Draft Regulations laid before Parliament pursuant to section 252(4) of the Levelling-up and Regeneration Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2024 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The Devon and Torbay Combined County Authority Regulations 2024

Made - - - -

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 9(1), 10(1), (4) and (7), 13(1), (2) and (3), 16(1), 18(1), (3), (4) and (5), 19(1), (2) and (3), 52(1), 53(1), 252(1) and (2) of and paragraph 3 of Schedule 1 to the Levelling-up and Regeneration Act 2023(**a**) ("the 2023 Act").

The Secretary of State, having regard to a proposal prepared and published under section 45 of the 2023 Act, considers that—

(a) the functions conferred on the Combined County Authority by these Regulations can appropriately be exercised by that Authority,

(b) the making of these Regulations 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 to which the Regulations relate,

(c) the making of these Regulations 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,

(d) the making of these Regulations will achieve the purposes specified under section 45(7) of the 2023 Act, and

(e) any consultation required by section 45(4) of the 2023 Act has been carried out.

In accordance with sections 10(8), 16(2)(a), 18(6)(a), 20(2)(b), 46(1)(d) and 52(2) of the 2023 Act the councils of the local government areas of Devon and Torbay have consented to the making of these Regulations.

(**a**) 2023 c. 55.

In accordance with section 20(6) of the 2023 Act, the Secretary of State has laid before Parliament a report explaining the effect of these Regulations and why the Secretary of State considers it appropriate to make these Regulations.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 252(4) of the 2023 Act.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Devon and Torbay Combined County Authority Regulations 2024.

(2) These Regulations come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"the 1980 Act" means the Highways Act 1980(**a**);

"the 1985 Act" means the Housing Act 1985(**b**);

"the 1989 Act" means the Local Government and Housing Act 1989(**c**);

"the 1990 Act" means the Town and Country Planning Act 1990(**d**);

"the 2004 Act" means the Traffic Management Act 2004(**e**);

"the 2008 Act" means the Housing and Regeneration Act 2008(**f**);

"the 2023 Act" means the Levelling-up and Regeneration Act 2023(**g**);

"the Area" means the area consisting of the areas of the constituent councils;

"Combined County Authority" means the Devon and Torbay Combined County Authority as constituted by regulation 3;

"constituent councils" means the councils for the local government areas(**h**) of Devon and Torbay;

"district councils" means East Devon District Council, Exeter City Council, Mid Devon District Council, North Devon Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council;

"the HCA" has the meaning given in regulation 5(1);

(**a**) 1980 c. 66.
(**b**) 1985 c. 68.
(**c**) 1989 c. 42.
(**d**) 1990 c. 8.
(**e**) 2004 c. 18.
(**f**) 2008 c. 17.
(**g**) 2023 c. 55.
(**h**) The term "local government area" is defined in section 46(6) of the 2023 Act.

"highway authority" and "local highway authority" have the same meaning as in sections 1 to 3 and 329(1) of the 1980 Act(**a**);

"the transition period" means the period beginning with the day on which these Regulations come into force and ending with 31st March 2026.

PART 2

Establishment of a combined county authority for Devon and Torbay

Establishment

3.—(1) There is established a combined county authority for the Area.

(2) The combined county authority is to be a body corporate and is to be known as the Devon and Torbay Combined County Authority.

(3) The functions of the Combined County Authority are those functions conferred or imposed upon it by or under these Regulations or any other enactment (whenever passed or made), or as may be delegated to it by or under these Regulations or any other enactment (whenever passed or made).

