities, and undertaking probity audit of the treasury function.

### **TMP6 Reporting Requirements and Management Information Arrangements**

The Board will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and the transactions executed in pursuit of those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.

Before the start of each financial year, the Board must adopt the Treasury Management Strategy. The Strategy sets out the expected treasury activities for the forthcoming year, and is concerned with:

- a. The prospects for future interest rates;
- b. The expected strategy with regard to borrowing and temporary investments (including the appointment of external managers); and
- c. Policies regarding debt redemption and rescheduling.

A mid-year monitoring report will bring the Board up to date with actions taken. This will draw on the regular meetings which the Chief Finance Officer has with the Devon

County Council Head of Pensions and Investments and Treasury staff to consider activity to date, and to discuss particular aspects of treasury management activity.

An annual Treasury Management Stewardship Report will be presented to the Audit and Governance Committee, and then to the Board at the end of the financial year. The Treasury Management report includes:

- a. A comprehensive picture for the financial year of all treasury policies, plans, activities and results;
- b. Details of transactions executed and their revenue (current) effects;
- c. A report on risk implications of decisions taken;
- d. Monitoring of compliance with approved policy, practices and statutory/regulatory requirements.

Details of treasury management indicators and any other investment indicators required by regulation.

- a. Monitoring of compliance with powers delegated to officers;
- b. The degree of compliance with the original strategy and explanation of deviations;
- c. An explanation of future impact of decisions taken on the organisation;
- d. Measurements of performance; and
- e. A report on compliance with CIPFA Code recommendations.

### TMP7 Budgeting, Accounting and Audit Arrangements

The Chief Finance Officer will prepare, and the Board will approve and, if necessary, from time to time amend, an annual budget for treasury management. This will bring together all of the costs involved in running the treasury management function, together with associated income. The matters to be included in the budget will at a minimum be those required by statute or regulation, together with such information as will demonstrate compliance with TMP1 'Risk Management', TMP2 'Performance Measurement', and TMP4 'Approved Instruments, Methods and Techniques'.

The Treasury Management Budget or supporting papers will identify

- a. The basis of any recharges from Devon County Council for the undertaking of treasury management activity on behalf of the Authority;
- b. Interest and other investment income;
- c. Debt and other financing costs;

- d. Bank and overdraft charges;
- e. Brokerage, commissions and other transaction-related costs; and
- f. External advisors' and consultants' charges.

The Chief Finance Officer will exercise effective controls over this budget, and will report upon and recommend any changes required in accordance with TMP6 'Reporting Requirements and Management Information Arrangements'.

The Authority will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being.

The Authority will ensure that its auditors, and those charged with regulatory review, have access to all information and papers supporting the activities of the treasury management function as are necessary for the proper fulfilment of their roles, and that such information and papers demonstrate compliance with external and internal policies and approved practices.

### TMP8 Cash and Cash Flow Management

Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Authority will be under the control of the Chief Finance Officer, and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and Devon County Council's Head of Investments will ensure that these are adequate for the purposes of monitoring compliance with TMP1 regarding Liquidity Risk Management, and for the purpose of identifying future borrowing needs (using a liability benchmark where appropriate).

A Cash Flow Report is produced at the start of each financial year, based upon information contained in the published Capital and Revenue Budgets.

Items of income and expenditure are examined and in discussion with finance staff from the different services, a time dimension is attached to the flows of cash.

All of the cash flow data is then entered into the Logotech Treasury Management System, which also contains information relating to all of the Authority's treasury transactions, both lending and borrowing.

Actual receipts and payments are monitored against the forecast, and regular discussions are held with services staff who are likely to be able to explain the variations. The forecast is updated in the light of them

### TMP9 Money Laundering

The Authority is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will maintain

procedures to minimise the risk of any such event occurring, and for verifying and recording the identity of counterparties and reporting suspicions. It will also ensure that staff involved in treasury transactions are properly trained.

The source of all monies received by the Authority is required to be identified. Major unbudgeted income or receipts which had not been forecasted are investigated.

The Authority does not accept loans from individuals. All loans are obtained from the Public Works Loan Board or from authorised institutions under the Banking Act 1987. The names of these institutions formerly appeared on the Bank of England's quarterly list of authorised institutions, as maintained by the Financial Conduct Authority.

### TMP10 Staff Training and Qualifications

Devon County Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The Chief Finance Officer will recommend and implement the necessary arrangements, including the specification of the expertise, knowledge and skills required by each role or member of staff.

Career development and planning for succession are similarly the responsibility of the Departmental Management. Qualifications that are required for all treasury posts are contained in their job descriptions.

The Authority's Chief Finance Officer, as a member of CIPFA, is committed to her professional responsibilities through both personal compliance and by ensuring that relevant staff are appropriately trained.

She personally, and through her management team, accepts that these matters are ones that should be regularly assessed to ensure compliance.

The Chief Finance Officer will ensure that Board and committee members tasked with treasury management responsibilities, including those responsible for scrutiny, have access to training relevant to their needs and responsibilities.

Those charged with governance recognise their individual responsibility to ensure that they have the necessary skills to complete their role effectively.

### TMP11 Use of External Service Providers

The Board recognises that responsibility for treasury management decisions remains with the Board at all times. It recognises that there may be potential value in employing external providers of treasury management services, in order to acquire access to specialist skills and resources.

If and when it employs such service providers, it will ensure it does so for reasons which will have been submitted to a full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

The Board will ensure, where feasible and necessary, that a spread of service providers is used, to avoid over-reliance on one or a small number of companies. Where services are subject to formal tender or re-tender arrangements, legislative requirements will always be observed. The Board will be mindful of the requirements of the Bribery Act 2010 in their dealings with external providers. The monitoring of such arrangements rests with the Chief Finance Officer.

## TMP12 Corporate Governance

The Authority is committed to the pursuit of proper corporate governance throughout its businesses and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

The Authority has adopted and has implemented the key principles of the Code. This, together with the other arrangements detailed in this document, are considered vital to the achievement of proper corporate governance in treasury management, and the Chief Finance Officer will monitor and, if necessary, report upon the effectiveness of these arrangements.

## Investment Management Practices

For non-treasury management investments, the Board should ensure that effective risk and performance management arrangements are in place. These should include:

- a. Investment objectives.
- b. Investment criteria.
- c. Risk management, including risk identification, controls, management and monitoring for any material non-treasury investment portfolios.
- d. Performance measurement and management, including methodology and criteria for assessing the performance and success of non-treasury investments.
- e. Decision making, governance and organisation, including a statement of the governance requirements for decision making in relation to non-treasury investments, and arrangements to ensure that appropriate professional due diligence is carried out to support decision making.
- f. Reporting and management information, including where and how often monitoring reports are taken.

- g. Training and qualifications, including how the relevant knowledge and skills in relation to non-treasury investments will be arranged.

The above issues should be addressed by the service areas concerned in relation to any financial investments undertaken in support of their service priorities. A summary will be provided in the annual treasury management strategy.

## Part 5: Protocols and Ethical Standards

### The Devon and Torbay Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Parties

#### Background and Introduction

- 1.1. The Devon and Torbay Combined County Authority Regulations 2024 made on February 5 2025 (“the 2024 Regulations”) provide for: the following functions to be conferred on the Authority:
  - a. functions of the Homes and Communities Agency (now known as Homes England) relating to housing and regeneration (to be exercised concurrently with Homes England),
  - b. functions in relation to local passenger transport services including grants to bus service operators,
  - c. functions of the Constituent Councils to be exercised concurrently by the Authority relating to: -
  - d. housing, regeneration, and planning, and - transport (including in relation to highways functions: permit schemes and civil enforcement of road traffic contraventions; and in relation to local transport functions: bus ticketing schemes and concessions, and workplace parking levy licensing schemes). - the provision for protection or improvement of public health

#### Concurrent Functions

- 1.2. The tables of functions in Part 3 to this protocol sets out each function (that is, power or duty) of the Authority conferred by the 2024 Regulations. This table includes detail of whether functions are exercisable concurrently with the Constituent Councils (a “Concurrent Function”) and whether that concurrency is continuing or available for the duration of the transport transition period (“a Transitional Concurrent Function”).
- 1.3. Under the 2024 Regulations, there is:
  - a. no transfer of any Concurrent Function to the Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
  - b. no requirement for the joint exercise of any Concurrent Function by the Authority with Constituent Councils – that is, that they are not required to act together, and
  - c. no requirement for a Constituent Council to involve, consult or seek the consent of the Authority in relation to the exercise of any Concurrent Function by a Constituent Council.



- 1.4. That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2024 Regulations.
- 1.5. For the duration of the Transition Period, a Transitional Concurrent Function, the statements set out at 1.3 and 1.4 are applicable. It is envisaged that the exercise of Transitional Concurrent Functions by the Combined County Authority and the Constituent Councils will be governed by an Inter-Authority Agreement which will set out the detailed position in relation to the transition of transport functions to the CCA. Statutory Consents.
- 1.6. The 2024 Regulations provide that the Combined County Authority's exercise of specified functions is subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery.

### Aim of this Protocol

- 1.7. The aim of this protocol is to promote:
  - a. co-operation and collaboration between the Authority and the Constituent Councils in a spirit of partnership,
  - b. transparency of roles and processes to engender mutual trust and confidence, and
  - c. the best use of resources through co-ordination and reducing duplication between the parties.
- 1.8. The Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.
- 1.9. The Authority is committed to on-going engagement with Constituent Councils about all aspects of its work. This includes engagement about how the Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

### Miscellaneous

- 1.10. For the functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (Duty to prepare an assessment of economic conditions)), the 2024 Regulations provide that a Constituent Council's duty to exercise the Concurrent Function is met when the Authority carries it out. This means that provided the Authority performs the

duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.

