

County Council
Thursday, 21st July, 2022



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

13 July 2022

AGENDA

8. Questions from Members of the Council (Pages 1 - 8)

Answers to questions from Members of the Council pursuant to Standing Order 17.



QUESTIONS TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS

Thursday 21 July 2022

**1. QUESTION FROM COUNCILLOR HAWKINS
Re: Little Cotton, Dartmouth and Widening of the A3122**

With a number of recent developments including 450 new homes at Little Cotton, Dartmouth, can I please ask that Highways look with urgency the widening of the A3122, between the Junction of Venn Lane and Norton Park. The road here is a single lane carriage way with a number of bends and high banks. Over recent years there have been a number of accidents and considerable inconvenience to residents and visitors alike.

REPLY BY COUNCILLOR HUGHES

On the A3122 between Venn Cross and Norton Park there has been 2 slight injury collisions recorded over the last five year period 2017-2021. One of these involved a collision with a vehicle waiting to pass in the narrow single lane section. The other involved a single vehicle loss of control.

The Council undertakes a comprehensive annual review to identify any injury collision cluster sites or any route safety performance issues that may require remedial measures. There are currently no identified collision cluster sites at this location. And when compared to all other A&B road routes across Devon and Cornwall, the A3122 from Dartmouth to the A381 is currently ranked as average for its safety performance and it is not identified as a high priority for casualty reduction funding.

Appropriate static warning signs are in place here to alert motorists of the hazard ahead. There is currently no justification on safety grounds to consider widening of this stretch of road.

**2. QUESTION FROM COUNCILLOR HAWKINS
Re: 20mph in Town and Village Centres**

On a recent visit to London, the city centre is now completely a 20 mile zone. Can I ask why Devon County cannot do the same for all Town and Village Centres. This will make our communities much safer and more user friendly for both pedestrians and vehicles alike.

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REPLY BY COUNCILLOR HUGHES

As you will know from the report presented to the Cabinet meeting on 13th July we are currently undertaking a study into 20mph schemes to inform future policy.

We do believe that 20 mph limits bring a number of benefits to communities including

- Improvement to road safety by reducing the number and severity of collisions
- increased active travel and benefits to public health
- reduced congestion by improving traffic flows

However, it is felt that the study should be completed to ensure our policy allows for 20 mph schemes to be delivered where they are most effective.

It is also worth noting the budgetary impact of a whole county roll out. As we reported the current budget of £100,000 will deliver 4 schemes. This is a significant undertaking at a time of unprecedented financial challenge and needs to be done correctly and effectively.

3. QUESTION FROM COUNCILLOR HAWKINS Re: National Coast Path

Work to stabilise the cliff above Lighthouse Beach is hopefully taking place as we meet today. After considerable hard work by residents the cliff is now being stabilised to County standards and I would like to thank officers for working with residents to achieve this.

Can I have assurance that the National Coastal Footpath is reopened with all urgency.

REPLY BY COUNCILLOR HUGHES

Beacon Road is a public highway. The road is narrow, with part subject to a permanent Traffic Regulation Order which restricts use by motorised vehicles.

The road is also subject to a temporary traffic regulation order that restricts all public access to the eastern end of the lane. The reason for this is cliff erosion, land instability, and public safety.

Prior to this closure, Beacon Road provided an attractive, popular route for people walking on the South West Coast Path National Trail and for local residents in general. The Trail subsequently had to be diverted to follow Church Hill and Beacon Lane, which is steeper, and busier with vehicular traffic.

The official route for the South West Coast Path is now Church Hill and Beacon Lane, and this will also be the route for the England Coast Path (as approved by the Secretary of State for Environment, Food and Rural Affairs on 8 March 2021). The route is open and available for users.

Although no longer part of the National Trail, restoring a walking route along Beacon Road will provide an alternative option, which will be preferable for many walkers.

Subject to contractor availability, it is anticipated that the owner of the unstable cliff below Beacon Road will arrange for works to commence in July.

Devon County Council will now be able to consider what additional works may be required to enable the closed section of Beacon Road to be reopened to non-vehicular traffic. This will be subject to feasibility, cost and budget availability.

4. QUESTION FROM COUNCILLOR HAWKINS Re: National Coast Path and Beach Access

Kingswear and Dartmouth have been prevented from using their much loved Lighthouse beach for far far too many years.

National England received more letters of support for this beach to be included in their Coastal Foreshore access than anywhere else.

Now the cliff is stabilised can I ask that access to the beach is supported by the Council and is reopened with urgency.

