

*County Council  
Thursday, 5th October, 2017*

## **NOTES FOR VISITORS**

All visitors to County Hall, including visitors to the Committee Suite and the Coaver Club conference and meeting rooms are requested to report to Main Reception on arrival. If visitors have any specific requirements or needs they should contact County Hall reception on 01392 382504 beforehand. Further information about how to get here can be found at: <https://new.devon.gov.uk/help/visiting-county-hall/>. Please note that visitor car parking on campus is limited and space cannot be guaranteed. Where possible, we encourage visitors to travel to County Hall by other means.

**SatNav** – Postcode EX2 4QD

### Walking and Cycling Facilities

County Hall is a pleasant twenty minute walk from Exeter City Centre. Exeter is also one of six National Cycle demonstration towns and has an excellent network of dedicated cycle routes – a map can be found at: <https://new.devon.gov.uk/travel/cycle/>. Cycle stands are outside County Hall Main Reception and Lucombe House

### 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).

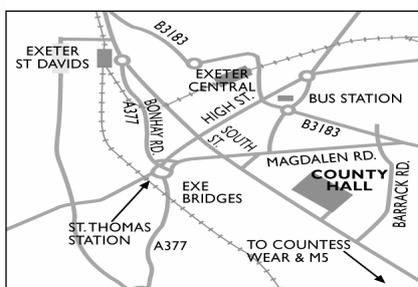
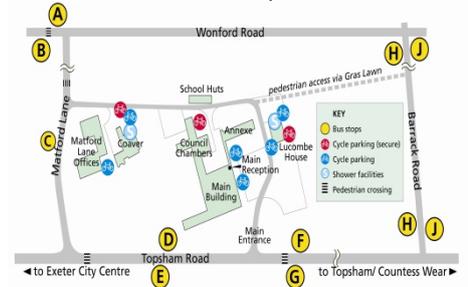
### Car Sharing

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

There is a pay and display car park, exclusively for the use of visitors, entered via Topsham Road. Current charges are: Up to 30 minutes – free; 1 hour - £1.10; 2 hours - £2.20; 4 hours - £4.40; 8 hours - £7. Please note that County Hall reception staff are not able to provide change for the parking meters.

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

### Fire/Emergency Instructions

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

27 September 2017

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 5th October, 2017 at 2.15 pm.**

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

Chief Executive

[Prayers will be offered by the Reverend Derek Coren, part time pastor at West Down, Cheriton Bishop, Exeter, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

**A G E N D A**

**1 Honorary Alderman - Ceremony of Conferment**

**2 Apologies for Absence**

**3 Minutes (Pages 1 - 6)**

To approve as a correct record and sign the minutes of the meeting held on 20 July 2017.

**4 Chairman's Announcements**

**5 Items Requiring Urgent Attention**

**6 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.

**7 Petitions from Members of the Council**

## **8 Questions from Members of the Council**

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

### **FRAMEWORK DECISION**

Nil

### **OTHER MATTERS**

## **9 Cabinet Member Reports**

To consider reports from Cabinet Members.

## **10 Minutes**

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

- a **Standards Committee - 29 August 2017** (Pages 7 - 14)
- b **Appeals Committee - 4 September 2017** (Pages 15 - 18)
- c **Development Management Committee - 6 September 2017** (Pages 19 - 22)
- d **Procedures Committee - 12 September 2017** (Pages 23 - 30)
- e **Audit Committee - 14 September 2017** (Pages 31 - 34)
- f **Investment & Pension Fund Committee - 15 September 2017** (Pages 35 - 38)
- g **Appointments & Remuneration Committee - 27 September 2017**  
The minutes from 27 September 2017 will be published [here](#) shortly, but a copy will be made available at the meeting.
- h **Health and Adult Care Scrutiny Committee - 25 July and 21 September 2017**  
(Pages 39 - 48)
- i **Children's Scrutiny Committee - 11 September 2017** (Pages 49 - 54)
- j **Corporate Infrastructure & Regulatory Services Committee - 26 September 2017**  
The minutes from 26 September 2017 will be published [here](#) shortly, but a copy will be made available at the meeting.

## NOTICES OF MOTION

### 11 Schools Funding - Outturn Surplus and Re-allocation of Funds (Minute 30 - 20 July 2017)

To receive and consider the recommendations of the Cabinet (Minute 55a) relating to the following Notice of Motion submitted previously to the Council by Councillor Greenslade and referred thereto in accordance with Standing Order 8(2), namely

*'(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.'*

Having had regard to the aforementioned, the factual briefing/position statement on the matter set out in Report CSO/17/24 and other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved:

*(i) that in light of the actions already undertaken and taken by Cabinet Members, Officers and the wider education community to secure fairer funding for schools, outlined in Report CSO/17/24, the County Council be recommended to take no further action on the Notice of Motion;*

*(ii) that the Council continue to work with the f40 Group (which represents the lowest funded local authorities) to secure fairer funding for education.*

**12      Police & Crime Commissioner (Minute 31 - 20 July 2017)**

To receive and consider the recommendations of the Cabinet (Minute 55b) relating to the following Notice of Motion submitted previously to the Council by Councillor Dewhurst and referred thereto in accordance with Standing Order 8(2), namely