- 1.11. Where the Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Authority and Constituent Council may agree a bespoke protocol to govern the way the Authority exercises that Concurrent Function. In particular, it is anticipated that for the purpose of concurrency of transport functions, an Inter Authority Agreement will be agreed between the Constituent Councils and the Authority to govern the use and transition of functions in the transition period.
- 1.12. This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
- 1.13. This protocol does not address the scrutiny of the Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

### Concurrent Functions – Underlying Principles

- 1.14. This protocol sets out how the Authority and each Constituent Council intend to work together to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit. The Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 1.15. The Authority will consult Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 1.16. The Authority will exercise any Concurrent Function reasonably and after taking all relevant factors or considerations into account, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined County Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010.

- 1.17. The Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be compatible with and complementary to the exercise of the Concurrent Function by any Constituent Council.
- 1.18. Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Authority and each Constituent Council agree to share any information as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 1.19. The parties will consult with each other before approving, varying, or revoking any strategy or plan which is likely to determine or significantly affect how any Concurrent Function is exercised by the Authority or any Constituent Council.
- 1.20. The Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any monitoring arrangements relating to any Concurrent Function exercised by the Authority.
- 1.21. The Authority will so far as reasonably practicable seek to develop and share best practice with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Authority.
- 1.22. It is anticipated that the areas in which it is anticipated that the Authority will exercise concurrent functions will be identified early as part of the Annual Plan. This will enable early engagement and discussion with the Constituent Councils before the formal consultation stage under this protocol.

### Concurrent Functions: Consultation with Constituent Councils

- 1.23. The Authority will consult the Constituent Councils about any proposal by the Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.
- 1.24. The Chief Executive will also notify the relevant Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Authority as soon as practicable, and in any event before any Key Decision notice is published by the Authority in relation to exercising the Concurrent Function, and unless the Chief Executive (or their nominee) agrees that no consultation is required, the Combined County Authority will then proceed to consult the relevant Constituent Council in the manner set out in 1.25 and 1.26 below about such proposal.

- 1.25. The Chief Executive will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised
- 1.26. Such consultation must be fair and carried out with adequate notice for responses which must be conscientiously considered by the Authority with a view to reaching agreement on the exercise of the Concurrent Function.

### Statutory Consents: Procedure

- 1.27. There are two ways in which the 2024 Regulations require consent relating to the constituent councils. These are either:
  - a. The consent of the lead member of a Constituent council,
  - b. The consent of the constituent council
- 1.28. The 2024 Regulations also provide for circumstances in which the consent of a district or City council or the National Parks Authority are required.
- 1.29. The 2024 Regulations provide for any Statutory Consent of lead members to be given at a meeting of the Authority. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined County Authority, and any consent will be duly recorded in the minutes of the meeting.
- 1.30. Where Statutory Consent is required from a constituent council, the Authority will seek that Statutory Consent in a timely way. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Authority's Forward Plan at least 28 clear days before the Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 1.31. To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Authority who may provide a Statutory Consent, the Authority's Chief Executive will notify the Chief Executive of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

- 1.32. In relation to any transport-related function in respect of which a Statutory Consent is required, the Authority agrees that this is subject to the Authority and the Constituent Councils agreeing a Key Route Network in respect of which the function is to be exercised.
- 1.33. Where Statutory Consent is required from a district or City council or the National Parks, the Authority will seek that Statutory Consent in a timely way. To facilitate this, the Authority will engage as soon as possible with the relevant council. A notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Authority's Forward Plan at least 28 clear days before the Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 1.34. To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the Council who may provide a Statutory Consent, the Authority's Chief Executive will notify the Chief Executive of the relevant Council as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

## Dispute Resolution

- 1.35. The Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 1.36. Any dispute between the Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Chief Executive of the Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 1.37. In default of successful resolution between the parties, any dispute will be referred to the Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required in their absolute discretion.

## Review

- 1.38. The Authority and the Constituent Councils agree to review this protocol annually, and before any additional concurrent functions which may be

conferred on the Combined County Authority in the future by any other Regulations which are exercisable by the Authority.

- 1.39. The Authority and the Constituent Councils may revise this protocol from time to time, provided such revisions are agreed in writing by the Chief Executive of the Authority and the Chief Executive of each Constituent Council.

## Arrangements for appointment, disqualification, dismissal of Non-Constituent Members

### Background and Introduction

- 2.1. The Authority may designate a body, other than a constituent council, as a nominating body. Such a nominating body must consent to the designation. A nominating body may nominate a representative of that body for appointment by the Authority as a non-constituent member. The non-constituent members are non-voting members of the Combined County Authority, unless the Authority resolves otherwise.
- 2.2. The Devon and Torbay Combined County Authority Regulations 2024 permit the Combined County Authority to appoint up to 4 non-constituent and associate members in total.

### Appointment

- 2.3. The Authority will:
  - a. Approve the designation of a nominating body
  - b. Agree the number of nominating bodies that may be designated by the Authority
  - c. Agree the number of non-constituent members that may be nominated by a nominating body of the Authority
- 2.4. A nominating body may nominate such representatives of that body for appointment by the Authority as a non-constituent member as determined by the Authority.
- 2.5. A nominating body must nominate a substitute member for each non-constituent member nominated.
- 2.6. A nominating body may nominate a representative of the nominating body as a representative for appointment to the Authority.
- 2.7. Written notice must be served on the Monitoring Officer of the Authority confirming who the nominating body has agreed to nominate as a representative

of that body for appointment by the Authority as a non-constituent representative.

- 2.8. The appointment of a non-constituent member or substitute will only take effect when the nomination is approved by the Authority.

### Term of Office and Role

- 2.9. The term of office shall be for a maximum of two years.
- 2.10. A non-constituent member or substitute shall act as a representative of the nominating body that nominated them.

### Disqualification

- 2.11. A person immediately ceased to be a non-constituent member or substitute if they cease to be eligible to be the representative of the nominating body that nominated them

### Resignation

- 2.12. A person may resign as a non-constituent member or substitute by written notice served on the Monitoring Officer of the Authority and the resignation takes effect on receipt of the notice by the Monitoring Officer.

### Withdrawal of nomination

- 2.13. A nominating body may at any time terminate its nomination of a non-constituent member or substitute nominated by it and nominate another one of its members in that person's place. Written notice shall be served on the Monitoring Officer of the Authority and the termination of membership of the Combined County Authority as a representative of the nominating body takes effect on receipt of the notice by the Monitoring Officer.

### Dismissal

- 2.14. The Authority may dismiss a non-constituent member if they fail throughout a period of six consecutive months to attend any meeting of the Authority, unless their absence is due to a reason which has previously been approved by the Authority Board.
- 2.15. The Authority may dismiss a non-constituent member or substitute if there is a finding of breach of the Authority Code of Conduct by them.

## Member Code of Conduct

### Member Conduct

- 3.1. All constituent, non-constituent and associate members when acting in their capacity as a CCA member shall comply with the Local Government Association's Member Code of Conduct and arrangements (see appendix 1), including those relating to registering and disclosing of disclosable pecuniary and other interests.

### Compliance with the Constitution

- 3.2. All meetings of the Authority will be conducted in accordance with the relevant Standing Orders set out in the constitution when considering any matter.
- 3.3. All Members of the Authority will observe the policies set out in the constitution.

### The Members Code of Conduct and Arrangements

[Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

### The Arrangements

[Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

## Protocol for the Monitoring Officer

### General Introduction to Statutory Responsibilities

- 3.4. The Monitoring Officer is a statutory appointment pursuant to section 5 of the Local Government and Housing Act 1989. This protocol provides some general information on how those statutory requirements will be discharged within the Authority.
- 3.5. The Monitoring Officer undertakes to discharge their statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Authority. In doing so, they will also safeguard, so far as is possible, the Chair, members and officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 3.6. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on the Chair, members and officers:
  - a. complying with the law of the land and any relevant codes of conduct;



- b. complying with any general guidance issued, from time to time, by the Monitoring Officer;
- c. making lawful and proportionate decisions; and
- d. generally, not taking action that would bring the Authority, their offices or professions into disrepute.

## Working Arrangements

- 3.7. Having excellent working relations with the Chair, members and officers will assist in the discharge of the statutory responsibilities of the Monitoring Officer and keep the Authority out of trouble. Equally, a speedy flow of relevant information and access to debate (particularly at the early stages of any decision-making by the Chair or the Authority) will assist in fulfilling those responsibilities. The Chair, members and officers must, therefore, work with the Monitoring Officer in discharging these responsibilities.
- 3.8. The Monitoring Officer issues guidance to officers to assist them in understanding the nature, breadth and requirements that the Monitoring Officer puts upon all officers. The guidance also explains how the Monitoring Officer will approach the role. The Monitoring Officer considers that the role is a positive and preventative one, related to legality, avoidance of maladministration and observance of codes of conduct /practice where there is actual/potential transgression by the Chair and/or the Authority.
- 3.9. The Monitoring Officer gives authoritative advice and guidance on these issues which will be conducive to a culture of propriety and integrity. This will provide comfort for officers, the Chair and members alike. However, although the Monitoring Officer will seek to be positive about the role, it must be recognised that the role imposes a personal duty to make a public, statutory report where it appears to be necessary. This might ultimately force the Chair and/or the Authority to consider issues they/it might not wish to.
- 3.10. The Monitoring Officer and the Chair and/or the Authority should co-operate in every way possible so as to reduce the chance of the need for the Monitoring Officer to issue a formal report. In support of this, the Monitoring Officer places significant reliance upon the advice and support given by colleagues in Legal Services, Human Resources and Governance Services, but particularly those in the Legal Services team who will, in providing corporate legal advice do so in an enabling manner, but also identify areas of particular risk and concern, assisting officers, the Chair and members to achieve their objectives, but ultimately in a lawful and proper manner.

3.11. The following arrangements and understandings between the Monitoring Officer, the Chair, members and chief officers are designed to ensure the effective discharge of the Authority's business and functions.