REPLY BY COUNCILLOR DAVIS

Access to Lighthouse Beach is a separate matter to the cliff stability works below Beacon Road.

The answer is largely as per the information set out on 7 October 2021 [Questions from Members of the Council](#)  [PDF 607 KB](#) (please see reply to question 2)

To update on this, officers from the public rights of way service are working with Natural England to finalise work specifications, especially with regards to new signage requirements for the England Coast Path between Kingswear and Lyme Regis. This will form the basis of a grant application due to be submitted before the Autumn. Once these signage works are complete, Natural England will be able to open this section of the England Coast Path, at which point the new coastal access rights will come into force; and Devon County Council (as Access Authority) will be able to utilise the relevant powers.

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5. QUESTION FROM COUNCILLOR WRIGLEY Re: Member Consultation

Given the recent closure of a Public Right of Way at the beach front in Dawlish has enabled the closure of access to Dawlish's main beaches for the summer months of June, July and August – notwithstanding unexpected gas mains – what is the process for member consultation and was it carried out?

Also in June Dawlish saw a three way traffic light for ten days that caused jams a mile in each direction on the single main road through the town – what is the process for member consultation for such impactful planned roadworks?

Would the Cabinet Member agree that a better process of consultation is required?

REPLY BY COUNCILLOR HUGHES

The closure of the colonnade under the railway in Dawlish leading to the PROW is not something DCC has a hand in as I understand it's jointly owned by Teignbridge and Network Rail (DCC Officers have commented on this previously).

With regards to the process, key contacts such as local members and parish councils are informed when notices of intent to make an Order are being published. However for this closure, the local member was actually notified in advance of the newspaper publication dates.

Based on information provided by Network Rail, temporary closure of this footpath is necessary because works are required and there is likelihood of danger to the public. This work forms part of the South West Rail Resilience Programme – a Government funded, nationally important infrastructure scheme (ref. [South West Rail Resilience Programme - Network Rail](#)). Much of the work is weather dependant and needs to be carried out in the warmer, drier summer period. The area warden has been liaising with Network Rail to try and secure access to / from and along sections of the footpath during periods when works are not directly being carried out.

Local elected members are always consulted on road closures when the Temporary Traffic Regulation Order (TTRO) is published, they receive a copy in advance. Whilst works promoters make application to DCC to use temporary traffic lights (TTLs), these require no TTRO and as such members are not consulted. However, the local Network Enforcement Officer (NEO) reviews all TTL applications and either approves or rejects the proposal. There is no further consultation conducted due to the volume of TTL applications received across the County and limited timescales to process. Depending on the nature of the permit associated with the TTL's (whether minor, standard or major works), DCC may only have 24hrs to review and process a TTL application.

It is felt that consulting elected members on TTL applications would not be practical within the timeframes available. If applications are not determined within these timeframes, they are automatically deemed to be permitted and DCC would thus lose the ability to manage and coordinate this element of the highway network. However, when TTL's are in place and a member has concerns, this can be raised through the Coordination Team. The local NEO will be apprised and review the site to see if a condition can be imposed (e.g. for the lights to be manually controlled to mitigate congestion, specific operation times etc.)

6. QUESTION FROM COUNCILLOR WRIGLEY

Re: Rollout of electric charging points

Long awaited on-street electric car charging points put into Exeter by Rapid Charging Devon have been removed from the streets being reported as having teething problems.

Although the scheme had been approved on a wider basis across the county it does appear to have been reduced down to just in Exeter, and has now failed to deliver.

What guarantee do we have that the long-awaited rollout of charging points in Dawlish and Teignmouth will happen in the near future, and will the new models be both more reliable and smaller than those removed?

REPLY BY COUNCILLOR HUGHES

DCC, as landowner, has been working with Gamma Energy, the Rapid Charging Devon chargepoint operator to rectify the technical issues. Gamma proposed to change the charging technology and this has been agreed. DCC has updated the design specification following public feedback, which means greater distances are required around the chargepoints and this means more sites will require build outs (chargepoints placed in parking bays). DCC has agreed with Gamma to trial this new approach with the Exeter sites and, if successful, we can then look to allow Gamma to deploy at other locations, as per the original project objectives. Separately, DCC is working with Teignbridge District Council to progress the installation of chargepoints at 3 council car parks in Teignmouth and Dawlish as part of the Deletti project.

7. QUESTION FROM COUNCILLOR BAILEY

Re: Ofsted letter on SEND services

Please can you explain the delay in providing members with a copy of the CQC/Ofsted letter on SEND services which was dated 7th June but was not provided to members until 7th July, and please explain why the letter from DfE to DCC dated 6th July was not provided to members.

