



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

28 September 2016

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 6th October, 2016 at 2.15 pm.

A handwritten signature in black ink that reads 'Phil Dorrey'.

Chief Executive

[Prayers will be offered by the Reverend Jeremy White, Former Vicar of the Holyford Community, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

- 1 Apologies for Absence**
- 2 Minutes (Pages 1 - 12)**
To approve as a correct record and sign the minutes of the meeting held on 28 July 2016.
- 3 Chairman's Announcements**
- 4 Items Requiring Urgent Attention**
- 5 Petitions from Members of the Council**
- 6 Public Participation: Petitions, Questions & Representations**

Petitions, Questions or Representations from members of the public in line with the Council's Petitions and Public Participation schemes.

7 Devon Youth Parliament

To receive a presentation from the Devon Youth Parliament.

8 Questions from Members of the Council

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

FRAMEWORK DECISION

Nil

OTHER MATTERS

9 Cabinet Member Reports

To consider reports from Cabinet Members.

10 Minutes

To receive and approve the Minutes of the under mentioned Committees:

- a** Appeals Committee - 6 September 2016 (Pages 13 - 14)
- b** Audit Committee - 7 September 2016 (Pages 15 - 18)
- c** Procedures Committee - 14 September 2016 (Pages 19 - 22)
- d** Investment and Pension Fund Committee - 16 September 2016 (Pages 23 - 26)
- e** People's Scrutiny Committee - 5 September 2016 (Pages 27 - 32)
- f** Health and Wellbeing Scrutiny Committee - Monday, 19 September 2016 (Pages 33 - 38)
- g** Place Scrutiny Committee - 20 September 2016 (Pages 39 - 42)
- h** Corporate Services Scrutiny Committee - 22 September 2016 (Pages 43 - 48)
- i** Appointments and Remuneration Committee - 29 July 2016 (Pages 49 - 52)

NOTICES OF MOTION

11 State Pension Arrangements for Women (Minute 74(a) 14 September 2016

To receive and consider the Cabinet's advice in now determining how the County Council should respond to the Notice of Motion submitted by Councillor Connett.

The text of the original Notice of Motion, a copy of the Cabinet's considerations and subsequent advice to the Council may be seen in full in the Minutes of the Cabinet held on 14 September 2016 (Minute 74a) (Page 7, Green Pages).

12 Term Time Leave and Fines for Parents (Minute 74 (b) 14 September 2016

To receive and consider the Cabinet's advice in now determining how the County Council should respond to the Notice of Motion submitted by Councillor Greenslade

The text of the original Notice of Motion, a copy of the Cabinet's considerations and subsequent advice to the Council may be seen in full in the Minutes of the Cabinet held on 14 September 2016 (Minute 74(b) (Page 8, Green Pages).

13 Planning Advice from Council Officers (Minute 74 (c) 14 September 2016

To receive and consider the Cabinet's advice in now determining how the County Council should respond to the Notice of Motion submitted by Councillor Greenslade.

The text of the original Notice of Motion, a copy of the Cabinet's considerations and subsequent advice to the Council may be seen in full in the Minutes of the Cabinet held on 14 September 2016 (Minute 73(c) (Page 9, Green Pages).

14 Educational Re-Organisation and Fair Funding

Councillor Connett to **MOVE:**

'Devon County Council is proud of the achievements of all schools in the county and recognises that with fair funding from Government, yet more could be done to raise educational attainment for all pupils, help them achieve their potential and aspire to achieve their ambitions.

Council believes it would be a retrograde step to divert scarce national and local resources from the classrooms into yet another reorganisation of education and does not wish to see the introduction of new or additional Grammar schools in Devon.

Devon County Council yet again calls on the Government to ensure the education of children in Devon is properly, fairly and fully funded noting that Government is shortchanging Devon schools by £23m a year.

"Devon has never been funded at the level it deserves and remains well below the national average for funding per pupil. Despite this historic underfunding, Devon schools have shown that they can deliver impressive educational outcomes and that no child is marginalised because responsibility is shared for the most vulnerable and who may not be in our own schools." Sue Clarke OBE MSc, former Head of Education and Learning, Devon County Council (foreword to the consultation on 2016-17 Revenue funding arrangements for schools)

We therefore call on all Members of Parliament for Devon to challenge the Government to play fair by Devon by properly funding children's education in the county'.

15 Proposed Cuts to Devon Health Services and Impacts on Patients

Councillor Biederman to **MOVE**:

'This council is deeply concerned about the impact the proposed cuts to Devon health services will have on patients – especially the loss of whole departments including maternity services at North Devon District Hospital - and massive reduction in acute and community hospital beds across Devon, as set out in the sustainable transformation plan.

This council also recognises that the government is deliberately not providing the NHS with the adequate level of funding and now calls on local MPs to lobby government ministers to urgently and significantly increase the level of funding to the NHS, in order to protect our precious health services for current and future generations'.

16 NHS Success Regime

Councillor Greenslade to **MOVE**

'County Council believes that the NHS Success Regime project for Devon is now seriously flawed and accordingly calls on the Secretary of State for Health to cancel it forthwith. County Council further calls on Government to firstly address the issue of fair funding for our area and to deliver upon the Conservatives general election promise of an extra £8 billion of funding for the NHS.

Until funding issues are addressed it is not possible to decide whether or not there is a local NHS budget deficit to be addressed. Unnecessary cuts to local NHS budgets must be avoided'!

Devon MP's be asked to support this approach to protecting Devon NHS services!

17 Protecting Devon's Pharmacies

Councillor Connett to **MOVE**:

Devon County Council recognises and values local pharmacies as a vital primary care health service and as an integral part of the fabric of local communities throughout our county.

Devon County Council notes that;

- *176 pharmacies across the County offer a range of services such as dispensing prescriptions, disposal of unwanted medicines and supporting self-care;*
- *pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination, sexual health and more advice and support services are also available to care homes; and*
- *several pharmacies have achieved Healthy Living Pharmacies (HLP) status recognising and evidencing their role in improving the health of their local population.*

Devon County Council is greatly concerned about Government imposed threats to pharmacies as a result of cuts in the budget of £170m nationally taking effect from October 2016.

This is a 6% cut in cash terms but could effectively mean a cut of 12% during the financial year which could potentially close up to a quarter of pharmacies with an increased focus on warehousing dispensary and online services. Service cuts in pharmacies put more residents at risk as well as putting pressure on GPs and on hospital services and therefore increasing NHS costs. A fully funded community pharmacy service is cost effective and is in the interest of patients and carers.

Devon County Council agrees to write to the Secretary of State for Health, NHS England and the Clinical Commissioning Groups serving Devon detailing our concerns and demanding an immediate reversal of these proposals.

18 Environmental Policy Document Review

Councillor Wright to **MOVE**:

'This council commends the DCC Environmental Policy document that was produced in 2014/15 - and the reported progress against it, as set out in the Environment Performance Statement.

However, the national trend is a significant and potentially catastrophic decline in insects and other wildlife, with some species heading towards extinction, as set out in the latest State of Nature report, published last month (September).

The sharp decline in our species suggests that our collective efforts are still not enough to prevent a worsening position.

This council agrees that the 'Countryside and Heritage' section of the Environmental Policy document should be reviewed before the end of 2016, to see whether there are further opportunities for DCC to do more to benefit nature, including:

1. *management of the county farms estate, where current uncertainties linked to Brexit mean that we need to find other ways of achieving environmental gains through the actions of our tenants;*
 - *through the management of our buildings and grounds (e.g. County Hall - a Grade 2 listed building set within a conservation area);*
 - *management of our multi-use trails (i.e. cycleways), which have potential for enhancement as wildlife corridors; and*
2. *through our community leadership role (e.g. in re-defining our environmental agenda in the light of Brexit, or in responding to current environmental problems such as ash dieback)'*

19 Affordable Housing and the HOTSW Devolution Prospectus

Councillor Vint to **MOVE**;

'That this Council calls for references for the need for affordable housing to be added to the housing sections of the HOTSW Devolution Prospectus'

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Access to Information

Copies of any memoranda, reports or minutes, which are not circulated herewith or as separate documents, may be made available to Members upon request. A Minute that relates to a matter which has been delegated to any Committee the Minutes of which are contained herein is denoted by an asterisk in the margin. Minutes of the Council's Cabinet and of the Health & Wellbeing Board and the Devon Pension Board do not form part of this Agenda but are reproduced herein for convenient reference.

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website.

Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Questions from Councillors

A Member of the Council may ask the Leader or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting

Public Participation

Any member of the public resident in the administrative area of the county of Devon may submit a formal written question to the Leader upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Chief Executive by 12 noon 4 working days before the meeting

Alternatively, any member of the public who lives in the area served by the County Council may make oral representations on any matter relating to the functions of the Council. Such representations will be limited to 3 minutes, within the overall time allowed of 30 minutes. If you wish to make such a representation, you should, via email or letter, submit a brief outline of the points or issues you wish to raise before 12 noon the day before the meeting takes place

For further details please contact Karen Strahan on 01392 382264 or look at our website at:

<http://new.devon.gov.uk/democracy/guide/public-participation-at-committee-meetings/>

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

- (a)**
- (b)**

COUNCIL

28 July 2016

Present:-

Chairman: A Moulding

Vice-Chairman: R Rowe

Councillors K Ball, E Barisic, J Berry, F Biederman, P Bowden, A Boyd, J Brazil, J Brook, C Chugg, C Clarence, J Clatworthy, P Colthorpe, A Connett, R Croad, A Davis, T Dempster, A Dewhurst, R Gilbert, B Greenslade, G Gribble, G Dezart, P Diviani, A Eastman, R Edgell, M Edmunds, O Foggin, R Hannaford, A Hannan, D Hannon, J Hart, R Hill, G Hook, R Hosking, B Hughes, S Hughes, R Julian, J Knight, A Leadbetter, J McInnes, J Mathews, E Morse, J Owen, B Parsons, R Radford, S Randall-Johnson, D Sellis, M Squires, R Vint, N Way, R Westlake, E Wragg, C Wright, J Yabsley and R Younger-Ross

Apologies:-

Councillors S Barker, C Channon, J Hawkins, J Hone, P Prowse and P Sanders

22 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 12 May 2016 be signed as a correct record.

The Motion was put to the vote and declared **CARRIED**.

23 Chairman's Announcements

The Chairman welcomed Mr Hodgins, who was attending the meeting in his capacity as a co-opted member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework, and Honorary Alderman Spence who was also present.

The Chairman then congratulated all those involved in the Council having recently received (i) the *Antibiotic Guardian Community Award* for the joint campaign run by the Council's Public Health with NEW Devon CCG and Northern Devon Healthcare NHS Trust on "Listen to your Gut" to reduce unnecessary antibiotic prescribing in children and (ii) the Institute of Chartered Engineers (SW) Awards for the A380 South Devon Highway for both *Project of the Year (over £1m)* and *The People's Choice Award* and (iii) the Granite and Gears Programme of Cycling and Walking Routes having been *Highly Commended* in the Community Award category.

The Chairman also paid tribute on behalf of the Council to Sue Clarke, the current Head of Education and Learning, who would shortly be leaving the Council's employ after 39 years of public service of which the last 20 had been spent in Devon.

24 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

25 Petitions from Members of the Council

There was no petition received from a Member of the Council.

Agenda Item 2

2
COUNCIL
28/07/16

26 Public Participation: Petitions, Questions & Representations

(a) The Leader was presented:

by a Ms J Crew with a petition containing in excess of 600 signatures of users and supporters of the West Exe Children's Centre expressing concern at the proposed reduction in staffing and services at that Centre; and

by a Ms D Moore, with a petition containing 218 signatures of parents, teachers and persons from the local community seeking the retention of land at Alphington Primary School for educational purposes, should it become part of a Multi Academy Trust.