3.12. The Monitoring Officer will:

- a. be alerted by the Chair, or by members or by officers to any issue(s) that may become of concern to the Authority, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
- b. have advance notice of at least five working days (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority at which a binding decision of the Authority may be made at, or of any binding decision to be made by the Chair, including in both cases, a failure to take a decision where one should have been taken;
- c. have the right to attend any meeting of the Authority before any binding decision is taken by the Authority or to be notified and, where necessary, meet with the Chair before they make any binding decision, including in both cases, a failure to take a decision where one should have been taken;
- d. in carrying out any investigation have unqualified access to any information held by the Chair and/or the Authority and to any officer who can assist in the discharge of these functions;
- e. ensure the other statutory officers are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise;
- f. report to the Authority, from time to time, on the constitution and any necessary or desirable changes;
- g. as per the statutory requirements, make a report to the Authority, as necessary on the staff, accommodation and resources they require to discharge their statutory functions;
- h. have a special relationship of respect and trust with the Chair, and chairs of the Authority's committees, sub-committees and working groups with a view to ensuring the effective and efficient discharge of Chair and/or Authority business;
- i. develop effective working liaison and relationship with the External Auditor and the Local Government Ombudsman (including having the Authority, on behalf of the Chair or the Authority, to complain to the same, refer any breaches to the same or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- j. maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- k. give informal advice and undertake relevant enquiries into allegations of misconduct;

- l. defer the making of a formal report under s5 Local Government and Housing Act 1989 where another investigative body is involved;
- m. have sufficient resources to enable them to address any matters concerning their Monitoring Officer functions;
- n. be responsible for preparing any training programme for members on ethical standards and code of conduct issues;
- o. ensure that the Chair and members and officers of the Authority are fully aware of their obligations in relation to probity.

3.13. To ensure the effective and efficient discharge of these arrangements, the Chair, members and officers will report any breaches of statutory duty or Authority policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

3.14. The Monitoring Officer is also available for the Chair, members and officers to consult on any issues in respect of possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

### Monitoring the Protocol

3.15. The Monitoring Officer will report to the Authority as to whether the arrangements set out in this protocol have been complied with and will include any proposals for amendments in the light of issues which have arisen.

### Conflicts and Interpretation

3.16. Where the Monitoring Officer has received a complaint or is aware of an event which may lead to them issuing a statutory report relating to a matter upon which they have previously advised the Chair and/or the Authority, they shall consult the Chief Executive who may then either:

- a. refer the matter to another officer for investigation and report to the Chief Executive; or
- b. ask another Authority to make their Monitoring Officer available to investigate the matter and report to the Chief Executive and/or the Authority as appropriate; or
- c. instruct another qualified person to undertake the investigation and report to the Chief Executive and/or the Authority as appropriate.

3.17. Questions of interpretation of this guidance will be determined by the Monitoring Officer.

## Member Officer Protocol

### General Protocol

- 4.1. The Authority is adopting the Devon County Council Member Officer Protocol.
- 4.2. The Protocol will be reviewed annually.

### Whistleblowing Policy

- 5.1. The Protocol will be reviewed annually.

#### Preamble

- 5.2. Officers are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.
- 5.3. The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect Officers, and others that we deal with, who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 5.4. This policy is intended to encourage and enable Officers to raise serious concerns within the Authority rather than overlooking a problem or 'blowing the whistle' outside. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage.
- 5.5. The policy applies to all Members, Officers and Officers of the Authority and its committees, and contractors working for the Authority. It also covers suppliers with the Authority.

#### Aims and Scope of this Policy

- 5.6. This policy aims to:
  - a. encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - b. provide avenues for you to raise those concerns and receive feedback on any action taken;
  - c. ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and

- d. reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief in the substance of your disclosure and have acted in good faith.
- 5.7. There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistle-blowing Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
- a. conduct which is an offence or a breach of law;
  - b. disclosures related to miscarriages of justice;
  - c. health and safety risks, including risks to the public as well as other Officers;
  - d. damage to the environment;
  - e. a misuse of Authority or other public money;
  - f. possible fraud and corruption and other unethical conduct.
- 5.8. Thus, any serious concerns that you have about any aspect of service provision or the conduct of Officers or Members of the Authority or others acting on behalf of the Authority can be reported under this Whistle-blowing Policy. This may be about something that:
- a. makes you feel uncomfortable in terms of known standards, your experience, or the standards to which you believe the Authority subscribes; or
  - b. is against the Authority's Constitution or policies; or
  - c. falls below established standards of practice; or
  - d. amounts to improper conduct.
- 5.9. This policy does not replace the Authority's Anti-Fraud and Corruption Policy, but rather complements it.

### Safeguards Against Harassment or Victimisation

- 5.10. The Authority is committed to good practice and high standards and wants to be supportive of Officers.
- 5.11. The Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or you in good faith believe it to be true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 5.12. The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

- 5.13. Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### Confidentiality

- 5.14. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### Anonymous Allegations

- 5.15. This policy encourages you to put your name to your allegation whenever possible.
- 5.16. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Authority.
- 5.17. In exercising this discretion the factors to be taken into account would include the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

### Untrue Allegations

- 5.18. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, you may be subject to disciplinary action.

### How to Raise a Concern

- 5.19. As a first step, you should normally raise concerns with your immediate line manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Monitoring Officer.
- 5.20. Concerns may be raised orally or in writing. Officers who wish to make a written report about their concerns are requested to provide the following information:
- a. the background to and history of the concern (giving relevant dates); and
  - b. the reason why you are particularly concerned about the situation.
- 5.21. The earlier you express a concern, the easier it is to take action.

## Officer Code of Conduct

### Introduction

- 6.1. The public is entitled to expect the highest standard of conduct from all Officers who work for the Authority. The aim of this code is to lay down guidelines for Officers that will help maintain and improve standards and protect Officers from misunderstanding and criticism. The Code of Conduct incorporates the principles defined by the Nolan Committee's first report on standards in public life.
- 6.2. This Code of Conduct sets out guidelines that maintain the highest standards of propriety. If Officers are in any doubt over any issue, e.g. whether or not to accept a gift or offer of hospitality, they should consult their manager. However, ultimate responsibility rests with the individual Officer, who must at all times be able to justify their actions and be able to refute any allegations of impropriety.

### Standards

- 6.3. The Authority's Officers are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to the Chair, Members and fellow Officers with impartiality and in an objective manner. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

### Open Government and Disclosure of Information

- 6.4. Officers can help contribute towards the achievement of open government. They must not restrict anyone exercising a right to access information and should be aware of what Authority information is open to the public.
- 6.5. Officers must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- 6.6. The confidentiality of the Authority's business shall be maintained, and Officers shall not convey information to external persons or bodies for personal gain, or to compromise the integrity of the Authority.

### Equal Opportunity Issues

- 6.7. Officers must ensure that the Authority's policies relating to equality and equal opportunity are followed in addition to the requirements of the law. All members

of the community, customers and colleagues have a right to be treated with fairness and equity.

## Appointments

- 6.8. Where Officers are involved in appointments they must do so on the basis of merit and comply with the Authority's Recruitment and Selection Policy as amended from time to time. In particular, Officers involved in appointments must ensure that these are made on the basis of merit.
- 6.9. Officers should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them. Similarly, Officers should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner, etc.

## Political Neutrality and Working with the Chair or Members

- 6.10. Mutual respect between Officers of the Authority, the Chair and members is essential to good local government. Close personal familiarity can damage that political neutrality and prove embarrassing to both Officers, the Chair and members.
- 6.11. Whether or not an Officer's post is politically restricted, they must follow every lawfully expressed Policy of the Authority and not allow their personal or political opinions to interfere with their work. Where Officers are required to give advice to the Chair, members or colleagues, such advice should be provided impartially and in a way that does not compromise their political neutrality.

## Service Provision

- 6.12. Each Officer should understand the law governing their service and inform their manager or the Monitoring Officer of any impropriety, breach of procedure, unlawfulness or maladministration.

## Authority Property and Use of Facilities

- 6.13. The use of public funds is entrusted to Officers in a responsible and lawful manner, and to ensure value for money and social value are achieved for the local community.
- 6.14. Officers must use Authority facilities only for Authority business. Officers must respect the intellectual property of the Authority which must not be used for personal gain or benefit. Officers must follow any Authority rules on the



ownership of intellectual property and/or copyright created during their employment.

### Information Technology and Data Security

- 6.15. Officers should ensure that they follow any requirements relating to security procedures when using computers and when storing and managing data.

### Indemnification of Officers

- 6.16. Officers will be indemnified from personal legal action against them when acting in good faith in the discharge of their duties.

### The Media

- 6.17. Unless required to do so in the course of their work, an Officer must not deal directly with the press or the media.

### Contracts and Contractors

- 6.18. An Officer must not seek or accept any gift or personal inducement in connection with the procurement of works, goods or services. Attempts to bribe or corrupt you in connection with the award of contracts must be reported to the appropriate Officer.
- 6.19. Officers must inform their manager about relationships of a business or private nature with external contractors or potential contractors.
- 6.20. Officers must always follow the rules relating to procurement and the award of contracts, and exercise fairness and impartiality when dealing with suppliers and contractors.
- 6.21. Officers who are privy to confidential information on tenders or costs of external contractors must not in any circumstances disclose that information to any unauthorised party or organisation, in particular, to any other external contractors or tenderers.
- 6.22. Officers must ensure that no special favour is shown to current or former Officers or their partners, close relatives or associates.

### Sponsorship

- 6.23. Where the Authority wishes to sponsor an event, Officers must ensure that they, their partner, or relative, do not benefit in any way from such sponsorship without full disclosure to their manager or the Monitoring Officer.

## Hospitality and Gifts

### *Hospitality*

- 6.24. Officers must only accept offers of hospitality for a genuine business reason such as a need to impart information or represent the Authority in the community. In all cases you should be able to justify the arrangements as being in the interests of the Authority.
- 6.25. The criteria that should be considered in determining whether or not you should accept hospitality include the scale and the location of hospitality offered and whether it can be justified as in furthering the interests of the Authority. An Officer must always act in the interest of the Authority.
- 6.26. Offers to attend sporting, cultural or arts events should only be accepted if the purpose of attendance is to assist the Authority in building good relationships or networking with local organisations that will better enable it to carry out the policies of the Authority and if there are good reasons for the Authority to be seen to be represented at the event.
- 6.27. Acceptance by Officers of hospitality through attendance at relevant conferences and courses is acceptable, where it is clear the hospitality is corporate rather than personal. Where visits to inspect equipment, etc. are required as part of the procurement process, Officers must ensure that the arrangements for such visits do not jeopardise the integrity of the subsequent purchasing decision.
- 6.28. When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and high standards and integrity expected of the Authority's Officers.

