



County Council
Thursday, 20th July, 2017

NOTES FOR VISITORS

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SatNav – Postcode EX2 4QD

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Access to County Hall and Public Transport Links

Bus Services K, J, T and S operate from the High Street to County Hall (Topsham Road). To return to the High Street use Services K, J, T and R. Local Services to and from Dawlish, Teignmouth, Newton Abbot, Exmouth, Plymouth and Torbay all stop in Barrack Road which is a 5 minute walk from County Hall. Park and Ride Services operate from Sowton, Marsh Barton and Honiton Road with bus services direct to the High Street.

The nearest mainline railway stations are Exeter Central (5 minutes from the High Street) and St David's and St Thomas's both of which have regular bus services to the High Street. Bus Service H (which runs from St David's Station to the High Street) continues and stops in Wonford Road (at the top of Matford Lane shown on the map) a 2/3 minute walk from County Hall, en route to the RD&E Hospital (approximately a 10 minutes walk from County Hall, through Gras Lawn on Barrack Road).

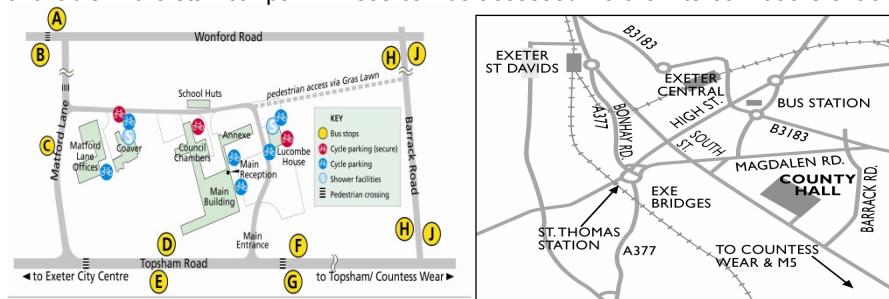
Car Sharing

Carsharing allows people to benefit from the convenience of the car, whilst alleviating the associated problems of congestion and pollution. For more information see: <https://liftshare.com/uk/community/devon>.

Car Parking and Security

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As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.



NB Denotes bus stops

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In the event of a fire or other emergency please note the following instructions. If you discover a fire, immediately inform the nearest member of staff and/or operate the nearest fire alarm. On hearing a fire alarm leave the building by the nearest available exit. The County Hall Stewardesses will help direct you. Do not stop to collect personal belongings and do not use the lifts. Assemble either on the cobbled car parking area adjacent to the administrative buildings or in the car park behind Bellair, as shown on the site map above. Please remain at the assembly point until you receive further instructions. Do not re-enter the building without being told to do so.

First Aid

Contact Main Reception (extension 2504) for a trained first aider.



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

12 July 2017

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 20th July, 2017 at 2.15 pm.

A handwritten signature in black ink, appearing to read "Phil Dorrey".

Chief Executive

[Prayers will be offered by the Mr D Coren, Part Time Pastor of the Evangelical Church at West Down, Cheriton Bishop, at 2.10pm, prior to the commencement of the meeting. All Members are welcome to attend].

A G E N D A

1 **Honorary Aldermen: Ceremony of Conferment**

2 **Apologies for Absence**

3 **Minutes** (Pages 1 - 8)

To approve as a correct record and sign the minutes of the annual meeting held on 25 May 2017 and the Extraordinary meeting also held on 25 May 2017.

4 **Chairman's Announcements**

5 **Items Requiring Urgent Attention**

6 **Youth Parliament**

Members to receive a presentation on the role and activities of the Youth Parliament.

7 Public Participation: Petitions, Questions and Representations

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

8 Petitions from Members of the Council

9 Questions from Members of the Council

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

FRAMEWORK DECISION

Nil

OTHER MATTERS

10 Cabinet Member Reports

To consider reports from Cabinet Members.

11 Minutes

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

- a Development Management Committee - 7 June 2017 and *12 July 2017 (Pages 9 - 12)**

* Minutes of 12 July 2017 will be available [here](#) shortly after the meeting.

- b Investment and Pension Fund Committee - 16 June 2017 (Pages 13 - 16)**

- c Audit Committee - 30 June 2017 (Pages 17 - 18)**

- d Standards Committee - 3 July 2017 (Pages 19 - 20)**

- e Procedures Committee - 5 July 2017 (Pages 21 - 24)**

- f Public Rights of Way Committee - 6 July 2017 (Pages 25 - 28)**

- g Appeals Committee - 10 July 2017 (Pages 29 - 30)**

- h Children's Scrutiny Committee - 15 June 2017 (Pages 31 - 34)**

- i Health and Adult Care Scrutiny Committee - 19 June 2017 (Pages 35 - 38)**

- j Corporate Infrastructure and Regulatory Services Scrutiny Committee - 27 June 2017 (Pages 39 - 42)**

NOTICES OF MOTION

12 Royal Marines and Royal Navy Service Cuts (Minute 105 / 27 April 2017)

To receive and consider the recommendation of the Cabinet (Minute 8) relating to the following Notice of Motion submitted previously to the County Council by former Councillor Younger-Ross and referred thereto in accordance with Standing Order 8(2); namely.

'This Council notes the announcement of the First Sea Lord, Admiral Sir Philip Jones to cut the Royal Marines by 200 personnel.'

This Council further notes that these cuts are to be made to transfer funds to other parts of the Navy.

This Council recognises the important roll the Royal Marines play in defence of the UK. That they are a world class fighting force, providing a fast, flexible and mobile force and that members of the Royal Marines make up nearly 50% of our elite fighting forces such as the SAS and SBS.

This Council is proud of the association Devon has with both the Royal Navy and the Royal Marines.

This Council is concerned that these cuts will have a detrimental effect on the defensive capabilities of the UK and calls upon the Council Leader to make representations to the Government to reconsider these proposed cuts to the Marines and to look at the priorities for the Royal Navy and how it is to be funded'.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report CSO/17/19 and other suggestions or alternatives considered at that meeting the Cabinet subsequently resolved:

(i) *that, in accordance with Standing Orders 6 & 8, the County Council be recommended to note the Notice of Motion, acknowledging that while the proposed changes alone may not impact significantly on the local economy, it was not possible to comment on the effect they would have on the defensive capabilities of the UK; the Council should monitor the situation and reconsider its position if and when further announcements of changes are made;*

(ii) *that, nonetheless, representations be made to:*

(a) *the Prime Minister and the Secretary of State, urging HM Government to maintain and retain all existing military bases in Devon to ensure the continuation of strong and robust Armed Forces, capable of delivering the range of defence, security and humanitarian services required, and*

(b) *the Navy - as partners in the Council's Armed Forces Covenant - seeking assurances on the impact of proposed reductions on service personnel, and their families as well as the wider community in Devon.*

13 Paris Accord on Climate Change

Councillor Hook to move:

"The people of Devon, along with vast numbers of people around the globe, were dismayed at the pronouncement from President Trump that he was pulling America out of the Paris Accord on Climate Change. This is a move that will impact negatively on all residents of this planet and is a step back in time. Climate Change is the single biggest threat to mankind, and the policies now to be followed by President Trump will cause it to accelerate. His policies will also undermine the health of the planet and the people who are sustained by the planet. Pollution of water and air are already killing hundreds of thousands prematurely."

This Council condemns President Trump for the action he has taken and will join with others from around the world in conveying to him this error of judgement on his part and request an early reconsideration and reversal of this decision."

14 Outturn Surplus and Re-allocation of Funds

Councillor Greenslade to move:

'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15,299 m with no spending being made against the reserves for budget management, business rates risk, emergency, and on street parking in 2016/17.

Accordingly County Council agrees to compensate all school budgets, which had suffered a £33 per pupil cut in 2017/18, by the equivalent of the loss in their budgets consequent upon this decision taken in setting the County Council's budget for 2017/18.

The cost of this action, approx £2.2m, be met from the earmarked reserve for budget management.

(2) that the County Council organises a round table at which representatives of the Devon schools community debate with all the MP's representing new Devon the issue of future school funding including a revised schools funding formula.'

15 Police & Crime Commissioner

Councillor Dewhirst to move:

'Devon County Council is extremely alarmed at the proposal by the Police and Crime Commissioner, Alison Hernandez, to drastically reduce the number of PCSOs, the eyes and ears of the force. At a recent consultation by South Devon and Dartmoor Community Safety Partnership, Neighbourhood Watch Co-ordinators, Parish, Town and Borough Councillors, District Councillors and County Councillors described the proposed changes as "dangerous". Members are hearing reports from constituents of massive increases in low-level crime in our towns, villages and rural areas.

Additionally there is a general concern that the Police and Crime Commissioner is unfit and unsuitable for her job after making tactless comments about being "really interested" in licensed firearm owners being allowed to act during terrorist incidents. We endorse Deputy Chief Constable Paul Netherton's view that "Under no circumstances would we want members of the public to arm themselves with firearms".

This Council believes that the Police and Crime Commissioner is wrong to propose reductions in Neighbourhood Policing, that proposals to utilise domestically owned firearms is a crass and inadequate response to mounting concerns about police cuts and that her proposal to appoint a Deputy Police and Crime Commissioner is an appointment that is just not needed in these cash-strapped times.