The Leader indicated that the relevant Cabinet Member or Head of Service would be asked to respond direct to each petitioner on the issues raised, within 15 days, accepting that those Petitions had not yet been verified or validated in line with the Council's Petition Scheme.

(b) There was no question from a member of the public.

(c) In accordance with the Council's Public Participation Rules, the Council also received and acknowledged oral representations made by a Ms Palethorpe (on behalf of WASPI - Women Against State Pension Inequalities) and a Ms Moore on a matter relating to the functions of the Council, specifically state pension arrangements for women.

The Chairman responded, thanking the presenters for their attendance and presentations, acknowledging that the representations made by them had been heard by the Members of the Council and would be taken into account, as appropriate, if the matter was discussed later at this meeting or at the Cabinet on 14 September 2016.

27 Questions from Members of the Council

(Councillor Hook declared a personal interest in this matter by virtue of being a resident of property adjacent to a potential rail route).

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 9 questions submitted by Members of the Council on future of staffing at Medical Practices, strategic planning for and cuts to GP services, movement of radioactive material, payments to farmers, car parking for social workers, Mapleton Care Home (Newton Abbot), potential changes to care provision and on pavements at Mermaid walk (Barnstaple); the Leader also responded orally to a question from a member on the impact of leaving the European Union (Minute 30(a) below also refers).

The Leader and relevant Cabinet Members also responded orally, as appropriate, to any supplementary questions arising therefrom.

[NB: A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below].

28 Heart of the South West Devolution

The Council considered the recommendations of the Cabinet held on 13 July 2016 (Minute 50 thereof refers), circulated previously for the attention of Members at this meeting in conjunction with the Report of the Chief Executive (CX/16/20), seeking approval to the Council 'signing-up' in principle to the pursuit of a devolution deal and the creation of a Combined Authority to administer new powers and funding secured through that deal and to better position Councils to explore and take advantage of the opportunities that might arise through discussions with Government and future developments.

The Council noted that the specific impacts and implications of any draft deal would be assessed and considered as part of the formal negotiation process and the Heart of the South West Partnership would correspondingly and necessarily develop an Impact Needs Assessment at the start of that process which would be updated as specific powers were agreed. Similarly, the assurances given previously at the Cabinet that the concept of double devolution was integral to the development of any Deal and that any final Deal would be subject to the approval/ratification by Council and public consultation were re-affirmed.

In commending the proposals to the Council and having regard to the views expressed at and considered by the Cabinet:

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendation of the Cabinet at Minute 50 be approved, namely that:

‘that the County Council:

(a) endorse the Leaders approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;

(b) note that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority; that would be subject to future debate and agreement by the Council and subject to negotiations with Government’

Councillor Greenslade then **MOVED** and Councillor Connett **SECONDED** that Cabinet Minute 50(a) be amended by the addition of the words ‘*including recognising the principle of double devolution*’

Councillor Hart having subsequently indicated his willingness to accept the amendment moved by Councillor Greenslade the revised motion was put to the vote and declared **CARRIED** namely:

‘that the County Council:

(a) endorse the Leaders approach to devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area, including recognising the principle of double devolution;

(b) note that giving this endorsement does not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority; that would be subject to future debate and agreement by the Council and subject to negotiations with Government’

[In accordance with Standing Order 32(2) Councillors Brazil, Connett, Dewhirst, Greenslade, Hannon, Hook, Vint, Way, Wragg and Younger-Ross asked that their support for the amendment in the name of Councillor Greenslade but abstaining from voting on the Motion in the name of Councillor Hart be recorded].

[NB: The Impact Assessment referred to above will, in due course, be available at: <http://new.devon.gov.uk/impact/>].

29

Devon Electoral Review

The Council noted that the Devon (Electoral Changes) Order 2016 which had been laid before Parliament on 22 March 2016 had subsequently been published and brought into effect on 7 June 2016.

Agenda Item 2

4

COUNCIL
28/07/16

The Order gave effect to the recommendations of the Local Government Boundary Commission for England on the County Council's electoral divisions, for a Council of 60 Members with 56 single-member divisions and 2 two-member divisions, from 2017 onwards.

A copy of the Order and the Commission's Final Report may be accessed from the Council's website at:

<https://new.devon.gov.uk/democracy/elections-and-voting/electoral-review-of-devon-county-council/> and at: <http://www.legislation.gov.uk/id/ukxi/2016/657>.

30

Cabinet Member Reports

The Council received reports from the relevant Cabinet Members on matters of interest or service developments relating to their remits which had occurred since the previous meeting or were likely to have an impact in the future or on specific issues upon which they had been asked to comment, as set out below:

(a) Policy & Corporate

Councillor Hart commented, as requested by Councillor Connett, on how the impact of the UK's departure from the EU upon the Council and the county more widely would be assessed and corresponding action to protect services; indicating that in advance of any detailed negotiations between HM Government and the EU it was too early to say with any certainty what the impact of the referendum would be on the Council and the County at large. He acknowledged that work was being undertaken by the Council's Officers to assess the likely financial impact of leaving the EU and also under the auspices of the Heart of the South West Devolution Deal to look at the impacts more widely. The Leader undertook to ensure Members were kept up to date on any emerging information arising therefrom.

[NB: See also responses to Questions referred to at Minute 27 above]

(b) Community and Environmental Services

Councillor Croad commented, as requested by Councillor Hannaford, and in his capacity as Chairman of the Police & Crime Panel on the enforcement by the Devon and Cornwall Constabulary of 20 mph speed limits. Notwithstanding the fact that this was an operational issue which was the responsibility of the Chief Constable, he undertook to raise Members' concerns about parking and enforcement, particularly in the vicinity of schools, with the Police & Crime Commissioner.

The Cabinet Member also reported, as requested by Councillor Hook, on the Council's use of Glyphosates currently used only as a targeted herbicide which had been fully approved by the various regulatory bodies and confirmed there were no plans to prohibit its use at this time.

(c) Highways Management and Flood Prevention

Councillor Hughes commented, as requested by Councillor Way, on progress with the Wray Valley Cycle Trail, outlining the significant progress had that been made over the past 2 years with, variously, the opening of new sections, planning permission having been secured for other sections, contracts let or about to be let for sections and with design work. Land negotiations continue, to deliver the Wray Valley Trail and the Teign Estuary leisure, and commuter routes to which the Council remained committed. He also responded to questions on the completion of finishing works on the A39 near Bideford and community self help schemes.

(d) Economy Growth and Cabinet Liaison for Exeter

Councillor Leadbetter circulated a Report and commented on, as requested by Councillor Westlake, progress with the Peninsula Rail Group's review of additional routes into the South

West, drawing the attention of Members to an earlier Report (PTE/16/30) to the Place Scrutiny summarising the work undertaken to date by the Peninsula Rail Task Force (PRTF) and Devon Metro rail projects in relation to rail infrastructure.

He also responded to questions on continuing resilience works on the Dawlish to Teignmouth line (including the possibility of additional cross-over points and off-shore works), on the Tarka Laine, new railway stations and the re-opening of the line to Okehampton.

(e) Education & Learning

Councillor McInnes circulated a Report and commented on, as requested by Councillor Greenslade, on the Council's *Small Schools Protection Factors* and funding formula changes, confirming representations were being made to the Secretary of State for Education on the impact of the funding formula and re-affirmed that schools would continue to be alerted to issues that might affect them, including the Small Schools Protection Factors.

He also responded to a number of the points raised by the petitioners relating to West Exe Childrens Centre referred to at Minute 26 above: the Petition Organiser would, as previously indicated receive a full response in due course.

31 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved and that the recommended Library Byelaws referred to at Procedures Committee Minute 10 be also approved:

Appeals	13 June & 18 July 2016
Development Management	16 June & 20 July 2016
Investment & Pension Fund	24 June 2016
Audit	30 June 2016
Standards	4 July 2016
Public Rights of Way	8 July 2016
Procedures	11 July 2016
Place Scrutiny	14 June 2016
People's Scrutiny	16 June 2016
Health & Wellbeing Scrutiny	20 June 2016
Corporate Services Scrutiny	27 June 2016

The Motion was put to the vote and declared **CARRIED**.

32 School Crossing Patrol Service

Pursuant to County Council Minute 17 of 12 May 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Connatt and duly seconded, that:

'To ensure the school crossing patrol service is protected and continues to operate, this council will ensure:

- 1. all crossing patrol vacancies are promptly filled and not left vacant to help with 'vacancy management savings';*
- 2. No school crossing patrol site will be deleted from the council's establishment without a report presented first to Place Scrutiny and Cabinet.*
- 3. An annual 'state of the service' report is presented each February detailing the number of school crossing patrols, any vacancies in the preceding year, how long they have been vacant and the robust steps taken to fill posts; and*

Agenda Item 2

6
COUNCIL
28/07/16

4. *where it can be shown there is a proven need the Council will look favourably on new applications for a school crossing patrol'.*

and having had regard to the advice of the Cabinet set out in Minute 40(a) of 8 June 2016:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's recommended advice (submitted as a formal amendment) as set out at Minute 40(a) be accepted; namely that the Council accepts the principles of the Notice of Motion and the suggested specific actions which fundamentally meet its underlying objectives.

The amendment was put to the vote and declared **CARRIED** and subsequently thereafter also declared **CARRIED** as the substantive motion.

33 White Paper 'Education Excellence Everywhere'/ Academisation of Schools

Pursuant to County Council Minutes 18 and 19 of 12 May 2016 relating to the Notices of Motion set out below as previously submitted and formally moved by Councillors Hannan and Greenslade respectively, and duly seconded, and the Chairman having exercised his discretion to take these two items at the same time, that:

'This Council notes that the Cabinet Member for Children, Schools and Skills, the Deputy Leader of the Council and the County Councillors Network along with many District and County Councils, of all political colours, have made statements that oppose various aspects of the changes to our education system proposed in the White Paper 'Education Excellence Everywhere'.

The Council welcomes the decision of the Secretary of State for Education to abandon plans to force all of England's schools that are still maintained by their local authorities to become academies. However, it regrets that some schools may still be forced to convert, including those in local authorities where academies are in a large majority, those in authorities whose maintained schools are deemed to be failing overall to meet a minimum performance threshold, and those seen as struggling or failing to improve sufficiently.

The Council remains concerned about other aspects of the White Paper and the government's continued commitment to full academisation, with regard to:

1. *School exclusions – giving schools from which excluded pupils originate the responsibility to fund AP (alternative provision such as placement in a pupil referral unit) and to continue to ensure the quality of their education. This makes informal exclusion more likely and encourages schools not to admit vulnerable children especially those with behaviour problems. There will also be problems providing for pupils already in referral units and for those who move with their parents to Devon from other local authorities.*
2. *Further academisation making it more difficult for local authorities to ensure 'sufficiency of AP in their area' without the power to direct academy/free schools and without the AP funding which they currently use to commission pupil referral units as Devon does via Schools Company.*
3. *The lack of acknowledgement of the considerable additional costs falling upon local authorities in managing the transition of schools to academy status, and through having continuing responsibility for school transport and safeguarding.*
4. *The impact on small rural schools that could suffer 'a spiral of decline' if the networks to support them provided through the local authority were removed.*

5. *The diminution of the role of local authorities in undertaking school monitoring (holding schools to account) and providing support for school improvement.*
6. *The impact on vulnerable children with local authorities continuing to have a statutory responsibility for their education, but with very few powers to help them to fulfil that duty with more schools becoming academies.*

Therefore, this Council confirms its opposition to forced academisation and joins with others in expressing its concerns about other aspects of the White Paper, including those mentioned above, and will write to the Secretary of State for Education and to all Devon MPs to make its position clear and to ask for the proposed changes to be reconsidered'.

and also that:

"County Council congratulates all those who have successfully lobbied and persuaded the Government to abandon its plans to force all schools to become academies. However County Council continues to have concerns that some schools may still be forced to become academies and resolves to support the LGA, CCN and others in ensuring all schools, which are not yet academies, have the opportunity to take their own "democratic " decisions about their status and not be forced by Government dictate to convert."

and having had regard to the advice of the Cabinet set out in Minute 40(b) of 8 June 2016:

Councillor Hart **MOVED** and Councillor McInnes **SECONDED** that the Cabinet's recommended advice (submitted as a formal amendment) set out at Minute 40(b) be accepted and both Notices of Motion be endorsed.

