

Proposed Devon & Torbay Combined County Authority and Devolution Deal Report of the Chief Executive

Please note that the following recommendations are subject to consideration and determination by the Cabinet and confirmation under the provisions of the Council's Constitution before taking effect.

1) Recommendations

It is recommended that the Council:

- (a) Thanks all those who responded to the consultation, for the time they gave in considering the draft proposal and in preparing responses to it.
- (b) Considers the analysis of the responses (Appendix A) on the draft proposal for the Devon and Torbay Combined County Authority showing the variety, breadth and range of views expressed.
- (c) Approves the proposal (Appendix B) for the Devon and Torbay Combined County Authority (DT CCA) for submission to the Secretary of State for Levelling Up, Housing and Communities, taking into consideration and having due regard to the consultation responses and the Public Sector Equality Duty.
- (d) Delegates authority to the Chief Executive, in consultation with the Leader of the Council, to consent to the making of the necessary Regulations to create the Devon and Torbay Combined County Authority thereby implementing and giving effect to the proposal, subject to those Regulations reflecting the principles in the proposal document and this report.
- (e) Notes that, subject to the approval of the proposal and making of Regulations, the Council will give consideration to a draft constitution for the DT CCA in September 2024.
- (f) Supports the establishment of the Team Devon Joint Committee and notes that the proposed terms of reference will be considered by the Council in September 2024

2) Summary

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

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

The Levelling-up and Regeneration Act requires that prior to submitting a proposal for a CCA to the Secretary of State, the Constituent Councils (i.e. Devon County Council and

Torbay Council) must undertake a public consultation on the proposal in the proposed area. The Constituent Councils are obliged to carry out the consultation across the proposed area and consider the results. Appendix A provides an analysis of the response to the consultation. It is recommended that the proposal (Appendix B) for the DT CCA be agreed by the Council for submission to the Secretary of State for Levelling Up, Housing and Communities.

3) Results of the consultation on the draft proposal to establish the Devon and Torbay Combined County Authority

A six-week consultation on the draft proposal for the DT CCA was undertaken between 12 February 2024 and 24 March 2024. The draft proposal was published on the Devon and Torbay Devolution Deal website – www.devontorbaydeal.org.uk – together with a list of the powers and functions that Devon County Council and Torbay Council propose become available to the DT CCA.

The consultation was open to anyone to respond to, and provision was made for accessible and alternative versions. It explained why the Councils are seeking to establish the DT CCA, the benefits it would deliver and how it would operate. It was publicised through social media, news releases and both Constituent Councils' e-newsletters. It was open to residents, businesses and all other key stakeholders, including district councils, parish and town councils, voluntary and community organisations and other public sector bodies. Stakeholders across Devon and Torbay were invited to attend consultation meetings/events or signposted to the website. All Members of the Council were invited to a briefing meeting on the consultation on Monday 26 February.

Responses could be made by completing the online questionnaire or sending an email or letter. Paper copies of a summary of the draft proposal were made available in each of the libraries in Devon and Torbay and at district council offices. In addition, 31 meetings took place: these were a mixture of engagement events arranged for stakeholders, and also other meetings attended by representatives from Devon County Council and Torbay Council. These included events for and meetings with: district councils; equality and diversity organisations; the Devon, Plymouth and Torbay Voluntary, Community and Social Enterprise Assembly; Devon Association of Local Councils; business representative bodies; transport providers and partners; health service providers and commissioners; and education and skills partners. In total, there was attendance by more than 700 people.

There was a total of 890 responses to the consultation of which 99 were letters/emails from organisations and individuals, and 791 were completed online questionnaires. Each of the eight district councils submitted a response and they are all included in full as part of Appendix A:

- East Devon District Council
- Exeter City Council
- Mid Devon District Council
- North Devon Council
- South Hams District Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council

Responses were also received from 25 town and parish councils, including:

- Bampton Town Council
- Bovey Tracey Town Council
- Brixham Town Council
- Crediton Town Council
- Chulmleigh Parish Council
- Dartington Parish Council
- Dartmouth Town Council
- Dawlish Town Council
- East and West Buckland Parish Council
- Exminster Parish Council
- Frogmore and Sherford Parish Council
- Great Torrington Town Council
- Honiton Town Council
- Horwood Lovacott and Newton Tracey Parish Council
- Kilminster Parish Council
- Kingsbridge Town Council
- Morebath Parish Council
- Moretonhampstead Parish Council
- Newton Abbot Town Council
- Offwell Parish Council
- Plasterdown Grouped Parish Council
- Stokeinteignhead Parish Council
- Tavistock Town Council
- Totnes Town Council
- Woolsery Parish Council