*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’.*

Having had regard to the aforementioned, the factual briefing/position statement on the matter set out in Report CSO/17/24 and other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved:

*(i) that, acknowledging the Chief Constable and the Police and Crime Commissioner are aware that the Neighbouring Policing Review outlined in Report CS/17/24 has created uncertainty within local communities the Chief Officer for Community, Public Health, Environment & Prosperity be asked to liaise with the Police and Crime Commissioner to ensure that - as the review is taken forward - there is an opportunity for communities to contribute effectively to the review and that County Councillors are kept Member informed of developments relating to their electoral divisions;*

*(ii) that the Cabinet endorses the view of the Deputy Chief Constable that allowing licensed firearms owners to act during terrorist incidents would be wholly inappropriate.; and*

*(iii) that in light of the foregoing, and in accordance with Standing Orders 6 & 8, the County Council the County Council be recommended to take no further action on the Notice of Motion.*

**13 Paris Accord on Climate Change (Minute 29 - 20 July 2017)**

To receive and consider the recommendations of the Cabinet (Minute 55c) relating to the following Notice of Motion submitted previously to the Council by Councillor Hook and referred thereto in accordance with Standing Order 8(2), namely

*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."*

Having had regard to the aforementioned, the factual briefing/position statement on the matter set out in Report CSO/17/24 and other suggestions or alternatives considered at that meeting, the Cabinet subsequently resolved:

*that the County Council (a) endorses the sentiment of the Notice of Motion, recognising that the decision of POTUS is regrettable and, potentially, destabilising and damaging to global efforts to tackle climate change through a reduction in greenhouse gas emissions; (b) reaffirms its [the Council's] commitment to the implementation of its Energy Policy, Strategy and Action Plan as the most effective response to this situation and, consequently, (c) the County Council be recommended to take no further action on the Notice of Motion.*

**14 Plastic Free Coastlines**

Councillor Biederman to move:

*'This Devon County Council supports Plastic Free Coastlines, committing to plastic free alternatives and supporting plastic free initiatives within Devon.*

*The Council commits to lead by example to remove single-use plastic items from its premises. Also it must encourage plastic free initiatives, promoting the campaign and supporting its events.*

*A representative of this council will become a member of the Plastic Free Coastlines Steering group'.*

**15**     **Health and Adult Care Scrutiny - Community Role and Safeguarding Future Buildings and Place Based Health Services**

Councillor Shaw to move:

*The County Council regrets the failure of the Health and Adult Care Scrutiny Committee on 25 July 2017 to be seen to scrutinise the decision of NEW Devon Clinical Commissioning Group to close community hospital beds in Honiton, Okehampton, Seaton and Whipton, especially in the light of the subsequent urgent recommendation by the head of the NHS in England, Simon Stevens, which is supported by evidence from the Royal College of Emergency Medicine and the King's Fund, that more beds need be made available for the coming winter.*

*Noting also the Standards Committee's conclusion that events at the Scrutiny Committee meeting 'may not reflect well on individual members of the Council or upon the Council as a whole', its recommendations for the Committee's Chair and its general recommendations to both members and chairs of Scrutiny Committees, the County Council therefore;*

*1. requests the Health and Adult Care Scrutiny Committee to scrutinise those issues identified by the County Solicitor in her paper for 25 July which were not directly and fully addressed at the Scrutiny Committee in that meeting;*

*2. consistent with the Council's 'community champion' role, alerts the Secretary of State to the strength of feeling in the locality at the overall STP process throughout the County and the significant numbers of objections made by the public to the CCG's proposals and that in the interests of democracy and democratic accountability he might wish to satisfy himself that all relevant process were properly undertaken and assessed and that the CCGs subsequent decisions are supported by the evidence; and*

*3. welcomes the agreement of the Health and Adult Care Scrutiny Committee to examine, subject to the advice of the County Solicitor, means of safeguarding community hospital buildings throughout Devon as facilities for the provision of place-based health services.*

**16**     **National Funding Formula for Schools**

Councillor Greenslade to move:

*County Council expresses its considerable disappointment at the Government's recently announced proposals which notionally leave Devon Schoolchildren with a funding gap of £268 below the national average. Additionally considerable concern is also registered that Devon has not done well with the high needs block allocation compared to others which will increase pressure on budgets for SEN.*

*These concerns be communicated on an all party basis to the Government and all Devon MP's.*

## 17 Ethical Care Council

Councillor Hodgson to Move;

*This Council commits to becoming an Ethical Care Council by commissioning homecare services which adhere to an Ethical Care Charter. This will establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short-change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay (based on a minimum –genuine- living wage), conditions and training levels. On that basis we will adopt and sign UNISON's Ethical Care Charter.*

*(NB: Some local authorities have already taken steps to ensure the provision of decent quality, dignified care. 30 councils have signed an Ethical Care Charter and implemented practical steps to improve care for vulnerable local people. UNISON's Ethical Care Charter ([www.unison.org.uk/content/uploads/2013/11/Online-Catalogue220142.pdf](http://www.unison.org.uk/content/uploads/2013/11/Online-Catalogue220142.pdf)) offers a practical action plan and it has been endorsed by a cross-party group of MPs and the British Medical Association).*

## 18 20 MPH Speed Limits

Councillor Hodgson to move:

*'With rising concerns about road safety for pedestrian and cyclists and in response to the growing calls for 20 mph speed limits in villages, this Council will welcome and consider proposals from Town and Parish Councils for 20 mph speed limits in residential areas, town and village centres and associated approach roads'.*

*(NB: The 20 mph zones in London are estimated to already be saving more than £20 million in crash prevention annually. The cost of road signs is remarkably low. For example, Portsmouth converted 1200 streets to 20mph for just over £500,000 – far cheaper than the alternative ideas put forward, which came to £2.2 million. It's roughly seven times more cost effective, in terms of speed reduction achieved, to introduce a 20 mph limit across a wide area, than to spend the same sum on isolated, physically calmed zones. The police are obliged to enforce all speed limits. The evidence is that drivers drop their speed when a 20 mph limit is enforced).*

## **MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

*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/>

### Webcasting, Recording or Reporting of Meetings and Proceedings

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

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

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

### Emergencies

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

### Mobile Phones

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

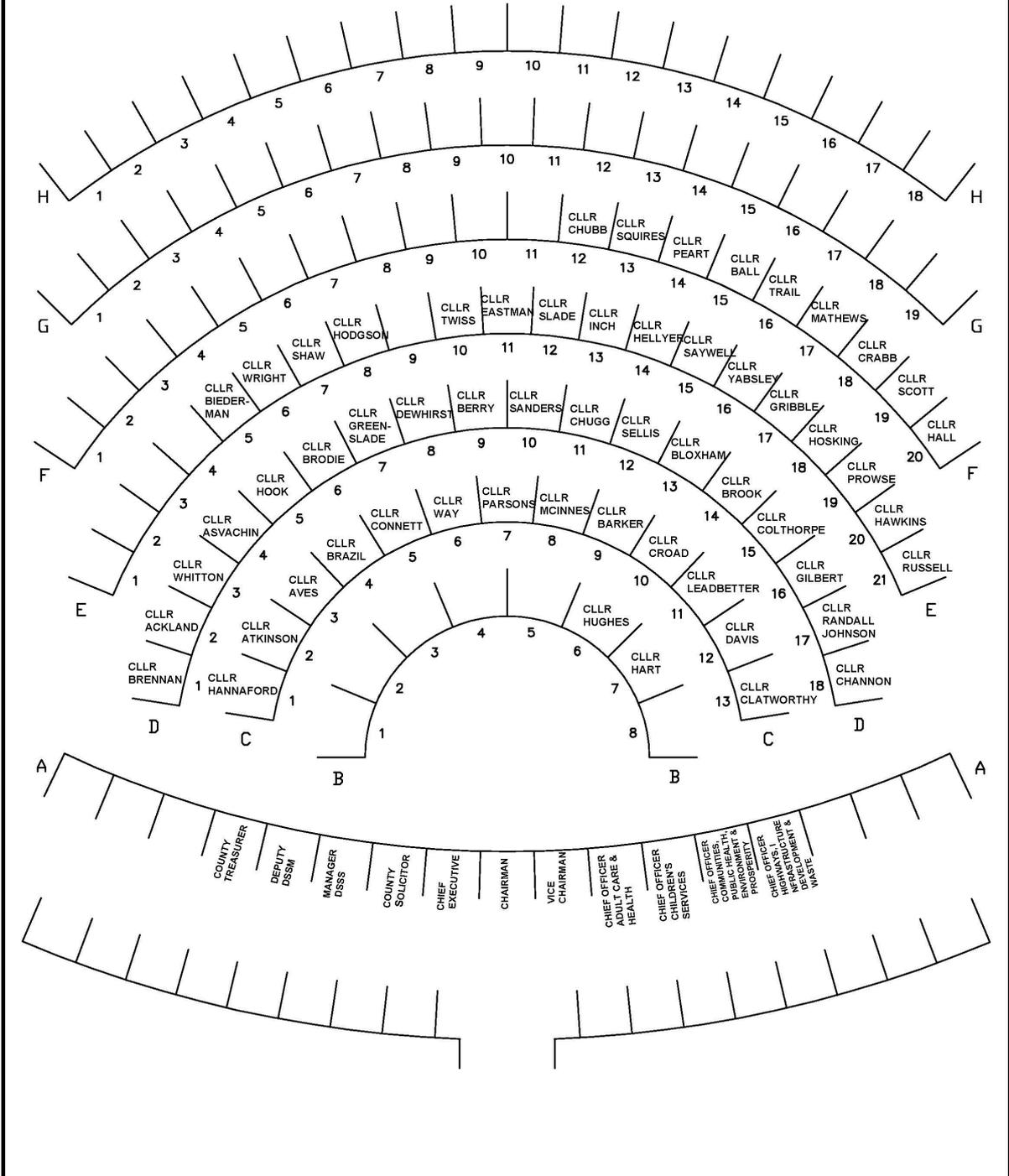
If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: [centre@devon.gov.uk](mailto:centre@devon.gov.uk) or write to the Democratic and Scrutiny Secretariat at County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



Induction loop system available

# Council Chamber Seating

MAY 2017





## COUNCIL

20 July 2017

### Present:-

Chairman: R Radford

Vice-Chairman: R Edgell,

Councillors H Ackland, M Asvachin, S Aves, K Ball, S Barker, J Berry, F Biederman, R Bloxham, E Brennan, J Brodie, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, P Crabb, R Croad, A Davis, A Dewhurst, A Eastman, R Gilbert, B Greenslade, G Gribble, 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, M Squires, J Trail, P Twiss, N Way, C Whitton, C Wright and J Yabsley

### Apologies:-

Councillors Y Atkinson, A Connett and I Hall

## 18 Honorary Aldermen: Ceremony of Conferment

Pursuant to the decision taken at the Extraordinary Meeting of the Council held on 25 May 2017 to confer the title of Honorary Alderman upon former Councillors A Moulding, E Wragg, O Foggin, J Owen and R Westlake MBE the Chairman presented to each Alderman a Pendant of Office and Commemorative Scroll.