The amendment was put to the vote and declared **CARRIED** and subsequently thereafter also declared **CARRIED** as the substantive motion.

34

Flood Alleviation

Pursuant to County Council Minute 20 of 12 May 2016 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Greenslade, and duly seconded, that:

"The County Council welcomes the recent report and conclusions by Cabinet in respect of flood alleviation in Devon: however the County Council is concerned that real needs will not be matched by the investment required to deliver within the time frame needed to protect communities from increased flood risk and therefore resolves that the County Council mount a sustained lobbying programme for increased funding from Government for flood alleviation seeking support from the LGA, CCN and Devon MP's."

and having had regard to the advice of the Cabinet set out in Minute 40(d) 8 June 2016:

Councillor Hart **MOVED** and Councillor Hughes **SECONDED** that the Cabinet's recommended advice (submitted as a formal amendment) set out at Minute 40(d) be approved, namely that the spirit of the Notice of Motion and actions to be taken in support of its aims be endorsed.

The amendment was put to the vote and declared **CARRIED** and subsequently thereafter also declared **CARRIED** as the substantive motion.

Agenda Item 2

8

COUNCIL
28/07/16

35 Barnstaple Park and Ride

Pursuant to County Council Minute 21 of 12 May 2016 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade, and duly seconded, that:

“Following the loss of the Park & Ride service for Barnstaple, County Council asks Cabinet to urgently find the ways and means of reinstating a Park & Ride service for Barnstaple at the earliest opportunity.”

and having had regard to the advice of the Cabinet set out in Minute 40(e) of 8 June 2016:

Councillor Hart **MOVED** and Councillor Leadbetter **SECONDED** that the Cabinet's recommended advice (submitted as a formal amendment) set out at Minute 40(e) be accepted, namely that the Notice of Motion and the actions already being taken to meet its objectives be noted.

The amendment was put to the vote and declared **CARRIED** and subsequently thereafter also declared **CARRIED** as the substantive motion.

36 Protection of the Bee Population

(Councillors Dempster, Dewhirst, Morse, Sellis and Wright each declared a personal interest in this matter by virtue of being Members of the Devon Wildlife Trust).

Pursuant to County Council Minute 160(d) of 10 December 2015 relating to the Notice of Motion set out below as previously submitted and formally moved by Councillor Hook, and duly seconded, that:

‘Bees play an essential role in food production. The Bee population has been in alarming decline in recent years, due to various external influences. One such harmful influence is the use of neonicotinoids, an aggressive pesticide. Devon is heavily reliant on agriculture and this council will therefore prohibit the use of this pesticide on all land that it owns or manages in a proactive effort to reverse the destruction of the Bee community here in Devon. The Council will also explore other ways which, in addition to banning this particular pesticide, will help the survival of the Bee population. A report on other potential actions will be brought to Place Scrutiny’.

and having had regard to the advice of the Cabinet set out in Minute 53 of 13 July 2016 and to further representations received direct by Members and acknowledging the view of the Cabinet Member for Community and Environmental Services that the proposed Plan reflected the general principle that the Council would endeavour to stop using bee harmful pesticides on its land and would encourage others to do likewise:

Councillor Hart **MOVED** and Councillor Croad **SECONDED** that the Cabinet's recommended advice (submitted as a formal amendment) set out at Minute 53 be accepted which substantially gives effect to the Notice of Motion and the Devon County Council Pollinators' Action Plan appended to Report PTE/16/36 be approved.

Councillor Hart then indicated his willingness, with the consent of the Council, to accept a further amendment of which advance notice had been given by Councillor Wright and the revised, composite, amendment as set out below was then put to the vote and declared **CARRIED**.

‘(a) that the advice of the Cabinet set out at Minute 53 be accepted which substantially gives effect to the Notice of Motion through proposed actions;

(b) that the Devon County Council Pollinators' Action Plan appended to Report PTE/16/36 be approved;

(c) that the County Council acknowledges the essential role of pollinators and proactively engages with communities, Devon Wildlife Trust and Town and Parish Councils to promote a significant boost in the number of roadside wildflower verges'

Councillor Wright then **MOVED** and Councillor Biederman **SECONDED** that Minute 53(b) be amended by the addition of the words:

'provided that this Council acknowledges the limitations of the contract with the Farms Estates, recognises the role of neonicotinoids in the significant decline of bees and therefore opposes the use of such pesticides on it's land'.

The amendment was put to the vote and declared **LOST**.

The composite amendment in the name of Councillor Hart above was then put to the vote as the substantive Motion and declared **CARRIED**.

37

Hate Crime

The Chairman **MOVED** and Councillor Dewhirst **SECONDED** that in accordance with Standing Order 6(6), the Notice of Motion submitted by Councillor Dewhirst be considered at this meeting.

The Motion was put to the vote and declared **CARRIED**.

The Council recognised that prejudice related crimes and incidents cause a great deal of suffering for victims and for their friends and families, as well as undermining cohesion in the community and was committed through the Safer Devon Partnership, to tackling the problem of prejudice and hate crime across the whole county.

With the consent of the Council, Councillor Dewhirst then **MOVED** and Councillor Hook **SECONDED** that the revised text of the Notice of Motion set out hereunder be approved:

'This Declaration demonstrates our shared commitment to the achievement of equality and fairness for all people in the county. Devon County Council recognises the importance and benefits of an equal society and we are committed to working with people and communities to ensure:

- *People can achieve their own potential and a good quality of life;*
- *Devon is a strong, safe and inclusive community; there are good relations between different communities;*
- *People are treated with dignity and respect at work, as customers, and in the community;*
- *People have trust and confidence to report incidents of abuse or discrimination. Concerns are addressed;*

Devon is a caring and hospitable place and has a long history of welcoming people from a range of communities and faiths; we are fortunate to have strong and supportive communities across the County. However, Racism and xenophobia have no place in our society. We take any examples of hate crime extremely seriously and will see that the appropriate action is taken to deal with it'.

The Notice of Motion was put to the vote and, nem com, declared **CARRIED**.

[In accordance with Standing Order 32(2) Councillors Ball, Barisic, Berry, Biederman, Bowden, Boyd, Brook, Chugg, Clarence, Clatworthy, Colthorpe, Connett, Croad, Davis, Dempster, Dewhirst, Dezart,

Agenda Item 2

10
COUNCIL
28/07/16

Diviani, Eastman, Edgell, Edmunds, Foggin, Gilbert, Greenslade, Gribble, Hannaford, Hannan, Hart, Hill, Hook, Hosking, B Hughes, S Hughes, Julian, Knight, Leadbetter, McInnes, Mathew, Morse, Moulding, Owen, Parsons, Radford, Randall Johnson, Rowe, Sellis, Squires, Way, Westlake, Wragg, Wright and Yabsley asked that their vote for the Motion be recorded].

38 Transitional State Pension Arrangements for Women

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on this matter by virtue of being in receipt of or affected by any changes to the state pension provision]

Councillor Connett **MOVED** and Councillor Dewhurst **SECONDED** that:

'The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements'.

In accordance with Standing Order 6(6) the Notice of Motion was therefore referred, without discussion, to the Cabinet for consideration.

[NB: See also Minute 26 above].

39 Term Time Leave and Fines for Parents

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

"that the County Council expresses concern at the incidences of fines being levied on parents who take their children out of school during term time; accordingly the County Council requests the People's Scrutiny Committee to consider current guidelines used to decide whether a fine is appropriate. In the meanwhile no new fines should be levied until this review is completed!"

In accordance with Standing Order 6(6) the Notice of Motion was therefore referred, without discussion, to the Cabinet for consideration.

40 Planning Advice from Council Officers

Councillor Greenslade **MOVED** and Councillor Connett **SECONDED** that:

“County Council expresses the view that in giving planning advice DCC Officers should give priority to providing balanced advice rather than the advice being given to “facilitate development”.”

In accordance with Standing Order 6(6) the Notice of Motion was therefore referred, without discussion, to the Cabinet for consideration.

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Reverend Geoffrey Walsh, Team Vicar of the Axe Valley Mission.

The Minutes of this meeting and of any Committee referred to above (together with minutes of the Council's Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting were reproduced therewith for convenient reference) are available on the County Council's Website.

Minutes should be read in association with any Reports or documents referred to therein, for a complete record. A recording of the webcast of this meeting will also be available to view for up to 12 months from the date of the meeting, at <http://www.devoncc.public-i.tv/core/portal/home>]

The Meeting started at 2.50 pm and finished at 5.51 pm

APPEALS COMMITTEE

6 September 2016

Present:-

Councillors J Knight (Chairman), J Hawkins, S Randall-Johnson, E Wragg and R Julian

* 22

Minutes

RESOLVED that the minutes of the meeting held on 18 July 2016 be signed as a correct record.

23

Items Requiring Urgent Attention

There were no items requiring urgent attention.

* 24

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A of the Act, namely information which is likely to reveal the identity of an individual relating to their financial affairs and in accordance with Section 36 of the Freedom of Information Act 2000 by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* 25

Budget Monitoring

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded)

The Committee received the Report of the Head of Services for Communities on the financial impact of the Committee's decisions for the current financial year 2016/17.

* 26

Deferred Appeals

(An item taken under Section 100A (4) of the Local Government Act 1972 during which the press and public were excluded).

(a) Kentisbeare - Uffculme Academy

The Committee considered the recommendation of members who had inspected the above and now confirmed that the route was available.

RESOLVED that the appeals in respect of ST56 IH be refused;

(b) Silverton - Bickleigh on Exe Primary

The Committee considered the recommendation of members who had inspected the above and now confirmed that the route was unavailable.

RESOLVED that the appeals in respect of the following be allowed:-

ST60 TJ
ST61 MT.

Agenda Item 10a

APPEALS COMMITTEE
6/09/16

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 9.45 am and finished at 10.20 am

AUDIT COMMITTEE

7 September 2016

Present:-

Councillors R Edgell (Chairman), J Berry, A Hannan and B Hughes

Apologies:-

Councillors C Clarence, F Biederman and D Hannon

* **7** **Announcements**

The Chairman welcomed Mr Sullivan who was attending the meeting in his capacity as a co-opted, independent Member of the County Council's Standards Committee to observe and monitor compliance with the County Council's ethical governance framework.

* **8** **Minutes**

RESOLVED that the Minutes of the meeting held on 30 June 2016 be signed as a correct record

* **9** **Devon County Council Audit Findings Report**

The Committee noted the Report of Grant Thornton (CT/16/68) setting out the findings arising from the audit of the County Council's financial statements and the work undertaken in relation to the value for money conclusion. The Report also described the work undertaken by the external auditors to address the risks previously identified in the Audit Plan, considered by the Committee in March 2016 (Minute *79/23 March 2016).

Grant Thornton anticipated providing an unqualified audit opinion on the financial statements and that the Council had proper arrangements in all significant respects to ensure it delivered value for money in its use of resources. However, Grant Thornton was unable to certify the accounts as complete pending the outcome of an investigation following an objection received relating to the completion of social care needs assessments. A response would be issued in due course.

The Committee acknowledged that Grant Thornton had made a number of recommendations in its action plan including journals above £200,000 being authorised by a separate individual and all line managers providing changes to HR or Payroll information in a timely fashion, which were being implemented.

* **10** **Devon Pension Fund Audit Findings Report**

The Committee noted the Report of Grant Thornton (CT/16/69) outlining the findings arising from the audit of the Pension Fund for 2015/16 and described the work undertaken by the external auditors to address the risks previously identified in the Audit Plan which was considered by the Audit Committee in March 2016 (Minute *80/23 March 16).