Constitution

4. Schedule 1 makes provision about the constitution of the Combined County Authority.

PART 3

Housing, regeneration and planning

Conferral of functions corresponding to functions that the HCA has in relation to the Area

5.—(1) The functions of or relating to the Homes and Communities Agency (referred to for the purposes of this Part and Schedule 2 as "the HCA") which are specified in the following provisions of the 2008 Act as applied by regulation 8(3) are to be functions of or relating to the Combined County Authority that are exercisable in relation to the Area—

(a) section 5 (powers to provide housing or other land);

(b) section 6 (powers for regeneration, development or effective use of land);

(c) section 7 (powers in relation to infrastructure);

(d) section 8 (powers to deal with land etc);

(e) section 9 (acquisition of land);

(f) section 10 (restrictions on disposal of land);

(g) section 19 (financial assistance);

(h) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.);

(**a**) Section 1 was amended by paragraph 1 of Schedule 4 and Schedule 17 to the Local Government Act 1985 (c. 51), section 21(2) of the New Roads and Street Works Act 1991 (c. 22), paragraph 1(2) and (3) of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), section 259(1) to (3) of the Greater London Authority Act 1999 (c. 29), and paragraph 2 of Schedule 7 to the Infrastructure Act 2015 (c. 7). Section 2 was amended by section 21(3) of the New Roads and Street Works Act 1991, section 259(4) and (5) of the Greater London Authority Act 1999, and paragraph 3 of Schedule 7 to the Infrastructure Act 2015. Section 3 was amended by paragraph 4 of Schedule 7 to the Infrastructure Act 2015. Section 329(1) was amended by paragraph 60(2) of Schedule 1 to the Infrastructure Act 2015. There are other amendments to section 329 that are not relevant to these Regulations.

(i) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4.

(2) The Combined County Authority must exercise the functions set out in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to, the objectives of—

(a) improving the supply and quality of housing in the Area;

(b) securing the regeneration or development of land or infrastructure in the Area;

(c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being;

(d) contributing to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are exercisable concurrently with the HCA.

(4) In paragraph (2) "good design" and "needs" have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

Acquisition and appropriation of land for planning and public purposes

6.—(1) The functions of the constituent councils and of the district councils specified in the following provisions as applied by regulation 8(2) to (4) are exercisable by the Combined County Authority in relation to the Area—

(a) section 8 of the 1985 Act (periodical review of housing needs)(**a**);

(b) section 11 of the 1985 Act (provision of board and laundry facilities)(**b**);

(c) section 12 of the 1985 Act (provision of shops, recreation grounds, etc)(**c**);

(d) section 17 of the 1985 Act (acquisition of land for housing purposes)(**d**);

(e) section 18 of the 1985 Act (duties with respect to buildings acquired for housing purposes);

(f) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(**e**);

(g) section 227 of the 1990 Act (acquisition of land by agreement);

(h) section 229 of the 1990 Act (appropriation of land forming part of common, etc);

(i) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);

(j) section 232 of the 1990 Act (appropriation of land held for planning purposes);

(k) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(**f**);

(l) section 235 of the 1990 Act (development of land held for planning purposes);

(m) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(**g**);

(n) section 238 of the 1990 Act (use and development of consecrated land)(**h**);

(o) section 239 of the 1990 Act (use and development of burial grounds);

(**a**) Section 8 was amended by paragraph 62 of Schedule 11 to the 1989 Act and section 124 of the Housing and Planning Act 2016 (c. 22).
(**b**) Section 11 was amended by section 198 of and paragraph 103 of Schedule 6 to the Licensing Act 2003 (c. 17).
(**c**) Section 12 was amended by S.I. 2010/844.
(**d**) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).
(**e**) Section 226 was amended by sections 79, 99 and 120 of, paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the Planning and Compulsory s Act 2004 (c. 5).
(**f**) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).
(**g**) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).
(**h**) Section 238 was amended by section 130 of the 2023 Act.

(p) section 241 of the 1990 Act (use and development of open spaces).

(2) The functions specified in paragraph (1) are exercisable concurrently with the constituent councils and with the district councils.

Condition on the exercise of the functions conferred by regulations 5 and 6

7.—(1) The exercise of the functions conferred by regulations 5 and 6 in relation to section 17 of the 1985 Act (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the 2008 Act and section 226 of the 1990 Act by the Combined County Authority requires the consent of—

(a) the lead member (see paragraph 1(2) of Schedule 1) of the Combined County Authority appointed by 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;

(b) each district council whose local government area contains any part of the land subject to the proposed compulsory acquisition;

(c) the Dartmoor National Park Authority if the Combined County Authority proposes to exercise the functions in respect of any part of the area of the Dartmoor National Park;

(d) the Exmoor National Park Authority if the Combined County Authority proposes to exercise the functions in respect of any part of the area of the Exmoor National Park.