We therefore request the Chief Executive to contact the Home Secretary requesting she use whatever powers may be available to remove Ms Hernandez from office allowing Devon and Cornwall Police to continue the fight against crime at all levels and that Members of Devon County Council show their lack of support for the Police and Crime Commissioner by voting "No Confidence" in her office'.

Minutes of the Cabinet, Health & Wellbeing Board and Devon Pension Board do not form part of this agenda but can be accessed as follows

Cabinet-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=133&Year=0>

*Health & Wellbeing Board-
<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=166&Year=0>*

Devon Pension Board-<http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=185&Year=0>

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 links are provided 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 and can be accessed via the Modern.Gov App, available from all the usual stores.

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 takes place.

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 takes place

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 4 working days 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/>

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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

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Mobile Phones

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

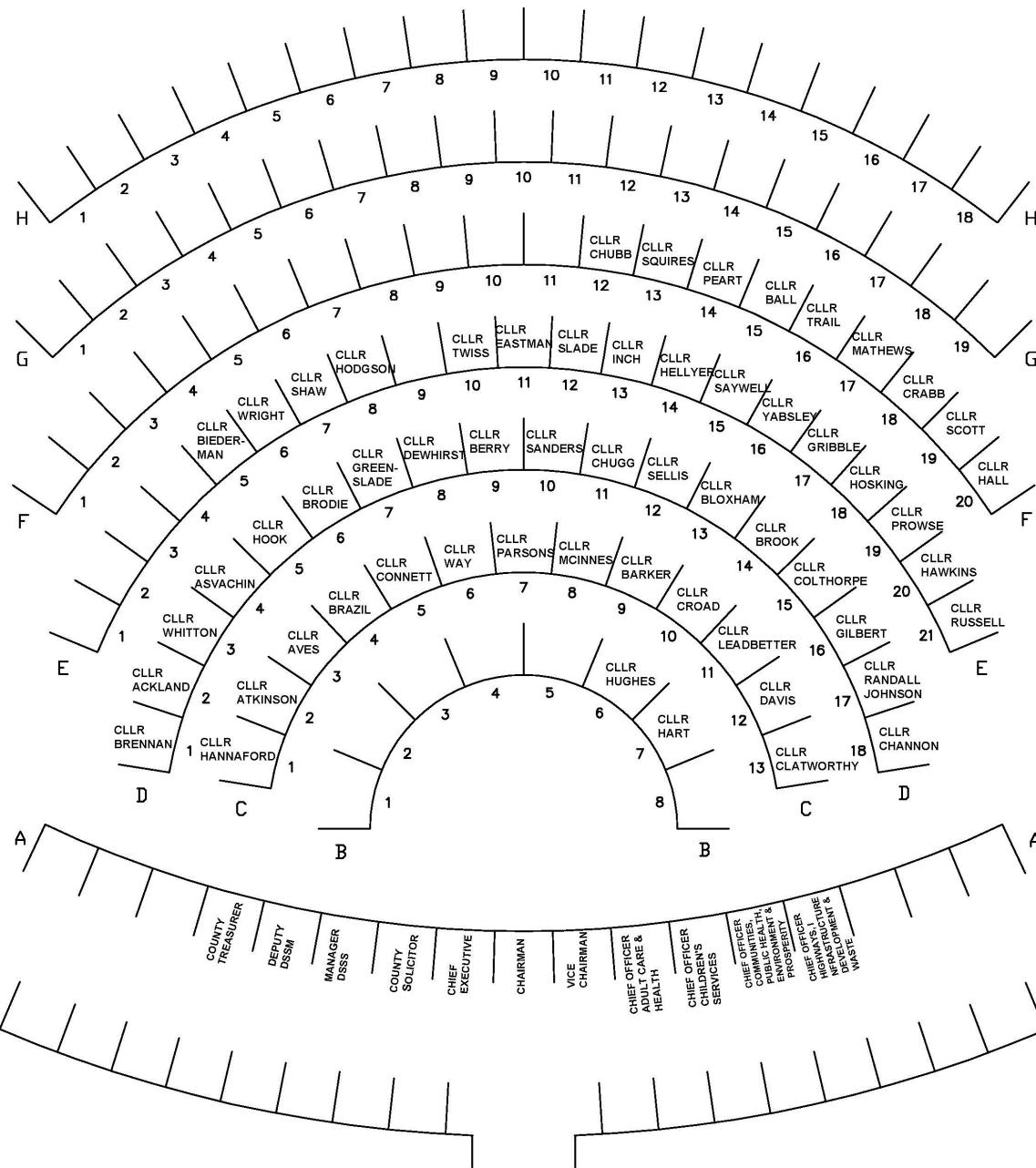
If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available

Council Chamber Seating

MAY 2017



Agenda Item 3

1
COUNCIL
25/05/17

COUNCIL

25 May 2017

Present:-

Councillor A Moulding

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Brodie, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connell, P Crabb, R Croad, A Davis, A Dewhirst, A Eastman, R Edgell, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, R Radford, S Randall-Johnson, Y Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, J Trail, P Twiss, N Way, C Whitton and J Yabsley

Apologies:-

Councillors M Squires and C Wright

Text of statement made by the Chairman of the County Council at the commencement of the meeting

'Before proceeding any further, I have been asked on behalf of the County Council and the people of Devon to express our support to all those affected by the terrible events of Monday night at the Manchester Arena and to offer our deepest condolences to the families of those that have lost loved ones. Our thoughts are with the victims and the families of all those who have been affected. We unequivocally condemn the perpetrators of this evil act'.

Members stood in silence as a mark of respect

COUNCILLOR MOULDING IN THE CHAIR

1

Election of Chairman

Councillor Gribble **MOVED** and Councillor Berry **SECONDED** that Councillor R F Radford be elected Chairman of Devon County Council for the ensuing year.

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

COUNCILLOR RADFORD IN THE CHAIR

2

Appointment of Vice-Chairman

Councillor Yabsley **MOVED** and Councillor Mathews **SECONDED** that Councillor R C Edgell be appointed Vice-Chairman of Devon County Council for the ensuing year.

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

3

County Returning Officer's Report

The Council received the Report of the County Returning Officer (CS/1719) of persons elected at the County Council elections held on 4 May 2017.

Agenda Item 3

2

COUNCIL

25/05/17

4

Appointment of Leader of the Council

Councillor Clatworthy **MOVED** and Councillor Hughes **SECONDED** that Councillor T J Hart be elected Leader of Devon County Council until the date of the Quadrennial Elections in 2021.

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

5

Appointment of Deputy Leader of the Council

Councillor Hart, the Leader of the Council, **MOVED** and Councillor Hughes **SECONDED** that Councillor Clatworthy be appointed Deputy Leader of Devon County Council for the ensuing year.

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

6

Cabinet Members and Allocation of Remits

Councillor Hart, Leader of the Council, **MOVED** and Councillor Hughes **SECONDED**:

"that the Council note that the Members shown in the Appendix circulated at the meeting have been appointed to the Cabinet and designated as Cabinet Members as indicated therein with the remits shown, to hold office until the date of the Annual Meeting of the Council in 2018".

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

7

Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 27 April 2017 be signed as a correct record.

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

8

Chairman's Announcements

The Chairman:

welcomed all new and returning Members of the Council to their first meeting;

reported the death of former County Councillor John Lloyd, who had represented the former Exeter No 6 Division on the County Council between 1981 and 1985 and who passed away, peacefully, earlier this month after a long illness;

congratulated both Exeter Chiefs RFC and Exeter City FC upon reaching the 'play-off' finals of their respective league competitions and, on behalf of the people of Devon, wished them well in their matches on 27 and 28 May 2017 at Twickenham and Wembley Stadiums, respectively; and

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.

9

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

Agenda Item 3

3
COUNCIL
25/05/17

10

Appointment of Committees

Councillor Hughes **MOVED** and Councillor Hart **SECONDED**:

- "(a) that the Council adopts the Committee structure shown in the Appendices circulated at the meeting with terms of reference set out in the Council's Constitution or set out therein;*
- (b) that the Council appoints Committees, Joint Committees and Working Parties/Panels each with the total number of voting members as shown in the Appendix circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2018;*
- (c) that, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees, Joint Committees, Joint Consultative Committees and Working Parties/Panels in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (b) above, as set out for the time being in the Appendix circulated at the meeting;*
- (d) that the Chief Executive be authorised to approve such changes to membership of the above bodies detailed in the Appendix circulated as may be notified from time to time by the relevant political group to which those seats have been allocated by the Council;*
- (e) that additional Members of Scrutiny Committees, Highways and Traffic Orders Committees, the Standards Committee and the Farms Estate Committee as detailed in the aforementioned Appendix (or to be nominated by those bodies listed thereon) be appointed for the period expiring at the date of the Annual Meeting of the Council in 2018 or as otherwise shown (subject to any change notified by the nominating body) or, in the case of parent governor representatives on the Children's Scrutiny Committee, following a ballot of eligible parent governors;*
- (f) that meetings of the Children's Scrutiny Committee, the Health & Adult Care Scrutiny Committee and the Corporate, Infrastructure and Regulatory Services Scrutiny Committee be held respectively on the dates currently shown in the Council's calendar of meetings for the People's, Health & Wellbeing and Corporate Services Scrutiny Committees (with the dates of the Place Scrutiny Committee being deleted) and the current Scrutiny Budget process be reviewed with a view to making it more relevant, the Council being of the mind that the Joint Budget Scrutiny Meeting be no longer held;*
- (g) that, consequently, the Council's Public Participation rules be revised accordingly to provide a common deadline, as for the Cabinet, for public questions and representations to any and all meetings which currently permit of such participation."*

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

11

Appointment of Chairmen and Vice-Chairmen of Committees

Councillor Hughes **MOVED** and Councillor Hart **SECONDED**:

- "that Members shown in the Appendix circulated at the meeting be appointed Chairmen and Vice-Chairmen of Committees as indicated therein to hold office until the date of the Annual Meeting of the Council in 2018".*

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

Agenda Item 3

4
COUNCIL
25/05/17

12

Appointments to Outside Bodies

Councillor Hughes **MOVED** and Councillor Hart **SECONDED**:

"(a) that persons shown in the Appendix circulated at the meeting be appointed to those outside bodies listed to hold office until the date of the Annual Meeting of the Council in 2021 as amended or such other date as indicated therein;

(b) that the Chief Executive be authorised to approve such changes to representation on the above bodies detailed in the Appendix circulated as may be notified from time to time by the political group to which those places have been allocated by the Council".

