

Devon and Torbay Combined County Authority (DTCCA) – Appointments

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Council before taking effect.

1. Recommendation

It is recommended

(a) that the Council, appoint the Members as outlined in section 7 to the Combined County Authority, the Scrutiny Committee of the Combined County Authority and the Audit Committee of the Combined County Authority; and

(b) that the Chief Executive be authorised to approve such changes to memberships of the CCA and Committees, as detailed in the Report, as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council.

2. Background

At its meeting on 29 April 2024, the Council approved the final proposal for the Devon and Torbay Combined County Authority (DTCCA) for submission to the then Secretary of State for Levelling Up, Housing and Communities.

The final proposal for the DTCCA was submitted jointly by Devon County Council and Torbay Council on 1 May 2024.

The DTCCA will be a “body corporate” that will be brought in to being through the Devon and Torbay Combined County Authority Regulations 2024. The Regulations will establish the DTCCA and give effect to the Devon and Torbay devolution deal. The Regulations include the DTCCA’s governance arrangements, the functions it will exercise and its membership.

3. Draft Regulations:

The draft regulations state the following

- (1) Each constituent council must appoint three of its elected Members to be members of the Combined County Authority;
- (2) Each constituent council must appoint one of the persons appointed under paragraph (1) to be the lead member for that council;

(3) Each constituent council must appoint another three of its elected members who may act as members of the Combined County Authority in the absence of any of the members they appointed under sub-paragraph (1) (“substitute member”); and

(4) Only one substitute member may act as a member of the Combined County Authority in the absence of each absent member appointed under sub-paragraph (1) at any time

The application of political balance to these three appointments results in the appointment of three Conservative members, for both the main appointments and the substitute appointments.

4. Overview and Scrutiny Committees

The final proposal for the establishment of the Devon and Torbay Combined County Authority, submitted to the Government in May 2024, set out arrangements for the Overview and Scrutiny and Audit Committees of the DTCCA, as follows:

The proposed County Combined Authority (CCA) would be required to have an Overview and Scrutiny Committee, its role being to monitor the decision making of the CCA 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 proposed CCA area.

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 CCA.

The political balance of the Overview and Scrutiny Committee will reflect the political balance of the Constituent Councils. It will include at least two members nominated from each Constituent Council as well as representatives from the District Councils.

Further, the proposed CCA would consider how to best ensure wider relevant partners (such as from the business, education and community sectors) are represented effectively on the Committee.

The Chair and Vice Chair of the Overview and Scrutiny Committee will be appointed by the CCA, following a proposal put to them by the Overview and Scrutiny Committee in question. The Chair and Vice Chair must not be a member of a registered political party of which their respective constituent Lead Member of the CCA is also a member.

5. Audit Committee

The proposed CCA is required to have an Audit Committee. The role of the Audit Committee 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.

As with the Overview and Scrutiny Committee, this means that at least two members of the Audit Committee would be nominated from each Constituent Council of the proposed CCA. At least one member would be nominated by the District Councils.

There would be a requirement for political balance on the Committee to reflect the political balance of the Constituent Councils.

There is a requirement for the Chair of the Audit Committee to be an independent person, who is not otherwise involved in the proposed CCA. Again, the Levelling-up and Regeneration Act 2023 requires that members of the Audit Committee must not be the same individuals as those representatives who are members of the proposed CCA.

The proposed CCA will ensure that the Audit Committee has the appropriate member representation to ensure effective oversight of the adequacy of the proposed CCA's overall assurance arrangements, and scrutiny of financial decision making by the proposed CCA.

6. Political Balance

To reflect political balance for both Devon County Council and Torbay Council, it is proposed that five members from each authority are appointed to each of the DTCCA Overview and Scrutiny Committee and Audit Committee. For Devon County Council, the application of political balance to these appointments, results in the appointment of three Conservative members, 1 Liberal Democrat member and 1 Labour Member. The Devon District Councils will be nominating two representatives and these nominations will be determined at the District Forum Meeting on 6 December 2024.

The chair positions, to be appointed by the CCA, require a different political affiliation than the lead member on the CCA. This means a minimum of 4 members are required from Devon County Council in order to achieve that requirement.

A discussion with the political groups reflected a desire to have 5 Members, in order that the Labour group become entitled to a seat based on political balance. This proposal received cross party support.

A Committee of 12 would comprise of five members from each constituent authority (DCC 3 Conservative, 1 Liberal Democrat and 1 Labour), (Torbay 3 Conservative, 2 Liberal Democrat). This totals 6 Conservative Members, 3 Liberal Democrat Members and one Labour; plus the 2 District Council appointments.

7. Proposals

(a) That three Conservative members be appointed as Devon County Council's three representatives on the Devon and Torbay CCA, and that one of these representatives is the Leader of the Council (namely Councillor J McInnes, Councillor A Davis and Councillor R Gilbert);

(b) that the Leader of the Council (Councillor J McInnes) be appointed as the lead member for Devon County Council on the Devon and Torbay CCA; and

(c) That three Conservative members be appointed as Devon County Council's three required substitute members on the Devon and Torbay CCA (namely Councillor P Twiss, Councillor S Hughes and Councillor L Samuel). In the first instance, substitute members from the same political group shall attend meetings in the absence of appointed representatives and where this is not possible, substitute members from a different political group shall attend; and

(d) That 3 Conservative Members, 1 Liberal Democrat Member and 1 Labour Member be appointed as Devon County Council's representatives on each of the Devon and Torbay CCA Overview and Scrutiny Committee and Audit Committee

(i) Scrutiny Committee - Councillor P Sanders, R Chesterton, I Chubb (Substitute members TBC), C Leaver (Substitute Member TBC), and Y Atkinson (Substitute C Whitton),

(ii) Audit Committee – Councillors R Scott, C Slade, D Sellis, (Substitute Members TBC), TBC (Substitute TBC), and S Aves (Substitute M Asvachin).

8. Financial Considerations

There are no financial considerations in terms of appointing Members to these Committees. The matter of remuneration is one for the Independent Remuneration Panel yet to be commissioned by the Devon and Torbay CCA.

9. Legal Considerations

The DTCCA will be a “body corporate” that will be brought in to being through the Devon and Torbay Combined County Authority Regulations 2024. The Regulations will establish the DTCCA and give effect to the Devon and Torbay devolution deal. The Regulations include the DTCCA's governance arrangements, the functions it will exercise and its membership.

10. Risks

There are no risks associated with the recommendation.

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

There are no environmental impacts associated with the recommendation.

12. Equality Considerations

There are no equality implications associated with the recommendation.

13. Other Options Considered

An alternative option would be to not apply political balance to the allocation of seats, but this option would not be in line with the Levelling-up and Regeneration Act 2023 and the [Devon and Torbay Devolution Deal](#) in respect of Audit and Scrutiny at paragraphs 31 and 32.

Name: Karen Strahan

Assistant Director of Democratic Services

Electoral Divisions: All

Cabinet Member for Corporate, Policy and Asset Management

Local Government Act 1972: List of background papers

Devon and Torbay Combined County Authority Regulations 2024

Final Proposal for the Devon and Torbay Combined County Authority (included with the agenda for the meeting of the Council held on 29 April 2024)