(2) Consent required under paragraph (1)(a) must be given at a meeting of the Combined County Authority.

Application of certain provisions of the 1985 Act, the 1990 Act and the 2008 Act

8.—(1) For the purposes of regulation 6(1)(a) to 6(1)(e) the Combined County Authority is to be treated as a local housing authority for the Area(**a**) and acts of a local housing authority that is not the Combined County Authority may be taken to be acts of the Combined County Authority for these purposes.

(2) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined County Authority and land which has been vested in or acquired by the Combined County Authority for planning and public purposes as it applies to a local planning authority and land vested in or acquired by a local planning authority for planning and public purposes.

(3) Chapters 1 and 2 of Part 1 of, section 19 of and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined County Authority to acquire land for housing and infrastructure as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2 to these Regulations.

(4) In this regulation "local planning authority" has the meaning given by section 336(1) of the 1990 Act.

(**a**) Pursuant to section 1 of the 1985 Act "local housing authority" means a district council, a London borough council, the Common Council of the City of London, a Welsh county council or county borough council or the Council of the Isles of Scilly.

PART 4

Transport

Local transport functions under the Transport Act 1985

9.—(1) The functions of the constituent councils specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(**a**) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraphs (3) and (4), the functions specified in paragraph (1) are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period the functions specified in paragraph (1) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) During the transition period the functions contained in section 88 (expenditure on public passenger transport services) of the Transport Act 1985(**b**) are only exercisable with the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Local transport functions under the Transport Act 2000

10.—(1) The functions of the constituent councils as local transport authorities specified in Part 2 (local transport) of the Transport Act 2000(**c**) are exercisable by the Combined County Authority in relation to the Area.

(2) Subject to paragraphs (3) and (4), the functions specified in paragraph (1) are exercisable by the Combined County Authority instead of by the constituent councils.

(3) During the transition period the functions specified in paragraph (1) are exercisable by the Combined County Authority concurrently with the constituent councils.

(4) The functions conferred on the Combined County Authority by paragraph (1) are subject to the following modifications—

(a) in section 108(1)(b), the reference to "those policies" is a reference to the policies developed under section 108(1)(a) of the Transport Act 2000;

(b) in section 108(3B), the reference to "their plan" is a reference to the local transport plan prepared under section 108(3);

(c) in section 109(4), the reference to "their local transport plan" is a reference to the local transport plan prepared under section 108(3).

Agreements between authorities and strategic highways companies

11.—(1) The following functions are exercisable by the Combined County Authority in relation to the Area—

(a) the functions of the constituent councils specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc)(**d**);

(b) the functions of the constituent councils as local highway authorities specified in section 8 of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**e**).

(**a**) 1985 c. 67.

(**b**) Section 88 was amended by S.I. 1996/974, S.I. 2003/1615 and S.I. 2010/1158. There are other amendments but none is relevant.

(**c**) 2000 c. 38.

(**d**) Section 6 was amended by paragraph 4 of Schedule 4 to the Local Government Act 1985 (c. 51), by paragraph 2 of Schedule 7 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 7 of Schedule 1 to the Infrastructure Act 2015 (c. 7) and by S.I. 1995/1986.

(**e**) Section 8 was amended by paragraph 5 of Schedule 4 to the Local Government Act 1985, by paragraph 3 of Schedule 7 to the Local Government (Wales) Act 1994 and by paragraph 8 of Schedule 1 to the Infrastructure Act 2015.

(2) The functions conferred by paragraph (1) are exercisable concurrently with the constituent councils.