Responses were received from a wide range of partner organisations and stakeholders including public service providers (e.g. health and police), voluntary/community sector bodies, businesses, education and skills providers, and other interest groups including:

- Business Information Point
- CBI South West
- Citizens Advice Devon
- City College Plymouth
- Cosmic
- Dartmoor National Park Authority
- Devon and Cornwall Training Provider Network
- Devon and Plymouth Chamber of Commerce
- Devon Association of Local Councils
- Devon Communities Together
- Devon Partnership Trust
- Earl of Devon, Powderham Castle
- Employment and Skills Board for North Devon
- Exeter Airport Ltd
- Exeter Chamber of Commerce
- Exeter College
- Exeter Science Park

- Exmoor National Park Authority
- Great South West
- Institute of Directors (South West)
- Make UK
- Newton Abbot and District Civic Society
- Network Rail
- North Devon Homes
- North Devon plus
- Peninsula Transport Sub National Transport Body
- PETROC
- Police and Crime Commissioner for Cornwall, Devon and the Isles of Scilly
- Plymouth Marjon University
- South Devon College
- South Hams Society
- South West Business Council
- South Western Railway
- Stagecoach South West
- Tarka Rail Association
- Taylor Wimpey Exeter
- Teign Estuary Trail Campaign Group
- Torbay and South Devon NHS Foundation Trust
- Torbay Place Leadership Board and Torbay Business Forum
- Torbay, Plymouth and Devon Voluntary, Community and Social Enterprise Assembly
- UNESCO Biosphere Reserve and North Devon Biosphere Foundation
- University of Exeter
- University of Plymouth
- Wain Homes

A joint letter of support was also received from the Members of Parliament for Newton Abbot, Totnes, South West Devon and East Devon and one was also received from the MP for Torbay.

Appendix A is a detailed analysis of all the responses to the consultation on the draft proposal for the DT CCA including the points raised at the roundtable consultation meetings. The analysis provides Members with:

- An overview of the consultation process.
- An analysis of the responses to each of the themes in the draft proposal:
 - Maximising our economic potential
 - Addressing our housing pressures
 - Improving local transport
 - Meeting our net zero ambitions
 - Delivering investment in Devon and Torbay
 - Creating a strong and sustainable local economy
 - Delivery arrangements for the Devon and Torbay Combined County Authority.
- A copy of the response submitted by each of Devon's eight district councils.

The purpose of the consultation was to seek views on the draft proposal and Members must take those views into account in considering whether to amend the proposal and/or

submit it to the Secretary of State. However, unanimous support for the proposal is **not** a prerequisite to moving forward.

The analysis of the response to the consultation provided in Appendix A shows the variety and range of views expressed about each theme in the draft proposal for the DT CCA. It includes a representative selection of the comments made in the submissions from partner and stakeholder organisations. Members will note the breadth of opinion on the draft proposal that the consultation has elicited and may wish to express their gratitude to everyone who took the time to respond.

A number of common themes emerge from the responses and Members should have particular regard to the following issues.

3.1 Governance and constitution of the DT CCA

A large proportion of the responses to the consultation included concerns and issues about how the DT CCA will function. Members will recall that the proposal includes five local guiding principles (in addition to the four principles for levelling up set out in the Levelling Up White Paper) that will govern how the DT CCA will work in delivering the devolution deal:

- **Partnership** - Each member of the CCA will have the ability to influence devolved activity and have a say in what the CCA does.
- **Inclusivity** - The CCA will operate inclusively in pursuit of its agreed outcomes.
- **Additionality** - Members of the CCA will work together to deliver things that add value, they will only pool or collaborate on existing activity where there is shared agreement that that should be done.
- **Subsidiarity** - The CCA will not create an additional layer of governance, but bring the national level governance to the Devon and Torbay area much closer to businesses and communities. Place making functions will be delivered through existing local planning authority arrangements for which they are statutorily responsible.
- **Collaboration** - Members of the CCA will collaborate and cooperate to ensure that activities are delivered, and actions taken as required, both within the CCA and with other partners across the region. Members will share information, experience, materials, and skills to learn from each other and develop effective working practices. This includes joint working with wider peninsula partners, including neighbours in Plymouth, Dorset, Cornwall and Somerset.