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

13

Petitions from Members of the Council

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

14

Public Participation: Petitions, Questions and Representations

There was no petition or oral representations received at the meeting from a Member of the public: the Leader of the Council having previously been presented with a petition containing a number of signatures from parents of children at Uplowman CE Primary School seeking additional funding through the funding formula.

In accordance with the Council's Procedure Rules, the Leader would respond direct to a question from a member of the public (who was not present at the meeting) on energy matters.

[NB: A copy of the question and answer is appended to these minutes].

15

Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader provided written responses to 7 questions submitted by Members of the Council relating to Air Quality Strategy, Disposal of Care Homes, Mental Health Support, Traffic Regulation Orders and the Parking Dispensation Permit Scheme responding orally, as appropriate, to any supplementary questions arising therefrom.

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

16

Devon County Council Constitution

Councillor Hart, Leader of the Council, **MOVED** and Councillor Clatworthy **SECONDED**:

"that, subject to necessary amendments to reflect the foregoing (Minutes 6 and 10 above) the Council adopt formally the existing Devon County Council Constitution, previously circulated"

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

17

Notices of Motion

There was no Notice of Motion for discussion at this meeting.

Agenda Item 3

5
COUNCIL
25/05/17

[NOTES:

Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Rev Clive Sedgewick, Team Rector of the Axe Valley Mission Community.

The Minutes of this meeting 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 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 2.15 pm and finished at 3.12 pm

**COUNCIL
(EXTRAORDINARY MEETING)**

25 May 2017

Present:-

Chairman: R Radford

Vice-Chairman: R Edgell

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, J Brazil, E Brennan, J Brodie, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connell, P Crabb, R Croad, A Davis, A Dewhirst, A Eastman, R Gilbert, B Greenslade, G Gribble, I Hall, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, T Inch, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, S Randall-Johnson, Y Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, J Trail, P Twiss, N Way, C Whitton and J Yabsley

Apologies:-

Councillors M Squires and C Wright

18

Honorary Aldermen

It was **MOVED** and it was duly **SECONDED** that under Section 249(1) of the Local Government Act 1972, the Council confer on the following past Members of the Devon County Council the title of Honorary Alderman in recognition of their eminent service to the Council during the period of their membership of the Council:

O M Foggin
B C J Hughes OBE
A T Moulding
J Owen
R A Westlake MBE
E E Wragg

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

The Meeting started at 3.13 pm and finished at 3.15 pm

2
COUNCIL
25/05/17

Agenda Item 11a

DEVELOPMENT MANAGEMENT COMMITTEE
7/06/17

DEVELOPMENT MANAGEMENT COMMITTEE

7 June 2017

Present:-

County Councillors

Councillors J Brook (Chairman), H Ackland, Y Atkinson, J Brodie, G Gribble, L Hellyer, R Hosking, T Inch, P Sanders, C Slade and J Yabsley

Apologies:-

Councillors R Bloxham, A Connett, I Hall and J Hodgson

* 1 **Minutes**

RESOLVED that the minutes of the meeting held on 5 April 2017 be signed as a correct.

* 2 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 3 **County Council Development: Teignbridge District: Proposed A382 corridor improvement works located to the West of Newton Abbot between Drumbridges roundabout and the A38 and West Golds Way in Newton Abbot**

(Mr R Richards on behalf of the applicant (Devon County Council) and Councillor J Christophers (Teignbridge District Council) attended under the Council's Public Participation Scheme and spoke in support of the application and Mr S Coles (WYG planning consultants on behalf of Sibelco) and Mr J Mitchell and Mr Greenwell (both Stover Golf Club) attended under the Scheme and spoke against the application).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/25) on proposed alterations to widen and straighten the horizontal alignment of the A382, including provision of dual carriageway between Drumbridges and Trago Roundabout; widening the carriageway to 10m from Trago Mills Roundabout to White Hills Cross; providing a 3.0m wide pedestrian and cycle way alongside the widened road; and providing a new route connecting the A382 to West Golds Way near the new Newton Abbot Hospital site (Jetty Marsh II), land at A382, West of Newton Abbot between Drumbridges roundabout on the A38 and West Golds Way, Newton Abbot.

The Head of Service also reported on further correspondence received on behalf of Trago Mills raising objections.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Sanders and

RESOLVED

Agenda Item 11a

DEVELOPMENT MANAGEMENT COMMITTEE
7/06/17

(a) that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/25 with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillors;

(b) that the Habitats Regulations Assessment attached as Appendix III to Report PTE/17/25 be noted.

- * 4 **County Council Development: South Hams District: Flood alleviation scheme to provide two bunds with associated works to control the flow of water on land between Back Street, Barrack Road, Champernowne and Brownston Street, Modbury**

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/26) on an application for the formation of two earth bunds for flood defence purposes on land to the east of the town of Modbury.

This application complements the application referred to at Minute (*5 below).

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hosking and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/26 with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor.

- * 5 **County Council Development: South Hams District: Flood alleviation scheme to provide a bund with associated works to control the flow of water on land east of Burns Lane and Ayleston Park, Modbury**

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/27) on an application for the formation of two earth bunds for flood defence purposes on land to the east of the town of Modbury.

This application complements the application referred to at Minute *4 above.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Hosking and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/27 with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor.

- * 6 **County Matter: Minerals: Teignbridge District: Review of Old Mineral Planning Permission - First Periodic Review at Trusham Quarry, near Chudleigh, Newton Abbot, TQ13 0NX**

Agenda Item 11a

DEVELOPMENT MANAGEMENT COMMITTEE
7/06/17

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/28) on a proposed schedule of planning conditions which had been submitted by the Mineral Operator for Trusham Quarry near Chudleigh in accordance with provisions of the Review of Mineral Permissions Process under the Environment Act 1995 .

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

It was **MOVED** by Councillor Brook, **SECONDED** by Councillor Inch and

RESOLVED

(a) that the schedule of conditions as amended by Devon County Council and agreed by the applicant as set out in Appendix II to Report PTE/17/28 with an be approved with the addition of a new condition requiring the use of white noise reversing alarms;

(b) that the applicants be advised that in the County Council's view the additional and revised conditions are not such as to prejudice adversely to an unreasonable degree the economic viability of operating the site or the site's asset value;

(c) that the Habitats Regulations Assessment attached at Appendix III of Report PTE/17/28 be noted.

* 7

County Matter: Minerals: Torridge District: Continuation of quarrying and an extension to Babeleigh Wood Quarry and for the continuation of waste processing at the site

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/29) on a planning application for the continuation of quarrying until 2032, extension of quarry by 35m to allow for the extraction of 150,000 tonnes of sandstone and the continuation of the importation of inert waste for processing at Babeleigh Wood Quarry, Parkham, Bideford, EX39 5PN.

The Head of Service reported that objections from two local residents had been withdrawn.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/29 with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor.

* 8

County Matter: Waste: South Hams District: Extension of hours of operation for a waste transfer facility at Suez - Challonsleigh Farm Transfer Station, Challonsleigh Farm, Smithaleigh, Plympton.

Agenda Item 11a

DEVELOPMENT MANAGEMENT COMMITTEE
7/06/17

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/30) on a planning application for the variation of condition 2 of planning permission reference 9/49/1393/01/CM relating to a proposed extension of operating hours at Suez - Challonsleigh Farm Transfer Station, Challonsleigh Farm, Smithaleigh, Plympton.

The Head of Service's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

The matter having been debated and having also regard to the main material planning policies and requirements

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/30 with any subsequent changes to the conditions being agreed in consultation with the Chairman and local County Councillor.

* **9** **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/31) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 4.01 pm

Agenda Item 11b

INVESTMENT AND PENSION FUND COMMITTEE
16/06/17

INVESTMENT AND PENSION FUND COMMITTEE

16 June 2017

Present:-

Devon County Council

Councillors Y Atkinson, C Channon, R Gilbert (Chairman), and R Hosking.

Other Employers

P Edwards, 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 Healy, A Connett and R Edgell, and D Healy

Also in attendance

Mr A Bowman (Devon Pension Board)

* 1

Minutes

RESOLVED that the minutes of the meeting held on 24 February 2017 be signed as a correct record.