The Leader of the Council, Councillor Hart and Councillors Greenslade and Hannaford spoke to their nominations for Honorary Aldermen commending the eminent service they had given to the Council; remarks echoed by a number of other members of the Council. The Honorary Aldermen responded.

## 19 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the annual meeting and the Extraordinary meeting also held on 25 May 2017 be signed as a correct record.

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

## 20 Chairman's Announcements

The Chairman reported that the Council's parking team had won a prestigious award for customer service and receive the award for "best practice reporting in customer service" at the PATROL PARC Awards (Parking Annual Report Awards by Councils) which recognised the local authority had demonstrated excellence in customer service, seeking to go above and beyond in helping road users to park safely while handling appeals efficiently and clearly.

Members were further reminded of the essential maintenance work and 'deep clean' of the committee suite during August.

Finally, Members paid tribute to Mr Rob Hooper (Head of Democratic Services and Scrutiny), who was attending his last Council meeting, after 47 years of public sector service, for his dedication to the Council and unequivocal support to both Members and Officers.

# Agenda Item 3

2  
COUNCIL  
20/07/17

## 21 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

## 22 **Youth Parliament**

The Cabinet Member for Children's Services and Schools introduced Samuel Pascall and Zachary Marsh, representatives of the Devon UK Youth Parliament Team who gave a short presentation to the Council on the:

- role of the United Kingdom Youth Parliament and the work undertaken by the Devon Members, nationally and locally and the current policy making process of the Youth Parliament;
- organisation and work programmes of the Youth Parliament Team in representing the interests of Devon's Young People and ensuring their views were heard and acted upon;
- working with young people locally and other partners on current campaigns, particularly 'PHHE for me' which was about preparing young people with a curriculum for life, and
- future campaigns identified including issues such as transport.

The Cabinet Member and the Chairman, on behalf of the Council, both expressed their gratitude to the Devon UKYP Team for all their hard work and efforts in representing and 'sharing' the voice of young people in Devon, the ways they could influence national and local policy making and the ways in which Members of the Council could assist them, including involvement in consultation or survey activities on issues that affected young people.

## 23 **Public Participation: Petitions, Questions and Representations**

There was no petition, question or oral representation received from or by any Member of the public.

*[NB: A copy of all questions and answers are appended to these minutes and are also available on the Council's Website at <http://www.devon.gov.uk/dcc/committee/mingifs.html> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

## 24 **Petitions from Members of the Council**

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

## 25 **Questions from Members of the Council**

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 8 questions submitted by Members of the Council relating to Parking Enforcement, Environmental Protection post Brexit, Bus Services in Seaton, Weeds/Highway Vegetation in Exeter, Exeter Bus Station and Fixed Penalty Notices.

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

*[NB: See also responses to Questions referred to at Minute 25 above. A copy of the questions and answers are appended to the signed minutes and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]*

**26**      **Cabinet Member Reports**

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

**(a)      Policy & Corporate**

Councillor Hart commented, as requested by Councillor Dewhirst, on the progress towards a fairer and more tolerant society in Devon, in light of recent comments made by an MP, outlining that the Equality Act 2010 placed a specific duty on all public authorities to give due regard to the need to eliminate discrimination, advance equality and foster good community relations; the Police led on responding to hate crimes and incidents and had recently launched a Zero Tolerance to Hate campaign.

**(b)      Community, Public Health, Transportation and Environment**

Councillor Croad commented, as requested by Councillor Hannaford, on the future of Police Community Support Officers in Devon, outlining that any operational decision relating to the recruitment of Police Constables or Police Community Support Officers (PCSO) was the responsibility of the Chief Constable. Members expressed concern generally over any proposed reduction of PCSO posts.

**(c)      Highways Management**

Councillor Hughes commented, as requested by Councillor Hannaford, on the roll out of Part Night Street Lighting in Exeter and the consideration of replacing with a low energy bulb alternative. He further requested that Members report any known issues and he would investigate accordingly.

**(d)      Children’s Services and Schools**

Councillor McInnes circulated a report, as requested by Councillor Hannaford, on the roll out of the Government’s flagship 30 free hours childcare policy. He also further updated the Council, as requested by Councillor Greenslade, on the recent Government announcement in respect of Schools Funding, welcoming the additional £1.3 billion being made available for schools, but emphasising the detail was awaited before the impact on Devon could be fully assessed.