### *Hospitality Provided by the Authority*

- 6.29. It is recognised that some of the operations of the Authority are of a commercial character and that business is conducted in circumstances where the provision of hospitality is accepted practice.
- 6.30. When providing such hospitality, Officers must have particular regard to the principles of public accountability and to the public image of the Authority. This means such hospitality must be provided on an appropriate scale that merits the authorisation and within approved budget provision.

## *Gifts*

- 6.31. Officers, or their families or partners with the Officer's knowledge, must not accept significant personal gifts in terms of value from contractors and outside suppliers. The Authority will allow Officers to keep insignificant items of token value such as pens, diaries, etc. provided that the Officer notifies their line manager that they have received such a gift, and its receipt is recorded. All significant gifts, loans of goods, money or assets, bottles of wine or spirits, prizes and other benefits in kind should be declined. Gifts delivered must be returned to the sender with an appropriately worded letter.
- 6.32. All trips, free travel, holidays, accommodation including payment of hotel bills and use of company cars/executive jets at the expense of contractors must be regarded as unacceptable.

## **Personal Interests: Financial and Non-Financial**

- 6.33. An Officer must declare any financial interests which could conflict with the Authority's interests to their manager or the Monitoring Officer.
- 6.34. Non-financial interests which could be considered to bring about conflict with the Authority's interests should also be declared e.g. membership of outside bodies in a personal capacity.
- 6.35. Officers should be mindful not to place themselves in a situation where involvement in outside bodies could compromise their continuing professional duty to the interests of the Authority.
- 6.36. When serving on outside bodies as an Authority appointee, an Officer will of course be expected to represent and promote the Authority's interests and policies as the circumstance dictate.
- 6.37. Officers should also declare membership of any organisation which is not open to the public, has no formal membership and has commitment of allegiance and which has secrecy about its rules, membership or conduct.

## **Disciplinary Matters**

- 6.38. Failure to follow this Code of Conduct may amount to misconduct or gross misconduct and may lead to disciplinary action being taken against the Officer.

## Protocol for Chair, Member and Officer Relations

### *Introduction*

- 6.39. The purpose of this Protocol is to provide guidance to the Chair, members, its committees and joint committees and Officers of the Authority, and of constituent authorities providing services to the Authority, its committees and joint committees in conducting their relations with one another.
- 6.40. In this protocol, references to members include references, where appropriate, to members of its committees and joint committees, and references to Officers of the Authority include references where appropriate to Officers of the constituent authorities who provide services to the Authority, its committees and joint committees.
- 6.41. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 6.42. This protocol is to a large extent a written statement of usual practice and convention. It seeks to promote greater clarity and certainty. If the protocol is followed it should ensure that the Chair and members receive objective and impartial advice, and that Officers are protected against accusations of bias including any suggestion of undue influence from Members.
- 6.43. It also seeks to reflect principles underlying the respective codes of conduct which apply to Members and Officers. The shared objective of this protocol and referred codes, is to enhance and maintain the integrity (both real and perceived) of local government and to ensure very high standards of personal conduct. This protocol should therefore be read in conjunction with the Chair, Members' and Officers' Codes of Conduct that apply from time to time and any guidance issued by the Monitoring Officer (or their duly authorised representative).
- 6.44. The following basic principles are seen to be fundamental to continuing good relations between the Chair, Members and Officers.

## Principles

### *Respective Roles*

- 6.45. The Chair, Members and Officers are servants of the public, but their responsibilities are distinct. Both the Chair and Members are responsible to the electorate and/or their appointing Constituent Authorities or Non-Constituent

Authorities and for their office. Officers are responsible to the Authority, its committees and joint committees. Their job is to give advice to the Chair, Members and the Authority and to carry out work under the direction and control of the Authority, its committees and joint committees and to support the Authority in the exercise of its functions and duties.

#### *Mutual Respect*

- 6.46. The Chair, Members and Officers should recognise that they each have an essential role to play in the success of the Authority and they should each seek to achieve the Authority's stated objectives and aims.
- 6.47. The Chair, Members and Officers will develop a relationship based on mutual respect and support. This is essential to achieving effective working relationships. Therefore, it is important that any dealings between the Chair, Members and Officers should observe appropriate standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 6.48. The Chair and Vice-Chair of the Authority have important roles in representing the Authority and are entitled to particular respect from Officers and Members.

#### *Personal Relationships*

- 6.49. The Chair, Members and Officers need to understand the limitation of undue close personal familiarity and personal friendship. Both Members and Officers should consider how any such relationship may be perceived by others.
- 6.50. There will however be situations where such relationships arise between the Chair, Members and Officers, for example through marriage, direct family connection or a close and long standing friendship. Such relations must always be disclosed, when relevant to the Authority business.
- 6.51. Where such a personal relationship does exist, the Officer should avoid professional contact with the Chair or Member concerning on any matter where a personal relationship may be perceived by others to affect the conduct or judgement of the Chair, Member or Officer concerned. Furthermore, the Chair, Members and Officers should avoid discussing within the context of a personal relationship any information of a private, personal and/or confidential nature which they are aware of or may become aware of in the course of their office or duties.

### *Concerns about Conduct or Capability*

- 6.52. The Chair and Members should avoid making personal attacks on Officers and avoid undermining respect for officers in public meetings of whatever kind. Likewise, the Chair or a Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. Complaints can be made about the performance or ability of Officers to the Chief Executive or to the Monitoring Officer (or to their authorised representative).
- 6.53. If either the Chair or a Member or an Officer has a complaint about the conduct of the other such complaint should be made to the Monitoring Officer (or their duly authorised representative) and not to the complainant directly.

### *Standards*

- 6.54. In carrying out their duties, the Chair, Members and Officers should have regard to their respective codes of conduct, internal policies/procedures, procedure rules and statutory provisions.
- 6.55. The Chair, Members and Officers will avoid any actions which could be perceived as being designed to achieve personal as opposed to the Authority objectives.

## **Officer Support to the Authority**

### *Political Neutrality*

- 6.56. Officers are responsible to the whole Authority and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour. Advice to the Chair or political groups must be given in such a way as to avoid compromising an Officer's political neutrality and such advice must be confined to Authority business.
- 6.57. Relationships with particular individuals or party political groups should not be such as to create public suspicion that an Officer favours the Chair, Member or particular group above others. Officers must not be involved in advising any matters relating to party business.

### *Officer Support for the Chair and Members*

- 6.58. Officers must act in the best interests of the Authority, its committees and joint committees as a whole and must not give politically partisan advice.
- 6.59. Close personal familiarity between Officers, the Chair or Members can damage professional relationships and can prove embarrassing to the Chair, Members

and Officers. Situations that could give rise to the appearance of improper conduct or behaviour, should therefore be avoided.

6.60. The following key principles reflect the way in which Officers generally relate to Members:-

- a. Officers undertaking work for the Authority are accountable to the Authority through the Chief Executive;
- b. support from Officers is needed for all the Authority's functions including full Authority, its committees and joint committees, individual Members representing their communities etc;
- c. day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other senior Officers.

6.61. Officers undertaking work for the Authority are accountable to the Chief Executive and whilst Officers should always seek to assist the Chair or a Member, they must not, in so doing go beyond the bounds of whatever Authority they have been given by the Chief Executive.

### Officer Advice to the Chair and Party Groups

6.62. It must be recognised by all Officers and Members, that in discharging their duties and responsibilities, Officers serve the Authority as a whole and not the Chair, Members or any political group or combination of groups. The assistance provided by senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual Members.

### Attendance at Party Political Group Meetings

6.63. It is common practice for party groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the relevant decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with, the Chair, political groups and individual Members, treat them in a fair and non-partisan manner.

6.64. Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Chief Executive.

6.65. Certain points must, however, be clearly understood by all those participating in this type of process, the Chair, Members and Officers alike. In particular:-

- 6.66. Officer assistance must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers;
- a. party group meetings, whilst they form part of the preliminaries to Authority decision making, are not formal decision making bodies of the Authority and are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not interpreted or acted upon as such; and
  - b. similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Authority decision making body when the matter in question is considered.
- 6.67. Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not the Chair or Members. Such persons are not bound by the Authority's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to the Chair or a Member only meeting.
- 6.68. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group that information should not be passed on to other groups. However, the Chair and Members should be aware that this would not prevent Officers from disclosing such information to other Officers of the Authority so far as that is necessary to performing their duties.
- 6.69. Any particular cases of difficulty or uncertainty envisaged in relation to Officer provision of advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

## Other Matters

### *Media*

- 6.70. The Chair, Members and Officers will be making, decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Chief Executive. If in doubt the Chair, Members and Officers should seek advice from the Chief Executive or the Monitoring Officer (or their duly authorised representative).



- 6.71. All press releases are issued through the Chief Executive on behalf of the Authority. Press releases are not issued by the Authority on behalf of political groups. They can contain the comments of the Chair and/or Members where they are speaking in connection with the roles given to them by the Authority. Officer's comments can also be included on professional and technical issues.

#### *Recruitment*

- 6.72. The Chair and Members shall only be involved in appointments for statutory Officer/senior posts. Members must not seek to influence the appointment of other Officers. It is unlawful to make an appointment based on anything other than merit and the ability to undertake the duties of the post.
- 6.73. Chair and Members' Access to Information and to Authority Documents
- 6.74. Both the Chair and Members have various statutory and common law rights to inspect Authority documents.
- 6.75. The Chair and any Member must not disclose information given to him in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so. Also they must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the Chair and Members Code of Conduct.