* 2

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 3

Internal Audit Report for 2016/17 and Internal Audit Plan for 2017/18

The Committee considered the Report of the County Treasurer (CT/17/51) on the Annual Internal Audit Report 2016/17 and Internal Audit Plan 2017/18.

Internal Audit was able to provide reasonable assurance on the adequacy and effectiveness of the Devon Pension Fund's internal control environment during 2016/17. The Internal Audit Plan for 2017/18 allowed for up to 40 days of internal audit support for the Pension Fund and 45 days of internal audit support for Peninsula Pensions and will be delivered by the Devon Audit Partnership.

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

RESOLVED

- (a) that the Annual Internal Audit Report for 2016/17 be accepted;
- (b) that the Internal Audit Plan for 2017/18 be approved;
- (c) that the Assistant County Treasurer be authorised to execute the Service Level Agreement relating to the Internal Audit Plan.

Agenda Item 11b

INVESTMENT AND PENSION FUND COMMITTEE
16/06/17

* 4 **Training Review 2016/17 and Training Plan 2017/18**

The Committee considered the Report of the County Treasurer (CT/17/52) outlining the training to be provided over the next year which would ensure that both the Investment & Pension Fund Committee and the Pension Board had the knowledge and skills required in accordance with the CIPFA Code of Practice on Public Sector Pensions Finance Knowledge and Skills.

The Chairman emphasised the importance of Members attending training to ensure that they were fully equipped to consider the business of the Committee, and urged all Members of the Committee to make attending these sessions a priority.

Members were advised that a visit to the Peninsula Pensions Offices at Great Moor House would take place following the meeting on 15 September 2017 and the next training event would take place in October 2017.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hosking and
RESOLVED the 2017/18 Training Plan be approved and adopted.

* 5 **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/17/53) on the current Fund Value and Asset Allocation.

The County Treasurer reported that the value of the fund as at 31 March 2017 stood at £3,928,800,000 an increase of £150,000,000 over the last quarter and a total increase of £593,000,000 over the financial year. The County Treasurer highlighted that the Fund had an over-exposure to the UK market and significant under-exposure to North America and Japan markets. The Fund would look to reduce its overweight to UK equities by reallocating to overseas equities predominantly in the US and Japan, by moving up to an initial £100,000,000 from UK passive equities to overseas passive equities if market conditions provided the opportunity and if trigger points were met.

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

- (a) that the Report and compliance with the 2017/18 Treasury Management Strategy be noted;
- (b) that the County Treasurer, in consultation with the Chairman, be authorised to move up to £100,000,000 from UK passive equities to overseas passive equities (North America and Japan) if market conditions provided an opportunity and the appropriate trigger points were hit.

* 6 **Funding Strategy Statement**

The Committee received the Report of the County Treasurer (CT/17/54) outlining the revised Funding Strategy Statement following the outcome of the recent Actuarial Valuation and updated regulations, practice and actuarial assumptions. It set out the Pension Fund's policies relating to the Pension Fund's funding objectives and management of the cost of the benefits provided under the Local Government Pension Scheme and the objectives/strategy for setting employer contribution rates, prepared in accordance with Regulation 58 of the Local Government Pension Scheme Regulations 2013.

It was **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Channon, and

Agenda Item 11b

INVESTMENT AND PENSION FUND COMMITTEE
16/06/17

RESOLVED that the Report be noted and the Funding Strategy be endorsed.

* 7

Actuarial Services Contract Review

The Committee received the Report of the County Treasurer (CT/17/55) outlining the expiration of the Pension Fund's current Actuarial Services Contract with Barnett Waddingham and the need to review and re-tender the contract. The current provider had been awarded the contract in February 2010 which had been extended in February 2014 and February 2016 respectively, and would now expire in February 2018. The main function of the Fund Actuary was to carry out the statutory triennial actuarial valuation of the Pension Fund and set out the Fund's assets and liabilities, based on actuarial assumptions. It also reviewed the financial position of the Fund and set out the contribution rates for each employer in the Fund for the following three years.

It was **MOVED** by Councillor Atkinson, **SECONDED** by Councillor O'Dwyer, and

RESOLVED

- (a) that the use of the National LGPS Framework Agreement to secure a new contract for Actuarial Services be approved;
- (b) that the appointment process and final decisions be delegated to the County Treasurer in consultation with the Chairman.

* 8

Applications for Admitted Body Status

The Committee noted that the following applications for admitted body status had been approved under delegated powers:

- (a) North Tawton Primary and Holsworthy Primary Schools had awarded catering contracts to Compass Contract Services with effect from February 2017. Two separate admission agreements would be entered into in order for a total of four staff to remain in the LGPS. Both admission agreements were on a closed basis.

* 9

Dates of Future Meetings

Friday 15 September 2017, Friday 17 November 2017 and Friday 23 February 2018 all at 10.30am.

[Dates of future meetings can be found on the Council's website at:

<http://democracy.devon.gov.uk/ieListMeetings.aspx?Act=earlier&CId=187&D=201802231030&MD=ielistmeetings>]

* 10

Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act, information relating to the financial or business affairs of an individual other than the County Council 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.

11

Brunel Pension Partnership - Progress Report

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such

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INVESTMENT AND PENSION FUND COMMITTEE
16/06/17

consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

The Committee received the Report of the County Treasurer (CT/17/56) outlining the progress made to form the Brunel Pension Partnership Limited company.

It was then **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Channon, and

RESOLVED

- (a) the progress with establishing the Brunel Pension Partnership Limited company be noted;
- (b) that the County Treasurer, as the Section 151 Officer, be authorised to act as the nominated Shareholder Representative for the Brunel Pension Partnership.

* 12

Private Debt

(An item taken under Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded, no representations having been received to such consideration under Regulation 5(5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

The Committee received the Report of the County Treasurer (CT/17/57) outlining allocations of the Pension Fund to private debt.

It was then **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hosking, and

RESOLVED

- (a) that an allocation of 3% of the Pension Fund to the private debt asset class be agreed and an initial sum of £150,000,000 be allocated;
- (b) that Bluebay be appointed to provide European exposure to the private debt asset class through the Bluebay Senior Loan Fund I;
- (c) that Golub be appointed to provide a US exposure to the private debt asset class through the Golub Capital Partners International Fund 11;
- (d) that the Fund's Strategic allocation to private debt should be split 60% to Bluebay and 40% to Golub.

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

The Meeting started at 10.00 am and finished at 11.50 am

Agenda Item 11c

AUDIT COMMITTEE
30/06/17

AUDIT COMMITTEE

30 June 2017

Present:-

Councillors J Mathews (Chairman), I Hall, J Berry, E Brennan, R Peart and A Saywell

* 1

Minutes

RESOLVED that the Minutes of the meeting held on 28 March 2017 be signed as a correct record.

* 2

Annual Governance Statement 2016/17

The Committee considered the Report of the Corporate Leadership Team (CS/17/17) on the Governance Statement which the Council was required to publish in accordance with CIPFA/SOLACE guidance and to comply with Regulation 6 of the Accounts and Audit (England) Regulations 2015.

The Statement confirmed that the governance arrangements provided a high level of assurance; that the arrangements continued to be fit for purpose and that the Council's governance structures reflected the core and sub-principles of the Governance Statement.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Hall and

RESOLVED that the Annual Governance Statement for 2016/17 be approved and the Chairman be authorised to sign the Statement.

* 3

Annual Internal Audit Report 2016-17

The Committee considered the Report of the Head of Devon Audit Partnership (CT/17/63) on the performance of Devon Audit Partnership against the internal audit plans for 2016/17, concluding that internal audit was able to provide significant assurance on the adequacy and effectiveness of the Council's internal control framework.

The Head of the Partnership undertook to provide clarification to Members on why the internal audit plan for Public Health identified 0 days.

It was **MOVED** by Councillor Mathews, **SECONDED** by Councillor Saywell and

RESOLVED

(a) that the internal audit opinion that the Council's systems contain a satisfactory level of internal control be noted;

(b) that the satisfactory performance and achievements of Devon Audit Partnership during 2016/17 be noted;

(c) that the Council's continuing commitment to the maintenance and enhancement of anti-fraud culture be endorsed.

Agenda Item 11c

AUDIT COMMITTEE
30/06/17

- * 4 **External Audit Update**

The Committee noted the Report of Grant Thornton (CT/17/64) outlining progress on the delivery of their responsibilities as the Council's external auditors and included a summary of emerging national issues and developments relevant to the Council.

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

The meeting started at 2.15pm and finished at 2.45pm.

Agenda Item 11d

STANDARDS COMMITTEE
3/07/17

STANDARDS COMMITTEE

3 July 2017

Present:-

Councillors R Radford (Chairman), M Asvachin, R Bloxham, P Colthorpe, B Greenslade, G Gribble, J Mathews, Sir Simon Day, R Hodgins and A Mayes

Apologies:-

Mrs R Saltmarsh

1 Minutes

RESOLVED that the Minutes of the meeting of the Committee held on 27 March 2017 be signed as a correct record.

2 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

3 Customer Feedback Monitoring Report

The Committee considered the Report of the Head of Digital Transformation and Business Support (BSS/176) on feedback, compliments, representations and complaints received and handled by the County Council during 2016/17.

Members noted that overall there had been a reduction not only in the number of individual items of customer feedback received but also in the numbers of complaints and complements received over the previous year. There had also been a decrease in the number of complaints made to the Local Government Ombudsman in 2016/17 as compared to the previous year although there was no clear discernible reason for that to be so or any evidence of a longer term trend in any specific area.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Gribble, and

RESOLVED that the Report be noted.