Members noted that Grant Thornton anticipated providing an unqualified opinion in respect of the Pension Fund's financial statements and had made a number of recommendations as set out in the action plan, which were being implemented.

Agenda Item 10b

AUDIT COMMITTEE
7/09/16

* **11** **Statement of Accounts**

The Committee considered the Report of the County Treasurer (CT/16/70) together with the Statement of Accounts booklet. The Report highlighted the key messages from the Statements of Accounts 2015/16 including, inter alia:

- the CIPFA Code of Practice adopting IFRS 13 for the first time - Fair Value Measurement;
- new borrowing taking place during the year with capital expenditure due to be met from borrowing financed from internal resources;
- earmarked reserves having increased by a net £8.6 millions to £56.1 millions, with Capital financing costs at £11.9 millions less than budgeted due to changes in year to the Minimum Revenue Provision policy.

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Hughes and

RESOLVED

(a) that the Letters of Management Representation for the Devon Pension Fund and the County Council be approved;

(b) that the Statement of Accounts for 2015/16 be approved;

(c) that the Pension Fund Statement of Accounts for 2015/16 be approved.

* **12** **Internal Audit Progress Report**

The Committee considered the Report of the County Treasurer (CT/16/71) providing an update on issues identified as "improvement required" in the Annual Internal Audit Report.

Members acknowledged that overall, progress had been made against the agreed recommendations, yet further progress was still required in a number of areas. It was therefore not possible to form new assurance opinions for individual audits; additional follow-up audit will be required in due course. The overall assurance opinion remained as previously reported in the Annual Audit Report 2015/16 as "significant assurance".

Members discussed the "red" risk area relating to Coroners and the improvements required for expense claims. Legal Services reported that awareness had been raised within the Coroner's Service; that guidance and policies had been issued in this regard; and that expense claims would not be processed without supporting receipts.

It was **MOVED** by Councillor Berry, **SECONDED** by Councillor Hannan and

RESOLVED that the progress made by management to address weaknesses identified through the internal audit process be noted.

* **13** **Appointment of External Auditor**

The Committee received the Report of the County Treasurer (CT/16/52) outlining the options open to the Council under the Local Audit and Accountability Act 2014 for the appointment of External Auditors and the setting of audit fees.

* **14** **Corporate Risk Management Group**

The Committee considered the Report of the Head of Services for Communities (SC/16/10) providing an update on risk management practice in the Council. Three risks had been added

and eight removed. Generally lower level risks were removed from the Corporate Risk Register and included on Service level Registers instead.

15 **Future Meetings**

The next meetings will take on Tuesday 22 November 2016 and Tuesday 28 March 2017.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 12.12 pm

PROCEDURES COMMITTEE

14 September 2016

Present:-

Councillors A Moulding (Chairman), A Connett, T Dempster, J Hart, S Hughes, R Julian and R Westlake

Apologies:-

Councillors J Owen and N Way

11 ***Minutes**

RESOLVED that the minutes of the meeting held on 13 July 2016 be signed as a correct record.

12 **Urgent Matters: Electoral Review of Torridge and Teignbridge District Councils**

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chairman had decided that the Committee should consider this item as a matter of urgency, to determine whether or not the Council should respond formally to the undermentioned consultations and, if so, the means by which it might do so.

The County Solicitor reported that the Local Government Boundary Commission for England had, on 7 September 2016, published draft recommendations on the future electoral arrangements for Torridge and Teignbridge District Councils which would both be the subject of an eight-week public consultation, closing on 31 October 2016.

The Commission was proposing that Torridge District Council should continue to have 36 Councillors - as now - and that Teignbridge District Council should have 47 Councillors in the future - 1 more than the current arrangements.

Having previously sought the views of County Councillors representing Electoral Divisions within the District Council areas, at the initial stage of the Review process, the County Council had not made any specific comment on future arrangements other than emphasising the value placed upon the coterminosity and consistency of electoral boundaries as between District and County Councils, which allowed for more effective representation and joint working between Councillors of both Councils and minimised any possible confusion and misunderstanding by the electorate at large of any new arrangements.

It was **MOVED** by Councillor Moulding, **SECONDED** by Councillor Hart, and

RESOLVED that County Councillors representing Divisions in the affected District Council areas be made aware of the Commission's draft recommendations and be invited to submit comments direct but the County Council do not make any formal representations at this stage.

[NB: An interactive map of the Commission's recommendations for each Council, electorate figures etc., is available on the Commission's website at: www.lgbce.org.uk.]

Agenda Item 10c

PROCEDURES COMMITTEE
14/09/16

13 Constitutional Matters

(a) Proposed Changes to Senior Management Structure

The Committee noted that, as a consequence of the revised management structures endorsed by the Appointments & Remuneration Committee on 29 July 2016 (Minute 6, Report CX/16/21) and subject to their adoption by the County Council at its next meeting, the Council's Constitution would also need to be amended throughout to reflect Officers' revised descriptions, roles and responsibilities in line with the detailed proposals set out in the aforementioned Report.

It was **MOVED** by Councillor Moulding, **SECONDED** by Councillor Hart, and

RESOLVED that the County Solicitor be authorised to make all necessary changes to the Constitution consequent upon implementation of the aforementioned revised senior staffing structures, when approved.

(b) Public Rights of Way Committee - Delegations

The Committee noted that the Public Rights of Way Committee on 8 July 2016 had examined the need for revisions to the Council's procedures for determining and making Definitive Map Modification Orders for public rights of way and the current Scheme of Delegation enshrined in the Council's Constitution as a consequence of the Deregulation Act 2015.

While implementation of the Act's provisions was not anticipated before the Autumn of 2016 that Committee had recognised that the County Council would need to revise its Definitive Map policies and procedures to give effect to the new legislation (when that came into effect) and while detailed Regulations and Guidance would clarify future processes, it was clear that the current scheme of delegations could benefit from some minor amendments now to ensure the County Council was best placed and prepared for the introduction of the new legislation.

It was **MOVED** by Councillor Moulding, **SECONDED** by Councillor Hart, and

RESOLVED

(i) that the views of the Public Rights of Way Committee (Minute *3/8 July 2016 refers) be noted;

(ii) that the Head of Highways, Capital Development and Waste be authorised to make Modification Orders in respect of administrative errors (where applicable under the new streamlined procedure) and Modification Consent Orders, as set out in Report HCW/16/47, and the Scheme of Delegation in the Council's Constitution be amended accordingly; and

(iii) that the County Solicitor be authorised to further amend the aforementioned Scheme of Delegation, in consultation with the Chairman of this Committee, to reflect any other necessary changes thereto arising from legislation endorsed by the Public Rights of Way Committee.

*[NB The Report of the Head of Service (HCW/16/47) previously considered by Public Rights of Way Committee the Cabinet is available at:
<http://democracy.devon.gov.uk/ieListDocuments.aspx?Cid=171&Mid=1902&Ver=4>].*

14 *Calendar 2017/18

The Committee considered the draft calendar of meetings for 2017/18 prepared in line with the pattern of previous years, known determinants and relevant factors acknowledging the possibility of changes following the next County Council Quadrennial elections in May 2017.

Agenda Item 10c

PROCEDURES COMMITTEE
14/09/16

It was **MOVED** by Councillor Moulding, **SECONDED** by Councillor Hart, and

RESOLVED that the draft Calendar for 2017/18 be approved for publication.

15

***Future Meetings**

RESOLVED that the next meeting of this Committee be held on 1 December 2016 and the meeting scheduled for 17 October 2016 be cancelled.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 2.27 pm

INVESTMENT AND PENSION FUND COMMITTEE

16 September 2016

Present:-

Devon County Council

Councillors R Gilbert (Chairman), C Channon, R Edgell, R Hill and R Hosking.

Other Employers

P Edwards, D Healy, J O'Dwyer and L Parker Delaz Ajete

Unison and Retired Members: Non Voting Observers

R Franceschini, C Lomax and J Rimron

Apologies:-

Councillors D Hannon and J O'Dwyer

12 Minutes

RESOLVED that the minutes of the meeting held on 24 June 2016 be signed as a correct record.

* **13** Devon Pension Board

The Committee further considered suggestions previously made by the Devon Pension Board relating in particular to the adoption of a statement similar to that accepted by the Board and other Councils, to visibly demonstrate its status as an impartial decision maker, recognising the need to avoid conflicts of interest.

It was **MOVED** by Councillor Parker Delaz Ajete, **SECONDED** by Councillor Edgell and

RESOLVED that the proposed statement of impartiality enshrined in Minute 5 of the Devon Pension Board of 14 April 2016 be acknowledged subject to clarification of the wording at the next meeting.

* **14** Pension Fund Annual Report and Accounts 2015/16

The Committee considered the report of the County Treasurer (CT/16/73) together with the Annual Report and Accounts, summarising the performance of the Fund's external managers, including stewardship activity and the market outlook, followed by the Statement of Accounts.

Mr Shaw from Grant Thornton attended for this item and advised there were no major issues with the Pension Fund accounts and that the draft financial statements had been prepared to a high standard.

It was **MOVED** by Councillor Channon, **SECONDED** by Ms Healy and

RESOLVED that the Pension Fund Annual Report and Accounts for 2015/16 be adopted.

[NB: In accordance with Standing Order 32(4) Councillor Edgell requested that his abstention from voting on this decision be recorded.]

Agenda Item 10d

INVESTMENT AND PENSION FUND COMMITTEE
16/09/16

* **15** **LGPS Pooling of Investments**

The Committee received the report of the County Treasurer (CT/16/74) on the significant work undertaken to set up the Brunel Pension Partnership which comprised ten LGPS Funds. A joint submission from the ten Brunel funds had been made in February 2016, with a more detailed response submitted in July 2016 outlining the business case. Work continued on developing a more detailed final business case for each of the ten funds to consider in November/December 2016.

It was **MOVED** by Councillor Hosking, **SECONDED** by Councillor Parker Delaz Ajete and

RESOLVED that

(a) progress on the Brunel Partnership full business case be noted;

(b) the County Treasurer, in consultation with the Chairman, be delegated to write to the Department of Communities and Local Government raising concerns around the delay in the laying of the new Investment Regulations;

(c) in order to consider the full business case of the Brunel Partnership, the next meeting be postponed from 18 November 2016 until Friday 2 December 2016 at 10.00am.

* **16** **Actuarial Valuation and Section 13 Report**

The Committee received and noted the report of the County Treasurer (CT/16/75) on the 2016 valuation which would set employer contribution levels for the financial years 2017/18, 2018/19 and 2019/20. In addition, a Section 13 valuation would be carried out by the Government Actuary's Department (GAD) which reviewed whether funding valuations and employer contribution rates had been set to meet targets and objectives.

* **17** **Investment Management Report**

The Committee received and noted the Report of the County Treasurer (CT/16/76) on the current Pension Fund value and asset allocation against target. Following the EU Referendum there had been a fall of the value of the pound and therefore an increase in the value of the Fund's overseas assets, resulting in an increase of £162,000,000 over the last quarter. The allocation to each asset class remained within 2.5% of the target allocation. The Fund had achieved an absolute return of 4.6% for the quarter which was ahead of the strategic benchmark of 4.5%.

* **18** **Long Term Investment Performance and Strategic Review**

The Committee considered the Report of the County Treasurer (CT/16/77) examining the Fund's longer term performance and, in particular, why performance over the past 10 years was below the average achieved by LGPS funds in total. The Report also proposed the commissioning of a strategic asset allocation review, conducted by external consultants who would assess the appropriate strategic asset allocation, including the split between 'growth' assets and 'fixed interest' type assets, geographical allocations and currency hedging issues.

It was **MOVED** by Councillor Edgell **SECONDED** by Councillor Hosking and

RESOLVED that the commissioning of a strategic asset allocation review, using the South West investment consultancy framework, be approved.