#### *Guidance and Monitoring*

- 6.76. Further guidance to The Chair Members and Officers on Authority relations and particularly on the matters set out in this protocol is available from the Monitoring Officer.
- 6.77. Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

#### *Relatives of the Chair, Members, or Officers*

- 6.78. A candidate for any appointment who knows that he/she is related to the Chair, any Member, or Officer of the Authority shall when making application, disclose that relationship to the Officer to whom the application for appointment is required to be submitted. A candidate who fails to disclose such relationship will be disqualified from the appointment and if appointed, shall be liable to dismissal without notice. Every Member, Officer or the Chair shall disclose to the Officer concerned any relationship known to him/her to exist between

himself/herself and any person whom he/she knows is a candidate for appointment. The Officer concerned shall report to the Authority any such disclosures made to him/her.

- 6.79. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 6.80. Advice/guidance on how to pursue matters of concern may be obtained from the Monitoring Officer.
- 6.81. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 6.82. You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

#### *How the Authority will Respond*

- 6.83. Within ten working days of a concern being raised, the Monitoring Officer will write to you acknowledging that the concern has been received indicating how we propose to deal with the matter, giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, supplying you with information on staff support mechanisms and telling you whether further investigations will take place, and if not, why not. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 6.84. Where appropriate, the matters raised may be investigated by management, or through the disciplinary process, be referred to the police, be referred to the external auditor or form the subject of an independent inquiry.
- 6.85. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Authority has in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, harassment or discrimination issues) will normally be referred for consideration under those procedures.

- 6.86. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 6.87. The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, the Authority will seek further information from you.
- 6.88. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative, or a friend.
- 6.89. The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Authority will arrange for you to receive advice about the procedure.
- 6.90. The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

### The Responsible Officer

- 6.91. The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

### How the Matter can be Taken Further

- 6.92. This policy is intended to provide you with an avenue within the Authority to raise concerns. The Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:
- a. the External Auditor;
  - b. your trade union;
  - c. your local Citizens Advice Bureau;
  - d. relevant professional bodies or regulatory organisations;
  - e. a relevant voluntary organisation;
  - f. the Police;
  - g. Public Concern at Work (telephone: 020 7404 6609 or email [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk))

- 6.93. If you do take the matter outside the Authority, you should ensure that you do not disclose confidential information.

## Protocol for Recording and Filming Meeting and the Use of Social Media

### Recording, filming and social media at meetings

- 7.1. The Chair and the Authority welcome engagement by the public and through the media with the decision-making processes of the Authority, its committees and sub-committees. Audio and video/visual recording, photography, blogging, tweeting or use of other social media at meetings open to the public (hereafter referred to as ‘broadcasting activities’) are allowed subject to the following restrictions:
- i. all broadcasting activities should take place from the public gallery or the designated press seating in the meeting room;
  - ii. anyone undertaking broadcasting activities must comply with any instructions given by the Chair of the meeting. If the Chair considers that the requirements of this protocol are not being met, s/he may instruct that all broadcasting activities must cease;
  - iii. anyone intending to undertake broadcasting activities may only film or record the Chair, Members and Officers who are taking part in the proceedings of the meeting and must not film any member of the public unless the person has given their express consent. Under no circumstances should any person film or record a child, young person who is under the age of 18 or a vulnerable adult without the express consent of the adult, parent, guardian or other person in whose care they are attending the meeting. It is the recorder’s responsibility to gain the permission of the person for any subsequent dissemination of it (e.g. on social media), and to ensure compliance with any prevailing legislation in relation to such activity;
  - iv. the use of flash photography, additional lighting or professional microphones (i.e. by recognised media groups or for educational purposes) in connection with audio/visual recording at meetings will not be permitted without prior permission;
  - v. signs will be prominently displayed at meetings to remind attendees that broadcasting activities may be undertaken and that the Authority has no control over where material may appear (for example posted on the internet). Meeting agendas will also carry this message;
  - vi. where the Chair of a meeting reasonably considers the broadcasting activity is disrupting the meeting, the operator of the equipment will be required to stop;
  - vii. anyone refusing to stop when requested to do so may be requested by the Chair to leave the meeting. If the person refuses to leave then the Chair may adjourn

- the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the Constitution;
- viii. anyone asked to leave a meeting because they have refused to comply with the Chair's requests may be refused permission to engage in broadcasting activities at future meetings;
  - ix. any decision taken by the Chair on the interpretation of this protocol is final;
  - x. other than under (vi) and (vii), the media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The media and public will be told about the nature of the exclusion relating to the business to be discussed. No broadcasting activities will be permitted during this exclusion. All cameras, recording and sound equipment must then be removed from the meeting room; and
  - xi. recognised media organisations and educational institutions may be given greater flexibility to record/film meetings for the purposes of news bulletins, programmes and education. These requests must be directed through the Clerk and approved by the Chair.

## Authority Complaints Procedure

- 8.1. The Authority Complaints procedure is under development. In the interim the Devon County Council Complaints procedure will be followed.

## Anti-Fraud and Corruption Policy and Procedures

### Policy Statement

- 9.1. The Authority is committed to ensuring that the people of the Devon and Torbay can have complete confidence that the affairs of the Authority, its committees and joint committees are conducted in accordance with the highest standards of probity and accountability. The Authority is, consequently, committed to combating fraud and corruption wherever it may arise in relation to any of the Authority's activities or services and involving any Members, its committees or joint committees, or Officers of the and the Constituent Authorities and Non-Constituent Authorities who provide services to the Authority, its committees or sub committees or members of the public or other third parties.
- 9.2. In this policy, references to Members of the Authority include references, where appropriate, to members of its committees and joint committees and, references to Officers of the Authority include references where appropriate to Officers of the Constituent Authorities and Non-Constituent who provide services to the Authority, its committees and joint committees.

- 9.3. The Authority expects Members and Officers to demonstrate the highest standards of honesty and integrity. This includes compliance with appropriate legislation, Member and Officer Codes of Conduct, Standing Orders, Financial Regulations, conditions of service, standards of appropriate professional bodies, and any other standards, guidelines or instructions which are relevant to the particular service or activity.
- 9.4. The Authority is committed to establishing and maintaining effective arrangements to prevent fraud and corruption. The Authority recognises, however, that fraud and corruption cannot be prevented and so effective arrangements have been established to detect and investigate all incidents or situations where fraud and corruption is suspected.
- 9.5. The Authority will not tolerate dishonesty on the part of any of the Members or Officers of the Authority or any persons or organisations involved in any way with the Authority. Where fraud or corruption is detected, the Authority will rigorously pursue appropriate action against the persons concerned including legal and / or disciplinary action.
- 9.6. The Authority is committed to creating and maintaining an anti-fraud and corruption culture and this includes establishing arrangements which enable Officers, or other persons, to express concerns and suspicions without fear or repercussions or intimidation and in the knowledge that the information will be treated confidentially and will be investigated fully and rigorously.
- 9.7. The Authority is committed to working constructively with the police and other relevant agencies in relation to combating fraud or corruption within the Authority or within the wider community.
- 9.8. The Authority will seek to ensure that its stance on anti-fraud and corruption is widely publicised. All Officers and Members of the Authority will be made aware of this policy statement.
- 9.9. This policy statement is supported by guidance notes that set out the procedures for applying the policy.

## Introduction

- 9.10. The Authority is committed to the highest standards of probity and accountability to safeguard public funds. It will not tolerate dishonesty on the part of Members, Officers or others involved with the Authority. It expects that Members and

Officers at all levels will act in a manner that ensures adherence to statutory requirements and to the rules and procedures of the Authority.

- 9.11. The Anti-Fraud and Corruption Policy applies to all Members and Officers of the Authority. It also applies as far as it can to any persons, companies or organisations in relation to their dealings with the Authority including partnership arrangements and developments involving 'arm's length' companies or organisations, contractors, consultants, suppliers and claimants.
- 9.12. The Authority's primary objective, through the Anti-Fraud and Corruption Policy, is to ensure that fraud and corruption does not occur within the Authority and if it does occur that it is detected and dealt with appropriately and effectively.
- 9.13. These procedures are intended to advise all Members and Officers of obligations and rights within this policy and to assist senior Officers in dealing with any matters which arise in relation to the policy.

## Definitions

### *Fraud*

- 9.14. The legal definition of fraud contained within the Fraud Act 2006 includes; fraud by false representation; fraud by failing to disclose information and fraud by abuse of position. Fraud is typically associated with financial loss however this policy relates to acts of dishonesty whether or not financial loss is incurred. For the purposes of these procedures fraud may include but is not limited to:
- a. the intentional distorting of statements or other records by persons internal or external to the Authority which is carried out to conceal the misappropriation of assets, evasion of liabilities or otherwise for gain;
  - b. unauthorised use of the Authority's property; or
  - c. theft of monies or other property of the Authority by persons internal to the Authority.
- 9.15. The theft of the Authority's property carried out by persons external to the Authority through for example break-ins, burglary and opportunist theft falls outside the scope of the Anti-Fraud and Corruption Policy. Thefts of this nature should continue to be reported by Chief Officers directly to Internal Audit and the police in the normal way.
- 9.16. Fraud is a deliberate act of commission or omission by an individual or group of individuals. Fraud can occur in a number of ways including:-

- a. fraud perpetrated against the Authority by members of the public or other third parties;
  - b. fraud perpetrated against the Authority by Members or Officers of the Authority;
  - c. fraud perpetrated jointly by members of the public or other third parties in collusion with Officers or Members of the Authority.
- 9.17. Areas which may be most at risk in respect of fraud include but are not exclusively related to the following:
- a. cash collection (any situation where cash or cheques are received or collected) – misappropriation, failure to account, borrowing by delaying paying monies in, falsifying of receipts, not issuing receipts;
  - b. credit income – suppression of invoices, issuing invoices for wrong amounts, unauthorised writing off of debts;
  - c. payroll – falsification of records (time sheets, overtime claims); creation of fictitious Officers;
  - d. creditor payments – payments for work not completed or not in accordance with the specification, or for goods not supplied or not in accordance with the original order;
  - e. expenses claims – over claiming of expenses;
  - f. false, fictitious or contrived claims. The unauthorised setting up or amendment of claims by Officers (including payments to self, family, friends etc.). Officers aiding or abetting third parties in the completion or submission of false claims;
  - g. bank accounts and imprest accounts – use of accounts for unauthorised purposes;
  - h. equipment and vehicles – unauthorised personal use.