Some of the responses, particularly those from the district councils, raised concerns that relate to the challenges associated with district councils being defined by the Levelling-up and Regeneration Act 2023 as “non-constituent” members of CCAs. The provisions of the Act mean that district councils cannot be members and therefore do not consent to the forming of a CCA in the same way that county/unitary authorities do as part of its inception. However, a CCA can appoint representatives of a local organisation or body - such as a district council – as “non-constituent members”. Non-constituent members will be non-voting members, unless the voting members of the CCA resolve otherwise.

It will be critically important that Devon’s district councils have a voice in the DT CCA and the ability to influence its work. The proposed Team Devon Joint Committee that will be established under Sections 101 to 103 of the Local Government Act 1972 will include

representatives of Devon County Council; the City, District and Borough Councils in the Devon area; the two National Park Authorities and the Devon Association of Local Councils. The terms of reference of the Team Devon Joint Committee will enable it, amongst other things, to have a voice and establish a collective position in the DT CCA. A Team Devon working group will be established to develop the terms of reference of the Joint Committee for consideration by the Council in September.

A significant number of responses made points about representation, governance and the democratic process. The constitution of the DT CCA will govern how the constituent, non-constituent and associate members of DT CCA work together to make decisions. It will clarify many aspects of the DT CCA's governance arrangements and cover matters such as voting rights, quoracy, and the audit and scrutiny functions. It will, if the proposal goes forward, be proposed in draft form for consideration by the Council in September 2024 ahead of final agreement by the CCA, if established.

A number of responses included concerns about the possibility that the establishment of the DT CCA would lead to a reorganisation of local government. The Government's February 2022 Levelling Up White Paper was clear that it will not impose top-down restructuring of local government and there is no suggestion that reorganisation is a requirement for a devolution deal. Government stated that it would use existing legislation to work with areas which are seeking to establish reformed local governance structures: Devon and Torbay is **not** such an area.

3.2 Advisory groups and partnership working

Some respondents raised issues about the role, purpose, and membership of the proposal for the various advisory groups that the DT CCA could consider establishing. The draft proposal detailed five advisory groups:

- Growth – this would be known as the *Devon and Torbay Business Advisory Group* to provide advice and support to the CCA on business and economy matters.
- Skills and Employment - to provide advice and support to the CCA on skills and employment matters.
- Housing Task Force - to build on the existing Task Force and partnerships, working jointly with Homes England and Housing Authorities.
- Environment/Net Zero - building on the work and structure of the Devon climate change and emergency response partnerships and groups.
- Investment - to bring key stakeholders together from across the area to take forward and provide formal advice to the CCA on funding and investment.

The DT CCA's advisory groups will need to represent the views of those with a stake in its work. Part of the work to establish the DT CCA will be to define the membership and terms of reference of the advisory groups. The responses from Devon Communities Together and the Devon, Plymouth and Torbay VCSE Assembly highlighted the contribution of voluntary, community and social enterprise organisations to the environmental, social and economic wellbeing of the area. The DT CCA's constitution and advisory groups will need to reflect the part that the VCSE sector has to play in its work. **The draft proposal has been amended accordingly.**

During the consultation period, the Devon County Council Equality Reference Group (alongside representatives of organisations for those with protected characteristics in

Torbay) met to consider the draft proposal and the associated Equality Impact Assessment (EIA). The Group highlighted the need to ensure that a diverse range of voices are heard through the advisory group structure.

In order to realise its ambitions for public service reform, the DT CCA will work with partners on creating safe, healthy, resilient communities. The responses from health care providers and commissioners made the point that the DT CCA and its advisory groups will need to collaborate as part of the Integrated Care System. **The draft proposal has been amended accordingly.** The devolution deal includes a commitment to exploring initiatives to improve the delivery of public services, such as how best to support residents with multiple complex needs.

The DT CCA and VisitEngland will work with the accredited Local Visitor Economy Partnership for the region to help further develop the region's visitor economy. This work would harness the potential to grow domestic and international visitor spend, and encourage visits throughout the year rather than just during the traditional tourist season.

3.3 Funding and running costs

Concerns were expressed that the DT CCA would create an additional layer of local government and impose additional costs on Council Tax payers. The DT CCA, as a partnership of existing councils, will have a new role in local decision-making and democracy with decisions previously made in Whitehall being made by locally elected representatives from Devon and Torbay. The DT CCA would be funded from committed central Government funding and then scale up its operation in line with the funding accruing to it through the devolved responsibilities, functions and powers. It will not have Council Tax raising powers.