* **19** **Pension Fund Risk Register**

The Committee received and noted the Report of the County Treasurer (CT/16/78) highlighting the key risks in relation to the Devon Fund, the current processes in place to mitigate the risk, and the planned improvements in place to provide further assurance. The Report incorporated the risk register of both the Investments Team and Peninsula Pensions.

* **20** **Applications for Admitted Body Status**

The Committee noted the action of the County Treasurer in approving an application for admitted body status, approved under delegated powers, from Barnardo's in respect of its new contract with Plymouth City Council for the provision of children centre services.

* **21** **Committee Training**

The County Treasurer reported that a joint briefing event with Cornwall, Dorset and Somerset Committees would take place on Friday 7 October 2016 at Exeter Racecourse, which would comprise of a briefing and opportunity for comment on the full business case for the Brunel Pension Partnership before it was presented to the Committee in December.

22 **Dates of Future Meetings**

Friday 2 December 2016 at 10.00am and Friday 24 February 2017 at 10.00am.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 11.15 am

PEOPLE'S SCRUTINY COMMITTEE

5 September 2016

Present:-

Councillors S Randall-Johnson (Chairman), F Biederman, A Connett, A Dewhirst, A Eastman, R Hannaford, A Hannan, R Hosking, J Mathews, R Rowe, M Squires and C Mabin

Members attending in accordance with Standing Order 25

Councillors J Hart, J McInnes and B Parsons

Apologies:-

Councillors E Barisic, J Hone, P Sanders and J Mannix

* 10

Minutes

RESOLVED that the minutes of the meeting held on 16 June 2016 be signed as a correct record.

* 11

Public Participation: Representations

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Ms Bagwell on a matter to be considered by the Committee that day, namely the proposed closure of Compass House Crèche, (Minute 13 below refers) commenting from her own experience on the value of the facility.

The Chairman responded, thanking Ms Bagwell for her attendance and presentation which would be taken into account by the Committee during its subsequent deliberations.

* 12

Call In of Cabinet Member Decision: Post 16 Education Transport Policy for 2017/18 (Minute 51, 13 July 2016)

(Councillor McInnes, Cabinet Member for Children, Schools and Skills, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee noted that, in accordance with the Scrutiny Procedure Rules, the requisite number of Members (Councillors Brazil, Connett, Dewhirst, Hook and Way) had invoked the call-in procedure in relation to the decision of the Cabinet (Minute 51, 13 July 2016), relating to Post 16 Education Transport Policy for 2017/18, on the grounds that in taking this decision the Cabinet had *'failed to consider the ability of colleges to make funding available for Post 16 student transport to 'plug the gap' created by the council decision. Further, the proposed new county scheme is so vague that it is wholly unclear what the benchmark is for students or their families to evidence there is no suitable transport for college. Additionally, the county states it will not provide transport even where, for example, where inconvenience is caused to the family. This fails to consider the potential economic and social impacts of each applicants own circumstances and is, therefore, unreasonable. The Cabinet has failed to consider the potential impact of this decision on discouraging young people from rural areas and/or families on low incomes from continuing in education'*.

The Cabinet Member for Children, Schools and Skills outlined the reasoning behind the Cabinet's decision and responded in detail to issues raised below upon the impact of the policy, commenting also on the Council's:

Agenda Item 10e

PEOPLE'S SCRUTINY COMMITTEE
5/09/16

- statutory duty to provide transport support only where the absence of such support (through, for example, the College Bursary Scheme where schools now received funding direct from Government) would prevent a student remaining in education;
- that duty was enshrined and re-affirmed in the proposed policy now commended to the Cabinet. Students who were currently receiving support with transport would continue to do so until the end of their education;
- that, as now, students and parents had the primary responsibility for getting to and from College and they would have to demonstrate that all possible options had been explored before seeking financial assistance either from the Bursary Scheme or from the County Council;
- the Council was seen as the final 'safety-net' for claimants but where, for instance, students would be able to walk to and from College or public transport was available there would normally be no need for the Council to assist in any way.

The aforementioned issues raised related to the impact of the proposed change in policy upon:

- parents with inflexible working hours being unable to transport children to school;
- students with additional special educational needs would be supported;
- students' contributions towards transport costs;
- school's/college's funding.

It was **MOVED** by Councillor Randall Johnson and **SECONDED** by Councillor Rowe that the Cabinet's decision be endorsed with the addition of the wording that 'the Local Authority continue to lobby central government regarding the sparsity factor faced by a County Shire such as Devon.

* 13 **Call in of Cabinet Member Decision for Adult Social Care and Health Services - Closure of Compass House Crèche**

(Councillor Hart, Leader of the Council, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee noted that, in accordance with Scrutiny Procedure Rules, the requisite number of Members (Councillors Hannan, Westlake, Hannaford, Hill and Owen) had invoked the call-in procedure in relation to the decision of the Cabinet Member for Adult Social Care & Health Services, notified to councillors on 23 August 2016, relating to the proposed closure of the Compass House crèche, in accordance with Paragraph 11 of the Scheme of Delegation as set out in Part 3 of the County Council's Constitution, on the grounds that the decision '*fails to take sufficient account of the fact that women suffering from post-natal depression are routinely in need of on-site care for their children, as is available at Chestnut Children's Centre where Depression and Anxiety Service sessions are run alongside childcare provision. The existence of this arrangement other than at Compass House is actually denied in the Impact Assessment*'.

The Leader of the Council outlined reasons for the Cabinet Member's decision and responded to issues raised at the meeting including:

- the perceived importance of mothers' being able to access child care at the same facility as they were receiving treatment;
- the availability of child care providers willing to take children on a temporary short-term basis;
- the costs of private child care providers, which were often more expensive than Compass House.

It was **MOVED** by Councillor Channon and **SECONDED** by Councillor Squires and **RESOLVED** that the Cabinet Member decision be not endorsed and that the Cabinet be recommended to retain the Crèche for the present and that the Devon Partnership Trust be asked (i) to look at the possibility of it providing those therapy and counselling services (currently provided at Compass House) in premises elsewhere in the City of Exeter which had an Ofsted Registered Crèche and (ii) report back [to Cabinet] within a period of 3 months.

[NB: See also Minute 11 above.]

* **14** **Children's Standing Overview Group**

The Committee received the Report of discussions and decisions at the meeting on 12 July 2016 (CS/16/30) including Early Help Development, Child and Adolescent Mental Health Services', Performance Management in Children's Social Work and Child Protection and the Devon Children's Improvement Plan 2016/17.

* **15** **Adult's Standing Overview Group**

The Committee received the Report of discussions and decisions made at the meeting on 6 July 2016 (CS/16/29) including Adult Social Care Performance Framework, Market Sufficiency and Quality and concerns around the Brokerage Service.

* **16** **Appointment of the Commissioning Liaison Member**

The Cabinet Member for Performance and Engagement commented on the Corporate Service's 'Scrutiny in a Commissioning Council' Task Group which considered how the externalisation of services was impacting the role of scrutiny, and in particular how scrutiny committees could engage with the commissioning process and hold providers to account. The Task Group had identified a number of good practices, where scrutiny had been involved with commissioning processes and where providers had been willing to engage with scrutiny, but found that there were inconsistencies across service areas.

The Cabinet Member further advised that the Cabinet, having accepted the Task Group's recommendation to 'strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services', outlined a proposed protocol involving each Scrutiny Committee appointing a 'Commissioning Liaison Member', to:

1. develop a fuller understanding of the Council's commissioning processes and priorities
2. build good working relationships with relevant Officers and Cabinet Members responsible for Commissioning, within the Scrutiny Committee's remit
3. act as an intermediary / link between Cabinet and their Scrutiny Committee and bring to the attention of the Scrutiny Chairman and Committee, any issues which could benefit from Scrutiny

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Channon, and

RESOLVED that Councillor Hannaford be appointed as the Commissioning Liaison Member for People's Scrutiny Committee.

* **17** **School Exclusions Review: Educational Outcomes Task Group**

The School Exclusion Review of the Educational Outcomes Task Group (CS/16/32) presented its report to this Committee on 21 March 2016 (Minute *147 refers), with the recommendations endorsed by Cabinet on 13 April 2016. Following subsequently, the Task Group had received School Exclusion figures in June 2016 which revealed some potentially

Agenda Item 10e

PEOPLE'S SCRUTINY COMMITTEE
5/09/16

troubling trends in Devon and therefore agreed to meet again, together with Devon County Council's Inclusion Officers, to review the matter further.

Data revealed that when comparing statistics from the whole school year 2014/15 against part of the 2015/16 school year (01/09/15 – 10/06/16), there had been a substantial rise in the overall number of permanent exclusions and to varying extents in each key stage. However, the statistics for Fixed Term Exclusions showed an opposite trend, with a slight decrease in the number given in each key stage.

The Chairman of the Task Group highlighted the following concerns:

- the possible impacts of new government policies to be introduced following the recommendations of the White Paper;
- the increasing pressures on the team of Inclusion Officers;
- the need to secure and if possible enhance the Supplementary Funding Pot;
- the costs of alternative provision;
- the possible relationship between domestic and pupil violence.

It was **MOVED** by Councillor Hannan, **SECONDED** by Councillor Randall Johnson and

RESOLVED that an update report be brought to the next Committee on 17 November 2016, on progress particularly addressing recommendation 3, 4, 5 and 6 of the Task Group Report and with a full data set to make comparisons between academic years 2014/15 and 2015/16 with regard to the number of school exclusions in Devon.

* 18 Small Schools Task Group Report

The Committee considered the Report of the Task Group on Small Schools (CS/16/31) which examined the issues said schools faced with the intention of designing a toolkit to help meet the challenges facing them in the future. The Committee recognised the importance of school governors in maintaining the high standards seen throughout Devon primary schools, with 91% graded 'good' or 'outstanding' by OFSTED.

Small schools formed an important and valuable part of the education system in Devon, particularly in rural parts of the County, with a large number of schools with less than 150 pupils. It was noted that strong partnership work between small schools through the federation process was vital in delivering excellent outcomes for children and young people.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Hannaford

RESOLVED that the Task Group's findings and recommendations be commended to the Cabinet for approval and action.

* 19 Residential and Nursing Care: Market Sufficiency and Commissioning Approach

The Committee considered the Report of the Head of Social Care Commissioning (SCC/16/50) on market sufficiency and commissioning approach to residential and nursing care in Devon, which was the largest area of expenditure to the Council of £101,000,000 per year.

The Committee noted that feedback from providers, staff and service users had favoured either an open framework with the price agreed through consultation and engagement with providers based on the existing fee model or the use of a personal dependency profile to identify individual care needs and commission the number of hours, rather than slotting into just the current two banded rates.

It was noted that the procurement process was currently being designed in order to seek tendering in Autumn of 2016 to introduce a new joint health and social care contract from April 2017.

* 20 **Children's Performance Report**

(Councillor McInnes, Cabinet Member for Children, Schools & Skills attended in accordance with Standing Order 25(2) and spoke to this item at the invitation of the Committee).

The Committee received and noted the Report of the Strategic Director, People's ([SCC/16/03](#)) summarising progress on work being delivered by Children's Social Work and Child Protection Services to the end of the first quarter of 2016/17.

The Cabinet Member for Children, Schools & Skills advised the Committee of the significant changes in senior management within this Service which had taken place since June 2016.

The Report covered the Early Help System; the number of Children in Need decreasing by 18% to 4,674 by the end of March 2015/16; referrals to statutory children's services remained consistent; Assessments; Child Protection enquiries; child protection conferences and Re-registration.

Members' discussion points with the Cabinet Member(s) and Officers included:

- the difficulties faced over recruiting high quality permanent Social Workers in Devon;
- the cost of agency staff;
- the high number of caseloads faced by Children's Social Work teams;
- ongoing development and training work with staff to enable staff progressions and increased retention within Devon County Council;
- an increase in Team Manager pay to help retain and attract staff to Devon;
- an increase in the number of MASH referrals.