**(e)      Infrastructure Development and Waste**

Councillor Davis commented, as requested by Councillor Hook, on charges for the deposition of asbestos at Recycling Centres and also responded to questions on the opening of Bridge Road scheme, including kerbs and signage.

**27**      **Minutes**

The Chairman of the Council **MOVED and it was duly SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved ...

Development Management Committee	-	7 June & 12 July 2017
Investment & Pension Fund Committee	-	16 June 2017
Audit Committee	-	30 June 2017
Standards Committee	-	3 July 2017
Procedures Committee	-	5 July 2017
Public Rights of Way Committee	-	6 July 2017
Appeals Committee	-	10 July 2017

# Agenda Item 3

4

COUNCIL  
20/07/17

Children's Scrutiny	-	15 June 2017
Health & Adult Care Scrutiny	-	19 June 2017
Corporate Infrastructure & Regulatory Services Scrutiny	-	27 June 2017

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

## 28 **Royal Marines and Royal Navy Service Cuts (Minute 105 / 27 April 2017)**

(Councillor Trail declared a personal interest in this matter by virtue of being a former Marine and currently working with the Royal Marines and withdrew from the meeting during its consideration).

Pursuant to County Council Minute 105 of 27 April 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Younger Ross that:

*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.*

and having had regard to the advice of the Cabinet set out in Minute 8a of 31 May 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and that the Notice of Motion be *noted, 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 but 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.*

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED** and subsequently thereafter also **CARRIED** as the substantive motion.

## 29 Paris Accord on Climate Change

Councillor Hook **MOVED** and Councillor Greenslade **SECONDED**

*"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."*

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

## 30 Outturn Surplus and Re-allocation of Funds

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

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

Councillor Greenslade then **MOVED** and Councillor Way **SECONDED**

*'(1) that the County Council notes that earmarked reserves at outturn for 2016/17, excluding carry forwards, increased in year by £15.299m 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.'*

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

## 31 Police & Crime Commissioner

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

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

# Agenda Item 3

6

COUNCIL  
20/07/17

Councillor Dewhirst then **MOVED** and Councillor Greenslade **SECONDED**

*‘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’.*

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

[NOTES:

*Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Mr Mervin Burd, Lay Minister and Community and Pastoral Care for the King Street Chapel in Tiverton.*

*The Minutes of this meeting and of any Committee referred to above, together with minutes of the Council’s Cabinet, Health & Wellbeing Board and Pension Board which while not part of the formal Agenda of this meeting, are available on the County Council’s Website.*

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

The Meeting started at 2.15 pm and finished at 5.20 pm

## STANDARDS COMMITTEE

29 August 2017

### Present:-

Councillors R Radford (Chairman), M Asvachin, R Bloxham, P Colthorpe, A Dewhirst, G Gribble and J Mathews

R Hodgins, A Mayes and R Saltmarsh

### Apologies:-

Sir Simon Day

### \* 9 **Exclusion of Press and Public**

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

**RESOLVED** that the press and public be excluded from the meeting for the following item of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act namely, information relating to an individual 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.

### \* 10 **Allegation of Breach of Members' Code of Conduct**

(Councillor Bloxham declared a personal interest in this matter by virtue of being a County Council representative on the RD&E NHS Foundation Trust Council of Governors, a member of the Healthy New Towns Executive Board and also Councillor for the Broadclyst Division).

The Committee considered the:

- Report of the Monitoring Officer (CSO/17/25);
- Investigating Officer's Report;
- Independent Persons Comments;
- Members' Code of Conduct; and
- Guidance/Procedural Note for the Assessment & Determination of Allegations of Breaches of the Code of Conduct for Members

relating to complaints of an alleged breach or breaches of the Members' Code of Conduct by County Councillor Randall Johnson (the subject member).

The Committee were advised that a number of complaints had been received alleging that on 25 July 2017, when presiding at a meeting of the Council's Health and Adult Care Scrutiny Committee, the subject member had failed to apply one or more of the Principles of Public life set out at paragraph 1.2 of the Council's Code of Conduct for Councillors and, in particular, had breached specific provisions set out at paragraphs 4 and 5 (a), (c), (d), (g) and (h) of the Code. It was variously alleged that the subject member had failed to treat others (and one other County Councillor in particular) with courtesy and respect and that her actions could be characterised as bullying or intimidation and/or a potential abuse or misuse of power or authority and that she had conducted herself in such a manner as to achieve her own objectives and had brought her office and/or the Council into disrepute.

# Agenda Item 10a

STANDARDS COMMITTEE  
29/08/17

In summary, the main elements of the complaints received were that the subject member:

- had not made the Committee aware of a 'proposal' of which she had been given 'notice' and had not called elected Members to speak in the order they had indicated a wish so to do;
- had allowed another elected Member to put a proposal to the Committee before that referred to above;
- had, allegedly, encouraged elected Members to vote in a particular way and herself voted on a proposal not to refer the matter to the Secretary of State;
- had showed bias and partiality in the way speakers were called and in her conduct of the meeting, not allowing fair and balanced debate;
- had not provided adequate guidance for or direction to elected Members to consider/scrutinise all relevant issues or service provision in specific areas or encourage robust questioning of the Clinical Commissioning Group representatives at the meeting;
- similarly, had not questioned or caused to be questioned the Clinical Commissioning Groups previous responses to the Committee's questions and/or address whether the requirements of a referral to the Secretary of State for Health had been met, as indicated in the papers before the Scrutiny Committee;
- should be removed or suspended from the office of Chairman of the Health & Adult Care Scrutiny Committee;

and a number of those complainants had also questioned the voting process at the meeting and the voting rights of the co-opted member representing Devon District Councils.