## Corruption

- 9.18. Corruption is defined as the offering, giving soliciting or acceptance of an inducement or reward that may influence the action of any person.
- 9.19. The main law relating to corruption in public bodies is contained the Bribery Act 2010.
- 9.20. The Bribery Act 2010 creates four new criminal offences:-
- a. a general offence covering offering, promising or giving a bribe;
  - b. a general offence covering requesting, agreeing to receive or accepting a bribe;
  - c. a separate offence of bribing a foreign official to obtain or retain business;
  - d. a strict liability offence for commercial organisations where they fail to prevent bribery by those acting on their behalf.



- 9.21. The Act includes severe penalties for offences. Individuals can receive unlimited fines and up to a ten year custodial sentence; organisations can receive unlimited fines. Senior Officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official. These offences could involve Members or Officers of the Authority, members of the public or other third parties.
- 9.22. Areas which may be most at risk in respect of corruption include but are not exclusively related to the following:-
- a. tendering and award of contracts;
  - b. settlement of contractors' claims for loss and expense, compensation, additional payments, or work not done or substandard;
  - c. award of permissions, consents, licences;
  - d. lettings; and
  - e. disposals of assets.

### Anti-Fraud Culture and Key Principles

- 9.23. The Authority aims to ensure that Members and Officers exercise proper stewardship of public money and that effective controls and procedures are embedded into all working practices which will prevent and detect fraud and corruption. Members and Officers should be aware of their roles in preventing and detecting fraud and managers should ensure they lead by example in compliance with rules and regulations.
- 9.24. Legislation regulates local authorities and, amongst other things, sets out the framework that ensures that local authorities adopt effective control and governance arrangements. Within this framework, the Authority has adopted a constitution containing instructions, regulations and procedures which are designed to ensure high standards of probity in the conduct of the affairs of the Authority of which this policy forms a part.
- 9.25. The primary defence against fraud and corruption is the establishment of sound practices, procedures and systems, incorporating effective controls, which are subject to effective monitoring, supervisory and managerial arrangements. It is the duty of every manager and supervisor to operate the systems and controls in their area of responsibility, necessary to prevent and detect fraud and corruption. Failure to do so, especially where such failure results in fraud, corruption or theft, may result in disciplinary action.
- 9.26. These control arrangements need to apply within an overall culture, within the Authority, which positively promotes the highest standards of probity and which

makes it absolutely clear that the Authority will not tolerate dishonesty on the part of any of the Officers or Members of the Authority or any persons or organisations involved in any way with the Authority .

- 9.27. Where the Members or Officers are involved, or where any person acts on or as an agent of the Authority, or where initiatives or schemes involve funding through the Authority, the principles outlined in the Anti-Fraud and Corruption Policy and Procedures must be applied.

## Roles and Responsibilities

### *Members*

- 9.28. All Members have a duty to act to prevent fraud and corruption. Every Member has a role to play in maintaining the standards of probity and integrity that the public is entitled to expect, which obviously includes compliance with relevant rules and procedures. The Code of Conduct for Members sets addresses standards and expectations.

### *Audit and Governance Committee/Standards Committee*

- 9.29. The Audit and Governance Committee and Standards Committee will regularly review Anti-Fraud and Corruption Policy and will ensure that any matters arising from the implementation of the policy are properly investigated. Internal Audit will report to the Audit and Governance Committee and Standards Committee on significant matters arising from investigations of fraud and corruption.

### *The Treasurer*

- 9.30. The Treasurer is responsible for ensuring that suspected financial irregularity is reported and investigated. The Treasurer is responsible for deciding what investigation action is to be taken and ensuring it is completed.

### *Monitoring Officer*

- 9.31. Any concerns related to Members' compliance with the Code of Conduct would be addressed to the Standards Committee which would request the Monitoring Officer to investigate. The Monitoring Officer may ask Internal Audit or others to carry out investigation work.

### *Internal Audit*

- 9.32. Internal Audit acts on behalf of the Treasurer in relation to the investigation of reports of financial or other irregularity and can offer advice and support to managers during this process.
- 9.33. Internal Audit also provides advice on appropriate controls to help prevent and detect fraud and corruption and will work with Chief Officers to provide

assurance that controls are working as intended and to improve internal control where necessary.

### *Management*

- 9.34. Chief Officers have a specific responsibility to publicise the anti-fraud and corruption policy to all Officers and to ensure that they are aware of their responsibilities as outlined in this policy and of sanctions that can be levied.
- 9.35. Managers are responsible for actively dealing with suspected cases of fraud in a reasonable timeframe.
- 9.36. Responsibility for maintaining effective systems, procedures and controls to prevent fraud and corruption rests with Chief Officers and their managers responsible for relevant systems or particular areas of service.

### *Officers*

- 9.37. All Officers have an obligation to be vigilant to the risk of fraud and corruption. They are expected and positively encouraged to raise concerns relating to potential fraud and corruption when they become aware of it. Officers should report matters of concern as soon as possible. Reports raised in good faith will be treated in a confidential manner and investigated.
- 9.38. The Officers' Code of Conduct addresses the Authority's standards and expectations of personal conduct. Breaches of conduct will be addressed through disciplinary procedures. Officers must make sure that they read and understand the rules and regulations that apply to them, and act in accordance with them

## Reporting Irregularities

### *Members*

- 9.39. Where Members wish to report alleged irregularities, the normal reporting route should be through the Chief Executive or the Treasurer.
- 9.40. The Chief Executive and Monitoring Officer must be informed where alleged irregularities involve Members. If allegations involve a breach of the Code of Conduct this will be referred to the Standards Committee where any appropriate action will be taken.

### *Officers*

- 9.41. As indications of suspected irregularities could arise in many different ways it is possible that any of the Authority's Officers could be the first to become alerted to a potential situation involving fraud or corruption.

- 9.42. Any Officer, becoming aware of a potential financial irregularity must, under normal circumstances, report the situation to his/her line manager as soon as possible. The manager in turn should also report through the management structure and to Internal Audit as soon as possible.
- 9.43. At the appropriate management level, which is normally Chief Officer, the situation must be reported to Internal Audit which will then inform the Treasurer and agree a course of action.
- 9.44. Internal Audit will advise on and instigate such action as considered necessary for investigating the alleged irregularity. This will take into account whether the alleged financial irregularity warrants investigation by Internal Audit, whether the Police should be referred to immediately or whether the Authority should conduct its own investigation.
- 9.45. Where an allegation or suspicion of fraud concerns an Officer of the Authority and is considered sufficiently serious to be investigated, then an Investigating Officer will be appointed. As appropriate and agreed Internal Audit (from either Constituent Authority) will investigate fraud involving accounting and other records, evaluate systems and internal control and collate evidence providing an opinion on allegations made. This will be reported to the Investigating Officer who will have overall responsibility in taking the investigation forward for disciplinary purposes and reported to the Treasurer where system weaknesses and control issues are involved. The Authority will consider the full range of sanctions, disciplinary, regulatory, civil and criminal which will be applied as appropriate to each case. Where allegations are identified to have been made maliciously appropriate action will be taken.

### Reporting Directly to the Statutory Officers of the Authority

- 9.46. If an Officer feels it would not be appropriate to report alleged or suspected irregularities through the normal line management structure, then the Officer should report to a Statutory Officer of the Authority.

### Alternative Contact Points

- 9.47. The Authority provides the reporting lines above to ensure that Members and Officers are satisfied that reports will be treated seriously, and that action will be taken. If they consider this is not the case, then matters could be taken outside the Authority to other contact points. The process for this is described in more detail in the Whistleblowing policy and guidance.

## Monitoring

- 9.48. The Treasurer is responsible for monitoring the effectiveness of the procedures for investigation of irregularities outlined in the guidance note and for amending the procedures as necessary. Internal Audit will review the effectiveness of the internal control environment and reports will be made to the Audit and Standards Committee where appropriate on the number, type and outcome of investigation matters as appropriate.

## Sharing Information

- 9.49. The Authority is committed to working and co-operating with other organisations to prevent organised fraud and corruption. They support the National Fraud Initiative and, wherever possible, the Authority will be prepared to help and exchange information with other authorities and organisations to counter fraud. This information will be shared in accordance with the principles of the Data Protection Act 1998 and the United Kingdom General Data Protection Regulations (UKGDPR).

## Protocol for Acquisition and Disposal of Land and Property

### Introduction

- 10.1. The purpose of this document is to set out the principles and rules by which the Authority will acquire and dispose of land and property and maybe subject to further review and amendment.
- 10.2. The protocol applies to the Chair, Members and Officers of the Authority and anyone acting on its behalf. Any exemptions from this protocol will require approval from the Authority.
- 10.3. This document should be read in conjunction the, the Scheme of Delegation, Standing Orders, Procurement and Contract Procedure Rules and Financial Regulations.

### Acquisition Of Land And Property

#### *Options for Acquisition of Land and Property*

- 10.4. The Authority can choose to acquire land and property or interest in the same in any of the following forms:
- a. Freehold;
  - b. Leasehold (more than 7 years);
  - c. Short tenancy (less than 7 years) and Licences;
  - d. Options;
  - e. Easements; and
  - f. Any other instrument necessary to give effect to the acquisition or interest.

- 10.5. The reasons for the Authority to acquire land or property would be:
  - a. Service delivery;
  - b. Investment; and
  - c. Strategic acquisition for future development in line with Authorities priorities and objectives.
  
- 10.6. Where necessary/appropriate prior to any freehold/leasehold acquisition of any site a full option appraisal, including whole life costing, should be carried out which would involve appraisal of all the options for delivery of the final objective. Consideration should be given to all other Authority owned land and property and its suitability prior to any acquisition.
  
- 10.7. All option appraisals should take into account the on-going cost of ownership of the property over its life time and ensure that any decision to acquire land is informed by both the capital and revenue implications of ownership and the risks associated (as appropriate).
  
- 10.8. VAT implications must be considered (where applicable) as part of the appraisal process prior to any decisions being made. Finance to be consulted with regard to VAT implications (should it be necessary).