* 21 **Adult's Performance Report**

RESOLVED that consideration of this report be deferred to the next Adult Standing Overview Group on 28 September 2016.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 6.00 pm

HEALTH AND WELLBEING SCRUTINY COMMITTEE

19 September 2016

Present:-

Councillors R Westlake (Chairman), J Brook, C Chugg, C Clarence, P Colthorpe, P Diviani, R Gilbert, B Greenslade, G Gribble, E Morse, D Sellis (Vice-Chair), E Wragg and C Wright

Apologies:-

Councillor A Boyd

Members attending in accordance with Standing Order 25

Councillor S Barker

* **12** Minutes

RESOLVED that the minutes of the meeting held on 20 June 2016 be signed as a correct record.

* **13** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* **14** Public Participation: Representations

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr J Wardman, Ms R Funnell, Ms H Hancox and Mr P Wearne on a matter to be considered by the Committee that day, namely the Success Regime Report 'Your Future Care' and the Sustainable and Transformation Plan (Minute 17 below refers) commenting in particular on views of local community groups and concerns about the impact on local health and social care services.

The Chairman responded, thanking the speakers for their attendance and presentation which would be taken into account by the Committee during its subsequent deliberations.

* **15** Vascular Services at the Royal Devon and Exeter Hospital Trust

Mr A Cowan, consultant at the Royal Devon and Exeter Health Care Trust attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of the Royal Devon and Exeter Hospital Trust on the pathway for emergency vascular inpatients at Torbay and South Devon NHS Foundation Trust and the Royal Devon and Exeter Foundation Trust and transfer of services. As part of this the South Devon and Exeter Vascular Network would be informing patients and the wider public of the changes and developing a survey to enable on-line public/stakeholder engagement. Central to the changes, in line with national recommendations and NHS England specifications, was the requirement for arterial surgery to be delivered out of fewer, high volume specialist arterial surgical centres to improve clinical outcomes and with other benefits.

The Trust's representative responded to Members' questions relating to:

- the changes had the full support of all clinicians and that theatre and bed capacity at the RD&E which was sufficient in respect of the new proposed arrangements for this patient group with specialist care and comprehensive full-time cover;

Agenda Item 10f

HEALTH AND WELLBEING SCRUTINY COMMITTEE
19/09/16

- the unsustainability of the current arrangements in terms of skilled surgical support and the limited alternative to these changes - i.e arterial services being provided from further afield;
- the wide range of after-care and rehabilitation time required from 24 hours to some 3 weeks.

□

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that the changes be noted and that progress and outcomes be reported to this Committee in 12 months' time.

* 16

Public Health Annual Report 2015/16

The Committee considered the report of the Director of Public Health on the Public Health Annual Report 2015 -16 approved for publication by the Cabinet on 13 July 2016 (Minute *52 refers). The Annual Report drew on the importance of the health of the public and its links to fairness, equality and justice, its central themes. While the health of the public in Devon was generally good, both in terms of national comparisons and with similar geographic areas, as indicated by the Devon Joint Strategic Needs Assessment, there remained areas of concern.

The Director responded to Members' questions including:

- the possible reasons for the wide gap in average life expectancy between the worst and best in Devon, and the on-going work to address these differences, relating to, inter alia, social and economic inequalities, housing, and access to primary care services;
- the work being done in Ilfracombe with the lowest life expectancy in Devon;
- identified priorities relating to obesity in adults and children, levels of alcohol consumption, poor mental health and social isolation (and increasing suicide levels), violence and abuse with action required at local, national and international levels;
- the significant decrease in national funding for Public Health services and the detrimental local impacts on prevention and other services;
- evaluation of existing programmes and change of emphasis with better engagement and commissioning arrangements;
- work with schools and colleges, including the new 'Early Help for Mental Health' service.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Greenslade and

RESOLVED that a report on health inequalities in Ilfracombe be submitted to the 19 January 2017 meeting of this Committee with a view to a possible further detailed investigation by a Task Group.

* 17

Wider Devon Sustainability and Transformation Plan and NEW Devon Success Regime

Dame Ruth Carnall, Ms A Pedder and Dr J Andrews attended and spoke to this item at the invitation of the Committee.

The Committee considered the Report of the Success Regime on progress with developing the Wider Devon Sustainability & Transformation Plan (STP) and the paper set out the overall purpose, scope and process for consultation on a 'Your Future Care' model. This model recommended that people were best supported at home with local, place based support. The report outlined the pre-consultation events already held and the consultation period of 12 weeks commencing in October with decision making in early 2017.

The Success Regime representatives also gave a presentation covering: definitions of the Success Regime and the Sustainability and Transformation Plan (STP); the Case for Change

(previously presented to this Committee), the preferred model of care and key general principles, the method for individual comprehensive assessments and access including rapid response arrangements (Care at Home) and the consultation arrangements for the 'Your Future Care' model.

The representatives responded to Members' questions and comments confirming that:

- individual proposals for change would be subject to full public engagement and consultation and all staff were being kept informed;
- they were not aware of any proposals relating to transferring paediatric services from the North Devon District Hospital;
- the national increase allocation for the NHS of £8bn had already been factored into the STP processes nationally and locally;
- their regret that the Devon STP draft document had been leaked, and that the process for approval and consultation of these plans was within a national framework determined by NHS England;
- an additional allocation of £50m for health services in Devon had already been achieved by the Success Regime;
- more information and clarification concerning acuity rates and bed occupancy would be forwarded to members of the Committee;
- the national allocation for NHS funding was beyond the Success Regime ambit and all areas were able to examine the national formula and implications locally but that the national allocation remained within current NHS planning – the Success Regime's objective was to identify options by which services could be delivered that were of a consistent high quality and clinically and financially sustainable in the longer term;
- a detailed statement of the consultation arrangements would be circulated to Committee Members relating to (a) community services 'Your Future Care' (subject to NEW Board approval) for the NEW CCG Devon area to commence in October 2016; and (b) for acute and specialist services as part of the wider STP (relating to both CCGs in Devon, subject to NHS England approval) process, and it was envisaged these would be looked at for consultation next year, if appropriate.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Wright and

RESOLVED

(a) that representations be sent to the Secretary of State for Health relaying this Committee's concerns about the Sustainability and Transformation Plan process and its funding;

(b) that a Task Group be formed to examine the current NHS formula funding for Devon and that Dr Sarah Wollaston MP, Chair of the House of Commons Select Committee (Health), be requested that the Select Committee also examine the funding formula and that she be invited to contribute to the Task Group;

(c) that the Success Regime be asked to submit a paper on all the consultation arrangements relating to the 'Your Future Care' model and in respect of the Sustainable and Transformation Plan (STP) processes and detailed proposals; and that progress be reported to the next meeting of this Committee on 8 November 2016 or to a special meeting as appropriate;

(d) that the joint Spotlight Review of the Model of Care for Torbay, Plymouth and Devon be arranged.

(N.B. In accordance with Standing Orders Councillor Colthorpe requested that her abstention from voting in this matter be recorded)

Agenda Item 10f

HEALTH AND WELLBEING SCRUTINY COMMITTEE
19/09/16

* **18** **Torrington Hospital: Referral to Secretary of State**

The Committee noted the receipt of a letter from the Secretary of State for Health confirming that he had asked the Independent Reconfiguration Panel (IRP) to undertake an assessment of this Committee's referral concerning reconfiguration of inpatient beds at the Torrington Community Hospital. Members would be informed of the outcome when notified.

* **19** **South Devon and Torbay: Community Reconfiguration**

Mr S Tapley (Director of Commissioning and Transformation), Dr D Greatorex (Clinical Chair) and Ms J Turner (Locality Manager), South Devon and Torbay Clinical Commissioning Group attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of the South Devon and Torbay Clinical Commissioning Group (PH/16/27) outlining current position and the main strands of the consultation proposals which had been subject to a NHS England assurance process and as a result formal consultation had started on 1 September running until Wednesday 23 November. It was anticipated that the CCG Governing Body would consider the outcome of the consultation as well as any alternative proposals at a meeting in public in January/February 2017.

If approved, (a) the consultation proposals would see a transfer of expenditure from bed based to community based care with the number of community hospital beds being reduced and more investment being made in the local services which most people use; and (b) minor injuries units would be concentrated in three locations, operating consistent hours and with x-ray diagnostics so that they would provide a viable alternative to A&E.

The representatives responded to Members' questions confirming that ownership of buildings by the Trust and proceeds from surplus property would be used by the Trust for health care services across its operating area; and that anticipated revenue savings from the process would be re-invested in community services.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis and

RESOLVED that this Report be noted and that the consultation outcomes and plans be reported to the 19 January 2017 meeting of this Committee.

* **20** **NHS Property Services**

Mr R Goodier (National Head of Service Improvement) and Mr Hugh Groves (Chief Finance Officer, NEW Devon CCG) attended and spoke to this item at the invitation of the Committee.

The Committee considered the report of NHS Property Services on general information about NHS Property Services and the transfer of 12 community hospitals to NHS Property Services as part of NHS Northern, Eastern and Western Devon Clinical Commissioning Group's plans to award its contract for community services to the Royal Devon and Exeter NHS Foundation Trust (RDEFT) for the Eastern locality of Devon.

The representatives responded to Members' comments and/or questions including:

- the calculation methodology of 'market rents' in accordance with RICS professional guidelines used by public sector organisations;
- associated services provided by NHS Property Services as part of their ownership and management of assets;
- ownership of the NHS property Services by the Secretary of State with proceeds reinvested in the NHS;
- an undertaking to provide more information in respect of the Sidmouth GP practice following a meeting held earlier that day;

- disposal of assets at the best market values, with any subsequent development being subject to Community Infrastructure Levy (or S106) contributions for health services;
- use of charitable voluntary donations such as League of Friends contributions.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Wright and

RESOLVED that the report be noted and that the CCG and NHS Property Services be requested to provide a briefing note on the terms for the transfer of the 12 Community Hospitals in Eastern Devon, confirmation of ownership of the Bideford Community Hospital and an update on the Sidmouth GP Surgery.

* 21

Appointment of Commissioning Liaison Member

The Commissioning Council' Task Group had considered how the externalisation of services was impacting the role of scrutiny, and in particular how scrutiny committees could engage with the commissioning process and hold providers to account. The Task Group had identified a number of good practices, where scrutiny had been involved with commissioning processes and where providers had been willing to engage with scrutiny, but found that there were inconsistencies across service areas. The Cabinet, having accepted the Task Group's recommendation to 'strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned Services', outlined a proposed protocol involving each Scrutiny Committee appointing a 'Commissioning Liaison Member', to:

- (a) develop a fuller understanding of the Council's commissioning processes and priorities;
- (b) build good working relationships with relevant Officers and Cabinet Members responsible for Commissioning, within the Scrutiny Committee's remit;
- (c) act as an intermediary / link between Cabinet and their Scrutiny Committee and bring to the attention of the Scrutiny Chairman and Committee, any issues which could benefit from Scrutiny.

It was **MOVED** by Councillor Westlake, **SECONDED** by Councillor Sellis, and

RESOLVED that Councillor Westlake be appointed as the Commissioning Liaison Member for this Committee.

* 22

Dentistry and Appointment System

Mr A Harris, (NHS England, Contract Manager) attended and spoke to this item at the invitation of the Committee.

The Committee received and noted the report of NHS England on the present position regarding access to NHS dental services in Devon, detailing numbers on waiting lists, and outlining access to urgent dental care.

The representative responded to Members' comments and/or questions including:

- possible reasons for longer waiting lists relating to residential development (particularly in Exeter) and improved help-line information and awareness of good oral health;
- work by NHS England to reduce waiting lists including developing capacity and improving practice efficiency;
- National Institute for Health and Care Excellence (NICE) recommendations for frequency of checks for children and adults;
- overall access was improving but there remained pockets of concern with some 30% of children not regularly seeing a dentist.