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REPLY BY COUNCILLOR LEADBETTER

As the Cabinet Member for Children's Services, I am replying on behalf of the Leader. The original draft letter received by Children's Services from Ofsted was dated the 7th June 2022. This was then embargoed until recipients had the opportunity to comment and respond and Ofsted finalised their report. Ofsted published the final report on their website on 11 July 2022 [Ofsted | Devon County Council](#). The first opportunity to consider the final version of the report and share the published Ofsted letter was Cabinet on 13 July 2022.

8. QUESTION FROM COUNCILLOR BAILEY

Re: Investigation, terms of reference and timescales for independent investigation

More than a month has now passed since 16th June 2022 when Cllr Leadbetter the Portfolio Holder for Children's Services confirmed in response to my question that an independent investigation would take place in relation to the failure by Devon County Council to hold the appropriate safeguarding meeting following an NSPCC referral about John Humphreys in 2014. There is clearly considerable urgency in this serious matter, not least because there may have been failures with other referrals to the LADO. Please can the Leader now provide details of the investigation, terms of reference and timescales.

REPLY BY COUNCILLOR HART

This Council takes the conviction of John Humphreys very seriously which is why we are in the process of commissioning an Independent Review. I will report back once the details of the Review are agreed. As I said at Cabinet, it was the responsibility of the District Council to inform the Conservative Party. The safeguarding of children and young people is of the upmost priority for this council and if I were aware of any risk, I would immediately escalate my concern to the Local Authority Designated Officer.

All County Councillors complete a Disclosure and Barring Service (DBS) check and these are regularly reviewed. I will ask the democracy team to confirm that all Members have completed safeguarding training.

I have asked the Chief Officer for Children's Services to conduct a further check of any allegations relating to councillors in the past 10 years and will provide a response in due course.

I would expect Cabinet members to come forwards of their own volition if they had any suspicions about John Humphreys and I am confident that any suggestion of wrong-doing or failure to act, will be brought to light through the Independent Review.

The Chief Officer for Children's Services has requested an Independent Review to understand whether there is evidence of wider abuse and to provide recommendations of how we can do more to protect children and young people in Devon.

9. QUESTION FROM COUNCILLOR BAILEY

Re: Notifying the Conservative Party regarding safeguarding case

In response to my question about notifying the Conservative Party, the Leader advised at the cabinet meeting on 13th July "*Cllr Humphreys was never a county councillor and therefore county has no involvement really in this issue other than the fact that he was a school governor and that is why we have got to look at it. But we are looking at it in great detail. But, as far as notifying the Conservative party it would have been, or should have been, the district council that did that. Certainly not the County Council*".

REPLY BY COUNCILLOR HART

There is no question to respond to here.

10. QUESTION FROM COUNCILLOR BAILEY

Re: Safeguarding responsibilities

Please can the Leader explain what he understands to be his own personal safeguarding responsibilities in the event he becomes aware of any allegations of harm committed against a child (either non recent or current) made in relation to a member of his political party (regardless of whether that member is a County Councillor).

REPLY BY COUNCILLOR HART

Please see response at question 8.

11. QUESTION FROM COUNCILLOR BAILEY

Re: County Council involvement in safeguarding case

Why does the Leader consider that the County Council's involvement is limited to the fact that John Humphreys was a school governor, when in fact one of the victims has stated in his publicly published letter that he was sent to John Humphreys as a 14 year old from his school on work experience to Humphrey's gardening business?

REPLY BY COUNCILLOR HART

Please see response at question 8.

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12. QUESTION FROM COUNCILLOR BAILEY
Re: Awareness of allegations

Whilst detailed questions may need to await the independent review, it is surely possible (and consistent with the Nolan principles of openness and accountability) for each member of the cabinet including the Leader to advise at this stage when they first became aware of the allegations or rumours of allegations against John Humphreys. Please ask that each member of the cabinet provides a response.

REPLY BY COUNCILLOR HART

Please see response at question 8.

13. QUESTION FROM COUNCILLOR BAILEY
Re: Referrals to LADO service

Please can the Leader advise how many referrals there have been to the LADO service in relation to councillors (district, county town or parish) in the past ten years.

REPLY BY COUNCILLOR HART

Please see response at question 8.

14. QUESTION FROM COUNCILLOR BAILEY
Re: Steps taken by the Council regarding assurance

What steps has Devon County Council taken to assure itself (either as part of the police investigation or separately) that this was not part of a complex abuse case.

REPLY BY COUNCILLOR HART

Please see response at question 8.