3.4 Economic coherence and geography of the area

Some responses highlighted that the population of the Torbay Council area (139,000) is smaller than East Devon (151,000), Teignbridge (146,000) and Exeter (142,000). Concerns were expressed about the risk of a democratic deficit. North Devon Council suggested that, of the three councillors appointed to the CCA by DCC, at least one should represent a ward in the North Devon area.

The role of all the members of the DT CCA would be to make decisions in the best interests of the Devon and Torbay area. The DT CCA's investment, planning and policy decisions would need to be made in the best interests of the whole area based on evidence of need, ensuring equity, transparency and accountability.

Given the size of the population covered by the proposal (953,000 people), the area covered is considered to be a coherent economic area with a range of business sectors and a strategic transport network. Devon and Torbay are already part of various overlapping administrative geographies for different functions, such as health services (Devon, Plymouth and Torbay), policing (Cornwall, Devon, Plymouth and Torbay) and fire and rescue (Devon, Plymouth, Somerset and Torbay).

It is considered that the proposal will improve the economic, social and environmental wellbeing of the area as a whole. However, it will be important for the DT CCA to target

support and investment in ways that respond to the variety of needs and opportunities within the area.

The DT CCA will also need to take account of regional and sub-regional plans and strategies, such as the Plymouth and South West Devon Joint Local Plan; and the Peninsula Transport Strategy for the Cornwall, Devon, Plymouth, Somerset and Torbay region.

3.5 UK Shared Prosperity Fund (UKSPF)

Devon County Council and district councils (as well as Torbay Council) have been recipients of UKSPF monies. There is no certainty about any future rounds of the UKSPF programme. If it does continue in some form, then the DT CCA would be expected to collaborate through Team Devon and with district councils directly to maximise the effectiveness of local investment aligned to the differing needs for economic support in each area.

3.6 Housing and Homes England

The DT CCA would enable and accelerate delivery with and through districts and local housing associations. In doing so, the DT CCA would need to utilise district councils' housing functions (as well as those of Torbay Council) and the Devon Housing Task Force. The Devon Housing Task Force covers the whole of the Devon and Torbay area and is currently chaired by a District Council Leader. The DT CCA would need to build on best practice and expertise; to provide a stronger platform and empower the excellent work being done across the Team Devon landscape, and not duplicate or add extra bureaucracy.

3.7 Transport

The DT CCA would be responsible for producing a joint strategic transport plan and this would be carried out by building on existing joint arrangements and partnerships. District councils would need to be included in its formulation so that land-use and housing plans are aligned to transport plans and that sustainable transport options are embedded – both in terms of strategic intent and future investment.

3.8 Community involvement

Housing, transport, jobs, skills and sustainability are strategic issues which require local solutions that respond to communities' particular needs. Some towns and parishes were concerned that the DT CCA would not be able to respond to local interests or address local priorities. The DT CCA would need to work strategically whilst supporting communities' ambitions and aspirations.

The responses from town and parish councils and the Devon Association of Local Councils highlighted importance of effective working relationships across the three tiers of local government. Team Devon Joint Committee, through the Devon Association of Local Councils, will strengthen partnership working and collaboration between councils.

3.9 Lack of detail

Some respondents were concerned that the proposal is vague and lacking in detail. The submission of the proposal to Government and making of the Regulations is merely the start of a journey. The DT CCA will formulate more detailed plans for each of the themes covered in the devolution deal. The decisions that the County Council and Torbay Council makes to establish it will be made publicly by elected Members.

3.10 Plymouth

Some responses to the consultation suggested that it would be beneficial for the CCA to include Plymouth. Plymouth City Council had made it clear during the negotiation of the proposed deal that it could not, as a point of principle, agree to Local Transport Authority (LTA) functions moving to the CCA. The Minister for Levelling Up wrote to the Leader of Plymouth City Council on 16 November 2023. He explained that in order to agree a deal at Level 2 of the framework it is essential that LTA functions reside within the DT CCA and confirmed that the Government would seek to agree a devolution deal with Devon and Torbay only. A statement issued by Plymouth City Council on 17 November 2023 confirmed that it had withdrawn from the proposed devolution deal but remains fully committed to continuing to work closely with its partners across the region on areas such as transport, housing, inward investment, jobs, the Plymouth and South Devon Freeport and skills and education. The provisions of the proposed devolution deal enable Plymouth City Council to apply to join the DT CCA at some point in the future.