The Committee was advised (CSO/17/25) that, in accordance with the Council's published procedures and guidance on dealing with complaints against Members of the Council ([http://www.devon.gov.uk/index/councildemocracy/county\\_councillors/councillorcomplaints.htm](http://www.devon.gov.uk/index/councildemocracy/county_councillors/councillorcomplaints.htm)), an initial assessment of the complaint had initially been undertaken by the Monitoring Officer and, following consultation with an Independent Person appointed by the Council (as required under the above procedure), it had been felt that there was, prima facie, a case to answer and that the matter therefore merited formal investigation and a formal hearing. The option of a local settlement was not considered to be applicable in this case.

A formal investigation had subsequently been undertaken in line with the Council's Procedures and consequently and in line with the Council's procedures, the Committee was now required to consider the Investigating Officer's Report and decide whether or not, on the basis of the evidence available and the views of the Independent Person, it agreed with the findings of the Investigating Officer or would wish to institute some other course of action.

The County Solicitor further advised Members that the sanctions available to the Council in such cases were to:

- require the subject member to issue a formal, public, apology;
- recommend that the Council issue some form of public censure or 'name and shame' the subject member;
- recommend to the appropriate Group Leader that the subject member be removed from any or all offices/sub-committees;
- instruct the Monitoring Officer to arrange training;
- remove the subject member from all outside bodies appointed or nominated by the Council;
- withdraw facilities (e.g. computer); and/or
- exclude or restrict access by the subject member to some or all of the Council's offices.

The Investigating Officer had examined a total 23 complaints received from members of the public (the complainants) relating to alleged breaches of the Members' Code of Conduct by the subject member (a Member for the Broadclyst Electoral Division), in her capacity as Chairman of the Council's Health and Adult Care Scrutiny Committee.

The Investigating Officer's Report - which had been circulated in advance for the attention of Members at this meeting – had analysed the issues in detail in order that in its determination of the next steps in the process the Committee might give full regard to the issues involved. It contained the full text of each complainant's submission together with the subject member's written representations in response thereto and written submissions or summary of views of other persons whom the Investigating Officer had felt might be able to contribute to or assist the investigation by confirming, denying or otherwise commenting upon the allegations or other matters relevant or pertaining to the investigation.

The Committee noted that to a greater or lesser extent all of the complaints received had identified the same or very similar issues to those summarised above, or had made general comments and representations or expressed concerns that persons had not, in their opinion, been treated fairly and/or that the meeting had been poorly or improperly conducted. There were however no significant or material differences in the complaints/submissions which repeated many of the broad issues in nature or content and/or were, in some cases, 'third hand' reports of events.

Notwithstanding the fact that in order for a complaint to be investigated under the Council's procedure it should relate to the actions of an individual Councillor - and not generally to the conduct of a meeting or how a decision was reached - the Committee welcomed the decision of the Investigating Officer (given the two elements were clearly inextricably linked in the minds of complainants) not to exclude or reject those 'complaints' or statements out of hand; concentrating instead on the issues relating to the behaviour of the Members concerned. Nonetheless, Members of this Committee noted that a number of complainants had themselves acknowledged that the procedures at the Scrutiny Committee may not have been '*against the rules*' but had felt they had not followed '*appropriately*'.

In examining specific issues in detail, as set out hereunder, the Committee was mindful of the views of complainants, interested parties and the Investigating Officer.

A number of complainants or those interviewed had alleged that there had been a pattern of a particular Councillor having being ignored by the subject member at meetings, an allegation repeated in an article in the Western Morning News on 3 August 2017 (also appended to the Investigating Officer's Report) citing an incident at a previous meeting. The Investigating Officer was firmly of the view that this was simply not accurate – as evidenced in his Report and on the basis of that Councillor's own comments and statements. There were no grounds for saying that the subject member had prevented or denied the opportunity to any Member - on that previous occasion or on 25 July - to put a motion or amendment to the vote and any suggestion that this was part of a pattern could not therefore be substantiated and there could therefore be no procedural failure. The Investigating Officer had confirmed that this had been previously explained to and acknowledged by the Councillor concerned and he could not therefore accept that the subject member's actions in that regard supported any allegation of a breach of the Code (paragraphs 4 (a) or 5 (c) or (d)).

It was acknowledged that, at Committee meetings, the onus was on individual Members to formally move any motion or amendment from the 'floor' of the meeting - at the earliest opportunity - and that there was and never had been any procedure that obtained for motions/amendments to be 'listed' and dealt with in the order they may have 'lodged', 'registered' or 'submitted' to a third party and then to be taken automatically in turn, even if a text had been circulated in advance. Procedurally, until a proposition was formally moved it was not technically before the Committee and the person presiding at any meeting would not normally be expected to specifically remind individual members so to do even where it may be anticipated they might wish to do so.