4 Ethical Governance Framework: Monitoring

The Committee received the report of the County Solicitor ([CSo/17/20](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Gribble, and

RESOLVED that the Report be noted.

Agenda Item 11d

STANDARDS COMMITTEE
3/07/17

5 Membership

The Chairman welcomed those new Members to the meeting and the Committee also noted that an approach had been made to an individual to fill the current vacancy for a co-opted members.

6 Annual Report

The Committee received a copy of the Standards Committee's Annual Report for 2016/17 is attached for the benefit of new members of Committee, illustrating and commenting upon its work and developments during the previous year and on any issues for consideration or development in the future.

7 Local Determination of Complaints

The County Solicitor reported that, since the last meeting, one complaint had been received concerning an alleged breach of the Members Code of Conduct by an individual member: that could not be investigated under this procedure as it related generally to the Council's processes and actions of Officers and would instead need to be pursued under the Council's separate complaints procedure.

8 Deputy County Monitoring Officer

Members noted that this would be the last meeting of the Committee to be attended Mr. Hooper and formally recorded their thanks to him for his service to the Council.

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

The Meeting started at 2.15 pm and finished at 3.00 pm

Agenda Item 11e

PROCEDURES COMMITTEE
5/07/17

PROCEDURES COMMITTEE

5 July 2017

Present:-

Councillors R Radford (Chairman), S Aves, J Clatworthy, R Hannaford and S Hughes

Members attending in accordance with Standing Order 25

Councillors Y Atkinson and E Brennan

Apologies:-

Councillors A Connell, J Hart and N Way

* 1 **Minutes**

RESOLVED that the minutes of the meeting held on 6 April 2017 be signed as a correct record.

* 2 **Items requiring urgent attention**

There was no item raised as a matter of urgency.

* 3 **Members Allowances Scheme**

[NB: All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate at any meeting of the County Council, its Cabinet or any Committee, Sub- Committee, Joint Committee or Working Party relating to any allowance, travelling expenses, payment or indemnity for Members or Co-opted Members of the Council].

(Councillors Atkinson and Brennan attended in accordance with Standing Order 25(2) and spoke to this item).

The Committee noted that in accordance with Standing Order 23(2), Councillor Brennan had asked that the Committee consider reviewing the Council's Scheme of allowances currently payable (as previously recommended by the Independent Remuneration Panel) in respect of '*the expenses of arranging for the care of children or dependants ... and as to the amount of such allowance*' to reflect more accurately common usage, the charging practice of providers of child care, nursery or before/after school clubs and not thereby discriminate against any Member(s).

Councillor Brennan had posited that the existing policy was unrealistic in that it did not take into account how childcare settings operated and discriminated against people who required childcare and nursery provision, especially working parents and most commonly women, nor did it reflect the charging policy of the majority of, if not all, providers.

The Committee was reminded that all Councils were required to make a scheme of allowances in line with the Local Government & Housing Act 1989 and the Local Government Act 2000. The detailed requirements relating thereto were set out in of The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021/2003) which provided that Councils may make, inter alia, a payment of 'dependants carers' allowance'.

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PROCEDURES COMMITTEE
5/07/17

The legislation provided that a Council must establish an Independent Panel and must have regard to its recommendations before making or amending its scheme of allowances. A Panel might make recommendations to the Council:

- (i) as to the amount of basic allowance which should be payable to Members,
- (ii) the duties in respect of which such Members should receive a special responsibility allowance and the amount of such an allowance, and
- (iii) as to whether the scheme of allowances should include allowances in respect of the expenses of arranging for care of children or dependants of such councillors and as to the amount of such allowances.

The Regulations also made it clear that in claiming expenses (whether for travelling, subsistence or 'caring') a Member might only claim for expenses that were necessarily incurred in the attendance at or travelling to a meeting, committee or other body or of any other duty approved by the Council relating to the discharge of the Council's functions and not for an extended period.

The Council could not alter the legal basis of how payments might be made for specific duties. However, how any 'dependant carers' allowance' was constructed within a Scheme was, as indicated above, a matter for the Council to determine having regard to the IRP's views.

Currently, the Council's Scheme provided that a Member might claim up to £7.78 per hour (equivalent to the Council's Salary Scale Column Point 6) for each dependant, when a carer had been engaged to enable a member to carry out an approved duty. The position for nursery provision was more flexible where 'reasonable costs' might be reimbursed and in reality that meant Members could claim the 'fixed cost' of a session or sessions (am or pm or both) which cover, in whole or in part, the period of any specific approved duty (including travelling time to and from the place of the duty).

It was the case that a Council might – having had regard to any views of the Independent Remuneration Panel – vary or amend the current rates or methodology of payment that may be made under the scheme or impose specific bands reflecting the length or timing of periods for which claims might be made or introduce an overall cap, to more accurately reflect the charges/charging policy of providers.

The Members Allowances Scheme was, inter alia, aimed at enabling people from all spectrums of society to be reimbursed for their time and costs associated with being a Member but had to provide, as was required by law, the same allowance for all members (apart from SRAs) and was not therefore discriminatory per se. Whether the size of the allowance provided for in the Council's scheme was felt to be sufficient was another issue.

Generally, Councils' were of the view that there were no direct equalities implications arising from an Allowances Scheme. While there might be Members from protected groups, an allowances scheme applied to all Members equally and there was no impact in relation to the particular protected characteristics; the scheme provided for a 'dependant' carers allowance to be paid to all eligible Members which was again intended to assist in removing barriers to persons standing for election who might have relatives that may be in need of dependent care, in line with the spirit of equality legalisation.

It was nonetheless suggested that any future review by the IRP should have regard to the updated Impact Assessment recently undertaken (circulated to Members) relating to carers/dependants allowances and should look not only at equality issues but also the suitability of current provision and level of payments referred to above. Moreover, as any further review by the IRP would necessarily look at the current scheme across the board, Members might also wish to take the opportunity then, in the Autumn, to look again at the

Agenda Item 11e

PROCEDURES COMMITTEE
5/07/17

uprating of allowances (which had remained largely unchanged for the last 8 years) in line with any suggestions made by the IRP, as a means of attracting and retaining eligible persons of all ages to serve as Councillors in the future.

The County Solicitor re-affirmed that any change to the scheme must, in any event, be agreed by the full Council and advised that the Auditor had commented previously that the Council should determine its scheme of allowances before setting the budget for the year in question.

It was **MOVED** by Councillor Radford, **SECONDED** by Councillor Clatworthy, and, nem com,

RESOLVED

(a) that the Committee consider the specific request relating to dependant carers allowance alongside both the revised updated Impact Assessment and the outcome of the annual review of the current Scheme of Allowances by the Independent Remuneration Panel in the Autumn, as it is required to do, which would look at the effectiveness and appropriateness of all aspects of the Scheme including the range of approved duties for which allowances may be payable;

(b) that the Independent Remuneration Panel be specifically asked to have regard to the aforementioned comments and the Impact Assessment referred to in its deliberations to inform any recommendations it may have for the Council with regard to the Council's current Scheme of Allowances.

[NB: The Impact Assessment referred to above may be viewed at:
<https://new.devon.gov.uk/impact/members-carersallowance2017/>.

* 4

Council Procedure Rules: Nomenclature

(Councillors Atkinson and Brennan attended in accordance with Standing Order 25(2) and spoke to this item).

In accordance with Standing Order 23(2), Councillor Brennan had asked that the Committee consider amending the Council's Constitution, Rules of Procedure (Standing Orders) and Working Practices to substitute an alternative, gender neutral, term in place of 'Chairman' – which was felt to be unacceptable in society today - for the person presiding at a meeting.

The Committee was invited to balance the status quo and any proposal for change against the Council's own '*Acceptable Language Guide*', common usage and parlance, personal preference and any statutory provisions/applications and make an appropriate revision to the Council's Constitution and Working Practices.

A number of Members expressed the view that the Council should instead – as now – continue to adopt a flexible approach and recognise that the person presiding might wish to express a preference for how he/she/they would wish to be addressed rather than formally amending the Council's Constitution and Working Practices; noting for example, that the aforementioned contained around 200 references/mentions of the term 'Chairman' and there would be many more in other Council publications and on its website.

The matter having been debated and the options and/or alternatives and other relevant factors referred to above having been considered:

It was **MOVED** by Councillor Greenslade, **SECONDED** by Councillor Hughes, and, nem com,

RESOLVED that the suggestion that the Council's Constitution should be amended, as referred to above, by the deletion of the term *Chairman* and the substitution therefor of the term *Chair* be considered further at the next meeting of this Committee, together with the benefit of any advice from the Council's Equality Reference Group.

Agenda Item 11e

PROCEDURES COMMITTEE
5/07/17

* 5 **Constitutional Matters: Delegations**

The County Solicitor reported on the procedural necessities to enable the Council to apply for probate for a deceased resident of a County Council Residential Home, where the County Council was a creditor.

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

RESOLVED that the County Solicitor (or any Officer nominated by her/him) be authorised to act, on behalf of the County Council, as its nominee for the purpose of taking out letters of administration of the estate of any person (e.g. applying for probate) of whom the County Council is a creditor.