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

Civil enforcement of road traffic contraventions

12.—(1) The functions of the constituent councils as enforcement authorities specified in the following enactments are exercisable by the Combined County Authority in relation to the enforcement area—

(a) Part 6 (civil enforcement of road traffic contraventions) of the 2004 Act, insofar as it applies to a civil enforcement area designated under paragraphs 9 (designation of civil enforcement areas for bus lane contraventions) or 10 (designation of civil enforcement areas for moving traffic contraventions) of Schedule 8 (civil enforcement areas and enforcement authorities outside Greater London) to that Act;

(b) the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(**a**);

(c) the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022(**b**).

(2) The functions referred to in paragraph (1) are exercisable by the Combined County Authority (in relation to the enforcement area) concurrently with each constituent council (in relation to its civil enforcement area).

(3) Any exercise of the functions conferred by paragraph (1) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(4) In this regulation—

"civil enforcement area" means an area designated as a civil enforcement area under Part 2 of Schedule 8 to the 2004 Act (civil enforcement areas and enforcement authorities outside Greater London) which falls within the Area;

"enforcement area" means the area comprising the civil enforcement areas of the constituent councils;

"enforcement authority" means an enforcement authority for the purposes of Part 6 of the 2004 Act pursuant to paragraph 9(4) or 10(5) of Schedule 8 to that Act.

Permit schemes

13.—(1) The functions of the constituent councils as local highway authorities specified in the following provisions of the 2004 Act are exercisable by the Combined County Authority in relation to the Area—

(a) section 33 (preparation of permit schemes)(**c**);

(b) section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England)(**d**);

(c) section 36 (variation and revocation of permit schemes)(**e**).

(2) The functions of the constituent councils as Permit Authorities specified in the 2007 Regulations are exercisable by the Combined County Authority in relation to the Area.

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined County Authority concurrently with the constituent councils.

(**a**) S.I. 2022/71, amended by S.I. 2022/686.
(**b**) S.I. 2022/576.
(**c**) Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c. 20).
(**d**) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.
(**e**) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined County Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council as a local highway authority, subject to the modifications in Schedule 3 to these Regulations.

(5) References in the 2007 Regulations to a Permit Authority are to be read as including references to the Combined County Authority.

(6) Any exercise of the functions conferred by paragraphs (1) and (2) requires the consent of each constituent council in whose area it is proposed that the functions are to be exercised.

(7) In this regulation—

"the 2007 Regulations" means the Traffic Management Permit Scheme (England) Regulations 2007(**a**);

"Permit Authority" has the same meaning as in regulation 2(1) of the 2007 Regulations;

"permit scheme" is to be construed in accordance with section 32 of the 2004 Act (meaning of "permit scheme").

Power to pay grant

14.—(1) The functions of a Minister of the Crown specified in section 31 (power to pay grant) of the Local Government Act 2003(**b**) are functions of the Combined County Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined County Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, further to the exercise of any function referred to in paragraph (1), the Combined County Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of that council's highway functions.

(4) In determining the amount referred to in paragraph (3), the Combined County Authority must have regard to the desirability of ensuring that the constituent council has sufficient funds to facilitate the effective discharge of the functions referred to in paragraph (3).

(5) To comply with paragraph (4), the Combined County Authority must take into account any other sources of funding available to the constituent council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined County Authority of the functions specified in paragraph (1), section 31 of the Local Government Act 2003 has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined County Authority;

(ii) the reference to a local authority in England were a reference to a constituent council;

(b) subsection (2) were omitted;

(c) subsection (6) were omitted.

(7) In this regulation "highway functions" means functions exercisable by a constituent council (in whatever capacity) in relation to the highways for which it is the highway authority.

(**a**) S.I. 2007/3372, amended by S.I. 2015/958, S.I. 2020/122 and S.I. 2022/831.
(**b**) 2003 c. 26.

PART 5

Additional functions

Assessment of economic conditions

15.—(1) The functions of the constituent councils established in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (duty to prepare an assessment of economic conditions)(**a**) are exercisable by the Combined County Authority in relation to the Area.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined County Authority.

General power of competence in relation to economic development and regeneration

16.—(1) The functions of the constituent councils under section 1 of the Localism Act 2011(**b**), to the extent that those functions are exercisable for the purpose of economic development and regeneration, are exercisable by the Combined County Authority in relation to the Area.