Plymouth City Council, South Hams District Council and West Devon Borough Council are, as planning authorities, responsible for the joint local plan, which is the key spatial strategy covering the West Devon, South Hams and Plymouth area.

4) Submission of the proposal to the Secretary of State

The establishment of the DT CCA will be the beginning of a new era for Devon and Torbay. The DT CCA will have many important decisions and choices to make about how the devolved powers and functions should be best exercised in the interests of everyone who lives and works in the area.

During the course of the consultation further discussions took place with Government departments about the list of powers and functions that would be devolved to the DT CCA. **Some minor amendments have been made to the list of powers, including in relation to transport.**

Two sections have been added to the governance chapter of the draft proposal. The first recognises the part that voluntary, community and social enterprise organisations could play in the work of the DT CCA and its advisory groups. This reflects the points made in the responses from stakeholders such as Devon Communities Together, Citizens Advice Devon, and the Torbay, Plymouth and Devon VCSE Assembly. The second additional section acknowledges the need for the DT CCA to work with commissioners and providers of health services as part of the Integrated Care System.

It is not considered that any other specific changes are required to the proposal as a direct result of the response to the consultation. It is proposed that at its meeting on 29 April 2024

the Council be recommended to approve the proposal as set out in Appendix B for submission to the Secretary of State.

5) Regulations to establish the Devon and Torbay Combined County Authority

The Levelling-up and Regeneration Act 2023 gives the Secretary of State the power to make regulations that establish Combined County Authorities as separate free-standing bodies and give them the responsibility for specific local authority functions.

The DT CCA will be a “body corporate” that will be brought into being through statutory regulations: secondary legislation that is approved by parliament. The regulations will establish the DT CCA and give effect to the Devon and Torbay devolution deal. The regulations will include the DT CCA’s governance arrangements and the functions that it will exercise.

Parliamentary time is limited and in order to ensure there is no delay, it is proposed that the Council delegate authority to the Chief Executive in consultation with the Leader to formally consent to the regulations. The delegation would be contingent on the regulations reflecting the terms of the devolution deal, the final proposal and this report. Government has made it clear that the aim of the regulations is to put into law the proposed devolution deal with Devon County Council and Torbay Council and have given assurances that this will be the case, as well as confirming that the regulations will be drafted in consultation with the Councils, which will enable officers to ensure that they meet the Councils’ expectations.

6) Next steps

The anticipated timetable for the next steps is:

- April 2024 – Devon County Council Cabinet (Monday 22 April) and Council (Monday 29 April), and Torbay Council Cabinet (Thursday 25 April) and Council (Tuesday 30 April) consideration of the results of the public consultation and final proposal and, subject to Councils’ decisions, submission of final proposal for the DT CCA to Government.
- May 2024 – Government decision on final proposal.
- June 2024 – Draft regulations (the “Statutory Instrument”) to create the DT CCA prepared by Government and Councils’ consent sought.
- July 2023 – Statutory Instrument laid in Parliament.
- September/October 2024 – Consideration of the Statutory Instrument by the Joint Committee on Statutory Instruments, the House of Commons Delegated Legislation Committee and the House of Lords Grand Committee.
- Autumn 2024 - Statutory Instrument comes into force.

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

7) Options / Alternatives

An alternative option would be not to submit the final proposal to the Secretary of State. If this option were to be adopted, then there would be no guarantee that a DT CCA and associated devolution deal with the potential associated powers and funding would be available to the area in the same way in the future.

8) Strategic Plan

The proposed devolution deal will contribute to the Council's "[Best Place](#)¹" Strategic Plan 2021 – 2025, including the commitments to:

- Support training providers and employers to increase the number of traineeships and apprenticeships for young people and for people to upskill to reflect changes in employment opportunities.
- Secure investment in transport infrastructure to stimulate economic growth, improve accessibility, increase travel choices and improve road safety.
- Enable a range of transport options, including public transport to improve access to services and jobs and to tackle social isolation.
- Work with Team Devon to tackle homelessness and improve the availability of affordable housing in Devon.
- Do whatever we can to make it easier for key workers and people on low incomes to find affordable homes.