* 6 **Future Meetings**

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

RESOLVED that the meeting scheduled for 20 September 2017 be re-arranged for 13 September 2017 on the rising of the Cabinet or at 2.00pm whichever was the later.

* 7 **Deputy Monitoring Officer**

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

RESOLVED that Mr S Clarey be designated Deputy Monitoring Officer, with effect from 1 October 2017, upon the retirement of the current Deputy, Mr R Hooper,

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

The Meeting started at 2.15 pm and finished at 3.13 pm

Agenda Item 11f

PUBLIC RIGHTS OF WAY COMMITTEE
6/07/17

PUBLIC RIGHTS OF WAY COMMITTEE

6 July 2017

Present:-

Councillors P Sanders (Chairman), T Inch, J Brook, I Chubb, P Colthorpe, A Dewhirst, R Edgell, M Shaw and C Whitton

* **33** Minutes

RESOLVED that the minutes of the meeting held on 2 March 2017 be signed as a correct record.

* **34** Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* **35** Announcements

The Chairman announced that a visit to the Devon Heritage Centre would be arranged for the Autumn, before the November meeting, by way of further training for new Members and the Acting Chief Officer for Highways, Infrastructure and Development would notify Members of the proposed date in due course.

* **36** Devon Countryside Access Forum

The Committee received and noted the draft minutes of the meeting held on 27 April 2017.

* **37** Parish Review: Definitive Map Review 1997-2017 - Parish of Burlescombe

The Committee received the Report of the Acting Chief Officer of Highways, Infrastructure and Waste (HIW/17/48) on the outcome of the Definitive Map Review in the Parish of Burlescombe in Mid Devon District.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Brooks and

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Burlescombe and no modifications were required to be made.

* **38** Parish Review: Definitive Map Review - Parish of Bittadon, with Marwood and West Down

The Committee considered the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/49) examining a claim submitted by the Trail Riders Fellowship in November 2005 in the Parish of Bittadon.

It was **MOVED** by Councillor Books, **SECONDED** by Councillor Colthorpe and

RESOLVED that no Modification Order be made to modify the Definitive Map and Statement in respect of Proposal 1, in the Parish of Bittadon, with Marwood and West Down.

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6/07/17

* 39 **Parish Review: Definitive Map Review 2016-2017 - Parish of Bridgerule**

The Committee received the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/50) on the outcome of the Definitive Map Review in the Parish of Bridgerule.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Dewhirst and

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Bridgerule and no modifications were required to be made.

* 40 **Parish Review: Definitive Map Review - Parish of Sparkwell**

The Committee received the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/51) on the outcome of the Definitive Map Review in the Parish of Sparkwell in South Hams District.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Brooks and

RESOLVED

(a) that a Modification Order be not made in respect of the proposal to amend Bridleway No. 24, Sparkwell; and

(b) that it be noted that the Definitive Map Review had been completed in the Parish of Sparkwell and no modifications were required to be made.

* 41 **Public Inquiry, Informal Hearing and Written Representation Decisions; Directions and High Court Appeals**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/52) following decisions and directions received from the Secretary of State/High Court relating to Modification Orders:

(i) Footpath No. 2, Culmstock (part), Footpath No. 38, Culmstock and Restricted Byway No. 1, Hemyock Definitive Map Modification Order 2012 (drawing number HTM/PROW/11/76) – confirmed, subject to modifications;

(ii) Restricted Byway No. 50, Sandford Definitive Map Modification Order 2014 (drawing number HCW/PROW/14/47) – confirmed.

* 42 **Modification Orders**

The Committee received the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/53) on Modification Orders confirmed as unopposed under delegated powers in respect of:

- (i) Footpath No. 35, Combe Martin Definitive Map Modification Order 2016
- (ii) Footpath No. 69, Ilfracombe & Bridleway No. 69, Ilfracombe Definitive Map Modification Order 2016
- (iii) Footpath No. 95, Ilfracombe Definitive Map Modification Order 2016
- (iv) Footpath No. 97, Ilfracombe Definitive Map Modification Order 2016
- (v) Footpath No. 135, Ilfracombe Definitive Map Modification Order 2016
- (vi) Footpath No. 136, Ilfracombe Definitive Map Modification Order 2016

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PUBLIC RIGHTS OF WAY COMMITTEE
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* 43

Public Path Orders

The Committee received the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/54) of Public Path Orders having been made and confirmed under delegated powers, namely:

(a) Diversion Orders

- (i) Footpath No. 1, Sheepwash Public Path Diversion & Definitive Map and Statement Modification Order 2016
- (ii) Bridleway Nos. 18, Kingskerswell & 13, Coffinswell Public Path Diversion Order 2016
- (iii) Bridleway Nos. 57, Shaugh Prior & 39, Sparkwell Public Path Diversion Order 2016
- (iv) Footpath No. 15, Malborough Public Path Diversion & Definitive Map and Statement Modification Order 2016
- (v) Bridleway No. 66, Ilfracombe Public Path Diversion & Definitive Map and Statement Modification Order 2017

(b) Extinguishment Orders

Footpath No. 91, Ilfracombe Public Path Extinguishment & Definitive Map and Statement Modification Order 2017

(c) Creation Orders/Agreements

- (i) Footpath No. 18, Welcombe Public Path Creation Agreement
- (ii) Footpath No. 91, Ilfracombe Public Path Creation & Definitive Map and Statement Modification Order 2017
- (iii) Bridleways No. 41, Sparkwell & No. 72, Shaugh Prior Public Path Creation Agreement

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

The Meeting started at 2.15 pm and finished at 3.15 pm

Agenda Item 11g

APPEALS COMMITTEE
10/07/17

APPEALS COMMITTEE

10 July 2017

Present:-

Councillors J Hawkins (Chairman), H Ackland, J Hawkins, C Slade and P Twiss

Apologies:-

Councillor G Hook

* **67** Minutes

RESOLVED that the minutes of the meeting held on 27 April 2017 be signed as a correct record.

* **68** 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.

* **69** 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 2017/18.

* **70** School Transport Appeals

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

The Committee considered reports from the Head of Education & Learning on appeals and written and verbal submissions from appellants who attended as follows:-

<u>Reference</u>	<u>Route</u>	<u>Attendees</u>
ST83	Penquit – Ivybridge CC	Appellant Local County Councillor
ST84	Great Torrington – Monkleigh CP	Appellant
ST85	Seaton – Axminster Primary	-

Agenda Item 11g

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RESOLVED:-

(a) that the following appeal(s) be refused:-

ST85 Seaton – Axminster Primary

(b) that the following appeal(s) be deferred for members' route inspection:-

ST83 Penquit – Ivybridge CC

ST84 Great Torrington – Monkleigh CP.

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

The Meeting started at 9.45 am and finished at 12.20 pm

Agenda Item 11h

CHILDREN'S SCRUTINY COMMITTEE
15/06/17

CHILDREN'S SCRUTINY COMMITTEE

15 June 2017

Present:-

Councillors R Hannaford (Chairman), S Aves, J Brazil, E Brennan, C Channon, J Hawkins, L Hellyer, R Hosking, T Inch, J Mathews, A Saywell, D Sellis and M Squires

Apologies:-

Councillors F Biederman and C Mabin

Members attending in accordance with Standing Order 25

Councillor McInnes

* **1 Minutes**

RESOLVED that the minutes of the People's Scrutiny Committee meeting held on 20 March 2017 be signed as a correct record.

* **2 Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **3 Public Participation**

There were no oral representations received at the meeting from a member of the public.

* **4 Overview of Children's Services**

The Committee received the Report of the Chief Officer for Children's Services (CP/17/23) presenting an overview of Children's Services in Devon including the number of statutory functions carried out by the County Council aimed at children and young people; Early Years provision; Public Health Nursing Services; Children's Centres; School Admissions and School Place Planning; improving educational outcomes for vulnerable groups; Youth Offending Service and Children's Social Care Service.

The Chief Officer undertook to provide Members with details of the partner agencies that work with the County Council on Children's Social Care.

* **5 Re-Commissioning of Children's Centres**

(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).

(Councillors Hannaford and Brennan declared a personal interest in this matter by virtue of being a Member of the West Exe Children's Centre Advisory Board, and being a trained breastfeeding peer support worker with Action for Children and a parent of a child registered at Beacon Heath Childrens Centre, respectively).

The Committee received a Report from the Chief Officer for Children's Services (CS/17/22) on the future commissioning of the Children's Centre Service to be delivered under a single provider contract with an extension of the age range from 0 to 5, to children eight years and under.

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Members' discussion points with the Chief Officer included:

- increased engagement of local Councillors with Children's Centre in their Divisions to raise awareness and signpost families to services;
- continuity of services and investment in onward provision;
- additional support for hard to reach families and access to services and provision;
- staff transfers to a single contract provider;
- services provided centrally across the contract by a single provider rather than by individual Centres;
- assurances over financial considerations offered by a new contract.

The Chief Officer undertook to circulate to Members the draft Children's Centre Services specification document and to ask Children's Centres to invite their local Councillor to attend and become involved with their Centres. A copy of the Impact Assessment was circulated at the meeting and attached to these minutes.

It was **MOVED** by Councillor Hannaford and **SECONDED** by Councillor Sellis and

RESOLVED that a Task Group be convened to consider the pre-procurement process and recommissioning of Children's Centres.