(2) The functions referred to in paragraph (1) are exercisable concurrently with the constituent councils.

Data sharing

17.—(1) The functions of the constituent councils described in section 17A of the Crime and Disorder Act 1998 (sharing of information)(**c**) are exercisable by the Combined County Authority in relation to the Area.

(2) The Combined County Authority is a relevant authority for the purposes of section 115 of the Crime and Disorder Act 1998 (disclosure of information)(**d**).

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the constituent councils.

Incidental provisions

18. The following provisions of the Local Government Act 1972(**e**) have effect in relation to the Combined County Authority as if it were a local authority—

(a) section 113 (power to place staff at the disposal of other local authorities)(**f**);

(**a**) 2009 c. 20.
(**b**) 2011 c. 20.
(**c**) 1998 c. 37. Section 17A was inserted by paragraph 5 of Schedule 9 to the Police and Justice Act 2006 (c. 48) and amended by paragraph 45 of Schedule 19 to the Data Protection Act 2018 (c. 12).
(**d**) Section 115 was amended by paragraph 151 of Part 2 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43); by section 97 of the Police Reform Act 2002 (c. 30); by section 219 of the Housing Act 2004 (c. 34); by paragraph 7 of Schedule 9 to the Police and Justice Act 2006; by section 29 of the Transport for London Act 2008 (c. i); by paragraph 238 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13); by paragraph 90 of Schedule 5 to the Health and Social Care Act 2012 (c. 7); by paragraph 80 of Schedule 1 and paragraph 106 of Schedule 2 to the Policing and Crime Act 2017 (c. 3); by paragraph 1(1) of Schedule 1 and paragraph 57 of Schedule 4 to the Health and Care Act 2022 (c. 31); and by S.I. 2000/90, 2002/2469, 2007/961, 2008/912, 2010/866, 2013/602.
(**e**) 1972 c. 70.
(**f**) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 4 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to the Health and Social Care Act 2012; by paragraph 1(2) of Schedule 1 and paragraph 11(2) and (3) of Schedule 4 to the Health and Care Act 2022; and by S.I. 2000/90, 2002/2469, 2007/961.

(b) section 142(2) (power to arrange for publication of information etc relating to the functions of the authority)(**a**);

(c) section 144 (power to encourage visitors and provide conference and other facilities)(**b**);

(d) section 145 (provision of entertainments)(**c**);

(e) section 222 (power to prosecute and defend legal proceedings).

(**a**) Subsection (2) was amended by section 3(1)(a) of the Local Government Act 1986 (c. 10).

(**b**) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 190 of the Local Government, Planning and Land Act 1980 (c. 65); and by Schedule 17 to the Local Government Act 1985 (c. 51).

(**c**) Section 145 was amended by paragraph 59 of Schedule 6 to the Licensing Act 2003 (c. 17).

19.—(1) The Combined County Authority has the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985 (research and collection of information)(**a**) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1), section 88(1) of the Local Government Act 1985 has effect as if a reference to "that area" were a reference to the Area.

20. Section 13 of the 1989 Act (voting rights of members of certain committees)(**b**) has effect in relation to the Combined County Authority as if—

(a) in subsection (4), after paragraph (h) there were inserted—

"(i) subject to subsection (4A), a committee appointed by the Devon and Torbay Combined County Authority.";

(b) after subsection (4) there were inserted—

"(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee is for all purposes to be treated as a non-voting member of that committee or sub-committee unless that person is—

(a) a member of one of the constituent councils as defined by regulation 2 of the Devon and Torbay Combined County Authority Regulations 2024, or

(b) a non-constituent member of the Combined County Authority, as defined by regulation 2 of the Devon and Torbay Combined County Authority Regulations 2024, and the Combined County Authority has resolved under section 11(4) of the Levelling-up and Regeneration Act 2023 that the person is to be a voting member of that committee or sub-committee.".

21. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013(**c**) in the table insert at the end—

"An employee of the Devon and Torbay Combined County Authority established by the Devon and Torbay Combined County Authority Regulations 2024	Devon County Council".