9) Financial Considerations

The costs of carrying out the public consultation on the proposed Devon and Torbay devolution deal were shared between Devon County Council and Torbay Council. Subject to Devon County Council and Torbay Council agreeing to submit the final proposal there will be an ongoing need for preparatory work to continue pending Government approval and receipt of capacity and other funding.

To support the establishment of the DT CCA in its early stages, the Government will provide £1million of capacity funding over three years: £250,000 in 2024/25, £500,000 in 2025/26 and £250,000 in 2026/27. This core funding will enable the creation and establishment of the CCA without imposing costs on either Devon County Council or Torbay Council. It is not therefore anticipated that there will be any additional costs to the County Council.

The creation of the DT CCA would lead, through the delivery of the devolution deal, to additional funding, including the £16 million of capital, being made available to be spent within the Devon and Torbay area on a wide range of services, projects and schemes.

10) Legal Considerations

The Levelling-up and Regeneration Act requires that prior to submitting a proposal for a CCA to the Secretary of State, the Constituent Councils must undertake a public

¹ <https://www.devon.gov.uk/strategic-plan/>

consultation on the proposal in the proposed area. The Constituent Councils are obliged to carry out the consultation across the proposed area and consider the results.

The Secretary of State may make regulations establishing a CCA for an area if, having regard to the submitted proposal, the Secretary of State considers that:

- (a) to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
- (b) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
- (c) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses.

The Secretary of State's regulations can cover the working mechanisms of a CCA – for example, its membership, voting arrangements and quorum – and its functions such as transport, skills or economic development.

11) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

The decision to submit the final proposal will not in itself directly affect carbon emissions. It is anticipated that the DT CCA will develop its own plans and strategies to reduce carbon emissions which will be subject to its own approval processes and approaching the issues from a wider strategic and geographic position may beneficially impact the development of consistent and measurable carbon reduction measures.

12) Equality Considerations

An equality impact assessment of the proposal for the DT CAA and devolution deal has been prepared and it is available on the Council's website at <https://www.devon.gov.uk/impact/published>.

The Devon Equality Reference Group (ERG) supports the County Council's work on equality and diversity by providing advice, feedback, ideas and scrutiny. The ERG members are drawn from the voluntary and community sector and are independent of the County Council and Service Level Agreements are in place. In this case, the meeting with the ERG included representatives of organisations representing those with protected characteristics in Torbay. The ERG's views have informed the assessment.

In coming to a decision, the Council is required to have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The Council must have due regard to this report to ensure that it is satisfied that any adverse impact and the proposed mitigation allows it to meet the legal obligations set out in the PSED. The duty cannot be delegated and must be discharged by the decision maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

The EIA recognises that the final proposal has the potential to provide significant benefits to all communities, but specifically for people from the protected characteristic groups and deprived communities. However, this will be dependent on the implementation of the final proposal and the systems and processes that are put in place; and how the DT CCA will address inequality as an integral part of everything it does and every decision it makes. As the new DT CCA will become subject to the Public Sector Equality Duty under the Equality Act 2010 this will require the authority to set equality objectives, publish equalities information and have due regard for equality matters when carrying out its functions, making decisions and delivering projects and programmes.

The EIA sets out that the DT CCA should give early thought to how it can begin to meet these and other duties, especially as it further develops its priorities, becomes established and finalises its workstreams.

13) Risk Management Considerations

The risk to establishing the DT CCA is included in the risk register as a strategic risk and it currently has a score of "high". The causes of the risk are:

- Delay in Government approval.
- Delay or complications in seeking Cabinet approvals at the respective authorities, including as a result of a lack of political agreement.
- Delay or complications in administering the required six week public consultation period.
- Opposition through the public consultation to the formation of the DT CCA.
- Lack of agreement/SLA for the key areas: governance arrangements, core functions, and staffing.

The impacts of the risk should it occur are:

- Opportunity for devolved powers not realised, loss of opportunity for a 'stronger voice' for local communities in Whitehall.
- Opportunity for devolved funding not realised, loss of opportunity for more of a 'say' on how funding is used for the benefit of local residents and communities.
- Local Enterprise Partnership assets are not appropriately transferred.
- Reputational impact on Devon County Council.
- Potential legal implications for Devon County Council.

Name: Donna Manson
Electoral Divisions: All

Cabinet member: Leader of the Council and Cabinet Member for Policy, Corporate and Asset Management

Local Government Act 1972: List of background papers

Background Paper: None
Date
File Reference

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