* 6

Service Review: Children's Social Work

(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 received a Report from the Chief Officer for Children's Services (CS/17/20) on the outcome of a service review of Children's Services following a detailed self-assessment undertaken in early 2017 followed by an independent service review in May 2017. The Council was currently judged by Ofsted as 'requires improvement to be good' and the Service was working hard to achieve this. The Report identified key areas of strength as well as the 10 key areas for improvement within Children's Services, including Early Help and Children in Need.

The Chief Officer also highlighted difficulties around workforce such as modernisation and staff retention; with specific areas of concern around recruitment in North Devon.

Members' discussions points with the Chief Officer included:

- concerns around the previously high reliance on agency staff and the effect on staff morale, specifically in North Devon;
- the process of a council achieving a 'good' rating from Ofsted;
- training received by new workers, including a one year training development course to help improve the skills and staff retention;
- the Independent Advisor for Children's Scrutiny role.

It was **MOVED** by Councillor Hannaford and **SECONDED** by Councillor Sellis and

RESOLVED

- a) that the 2017/18 Improvement Plan be submitted to a future meeting and the progress for of the three priorities for accelerated improvement be reviewed in the Autumn of 2017;
- b) that arrangements be made for the Committee to visit teams in North Devon in Autumn 2017 to satisfy themselves that improvements were embedded and that resources were sufficient to the task;
- c) that a Scrutiny Masterclass session on Early help be provided.

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CHILDREN'S SCRUTINY COMMITTEE
15/06/17

* 7

Education Performance Report

The Committee received the Education Performance Report from the Chief Officer for Children's Services (CS/17/21) on the latest performance measures within Education and Learning. Key areas highlighted within the Report and by the Chief Officer included:

- take up of Early Years funding for two year olds;
- 96% of parents allocated first school preference and Primary and Secondary level;
- approximately 7,000 in-year applications also processed by the Admissions Team;
- overall absence rates remained low across the County;
- high volume of requests for Statutory Assessment;
- improved rates of transfers from Statements to Education, Health and Care Plans;
- 92% of schools are judged Good or Outstanding.

* 8

Election of Commissioning Liaison Member

It was **MOVED** by Councillor Hannaford, **SECONDED** by Councillor Mathews, and

RESOLVED that Councillor Hosking be appointed as the Commissioning Liaison Member for the Children's Scrutiny Committee

* 9

Children's Scrutiny Committee Work Programme

RESOLVED that the current outline Work Programme be approved subject to inclusion of the following topics for future consideration:

- (a) Re-Commissioning of Children's Centre Task Group – comprising of Councillors Hannaford, Brennan, Hellyer, Hosking and Sellis.
- (b) Emotional Health and Wellbeing Task Group – comprising of Councillors Channon, Aves, Hellyer and Saywell.

[NB: The Scrutiny Work Programme was 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]

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

The Meeting started at 2.15 pm and finished at 4.45 pm

Agenda Item 11i

HEALTH AND ADULT CARE SCRUTINY COMMITTEE
19/06/17

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

19 June 2017

Present:-

Councillors S Randall-Johnson (Chairman), H Ackland, J Berry, P Crabb, R Gilbert, B Greenslade, R Peart, Y Russell, P Sanders, R Scott, J Trail, C Whitton, C Wright and J Yabsley

Representing Devon District Councils

Councillor P Diviani

Members attending in accordance with Standing Order 25 (2)

Councillors I Hall, J Hodgson, A Saywell and M Shaw

Member attending in accordance with Standing Order 25 (1)

Councillor A Leadbetter

Apologies:-

Councillors N Way and P Twiss

* 1

Minutes

RESOLVED that the Minutes of the meetings of the Health and Wellbeing Scrutiny Committee held on 7 March 2017 and the People's Scrutiny Committee held on 20 March 2017 be signed as correct records.

* 2

Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr P Wardman, Mr M Pigott, Ms G Pritchett, Mr S Craddock, Mr M McAlpine and Mr B Sturtivant on a matter to be considered by the Committee, namely 'Your Future Care' (Minute *5 refers).

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

* 3

Matter of Urgency: Review of Acute Services

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

The Chairman had decided that the Committee should consider this item at the request of Councillor Greenslade in relation to a review of Acute Services and requesting an update on the current position.

Dr S Manton, (Director of Strategy, North East and West Devon (NEW Devon CCG) and South Devon and Torbay CCG), attended and spoke to this item at the invitation of the Committee.

Dr Manton reported on the clinical review of a range of acute services (stroke, maternity, paediatrics and neonatal care and urgent and emergency care) in hospitals in Exeter,

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Plymouth, Torquay and Barnstaple since late 2016 which would be published shortly. The review aimed to achieve sustainable services due to difficulty in recruiting key clinical staff, large increases in demand for services – and difficulty meeting national service standards.

Following publication the next stage involved detailed staff and other stakeholder consultation and Dr Manton undertook to bring a report on the proposals to a future meeting.

* 4 **Terms of Reference of Scrutiny Committees, Cabinet Member Remits and co-ordination of Scrutiny Activity**

The Committee noted the Scrutiny Committees' Terms of Reference.

* 5 **Your Future Care Proposals (Eastern Locality)**

(Councillor C Whitton declared a personal interest this matter in relation only to the Royal and Devon Exeter Hospital Trust by virtue of her employment with the Trust)

(Councillors M Shaw and I Hall attended in accordance with Standing Order 25(2) and spoke to this item)

Dr S Manton, (Director of Strategy, North East and West Devon (NEW Devon CCG) and South Devon and Torbay CCG), Mr R Sainsbury (Chief Operating Officer, NEW Devon CCG), Mr E Wilkinson Brice (Deputy Chief Executive/Chief Nurse, Royal Devon & Exeter NHS Foundation Trust); and Ms A Jones (Director of Integration Royal Devon & Exeter NHS Foundation Trust) attended and spoke to this item at the invitation of the Committee.

The local members attending under Standing Orders questioned the rationale behind the decisions by NEW Devon CCG and impact on the respective communities of the proposed closure of community beds at Seaton, Honiton, Axminster and Okehampton and calling for a referral to the Secretary of State for Health.

The Scrutiny Officer reported the receipt of 21 representations protesting at the proposed closure of beds in Honiton, Seaton and Okehampton Hospitals across the locality, and protesting at the commencement of implementation by the CCG prior to debate by this Committee and urging the Committee to make a referral to the Secretary of State.

The Committee considered the report of NEW Devon CCG on background information to the *Your Future Care* programme and decisions made by NHS Northern, Eastern and Western Devon Clinical Commissioning Group (CCG) Governing Body of 2nd March 2017, following public consultation, to reduce community hospital inpatient beds and units in the Eastern locality in the context of developing a new model of care for the area.

The decisions by the Governing Body had been as follows:

- a reduction of community hospital beds from 143 to 72 in the Eastern locality
- Tiverton & District Hospital to be a fixed point providing an inpatient unit with 32 beds □ Exmouth Community Hospital as a 16-bedded hospital
- Sidmouth Community Hospital as a 24-bedded hospital
- in light of the rurality and associated factors, to commission further work to assess more extensively the services needed in the Okehampton area

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The decisions had meant that community inpatients beds at Sidmouth, Exmouth and Tiverton community hospitals would remain, while those at Seaton, Exeter (Whipton), Okehampton and Honiton would close.

The Committee also received copies of correspondence between the Chairman of the predecessor Committee and the North, East and West Devon Clinical Commissioning Group (NEW Devon CCG) relating to questions and concerns by Scrutiny and the CCG's responses.

The Clinical Commissioning Groups' and the Trusts' representatives then responded to Members' questions and/or commented that:

- the programme was designed to deliver improved outcomes and experiences for patients, improved experiences for staff and clinical and financial sustainability of community services and that detailed consultation with staff regarding implementation had commenced
- a breakdown of representations received would be provided by the CCG
- the projected savings and investments in community services based on work force planning to meet local need noting that it was not possible to 'double-run' due to staffing pressures
- any proposals relating to the estates strategy would be brought to the Scrutiny Committee
- patient audit in terms of community care needs carried out by the Royal Devon and Exeter Trust
- the assurance process through the Assurance Panel would ensure that decisions made by the NEW CCG Board under the Your Future Care would not be implemented unless shown to be clinically safe and sustainable
- evidence from South Devon and Torbay and other areas of the positive outcomes arising from the new model of working.

Recognising the need for Scrutiny to work with the CCG to help ensure good decisions were made the CCG extended an invitation for scrutiny member attendance at the Assurance Panel and resolution of concerns. It was the view of some Members that the responses by the CCG in relation to the detailed points raised by the former Scrutiny Committee had not been satisfactory and that the case for the changes had not been proven and therefore a referral to the Secretary of State should be made prior to further implementation by the CCG.

The Scrutiny Officer outlined the referral process to the Secretary of State and requirement to address outstanding issues and develop detailed alternative proposals.

It was **MOVED** by Councillor Diviani and **SECONDED** by Councillor Berry and

RESOLVED that consideration of a referral to the Secretary of State be deferred pending a special meeting of this Scrutiny Committee (by end of July) to consider further information and evidence from the NEW Devon CCG in relation to the Your Future Care decisions.

* 6

The Better Care Fund: Allocation of Additional Social Care Funding

(Councillor A Leadbetter attended in accordance with Standing Order 25 (1) and spoke to this item at the invitation of the Committee)

Dr S Manton, (Director of Strategy, North East and West Devon (NEW Devon CCG) and South Devon and Torbay CCG), attended and spoke to this item at the invitation of the Committee.