PART 6

Funding

Funding, including levy funding

22.—(1) Subject to paragraphs (4) and (5), the constituent councils must ensure that the costs of the Combined County Authority reasonably attributable to the exercise of its functions are met.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined County Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Statistics Board.

(**a**) 1985 c. 51.

(**b**) Section 13 was amended by paragraph 156 of Schedule 19 to the Education Act 1993 (c. 35); by paragraph 36 of Part 1 of Schedule 4 and Part 1 of Schedule 9 to the Police and Magistrates' Courts Act 1994 (c. 29); by Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37 to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by Part 4 of Schedule 5 to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); by paragraph 14 of Schedule 14 and by Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by paragraph 12 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); by section 7 of the Policing and Crime Act 2017 (c. 3); and by S.I. 2001/1517, 2010/1158.

(**c**) S.I. 2013/2356, amended by S.I. 2015/755; there are other amending instruments but none is relevant.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.

(4) The costs of the Combined County Authority reasonably attributable to the exercise of its functions relating to transport may be met by means of a levy issued by the Combined County Authority to the constituent councils under section 74 of the Local Government Finance Act 1988(**a**) and in accordance with Regulations made thereunder(**b**).

(5) The costs of the Combined County Authority incurred in the exercise of functions under regulation 19(1) of these Regulations must be met by the constituent councils in accordance with section 88(2) of the Local Government Act 1985, as if the reference to the requirements of a scheme in that subsection were a reference to a requirement under these Regulations to fund those functions.

(6) For the purposes of this regulation "financial year" means the period of 12 months ending with 31st March in any year.

Name
Minister of State
Date Ministry of Housing, Communities and Local Government

SCHEDULE 1

Regulation 4

Constitution

Membership

1.—(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").

(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.

(5) A person ceases to be a member or substitute member of the Combined County Authority if they cease to be a member of the constituent council that appointed them.

(6) A person may resign as a member or substitute member of the Combined County Authority by written notice served on the proper officer of the constituent council that appointed them, and the resignation takes effect on receipt of the notice by the proper officer of the council.

(7) Where the appointment of a member or substitute member of the Combined County Authority ceases by virtue of sub-paragraph (5) or (6) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined County Authority and appoint another of its elected members in that person's place.

(**a**) 1988 c. 41. Section 74 was amended by Schedule 13 to the Local Government Finance Act 1992 (c. 14), section 105 of the Greater London Authority Act 1999 (c. 29), Schedule 8 to the Courts Act 2003 (c. 39), Schedule 1 to the Local Government and Public Involvement in Health Act 2007 (c. 28), Schedule 6 to, and Part 4 of Schedule 7 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 7 to the Localism Act 2011 (c. 20), section 9 of and Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 4 to the 2023 Act and by S.I. 1994/2825.

(**b**) S.I. 1992/2789.

(8) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined County Authority and appoint another one of its elected members in that person's place.

(9) Where a constituent council exercises its power under sub-paragraph (8), it must give written notice of the new appointment and the termination of the previous appointment to the Combined County Authority and the new appointment takes effect and the previous appointment terminates 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.

(10) The term "proper officer" in this paragraph is to be construed as a reference to an officer appointed by the relevant constituent council for that purpose.

Non-constituent and associate members

2.—(1) The Combined County Authority must have no more than six (in total) non-constituent members and associate members.

(2) Each nominating body of the Combined County Authority must nominate another person to act as the member of the Combined County Authority in the absence of the member appointed under section 11(3) of the 2023 Act (non-constituent members of a CCA).

(3) An associate member appointed under section 12(1) of the 2023 Act (associate members of a CCA) must nominate another person to act as a member of the Combined County Authority in their absence.

Chair and vice-chair

3.—(1) The Combined County Authority must in its first year and in each alternate year thereafter, appoint a chair and a vice-chair from among its constituent members(**a**) and the appointments are to be the first business transacted after the appointment of members of the Combined County Authority, at the first meeting of the Combined County Authority, and in subsequent years at a biennial meeting of the Combined County Authority.