# Agenda Item 10a

STANDARDS COMMITTEE  
29/08/17

The Committee explored the possibility of requiring Members to submit motions or amendments for Committee meetings in advance – which would need amendments to the Council's Standing Orders - but felt that would actually restrict the ability of Members to raise or pursue matters as a result of discussions at a meeting and thereby inhibit their involvement in the democratic process.

In relation to concerns that the subject member did not guide or direct Committee Members sufficiently robustly to discuss the relevant issues set out in the papers before that Committee or upon which representations had been made direct to Members, the Investigating Officer recognised that the subject member had been at pains to allow all parties present and able to speak with the Clinical Commissioning Group's representatives, public speakers and local Members attending under Standing Orders addressing the Committee first and speaking on any aspect of the situation as they saw fit. Thereafter Members of the Scrutiny Committee were invited to speak – without restriction as to subject or time - to enable them to raise any issues they may have wished so to do and enable an informed discussion/debate: only then coming to a view, having first heard all the arguments.

It was felt to be entirely reasonable to have assumed that Members of the Committee had read and digested the information before and that it was for Members themselves to refer or raise in debate and discussion any specific issues they felt were necessary or worthy of so doing. The Investigating Officer was of the view that it would be wrong for anyone to assume that there had been no consideration of the issues highlighted in the Report CS/17/23 circulated at the 25 July meeting simply because Members had chosen not to speak specifically to any of those points.

The Investigating Officer was equally clear that there was no evidence to suggest – notwithstanding the opinions and perceptions of others - that any of the normal, accepted, responsibilities of the person presiding at a meeting were not properly exercised by the subject member at the meeting on 25 July 2017 or that the subject member had thereby breached the provisions of paragraph 5 of the Code.

As to allegations about the composition of the Committee and voting thereat, the Investigating Officer was content that the appointment, composition and voting rights of members of that Committee had been properly determined by the County Council. He had however highlighted that the wording of the Council's Constitution may not, in all respects, have been up to date or consistent – as acknowledged by the Council's Officers – but equally recognised those errors of omission would and could not override the provisions of the law. Schedule 1 of paragraph 12 of the Local Government Act 2000, clearly provides that an English Principal Council may permit a co-opted member of an overview and scrutiny committee of the authority to vote at meetings and the Council's Standing Orders also clearly provides (Standing Order 21) that *'All committees (including any Statutory Committee) will be appointed by the Council. The Council will decide on the size of each committee and how many voting or non-voting members it will have'*. Further, the Investigating Officer was satisfied that there was no impediment or irregularity in the arrangements put in place by the Council to exercise scrutiny arrangements under The Local Government Act 2000 and The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

In relation to complaints about the voting process and validity of votes, the Committee shared the view of the Investigating Officer that it was perfectly acceptable for the subject member (as Chairman) to have voted for the proposal before the Scrutiny Committee, there being no statutory or procedural requirement that a Chairman must only exercise their second or casting vote. That could not therefore constitute a breach of the Code of Conduct.

The Committee also noted that the issues or 'complaints' raised by a number of complainants about the actions of the co-opted member of the Scrutiny Committee at the meeting could not be considered by the County Council as the Member was not a County Councillor and would,

therefore, automatically fail the overriding criteria tests to be applied to any complaint. Should complainants wish to pursue those matters then any such complaints would therefore have to be made to East Devon District Council's Monitoring Officer.

The Committee acknowledged that the Investigating Officer had accepted that a number of the exchanges between Members and the Chairman were terse and not as good tempered as might reasonably be expected, no doubt because passions were running high among all those present – both Members and public alike. Unedifying that it may have been and while the events may not have reflected well on any member or the Council they were not in the Investigating Officer's view, unacceptable in terms of behaviours or the requirements of the Code of Conduct and were not sufficient therefore to warrant being a breach of paragraph 4 or 5(h) of the Code of Conduct. Further, the Investigating Officer was not persuaded that any breach of paragraph 5(h) of the Code had been demonstrated or convinced of the argument that the subject member's actions amounted to 'manipulation' or that there was any evidence of bias, partiality or foreknowledge on her part of any Members position that would be to the detriment of any other Members participation in the meeting amounting to a breach of paragraphs 5 (c) or (d) of the Code. Nonetheless and while acknowledging the above viewpoint Members were equally of the view that the Council should be seen to be responding to those concerns and perceptions to avoid any recurrence in the future, even if no breach of the Code was found.

The Committee noted that, in preparing his Report, the Investigating Officer had been clear that it was not his role to decide whether the decision ultimately taken by the Scrutiny Committee was right or wrong or if the behaviour or conduct of individual member(s) was motivated by personal considerations or feelings, only to consider if those behaviours may have overstepped the mark and represented a clear breach of the standards expected of Elected Members and of the Code of Conduct. In his view, the concerns expressed related more to individuals' perceptions of the motivation of individuals and the 'appropriateness' and 'correctness' of the process followed and the attitudes and intentions of those involved rather than any clearly evidenced breach of the Code of Conduct. While he accepted that complainants may hold strong views about the subject member's comments/conduct – and of other members present - these were not in his opinion, sufficient to uphold any allegation of a breach of the Code warranting any formal disciplinary or summary action.