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The Committee considered the report of the Head of Adult Commissioning and Health, Devon County Council and the Director of Strategy, North, East and West Devon Clinical Commissioning Group (NEW Devon CCG) and South Devon and Torbay CCG.

The Committee noted that the Better Care Fund was the only mandatory policy to facilitate integration. It brought together health and social care funding, with a major injection of social care money announced at the Government's Spring Budget 2017.

There were specific conditions around how the money could be used, and the metrics against which the County and CCG would be measured, with a particular focus on reducing the numbers of delayed transfers of care. There were also conditions about how local authorities and clinical commissioning groups worked together in agreeing proposals for how the money was used.

For Devon, the additional money amounted to:

2017/18	2018/19	2019/20
£15.15m	£10.15m	£5.04m

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

RESOLVED

- (a) that the proposed approach to use of additional social care funding in Devon in 2017/18 be noted;
- (b) that the a Task Group comprising (the Chairman, Councillors H Ackland, S Russell and P Sanders) be established to investigate the Transfer of Care process and use of the new monies during 2017/18.

* 7

Election of Commissioning Liaison Member

RESOLVED that Councillor H Ackland be elected as the Commissioning Liaison Member.

* 8

Work Programme

RESOLVED that the current outline Work Programme be approved subject to inclusion of the following topics for future consideration:

- (a) Mental health including dementia
- (b) Integration of Adult Care and Health
- (c) Task Group Scoping Exercise: NHS in Devon (response to the Notice of Motion referred by the Cabinet).

[NB: The Scrutiny Work Programme was 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]

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

The Meeting started at 2.15 pm and finished at 5.10 pm

Agenda Item 11j

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY
COMMITTEE
27/06/17

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

27 June 2017

Present:-

Councillors A Dewhirst (Chairman), P Colthorpe, Y Atkinson, K Ball, R Bloxham, J Brodie, J Brook, C Chugg, P Crabb, A Eastman, R Edgell, A Saywell and C Slade

Apologies:-

Councillors M Asvachin, I Hall and M Shaw

Members attending in accordance with Standing Order 25

Councillors J Brazil, A Davis and R Croad

* 1 Minutes

RESOLVED that the Minutes of the Place Scrutiny Committee held on 14 March 2017 and of the Corporate Services Scrutiny Committee held on 23 March 2017 be signed as correct records.

* 2 Matter of Urgency: Fire Safety in Devon Schools

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

Fire Safety at Devon Schools

The Chairman had decided that the Committee should consider this item as a matter of urgency in order that Members may be apprised of the steps being taken to review and ensure the safety of local authority school buildings following the tragic fire at Grenfell Tower in London.

The Acting Chief Officer for Highway Infrastructure and Waste reported that:

- the Council had commissioned NPS to carry out investigative work on the construction methods used in Devon schools in readiness for any Government directives and/or recommendations;
- the Department for Education had sent to all local authorities, Academy Trusts, Diocesan Authorities and other responsible bodies involving schools, a questionnaire for completion and return this week focussing on premises of four storeys or above and residential accommodation for children; Devon had three schools that provided residential accommodation for children;
- the Council's Estates and Asset Management team had already responded to the Department for Communities and Local Government indicating that while Devon County Council was not a stock holding local authority, fire safety processes and procedures were being reviewed; the Council's only 'high rise' property was currently unoccupied (former office premises) and had been checked by the Fire Service last week; the Estates confirmed that the Council had control measures in place for regularly testing and servicing building fire safety equipment and also fire risk assessments in place for each property.

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- fire risk assessments in schools had for some years been the responsibility of schools directly and periodic checks and visits were made by Health and Safety;
- sprinklers were not automatically put into schools, due in part to the burden of responsibility that would be placed on schools for maintenance, instead emphasis was on providing compartmentation and where possible exit routes to classrooms for quick evacuation and safeguarding of life.

* **3 Public Participation**

There were no oral representations from Members of the Public.

* **4 Terms of Reference of Scrutiny Committees, Cabinet Member Remits and Co-ordination of Scrutiny Activity**

The Committee noted the current Terms of Reference of Scrutiny Committees and revised Cabinet Member Remits which had been circulated for information.

The Head of Scrutiny also reported on the role of the Chairmen of Scrutiny Committees in co-ordinating the activities of Scrutiny Committees and Task Groups and on agreed ways of working and the independence of Scrutiny Committees.

* **5 Introduction to Communities, Public Health, Environment and Prosperity**

The Committee received the Report of the Chief Officer for Communities, Public Health, Environment and Prosperity introducing Members to the different service areas of her responsibilities and identifying areas of business that Members may wish to consider adding to their work programme.

The Chief Officer and Members discussed, inter alia:

- the statutory duty around community safety at County and District level and the need to work in a preventative way;
- the impact of flooding and the suggestion of a dashboard identifying areas where work was being undertaken;
- the lack of good social housing and need for that to be included in strategic planning and joint working;
- Emergency Planning responsibilities and the ability to cope if faced with a catastrophic event;
- Domestic violence and sexual abuse, and the work previously undertaken by People's Scrutiny; also the Safer Devon Partnership who were leading on this work and the potential of having a Joint Masterclass with Health and Adult Care Scrutiny.

* **6 Introduction to Highways, Infrastructure Development and Waste**

The Committee received the Report of the Acting Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/39) introducing Members to the service and identifying areas of business that Members may wish to consider including in their work programme.

In discussion with Members on the areas for potential Scrutiny, the following points arose:

- Members would like to see the continuing regular monitoring of closed landfill site management;
- the Acting Chief Officer would provide further information on the Shared Savings Scheme to Members;

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- the inclusion of Use of the Community Enhancement Fund, Air Quality and Co-ordinating Highway Activity in the work programme.

* 7

Connecting Devon and Somerset Broadband Programme and Mobile Phone Connectivity

The Head of Economy, Enterprise and Skills updated Members (following previous reports from Place Scrutiny Committee in March 2017) on the Connecting Devon and Somerset Broadband Programme (CDS) and Mobile Phone Coverage, namely:

- Phase One:
 - BT had reported that over 282,000 premises had now been connected to superfast broadband across Devon and Somerset, which exceeded their target;
 - take up of fibre service now stood at 36% compared to 33% in March and clawback discussions would shortly take place with BT on how this funding could be applied to enhance coverage.
- Phase Two:
 - Airband had now made superfast wireless broadband available to over 3,855 premises across the National Parks, of which 2,646 were on Dartmoor and 1,209 were on Exmoor;
 - this programme was now paused pending a change control process to enable more premises to be brought into the programme.
- Phase Two projects: The contract for Lot 4 had been awarded to Airband Community Internet Limited and the contract for Lot 1 would be announced shortly.
- Voucher Scheme: The scheme was now closed to new applicants and was under review. The deadline to use the vouchers had been further extended to 30 September 2017.
- Mobile Phone Coverage: A bid submitted to the Heart of the South West Local Enterprise Partnership (LEP) for additional capital funding had been approved in principle, subject to some further work.

RESOLVED that a standing Task Group be set up comprising Councillors Ball, Bloxham, Saywell and Dewhirst to monitor the progress of the CDS Programme and mobile phone coverage improvements, reporting to the Committee.

* 8

Locality Budget Annual Report 2016/17

The Committee received the Joint Report of the County Treasurer and Chief Officer for Communities, Public Health, Environment and Prosperity (SC/17/2) which, in line with the Council's 'Locality Budget Operating Principles', provided an annual statement summarising the allocations approved by Members in relation to their Locality Budgets.

The Report omitted to include an amount of £3,135 spend for Councillor Greenslade, which took his allocation to the full £19,474.

The County Treasurer confirmed that the unspent allocation of approximately £30,000 in 2016/17 would revert to reserves as was usual practice in an election year. Members however put forward the suggestion that this sum be allocated equally to Members' Locality Budgets for 2017/18. The Chief Officer undertook to revert to Members on this suggestion.

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CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE
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* **9 Treasury Management Stewardship Annual Report 2016/17**

The Committee received the Report of the County Treasurer (CT/17/62) on the Treasury Management Stewardship Annual Report 2016/17 setting out the outturn position, reviewing performance and informing Members of any key matters arising from the Council's Treasury and Debt Management activities during the 2016/17 financial year. The Report also included an update on the 2017/18 Medium Term Financial Strategy.

* **10 Election of Commissioning Liaison Member**

RESOLVED that Councillors Atkinson and Ball be elected as Commissioning Liaison Members.

* **11 Scrutiny Annual Report and future Work Programme**

RESOLVED that the following topics be included in the work programme for future consideration:

- Update review of school building materials
- Emergency planning
- Community Strategy
- Community Enhancement fund
- Air quality plans
- Co-ordination of highway activity / quality of highway reinstatements
- Ongoing Task Group on Broadband and mobile phone coverage
- LEP
- Devolution / Joint Committee
- Neighbourhood policing / Police and Crime Panel Chair / Chief Constable.
- Supporting Green travel
- 20mph speed limits

A draft work programme would be circulated to Members shortly.

[NB: The Council/Cabinet Forward Plan is available at:
<http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>]

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

The Meeting started at 2.15 pm and finished at 4.50 pm