(2) An appointment under paragraph (1) may include a reappointment.

(3) The chair and vice-chair must not have been appointed by the same constituent council.

(4) A person ceases to be chair or vice-chair of the Combined County Authority if they cease to be a member of the Combined County Authority.

(5) If a vacancy arises in the office of chair or vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined County Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

Proceedings

4.—(1) Subject to the following sub-paragraphs, any question to be decided by the Combined County Authority is to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined County Authority.

(2) No business shall be transacted at a meeting of the Combined County Authority unless at least four members or substitute members acting in a member's place are present at the meeting.

(3) For the purposes of paragraph (2), one of the members present must be the chair or vice chair.

(4) Each member, or substitute member acting in a member's place, is to have one vote and no member or substitute member is to have a casting vote.

(5) If a vote is tied on any matter it shall be deemed not to have been carried.

(**a**) The term "constituent member" is defined in section 13(4) of the 2023 Act.

(6) Questions relating to the following matters require that both the members appointed under paragraph 1(2) are in the majority, to be carried—

(a) approval or amendment of the Combined County Authority's budget;

(b) appointment of the Combined County Authority's chief executive;

(c) adoption of any local transport plan under section 108(3) of the Transport Act 2000(**a**);

(d) approval or amendment of the Combined County Authority's constitution or standing orders;

(e) approval or amendment of such other plans and strategies as may be determined by the Combined County Authority and set out in its constitution or standing orders.

(7) For questions relating to the following matters, the majority under sub-paragraph (1) must include the member appointed under paragraph 1(2), or where any substitute member is acting in place of that member, that substitute member, of the constituent council in whose area the function is to be exercised—

(a) any exercise by the Combined County Authority of any of its functions in a way which could result in a financial liability falling on a constituent council;

(b) approval of such other plans and strategies as may be determined by the Combined County Authority and set out in its constitution or standing orders.

(8) The proceedings of the Combined County Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

Remuneration

5. Except as provided by paragraphs 6, 7 and 8, no remuneration or allowances are to be payable by the Combined County Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined County Authority.

6. The Combined County Authority may pay an allowance to—

(a) members of the overview and scrutiny committee and any sub-committee of that committee;

(b) members of the audit committee.

7.—(1) The Combined County Authority may only pay an allowance to the people listed in paragraph 6 if—

(a) the Combined County Authority has—

(i) established an independent remuneration panel under article 16 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**b**), and

(ii) considered a report published by the independent remuneration panel established under sub-paragraph (a) which contains recommendations for such an allowance, and

(b) the allowance paid does not exceed the amount specified in the recommendation made by the independent remuneration panel.

(2) Article 16(2)(a) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 applies in relation to the Combined County Authority as if after "sub-committee of that authority" there were inserted "or a member of a constituent council or a member of a district council".

8. A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any constituent member appointed by it to the Combined County

(**a**) 2000 c. 38. Section 108(3) was substituted by section 9 of the Local Transport Act 2008 (c. 26).
(**b**) S.I. 2017/68. Article 16 was inserted by S.I. 2024/430.

Authority in respect of duties and responsibilities undertaken as a member of the Combined County Authority.

9. The Combined County Authority must appoint an independent person(**a**) to be the chair of the overview and scrutiny committee appointed by the Combined County Authority.

Records

10.—(1) The Combined County Authority must make arrangements for the names of members and substitute members present at any meeting of the Combined County Authority to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined County Authority, or any committee or sub-committee of the Combined County Authority, are to be kept in such form as the Combined County Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined County Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined County Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined County Authority provide for another meeting of the authority, committee or sub-committee to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

11. The Combined County Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

SCHEDULE 2

Regulation 8

PART 1

Modification of the application of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 and section 19 of the 2008 Act apply in relation to the Combined County Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) and section 19 (financial assistance) of the 2008 Act, have effect as if for each reference to—

(a) "the HCA" there were substituted a reference to "the Combined County Authority";

(b) "Part 1" of that Act there were substituted a reference to "Part 3 of the Devon and Torbay Combined County Authority Regulations 2024";

(**a**) Conditions to be satisfied to be an "independent person" are set out in article 5 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

(c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined County Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to "land" there were substituted a reference to "land in the area of the Combined County Authority".