Agenda Item 10f

HEALTH AND WELLBEING SCRUTINY COMMITTEE
19/09/16

* **23** **Work Programme**

The Committee noted that the Work Programme had been or would be amended to include

- (a) joint spotlight review on the Model of Care for Plymouth, Torbay and Devon;
- (b) Success Regime, STP and Community Services: Consultation arrangements and proposals;
- (c) Spotlight review of quality indicators used by commissioners and providers;
- (d) out of hours - 111 GP service changes;
- (e) Public Health report on health inequalities;
- (f) Vascular Services: Royal Devon and Exeter and Torbay Hospitals: Progress
- (g) Task Group on NHS Formula funding for Devon.

In addition, Master Class briefing sessions would be held on Integrated Care in Exeter (ICE programme); and Success Regime developments, as appropriate.

[NB: The Scrutiny Work Programme is available on the Council's website at http://www.devon.gov.uk/scrutiny_programme.htm and the Council/Cabinet Forward Plan is available at http://www.devon.gov.uk/forward_plan]

* **24** **Information Previously Circulated**

The Committee noted a summary of documents/publications previously circulated for members, since the last meeting, relating to Health and Wellbeing developments and including matters which were currently being considered by this Scrutiny Committee.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 5.20 pm

PLACE SCRUTINY COMMITTEE

20 September 2016

Present:

Councillors R Radford (Chairman), G Hook, K Ball, P Bowden, T Dempster, A Eastman, R Edgell, O Foggin, J Hawkins, R Hill, R Vint, N Way and J Yabsley

Members attending in accordance with Standing Order 25:

Councillors R Croad and B Parsons

Apologies:

Councillors C Clarence and B Hughes

* **12** **Minutes**

RESOLVED that the minutes of the meeting held on 14 June 2016 be signed as a correct record subject to the amendment of the final paragraph at Minute *9 to read:

The Local Member for Okehampton Rural expressed disappointment at the wording in the report relating to the Northern Route (Exeter to Plymouth via Okehampton) where it stated, "*Within the context of the 20 year plan, these route options are therefore unlikely to be deliverable.*". Members also noted that there was no comment in the Report from Network Rail, acknowledging that the Devon and Exeter Rail Project Working Party would be better placed to address these concerns.

* **13** **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* **14** **Public Participation**

There were no representations from Members of the Public.

* **15** **Highway Infrastructure Asset Management Policy, Strategy and Plan**

The Committee received the Report of the Head of Highways, Capital Development and Waste (HCW/16/69) outlining the progress with and approach adopted in reviewing and updating the current Highway Asset Policy, Highway Asset Strategy and Highway Asset Plan, which was needed to enable the Council to maximise its funding grant for highway maintenance. The Report invited Members to contribute to the development of an appropriate performance management framework and following discussion of the issues raised therein:

It was **MOVED** by Councillor Eastman, **SECONDED** by Councillor Ball and

RESOLVED that an all-day Focus Group/Spotlight Review take place on Thursday 13 October 2016 to consider the Highway Asset Management Strategy and Plan in depth and make recommendations to Cabinet on the appropriate performance management framework.

Agenda Item 10g

PLACE SCRUTINY COMMITTEE
20/09/16

* **16** **Active Devon: Governance, Funding and Performance**

The Committee received the Report of the Head of Services for Communities (SC/16/11) providing further information on the governance, performance measures and funding of Active Devon whose aim was to promote and deliver community sports and active lifestyle development initiatives throughout Devon, including Plymouth and Torbay.

Active Devon was the County Sports Partnership (CSP) in Devon and one of a network of 45 CSPs in England, funded by Sport England principally, with Lottery funding also. Annual finance and governance audits were carried out each year.

Recent examples of programme delivery included the Heavitree Park 5k Run in Exeter and the Active Mums Cycling project. Over 15,000 people had registered for these and other activities in 2015-16. The Head of Service agreed to provide Members with a list of organisations that Active Devon were working with.

The Chairman, on behalf of the Committee, acknowledged the good work taking place by Active Devon.

* **17** **Libraries Unlimited update**

(Councillor Croad, Cabinet Member for Community and Environmental Services, attended in accordance with Standing Order 25(1), Ms C Eastell, Chief Executive of Libraries Unlimited and Ms J Dent, Chair of the Board of Trustees of Libraries Unlimited also attended and spoke to this item at the invitation of the Committee).

The Cabinet Member for Community and Environmental Services and the Chief Executive of Libraries Unlimited updated Members on developments with Libraries Unlimited. In discussion with Members, the Chief Executive of Libraries Unlimited highlighted the following in particular:

- good progress had been made since its inception on 1st April 2016; with over 350 employees; it became one of the largest employers in Devon and Cornwall;
- charitable status had been granted which now allowed opportunities for fundraising and meant that business rates were not now payable;
- an elected staff forum had been set up, together with key management roles being appointed to;
- key performance indicators would be reported at the AGM and shared with stakeholders in the annual report;
- Friends Groups had increased to 44 across Devon, which demonstrated the support from local communities;
- new libraries were planned for Ottery St Mary, Bampton and Chagford;
- a contract had been secured for the provision of library services to three prisons;
- applications for funding had been made to the Arts Council and the National Lottery;
- a service plan for 2017/18 would be launched in November focussing on the Council's priorities, ensuring that libraries were a good resource for local communities.

* 18 **Apprenticeships and Work Experience Placements**

(Councillor Parsons, Cabinet Member for Performance and Engagement, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Committee received the Report of the Head of Services for Communities (SC/16/12) updating Members on the provision of Job Centre Plus work experience placements to young people and other developments both locally and nationally impacting on work experience, apprenticeships and the wider employability of young people.

Specific issues discussed with the Head of Service and Members included:

- the Extended Work Experience scheme, further details of which the Head of Service would circulate to Members;
- the possibility of the Council assisting those in foster care with transport costs for work experience placements;
- the Government's Apprenticeship changes and in particular the introduction of an Apprenticeship Levy for large employers from April 2017;
- the longer term aim of providing broader apprenticeships up to degree level;
- the holistic approach to be taken by the Council in providing appropriate support to managers and staff and how the Council can help deliver the Council's workforce and development needs.

* 19 **Appointment of the Commissioning Liaison Member**

(Councillor Parsons, Cabinet Member for Performance and Engagement, attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee).

The Cabinet Member for Performance and Engagement commented on the Corporate Service's '*Scrutiny in a Commissioning Council*' Task Group which considered how the externalisation of services was impacting the role of scrutiny, and in particular how scrutiny committees could engage with the commissioning process and hold providers to account. The Task Group had identified a number of good practices, where scrutiny had been involved with commissioning processes and where providers had been willing to engage with scrutiny, but found that there were inconsistencies across service areas.

The Cabinet Member further advised that the Cabinet, having accepted the Task Group's recommendation to 'strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services', outlined a proposed protocol involving each Scrutiny Committee appointing a 'Commissioning Liaison Member', to:

- develop a fuller understanding of the Council's commissioning processes and priorities
- build good working relationships with relevant Officers and Cabinet Members responsible for Commissioning, within the Scrutiny Committee's remit
- act as an intermediary / link between Cabinet and their Scrutiny Committee and bring to the attention of the Scrutiny Chairman and Committee, any issues which could benefit from Scrutiny

Agenda Item 10g

PLACE SCRUTINY COMMITTEE
20/09/16

It was **MOVED** by Councillor Eastman, **SECONDED** by Councillor Yabsley, and

RESOLVED that Councillor Radford be appointed as the Commissioning Liaison Member for Place Scrutiny Committee.

* **20** **Connecting Devon and Somerset (CDS) Programme Update**

The Committee received the report of the Head of Economy and Enterprise (EE/16/11) on progress made at the end of the April-June quarter on the Connecting Devon and Somerset Programme.

In discussion with Members, the Head of Service advised, in particular, that:

- as at 1 September 2016, BT had connected 316,264 premises, which included 263,000 having access to superfast broadband;
- BT had 14,691 superfast connections to complete before the end of December out of the contracted figure of 277,878;
- the Phase Two Airband contract on Dartmoor anticipated connecting 1,200 premises by the end of September and 4,000 by the end of the year, with the first connection on Exmoor going live at the end of September;
- the award of the Phase Two new procurement contract was expected to be announced in December;
- the Broadband Voucher Scheme was the most successful in the UK with over 2,600 applications received; 1,900 approved and over 150 installations completed; vouchers could be pooled and the deadline for applications was 30 November 2016;
- a briefing would be circulated to Parishes shortly further publicising the Voucher Scheme.

* **21** **Place Scrutiny Committee Work Programme**

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Cabinet/Council Forward Plan. The Work Programme was endorsed.

[NB: The Scrutiny Work Programme and the Council/Cabinet Forward Plan are available on the Council's website at <http://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>

Devon Agriculture Industry Task Group

The Chairman updated the Committee on the progress of the Task Group and would report further to the next meeting.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 5.18 pm

CORPORATE SERVICES SCRUTINY COMMITTEE

22 September 2016

Present:-

Councillors J Brazil (Chairman), K Ball, A Boyd, P Colthorpe (Vice-Chair), M Edmunds, R Hosking, R Julian, J Knight, J Owen, R Rowe, R Westlake and J Yabsley

Apologies:-

Councillors J Berry and G Gribble

Members attending in accordance with Standing Order 25

Councillor J Clatworthy

* 10

Minutes

RESOLVED that the minutes of the meeting held on 27 June 2016 be signed as a correct record.

* 11

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 12

Public Participation

There were no oral representations from Members of the Public.

* 13

Income Generation Task Group Final Report

The Committee considered the Final Report of the Income Generation Scrutiny Task Group, (CS/16/28), comprising of Councillors Chugg, Colthorpe, Gilbert (Chairman), Greenslade, Hosking and Julian, which investigated how the County Council could generate income, in order to safeguard council services, in light of the impacts of large reductions in central government funding which has forced Councils to make severe budget cuts and review how services were provided, often by either reducing or ceasing to deliver some services altogether.

This joint Task Group looked at how the Council currently generated income such as the ability to charge for non-statutory services, joint venture contracts (for example, Virgin Care, Babcock, Devon Norse and NPS SW), in house services such as ICT and internal audit which were also trading with schools and other local authorities and capital income from the Estates Strategy and the sale of assets.

The Task Group also examined three Council services which were generating income to evaluate the reasons for that success and whether this could be built on, expanded or rolled out wider across the Council. These were ScoMIS ICT Services, Trading Standards and Asset Management. The Task Group also looked at what other Local Authorities were doing and the potential for further income generation ideas such as Solar energy production, Residential Development on County Farms and charging schools to convert to academy status (noting the risks and challenges associated with each of these).

Agenda Item 10h

CORPORATE SERVICES SCRUTINY COMMITTEE
22/09/16

In summary, the Council needed to develop a strategic approach to income generation, taking measured risks, maximising capital receipts and in the long term, fully realising the potential of its assets, while remaining conscious of and staying true to its core business and purpose.

The three recommendations of the task group, with detailed information on how they might be achieved were outlined in full at page two of the report.

The Chairman of the Task Group highlighted that the report did not cover all areas of the Council where income was generated and stated it was good to reflect on some areas where there had been success.

In discussion Members asked the following questions and made the following comments:

- clarification of the next steps in the process and whether an action plan of the recommendations would be made available;
- that Members needed to be mindful of the community impact in relation to any sale or release of assets;
- that the new Council should not lose sight of the Task Group report and should aim to revisit it in the future; and
- the benefit of an officer group to look at the recommendations in detail, to ascertain what could be progressed immediately and some of the longer term suggestions, that would be subject to separate reviews and business cases, subject to Cabinet approval;

It was **MOVED** by Councillor Rowe, **SECONDED** by Councillor Brazil, and

RESOLVED that the recommendations of the Task Group be endorsed and forwarded to Cabinet for their consideration.