### Compulsory purchase

- 10.9. Powers of Compulsory Purchase are conferred on public authorities by legislation. They enable the authorities authorised to compulsorily purchase land which is required to carry out a function which Parliament has decided is in the public interest. These powers will be used where the owner or occupier of the land required is not willing to sell by agreement or where agreement cannot be achieved.
  
- 10.10. There are a number of stages in the Compulsory Purchase Procedure and the approval of the relevant Government Minister is required before such powers can be used. When deciding whether or not to exercise Compulsory Purchase powers the Authority must take into account all relevant considerations (including, but not exclusively), the rights of the affected landowner(s) under the Human Rights Act 1998.
  
- 10.11. Where Compulsory Purchase powers are used, the land owner or occupier is generally entitled to compensation as stated under the appropriate legislation.
  
- 10.12. Legal Services should be consulted at the earliest opportunity if consideration is being given to acquisition in this way.

- 10.13. The Chair subject to condition 10.15 and 10.16 below may consider, where appropriate the acquisition of land and property through its compulsory purchase powers.
- 10.14. The exercise of condition 10.14 mentioned above requires the consent of:
- a. at least one member of the Authority appointed by each of the constituent councils whose local government area contains any part of the land subject to the proposed compulsory acquisition; or
  - b. Substitute members acting in place of those members, to be provided at a meeting of the Authority.
- 10.15. The Chair must seek the assistance of Members and Officers of the Authority in the exercise of the functions mentioned in condition 10.13 above.

### Acquisition of land or property for service delivery

- 10.16. Land or property may be acquired for the purpose of service delivery in line with the scheme of delegation, subject to the following criteria where appropriate:
- 10.17. With consultation from the Monitoring Officer (or their nominated Officer) e.
- 10.18. An option appraisal being carried out and reported to the Monitoring Officer (or their nominated Officer) , the result of which identifies the requirement for the land or property for service delivery.
- 10.19. The on-going revenue costs are contained within an approved budget which has been confirmed as appropriate by the Section 73 Officer, and/ or an appropriate budget is approved by the Authority.
- 10.20. VAT has been considered and Finance have been consulted on the implications on VAT and that these are included in the option appraisal (where appropriate).

### Acquisition of land or property for investment purposes

- 10.21. Land or property may be acquired for the purpose of investment in line with the scheme of delegation, subject to the following criteria where appropriate:
- a. Reasonable net return, where appropriate;
  - b. Minimal tenant risk/ Strong covenants;
  - c. Location of property (prime location potentially anywhere in the United Kingdom); and
  - d. The on-going revenue costs are contained within an approved budget which has been confirmed as appropriate by the Section 73 Officer, and/ or an appropriate budget is approved by the Authority.

- 10.22. Acquisition of land for strategic acquisition for future development in line with the Authorities priorities and objectives.
- 10.23. Land or property may be acquired for the purpose of future strategic development in line with the Authorities priorities and objectives; and in line with the scheme of delegation; and subject to the following criteria where appropriate:
- a. An option appraisal being carried out and reported to the Monitoring Officer (or their nominated Officer), the result of which identifies the land as suitable for current or future strategic development in line with Authority priorities and objectives.
  - b. The on-going revenue costs are identified as part of the review and contained within an approved budget which has been confirmed as appropriate by S73 Officer and/ or an appropriate budget is approved by Authority.

### Money Laundering

- 10.24. All transactions should be carried out in accordance with the Authority's Anti-Money Laundering Policy. All cash transactions must be within the limits set out in the Anti-Money Laundering Policy.
- 10.25. Legal Services must make checks for all purchasers and ensure that vendors solicitors, and any solicitors employed to act on behalf of the Authority, have an up to date Anti-Money Laundering Policy and that they are registered with the Law Society.

### Internal and External Audit

- 10.26. Audit trails of all acquisitions will need to be maintained and accessible by Internal/External Audit to verify actions/values and how the Authority made the decision to acquire/dispose. Any appointment of a third party consultant must reserve the right of access to their records in relation to the transaction. This will need to be dealt with by way of appropriate contract conditions.

### Disposal Of Land And Property

#### *Options for disposal of land and property*

- 10.27. Disposal under the appropriate legislation to deal with all types of disposal, freehold, leasehold and short tenancy agreements and any other interests in land.
- 10.28. The disposal of the Authority's land and property could therefore be progressed in a number of ways and does not necessarily have to result in a freehold sale. The following options are available:



- a. Freehold disposal - The sale of the property with or without future covenants to restrict or protect future use.
- b. Grants of rights over land including easements in fee simple or term of year's absolute.
- c. Leasehold disposal – Leasehold interest can be agreed for any time period.
- d. Non-permanent grant of rights over land – i.e. licences, way leave etc.
- e. Options.
- f. Any other instrument necessary to give effect to any other form of disposal.

#### *Determination of the method of disposal*

10.29. Except where certain criteria applies, open market disposal will be the preferred method of disposal.

10.30. Methods of disposal are:

- a. Open Market disposal;
- b. Joint Development; and
- c. Any other appropriate method of disposal by the Authority.

10.31. The method for the disposal of assets will be assessed and determined on a case-by-case basis by reviewing all of the options and completing an option appraisal.

10.32. All issues relating to the land or property, including social, environmental and economic benefit and legal issues and agreements, will need to be taken into account when determining the method of disposal.

10.33. The Authority for determining the method of disposal will align with the delegated Authority for the disposal.

10.34. The Monitoring Officer (or their nominated Officer) will seek advice from Legal Services and external surveyors and valuers, where necessary, on the type most advantageous and method of disposal.

10.35. In principle the Authority will choose the method of disposal which provides best consideration, this may be more than just financial consideration and can include social, environmental and economic considerations, and will be the method which best secures the desired objectives/ outcomes for the land and/ or property.

#### *Open Market Disposal*

10.36. The decision to dispose will be taken in line with the scheme of delegations.

- 10.37. Where applicable for freehold disposal and leasehold interests over 7 years the properties will be advertised, bids invited in the form of sealed bids by an agreed date or through open auction.
- 10.38. Where applicable the Authority will advertise for the disposal. This will be by way of an advert placed in an appropriate media and on the Authority's website. Where appropriate recommendations will be sought on appropriate terms, including rent, from an independent agents/ Valuer and where necessary will be appointed to make recommendations on which they consider to be the best consideration taking into account both financial and non-financial benefits.
- 10.39. When appropriate independent agents will be appointed to manage the marketing and the disposal of the land or property and report to the Authority the value of the bids received and recommend which they consider to be the best consideration taking into account both financial and non-financial benefits.
- 10.40. For short tenancies of less than 7 years where appropriate independent agents/ valuers will be appointed to recommend appropriate terms including rent. Where appropriate the Authority will place an advert directly via its website, or when appropriate by an independent agent. The Authority will enter into a tenancy with the first tenant which is willing to agree terms and has an acceptable covenant strength and/ or rent deposit acceptable to the Authority.

#### *Joint development*

- 10.41. Where a redevelopment proposal includes Authority land or property and adjoining land, the Authority may choose to pursue a joint development with the adjoining landowner and/ or Developer or Registered Social Landlord.
- 10.42. The details of a joint development arrangement are likely to differ from scheme to scheme but will broadly involve sharing the cost, risk and return from the project.
- 10.43. The benefits and risks of pursuing this method of disposal would require detailed assessment as part of the appraisal for the development. This is likely to be a viable option for large redevelopment projects only.
- 10.44. This form of development may result in EU procurement legislation becoming applicable. Any joint development proposal should be discussed with Legal Services regarding EU legislation.
- 10.45. Joint development proposals to be approved by the Authority only.

### *Disposal by short tenancy*

- 10.46. Although not required within the Local Government Act 1972 best consideration should be obtained for all short tenancy agreements unless less than best consideration can be justified by way of social, economic or environmental benefits.
- 10.47. All short tenancy disposals will be agreed outside the Landlord and Tenant Act 1954 to exclude business protection.
- 10.48. Where appropriate an Independent Agent/ Valuer to be appointed to recommend appropriate terms, including rent.

### *Obtaining best consideration and disposal at an undervalue*

- 10.49. The Authority should seek, for all disposals, to achieve the best financial consideration available for the type of property and the agreed terms.
- 10.50. However where appropriate the Authority can consider non-financial benefits as part of the consideration for a disposal.
- 10.51. The Authority has the power within the Local Government Act 1972, which considers the sale of land for less than best consideration to dispose of any asset at less than best consideration, without the requirement for approval from the Secretary of State, at up to £2million below open market value if it can justify the undervalue by the virtue of other benefits either social, environmental or economic.
- 10.52. Valuations for the land or property should be carried out by an independent valuer appointed by the Authority and the valuation must be carried out in accordance with the Local Government Act 1972. This requires valuations of the restricted sale value (allowing for all the conditions which the Authority has placed on the sale and including non-financial benefits) and an unrestricted sale value.

### *Determination of sites for disposal or redevelopment*

- 10.53. A number of the Authority's assets are categorised as surplus assets for disposal or development. Each of these sites needs to be classified as either a disposal or as having potential for future redevelopment, this decision will be taken by the Authority.

### *Definition of a site for redevelopment.*

- 10.54. A site may become suitable for redevelopment due to one or more of the following criteria where appropriate:

- a. No longer being required for service delivery and as part of a property review and option appraisal redevelopment is identified as an option.
- b. Site is identified by the Monitoring Officer (or their nominated Officer), following consultation with the relevant portfolio holders and/ or independent Planning Agents, as having future potential for market or affordable housing development.
- c. If an existing tenancy comes to an end consideration should be given to the option for potential redevelopment of the site prior to the site just being re-let.
- d. The site is a verge/ other area which has potential for access to another site, inside or outside the Authority's ownership.

10.55. The Authority will need to determine following a property review and option appraisal whether the Authority will redevelop the site for investment purposes or community benefit, or whether the site will be disposal with development potential. The review should consider the costs and benefits of disposal of the site with appropriate planning consent for redevelopment.