(4) Section 57(1) of the 2008 Act has effect as if before the definition of "develop" there were inserted—

> ""Combined County Authority" means the Devon and Torbay Combined County Authority, a body corporate established under the Devon and Torbay Combined County Authority Regulations 2024;".

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined County Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for each reference to "section 9" of that Act there were substituted a reference to "regulation 5 of the Devon and Torbay Combined County Authority Regulations 2024".

(3) Schedules 2 to 4 to the 2008 Act have effect as if for each reference to—

(a) "the HCA" there were substituted a reference to "the Combined County Authority";

(b) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined County Authority.

(4) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined County Authority.

SCHEDULE 3

Regulation 13

Permit schemes: modification of the application of Part 3 of the Traffic Management Act 2004

1.—(1) Part 3 of the 2004 Act is modified as follows.

(2) Section 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) has effect as if—

(a) subsection (1) were omitted;

(b) for subsection (2) there were substituted—

> "(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined County Authority does not have effect in the Area unless the Combined County Authority gives effect to it by order.";

(c) subsection (3) were omitted.

(3) Section 36 (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

> "(1) The Combined County Authority may by order vary or revoke a permit scheme to the extent that it has effect in the Area by virtue of an order made by the Combined County Authority under section 33A(2).
>
> (2) The Secretary of State may direct the Combined County Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined County Authority under subsection (1) may vary or revoke an order made by the Combined County Authority under section 33A(2), or an order previously made by the Combined County Authority under subsection (1).".

(4) Section 39 (interpretation of Part 3) has effect as if, in subsection (1), after the definition of "the appropriate national authority", there were inserted—

""the Area" means the area of the Combined County Authority;

"the Combined County Authority" means the Devon and Torbay Combined County Authority;".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the Devon and Torbay Combined County Authority ("the Combined County Authority") and provide for the conferral of functions of local authorities and other public authorities on the Combined County Authority.

Part 2 of the Levelling-up and Regeneration Act 2023 (c. 55) ("the 2023 Act") provides for the establishment of Combined County Authorities for the areas of two or more local authorities in England. Combined County Authorities are bodies corporate which may be given power to exercise specified functions in their area.

The Secretary of State may establish a Combined County Authority for an area where a proposal for such an authority has been submitted under section 45 of the 2023 Act. These Regulations have been made following the publication of such a proposal in May 2024 by the constituent councils whose areas together make up the combined area of the new authority. The proposal is available at: https://www.devontorbaydeal.org.uk Part 2 of these Regulations establishes the new Combined County Authority and makes provision for its constitution (in Schedule 1).

Part 3 confers on the Combined County Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency (also known as "Homes England"). It also makes provision about the acquisition and appropriation of land for planning and public purposes and sets out conditions on the exercise of various functions. Regulation 8 and Schedule 2 apply and modify relevant provisions in legislation.

Part 4 confers on the Combined County Authority functions relating to transport. It transfers functions relating to local transport planning and public transport from the local authorities to the Combined County Authority and makes provision for specified highways and traffic powers held by the local authorities to be exercised concurrently by the Combined County Authority.

Part 5 confers additional functions to be exercisable by the Combined County Authority concurrently with the constituent councils, including functions relating to economic assessments and data sharing.

Part 6 makes provision for the funding, by the constituent councils, of those costs of the Combined County Authority that relate to the exercise of its functions. Regulation 22 provides for the apportionment of such funding between the constituent councils and that the Combined County Authority is to have, in relation to its transport functions, the power to issue a levy under section 74 of the Local Government Finance Act 1988, in accordance with the Transport Levying Bodies Regulations 1992.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sectors. The impact on the public sector is that conferring functions on the Combined County Authority should lead to operational efficiencies that could lead to reduced costs.

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£8.14

http://www.legislation.gov.uk/id/ukdsi/2024/9780348266184

ISBN 978-0-34-826618-4

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