* 14 **Deprivation of Liberty Safeguards**

The Committee considered the report of the Head of Social Care Commissioning, which provided an update on the applications and authorisations for deprivation of liberty under Deprivation of Liberty Safeguard provisions and applications to the Court of Protection for authorisation where people were subject to deprivation of liberty while living in the community.

Ms S Mackereth (Principal Social Worker) and Mr T Kippax (Assistant Solicitor) presented the report outlining that the Deprivation of Liberty Safeguards were a set of checks that aimed to ensure that any care that restricted a person's liberty was both appropriate and in their best interests.

The background to this issue followed a Supreme Court Ruling re P v Cheshire West and Chester & P&Q v Surrey County Council [2014], where the Court found there was a deprivation of liberty for the purposes of Article 5 of the European Convention on Human Rights where a person was under continuous supervision, was not free to leave, and the person lacked capacity to consent to those arrangements. This was not the original understanding of the legislation and as such, following this, the Council (along with other Local Authorities) have received high levels of applications. From April 2014 to date, 6342 had been received (compared to 725 between April 2009 and March 2014).

The Committee noted there was significant risk and resource implications for the Council, including that fact that the DoLS service (in Adult Social Care) had 2894 applications waiting for assessment.

More recent case law (AJ v a Local Authority 2015) highlighted the requirement to make an application to the Court of Protection where a person was objecting to the deprivation. There were 23 cases compared to just 2 such cases 18 months ago.

The report outlined the current position with regard to both Deprivations of Liberty in Residential/Nursing care and Hospitals and also Deprivations of Liberty in the Community and also the risks to the Council, with any mitigating measures outlined.

New legislation was anticipated towards the end of the year, which was hoped to improve matters and be less onerous.

In discussion Members asked the following questions and made the comments on the use of the ADAS guidelines in prioritising high risk cases, clarification of the rise in the numbers of required assessments, the impact of additional training and qualifications required for staff and the frequency of challenge to the Councils decisions in assessments.

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Ball, and

RESOLVED that the recommendations of the Adult Social Care Operational Service in terms of continuing the current staffing level in relation to the DoLS Service, assessing the potential for and impact of desktop process in light of ADASS guidance, continued training to increase the qualified Best Interest Assessor resource over a four-year period and a further report to the Scrutiny Committee following receipt and consideration of the forthcoming draft legislation, be endorsed and welcomed.

* 15 Domestic Abuse Support Services

The Committee received a presentation from the Director of Public Health on the Ending Domestic Violence and Sexual Abuse Strategy which included the background to the strategy, how it was produced, the change it sought to bring, how the Strategy would be delivered and evaluation.

In detail, the presentation outlined the challenging financial context in which organisations worked and also the growing demand for services, particularly in light of increasing inequalities, mental ill health, family breakdown and increasing domestic violence.

The aim was to establish a shared vision and coherence across a system, including a deep understanding of issues and experiences, meaningful and compassionate principles, collaborative relationships across systems and approaching commissioning and system development in a way that valued partnership and co-production.

This new vision was created by using an ethnographic research style, with a story telling approach to reveal the 'stark' truths of the nature of impacts of domestic and sexual violence and abuse.

The presentation outlined what was currently done, the policy and practice as well as the hopes for the future around prevention (including work in schools and the workplace), early help and intervention (making 'contacts' count), then support and protection and recovery and resilience (which included support for developing healthy relationships) as well as the draft accountability and governance arrangements that would support this.

In discussion Members asked the following questions and made the following comments:

- the importance of a partnership approach to this work and that all organisations were on Board;
- the role of perpetrators and the powerful position they sometimes hold within a family environment and the US model of 'Safer Together' where the research outcomes were being learnt from;
- the role of ADVA and what good practice had been taken from that partnership, including the role of IDVAA's and perpetrator programmes across Devon; and
- that prevention was key and that outcomes would be the measure of the Strategy's success.

Agenda Item 10h

CORPORATE SERVICES SCRUTINY COMMITTEE
22/09/16

It was **MOVED** by Councillor Brazil, **SECONDED** by Councillor Julian, and

RESOLVED

(a) that the broad principles of the Strategy, as outlined in the presentation, be endorsed; and

(b) that the Committee, in order to keep abreast of the delivery, receive a further report in due course, outlining the proposed Performance Management Framework and Governance Arrangements for the Strategy.

* 16 **Youth Service Externalisation (standing item)**

The Committee received a verbal report from the Head of Services for Communities on current progress with the externalisation of Devons' Youth Services.

The Committee noted that a report had been to Cabinet which reported the previous decision of the Cabinet to divest the youth service to an employee led public service mutual or other social enterprise, through a competitive procurement exercise. A further report outlined the outcome of the tender process.

The contract was for £1.7m, over three years and ownership of the organisation was based on employee ownership/participatory principles. Cabinet had resolved that the contract award be awarded to DYS Space Ltd, following the expiry of the mandatory standstill period

The Head of Service outlined the 6 outcomes of the Youth Service that would be anticipated, which included young people being safe from harm, neglect and exploitation, vulnerable young people having good life chances, disadvantaged young people having more opportunities and better outcome, young people being able to establish good relationships and connections, young people influencing the decisions that affect them and young people having good opportunities to participate in their community.

In discussion Members made comments on the successful youth service and provision in the Totnes area and also the Committees interest in the commissioning process, including future consideration of the successes and / or learnings from such procured services.

It was **MOVED** by Councillor Brazil, **SECONDED** by Councillor Rowe, and

RESOLVED that the update be welcomed and a further report be brought to the Committee in January 2017, which would include the outcomes framework and any associated measurements and indicators.

* 17 **Election of the Commissioning Liaison Member**

The Committee received a verbal report from the Scrutiny Officer.

Members noted that as part of the Commissioning Scrutiny Task Group recommendations, which were approved by the Committee in March and endorsed by Cabinet in April, it was agreed that, in order to strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services, each Scrutiny Committee would be asked to select a 'Commissioning Liaison Member', whose role will be to work closely with the relevant Cabinet Members and Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The full report could be seen at

<http://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20Council.pdf>

It was **MOVED** by Councillor Knight, **SECONDED** by Councillor Ball and

RESOLVED that Councillor Hosking undertake this role on behalf of the Corporate Services Scrutiny Committee.

* **18** **Scrutiny Work Programme**

(Councillor Hosking declared a personal interest in this matter by virtue of previously advising the Council on small holdings issues)

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Council/Cabinet Forward Plan.

RESOLVED that the work programme be agreed, with the following additions and actions outlined below and also those agreed at the meeting;

(a) that Councillors Ball, Colthorpe and Yabsley participate in the NPS 10 year review programme;

(b) that the Scrutiny Committee receive a report on the NPS 10 year review assessment of the Contract; and

(c) that Members review the report of the Cabinet Member for Engagement and Performance at Council on the Syrian Refugee situation and the actions of the Council and consider if they wish to review the matter further at a future meeting.

* **19** **Briefing Papers, Updates & Matters for Information**

Nil

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.56 pm

APPOINTMENTS AND REMUNERATION COMMITTEE

29 July 2016

Present:-

Councillors J Hart (Chairman), J Clatworthy, A Connett, B Parsons and R Westlake

* **4** Minutes

RESOLVED that the minutes of the meeting held on 11 May 2016 be approved as correct records.

* **5** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

6 Senior Management Structure

The Committee considered the Report of the Chief Executive (CX/16/21), circulated prior to the meeting in accordance with Regulation 7(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, on proposed changes to the Council's Senior Management/Organisational Structure consequent upon recent staff departures and revised operating methods and accountability for service outcomes.

The Report outlined the current senior management structure introduced in May 2011 and the changes now proposed: reflecting the Council's revised approach to organisational change over the coming years which would require a fundamental appraisal of what the Council did and how it worked, operating within a systems-based approach, while allowing for a clear focus on the Council's main service accountabilities – *Adults Services, Children's Services and Highways* – with 'place shaping' and universal population services in a new *Community Health, Environment and Prosperity* portfolio.

In summary it was proposed that, in place of existing Strategic Directors, there would be four Chief Officer roles covering:

- Chief Officer for Adult Health and Care (*responsible for Adult Social Care and services integrated with Health*);
- Chief Officer for Children's Services (*responsible for education, including Early Years, Children's Social Care and Early Help Services*);
- Chief Officer for Community Health, Environment & Prosperity (*responsible for Public Health, Economic Development, Trading Standards, Post-16 Education and Skills, Transportation, Strategic Planning, Environment, Flood Protection, Working with Communities, Youth and Library Services Commissioning, Community Resilience, Research and Intelligence and Performance Management*);
- Chief Officer for Highways and Capital Development

with 'Corporate Services' senior posts reporting, as now, to the Chief Executive namely:

- County Treasurer (Section 151 Officer) (*responsibilities unchanged*);
- County Solicitor (Monitoring Officer) (*responsibilities unchanged*);
- Head of Digital Transformation and Business Support (*change in nomenclature to reflect the importance of Digital Strategy in supporting organisational change*);

Agenda Item 10i

APPOINTMENTS AND REMUNERATION COMMITTEE
29/07/16

- Head of Organisational Development (*responsible for business planning and the HR function*), and

and Heads of Service posts in Adult Health and Care, Children's Services and Community Health, Environment and Prosperity reporting to the aforementioned Chief Officer posts, set out in Appendix II to Report CX/16/21.

Members acknowledged the reasoning behind the proposals which were broadly welcomed, noting also, and subject to the following, that the proposals did not suggest significant changes to the roles and remits of other Senior Officers and Heads of Service, where current post holders would in the main remain in situ with their current portfolio, albeit with some minor changes of responsibilities and job titles as set out Appendix II to Report CX/16/21 (attached) and with the existing Head of Communities be re-designated as the Head of Organisational Development.

Members also noted that the proposed structure had been the subject of extensive informal discussions with affected staff and Staff Side/Employee representatives. Should the proposals now submitted be endorsed, a period of consultation would follow with a view to a further report being made to this Committee for determination of detailed proposals and processes during September/October (and by the County Council as required) and the new leadership arrangements being put in place from November. Members noted that the overall cost of the revised structure across the top two tiers of management would be neutral at worst, with the possibility of a small saving.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Clatworthy, and

RESOLVED

(a) that the structural proposals outlined above and set out more fully in Report CX/16/21 be approved and proceed to consultation;

(b) that subject to satisfactory conclusion of the foregoing and the final determination of terms and conditions in due course within the timelines outlined above in accordance with the Pay Policy Statement and Chief Officer Employment Rules and on the basis that there shall be no overall increase in employment costs:

(i) Chief Officers/Heads of Service be designated as the required Statutory or Responsible Officers as shown below:

- Chief Officer for Children's Services: Statutory Director of Children's Services (s18, Children Act 2004);
- Chief Officer for Adult Care and Health: Statutory Director of Adult Social Services (s6, Local Authority Social Services Act 1970); and
- Chief Officer for Community Health, Environment and Prosperity: Statutory Director of Public Health.

(ii) the current interim Head of Children's Social Work and Child Protection (Ms Jo Olsson) be re-designated as the interim Chief Officer for Children's Services and arrangements be also made by the Chief Executive under delegated powers for the interim arrangements for an Acting Head of Education and Learning and an Acting Head of Children's Social Care pending the making of permanent appointments, in line with the Council's Pay Policy Statement and Chief Officer Employment Procedure Rules;

Agenda Item 10i

APPOINTMENTS AND REMUNERATION COMMITTEE
29/07/16

(c) that approval be given to recruitment processes commencing in September for the permanent appointment of the Head of Education and Learning and for the Head of Children's Social Care and the Chief Executive and Head of Human Resources be authorised to take all necessary action to implement the structure referred to above and to initiate the relevant appointment process(es), involving this Committee and Members as appropriate;

(d) that and subject to the approval of the Procedures Committee, the County Solicitor be authorised to make all necessary technical amendments and adjustments to the Council's Constitution arising from the above, in due course.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.35 am and finished at 11.12 am