*Disposal of sites identified as suitable for redevelopment*

10.56. Prior to disposal for redevelopment purposes any short term intermediate use shall be by way of a short tenancy with a term of less than 7 years, with a landlord break clauses at no more than 6 months' notice. This will ensure that redevelopment can be progressed when viable.

10.57. All disposals should be outside the Landlord & Tenant Act 1954 to exclude business protection, when leases are under 7 years.

10.58. Any disposal of freehold interest or leasehold interest of more than 7 years requires approval from the Authority, depending on the values involved.

*Definition of surplus asset for disposal*

10.59. A site will be determined as surplus for disposal following a property review and option appraisal if it meets all of the following criteria:

- a. It makes no contribution to the delivery of the Authority's service and is unlikely to be required for service delivery in the future;
- b. It is no longer appropriate for service provision;
- c. It has no potential for future strategic or regeneration/ redevelopment purposes (including affordable housing);
- d. The net income generated from the site is below that which could be reasonable achieved from disposing of the site and investing the capital receipt/ proceeds; and
- e. The land or property is not adjacent to a larger area of land or property in the ownership of the Authority.

### *Disposal of surplus assets by open market, freehold or leasehold disposal*

- 10.60. The Authority should plan to dispose of all surplus land or property identified for disposal within its portfolio subject to the following criteria:
- a. That the disposal does not have a negative impact on service levels.
  - b. Terms to be approved by an independent Valuer where appropriate.
  - c. Best financial consideration to be obtained unless social, environmental or economic benefits are provided.
  - d. The appropriate method of disposal will be determined on a case by case basis.
- 10.61. Prior to final disposal any short term intermediate use shall be by way of a short tenancy with a term of less than 7 years, with a landlord break clause at no more than 6 months' notice. This will ensure that disposal can be progressed when viable.

### *Criteria for disposals*

- 10.62. An option appraisal should be carried out which assesses the capital and revenue implications of each option, includes the impact of the current economic conditions and the VAT implications.
- 10.63. Valuations should be obtained for all viable options, provided by an independent Valuer.
- 10.64. Once sites are approved as being suitable for disposal and a programme for disposal has been agreed this should be included on a disposal plan. However until exchange/ completion of contracts has taken place, or the lease has been completed, there will always be a risk that the disposal will not take place in the time periods programmed.

### *The Disposal Process*

- 10.65. The Monitoring Officer (or their nominated Officer) is responsible for determining whether operational land or buildings are potentially surplus to requirements and for reporting their availability for disposal to the Authority.
- 10.66. The report will include:
- 10.67. An initial estimate of valuation
- 10.68. Proof of Ownership
- a. Any title issues
  - b. Any restrictive covenants
  - c. Any ransom strip issues
  - d. Rights of way and other easements
  - e. Retaining rights over adjoining land

- f. Potential for grant repayment
  - g. The relevant entry in the asset management system
  - h. The relevant entry in the asset register, including the valuation currently assigned to that asset.
- 10.69. The Authority will consider the report presented by the Monitoring Officer and will make recommendations and approve all property transactions prior to disposal.
- 10.70. The Authority will consider the disposal report and determine whether or not the sale will proceed.
- 10.71. All valuations will be in line with Royal Institution of Chartered Surveyors professional standards.
- 10.72. Valuations will be undertaken where:
- a. the value of the site does not exceed a de-minimis threshold that will initially be set at £50,000 that will be reviewed after 12 months of operation;
  - b. an open market sale is to be undertaken.
- 10.73. In those cases where a valuation is difficult but is anticipated to not exceed £100,000 the sale will be conducted in compliance with procurement and contract procedure rules with the bids received being used to set the market valuation.
- 10.74. External valuations will be obtained for all other land sales; sales to a Authority employee and/or Members; where a sale at less than best is being considered; or if the land is to be sold subject to a restrictive covenant affecting its value.
- 10.75. Where the valuation does not exceed £250,000, the Chief Executive (or their nominated officer), following consultation with the s73 Officer will negotiate and agree terms for the disposal by the most appropriate method of sale.
- 10.76. Where the value of the asset being considered for disposal exceeds £250,000 the matter will be submitted to the Authority for approval.
- 10.77. The Authority will consider the report and determine whether or not the sale will proceed. The report will include:
- a. The estimated valuation;
  - b. Legislation and Secretary of State guidance governing the disposal process;

- c. The proposed method of disposal and rational as to why that option has been chosen.
- 10.78. General guidelines which may be applicable, e.g. Crichton Down rules which apply to most disposals by the Authority of property acquired using compulsory purchase or under threat of compulsory purchase. Where the rules are applicable, there is an obligation to offer the property back to the original owner in the first instance before being placed on the open market;
- a. Confirmation as to whether or not the transaction is caught by the public procurement rules;
  - b. Confirmation as to whether or not the transaction is caught by the State Aid rules;
  - c. An indicative location plan highlighting the land/property to be sold; and
  - d. Financial implications.
  - e. If the proposed sale price is less than the estimated valuation, then Authority approval will be required.
- 10.79. In considering the legal and financial considerations of any disposal at an undervalue, there must be demonstrable evidence that the outcome will be equally beneficial as compared to a disposal at market value and will be for the well-being of the whole or part of the area. If possible, the social, economic or environmental benefits, which are argued to be the justification for a disposal at an undervalue, should be quantified in monetary terms.
- 10.80. In all cases, where a disposal is undertaken at less than best consideration, then to protect the Authority's interest in the event of subsequent sales, it will include, where appropriate, an asset lock, clawback, overage or uplift clause, restrictive covenants, ransom strip retention, user rights, forfeiture or break clause or right of pre-emption. This is to ensure that the Authority eventually obtains best value and a purchaser does not profit excessively at the expense of the Authority.
- 10.81. Files will be maintained for every disposal by the Monitoring Officer in accordance with the scheme of delegations (legal file) and these files will be accessible by Internal/External audit.
- 10.82. The property file will contain all correspondence to verify how the Authority made the decision to dispose, including a copy of the appropriate minute authorising the sale or a signed delegation form, verification of value in the form of a formal written valuation in line with Royal Institution of Chartered Surveyors professional standards, signed instructions to Legal Services, completion statement and actions taken by the case officer in relation to the matter.

10.83. The legal file will contain a copy of the Legal Instructions. The file should contain a certificate of best consideration been obtained. A written valuation in line with Royal Institution of Chartered Surveyors professional standards, the reason for any discrepancies in final sale price and valuation, the contract documentation, confirmation of all checks in relation to the title of the property, money laundering compliance, any correspondence in relation to the matter and a completion statement.

10.84. A completion statement will be passed to:

- a. Monitoring Officer;
- b. Section 73 Officer;
- c. Audi Risk and Assurance Team;
- d. The Surveyor; and
- e. Any appropriate person.

10.85. Receipts from the disposal of assets will be treated as a corporate resource.

#### *Money Laundering*

10.86. All transactions should be carried out in accordance with the Authority's Anti-Money Laundering Policy. All cash transactions must be within the limits set out in the Anti-Money Laundering Policy.

10.87. Legal Services must make checks for all purchasers and ensure that vendors solicitors, and any solicitors employed to act on behalf of the Authority, have an up to date Anti-Money Laundering Policy and that they are registered with the Law Society.

#### *Internal and External Audit*

10.88. Audit trails of all acquisitions will need to be maintained and accessible by Internal/External Audit to verify actions/values and how the Authority made the decision to acquire/dispose. Any appointment of a third party consultant must reserve the right of access to their records in relation to the transaction. This will need to be dealt with by way of appropriate contract conditions.

#### *Scheme of Delegations*

10.89. The Chief Executive (or their nominated Officer), following consultation with the S73 Officer and Monitoring Officer:

10.90. To negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £250,000.



- 10.91. To offer land and/or premises for disposal at auctions where the estimate of value does not exceed £250,000.
- 10.92. To sign off and authorise on behalf of the Authority any express or implied undertakings for the disposal and acquisition of land.
- 10.93. To acquire and dispose of land and property upon receipt of instructions from the s73 Officer, on terms to be agreed in accordance with Authority delegated to him, and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.
- 10.94. To dispose of land and/or premises at auction where the S73 Officer estimates the value of the land/property being offered for sale is less than £250,000 but the bid price exceeds that amount.
- 10.95. Ensuring that the Authority's operational property portfolio is fit for purpose, sustainable and in good repair.

*Identifying Assets Surplus to Authority's Requirements.*

- 10.96. The formulation of business cases relating to the rationalisation and continued improvement of the Authority's operational property portfolio.
- 10.97. The disposal of any parcel of land or property which is surplus to Authority requirements.
- 10.98. The grant of leases to third parties and/or organisations.
- 10.99.
- 10.100. The management of the Authority's commercial estate e.g. shops, industrial units, ground leases etc.

*Section 73 Officer*

- 10.101. The Section 73 Officer is responsible for maintaining a continuous review of Financial Regulations and Procedures, including this protocol, and submitting any additions or changes to the Authority for approval. The S73 Officer also responsible for ensuring transactions relating to the disposal of land and/or property are properly recorded in the financial records of the Authority and responsible for reporting breaches of Financial Regulations and Procedures to the Authority and/ Monitoring Officer.

*Legal Services*

- 10.102. The Monitoring Officer in accordance with the scheme of delegation is responsible for completion of all legal paperwork including contract

documentation for the acquisition and/or disposal of land and/or property  
whether the transaction is on a freehold or leasehold basis.

## **Part 6: Allowances**

- 1.1. The Authority has not agreed an allowances policy.
- 1.2. Officer and Member Expenses will be met from the hosting constituent authority.

## **Part 7: Management Structure**

### **Statutory Officers**

- 1.1. The Head of Paid Service is Anne-Marie Bond
- 1.2. The Monitoring Officer is Amanda Barlow
- 1.3. The Section 73 Chief Finance Officer is Matthew Thorpe

### **Non-Statutory Officers**

- 1.4. The Director of Operations is Sean Anstee

### **Accountable Body**

- 1.5. Devon County Council is the Accountable Body