

## **Record of Officer Decision**

### **Devon and Torbay Combined County Authority (DTCCA) - Appointments**

#### **Decision Taker and Date Decision Taken:**

Chief Executive, having consulted with the Leader of the Council and Group Leaders (in accordance with paragraph 1.23 of the Officer Scheme of Delegation) at the Council Leadership Group meeting on 10 December 2024, on 16 December 2024

#### **Summary of Matter or Issue Requiring Decision:**

At its meeting on 30 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 Torbay Council and Devon County 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.

The draft Regulations state:

- (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 the three appointments as members of the Combined County Authority results in the appointment of two Conservative members and one Liberal Democrat member, for both the main appointments and the substitute appointments.

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

#### **Overview and Scrutiny Committee**

The proposed DTCCA would be required to have an Overview and Scrutiny Committee.

The role of the Overview and Scrutiny Committee is to monitor the decision making of the

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 proposed DTCCA 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 DTCCA.

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 DTCCA 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 DTCCA, following a proposal put to them by the Overview and Scrutiny Committee in question. The chair and vice chair shall not be a member of a registered political party of which their respective constituent Lead Member of the DTCCA is also a member.

### **Audit Committee**

The proposed DTCCA would be 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 DTCCA 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 DTCCA. 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 DTCCA. 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 DTCCA.

The proposed DTCCA will ensure that the Audit Committee has the right people to ensure effective oversight of the adequacy of the proposed DTCCA's overall assurance arrangements, and scrutiny of financial decision making by the proposed DTCCA.

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 Torbay the application of political balance to these five appointments, results in the appointment of three Conservative members and two Liberal Democrat members. Appointment of two substitute members on the DTCCA Overview and Scrutiny Committee and Audit Committee is also proposed. 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 DTCCA will also establish advisory groups covering Business, Skills, Transport, Climate and Investment and these will comprise private sector representatives. A Housing Advisory Group is also being established, and this Group will include one Councillor from each Constituent Council with housing responsibilities.

The Chief Executive has delegated authority, in consultation with the Leader of the Council and Group Leaders, to determine appointments to outside organisations at any time after the general review of such appointments has been undertaken following Local Elections.

#### **Decision Taken:**

- (i) That two Conservative members and one Liberal Democrat member be appointed as Torbay Council's three representatives on the Devon and Torbay CCA, and that one of these representatives to include the Leader of the Council (namely Councillor David Thomas, Councillor Chris Lewis and Councillor Swithin Long);
- (ii) That the Leader of the Council (Councillor David Thomas) be appointed as the Lead member for Torbay Council on the Devon and Torbay CCA; and
- (iii) That two Conservative members and one Liberal Democrat member be appointed as Torbay Council's three required substitute members on the Devon and Torbay CCA (namely Councillor Bye, Councillor Cowell and Councillor Tyerman). 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;
- (iv) That three Conservative members and two Liberal Democrat members be appointed as Torbay Council's representatives on each of the Devon and Torbay CCA Overview and Scrutiny Committee and Audit Committee, namely:  
  
Overview and Scrutiny Committee: Councillor Brook, Councillor Douglas-Dunbar, Councillor Foster, Councillor Johns and Councillor Tolchard; and  
  
Audit Committee: Councillor Brook, Councillor Foster, Councillor Long, Councillor Penny and Councillor Tolchard;
- (v) That one Conservative member and one Liberal Democrat member be appointed as Torbay Council's two substitute members on each of the Devon and Torbay CCA Overview and Scrutiny Committee and Audit Committee (namely Councillor Law and Councillor Spacagna for Overview and Scrutiny Committee; and Councillor Harvey and Councillor Strang for Audit Committee); 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
- (vi) That the Cabinet Member with responsibility for Housing (Councillor Tyerman) be appointed as Torbay Council's representative on the Devon and Torbay CCA Housing Advisory Group.

**Summary of Reason(s) for Decision Taken:**

To make Torbay Council's appointments to the DTCCA and its committees, in accordance with the Devon and Torbay Combined County Authority Regulations 2024 and its emerging Constitution.

**Summary of Alternatives or Options considered and rejected and Background Papers:**

An alternative option would be to not apply political balance to the allocation of seats, but this option would follow the local provisions for political balance set out in the Council's Local Protocol on Relations between the Leader of the Council and Political Groups.

Background papers:

Draft 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 30 April 2024).

**Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:**

None

**Implementation:**

This decision will come into force immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

Signed: \_\_\_\_\_ Date: 16 December 2024  
Chief Executive