The Investigating Officer had therefore concluded that there had not been any procedural or administrative failure in the way in which the Scrutiny Committee had been appointed, convened or conducted or any failure of process or abuse of power in the Scrutiny Committee's determination of the matters before it. Any suggestion that the decision of the Scrutiny Committee should be overturned or quashed and/or that a further meeting be held to reconsider the issues - to preclude any subsequent legal challenge - was outside the scope of his investigation.

The Investigating Officer advised the Committee that following circulation of his Report to the Committee he had been made aware of further 'issues' raised by two persons – both of whom had submitted complaints previously - about the actions of the Co-opted Member of the Committee and the continuing membership of councillors upon the Scrutiny Committee, which were substantially the same as raised by other complainants and as referred to in his Report.

In accordance with the Council's procedures, the same Independent Person that had been consulted initially had again been consulted on the findings of the Investigating Officer's Report. In summary, and as reported at the meeting, the former had endorsed the latter and its findings. Having read the Report carefully and having considered the issues raised, the Independent Person had agreed with the Investigating Officer's views expressed at paragraphs 70 and 72 of the his Report that there had not been any procedural or administrative failure in the way in which the Scrutiny Committee had been appointed, convened or conducted. Further, and having had regard to the commentary and conclusions of the Investigating Officer's Report, the Independent Person had concurred that there had been no indication of the Code having been breached in any way; accepting that Members'

# Agenda Item 10a

STANDARDS COMMITTEE  
29/08/17

behaviour may not have been ideal and that some had been vociferous in their approach although that was not of itself a breach. The Independent Person did not believe the subject member had done anything wrong in calling Members to speak in the order she had identified them or they had been identified to her by her Vice-Chairman or Officers at the meeting. In accepting that any suggestion that the Scrutiny Committee's decision should be '*overturned or quashed and/or that a further meeting should be held to reconsider the issues*' was outside the scope of this investigation, the Independent Person did nonetheless acknowledge that the Scrutiny Committee could itself decide to reconsider the matter if it so wished, which should be recognised.

The Committee noted that one of this Committee's Co-opted Members was unable to attend this meeting and had asked that his support for the findings of the Investigating Officer be reported.

In light of the above, the matter having been debated and the Committee having:

- considered the Investigating Officer's Report and the various submissions and representations appended thereto;
- regard also to the circumstances and to the options and/or alternatives set out in the County Solicitor's Report CSO/17/25;
- any other relevant factors or views expressed as indicated above;
- regard to the advice of the Independent Person:

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Mathews and unanimously

## **RESOLVED**

(a) that the Investigating Officer's Report be acknowledged and endorsed as an exhaustive and thorough piece of work;

(b) that the Committee finds that the allegations are not proven and that there has not been any breach of the Code of Conduct or that they disclose any sufficiently serious potential breach that might warrant punitive action or sanction or that the subject member failed to apply one or more of the Principles of Public Life;

(c) that there is no evidence to support any allegation that the subject member failed to adhere to the Code of Conduct or had failed to treat others with respect or had failed to act in the public interest or had acted improperly or did not have regard to the relevant facts before taking part in any decision making process as alleged, specifically, in relation to paragraphs 4 and 5(a), (c), (d), (g) and (h) of the Code and that that complaints cannot therefore be upheld;

(d) that, notwithstanding the above, the Committee accepts that the events of the Health and Adult Care Scrutiny Committee meeting on 25 July 2017 may not reflect well on individual Members or upon the Council as a whole, and further recognises that the perception gained by persons present at the meeting or subsequently viewing the webcast is not that which would have been desired: Group Leaders should therefore be asked to remind Members of the need to conduct themselves appropriately and respectfully at all times;

(e) that, additionally, the subject member be strongly reminded of the importance of the work of scrutiny committees - reinforcing the value of neutrality in scrutiny both generally and in calling the 'health service' to account – and the need to be even handed and scrupulously fair, recognising that failure to do so may be perceived as a deliberate act; the difference between perception and reality being not easily countered;

# Agenda Item 10a

STANDARDS COMMITTEE  
29/08/17

(f) that in light also of the evident lack of awareness of some Members of the procedures to be followed at meetings, further training be offered (i) to Members on the rules of debate including procedures relating to the moving of motions and amendments and voting at committee meetings and to remind them that assistance was available through the Council's Democratic Services & Scrutiny Secretariat to help them in ensuring consideration of any matter by a Committee and in drafting motions or amendments and (ii) to Chairmen and Vice-Chairmen of Scrutiny Committees, generally, relating to the management of those procedures at meetings;

(g) that Members be also reminded of the need to ensure microphones are switched on and used particularly when meetings are webcast and that Officers examine the potential within the current audio system to ensure that Members' microphones are switched on remotely, if necessary, to ensure that their contributions are heard and recorded on the webcast;

(h) that, additionally, the Procedures Committee be asked at its next meeting to ensure the wording of the Council's Constitution in relation to the appointment and membership of Scrutiny Committees is accurate and consistent throughout and reflects the provisions of the law and that the presentation of information about such appointments at the Annual Meeting of the Council is similarly made clearer in future; and

(i) that complainants be advised that any complaint over the conduct of the Health and Adult Care Scrutiny Committee's Co-opted Member cannot be dealt with by the County Council and that as that Member was currently an East Devon District Councillor any such complaints should be referred to East Devon District Council's Monitoring Officer.

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

The Meeting started at 2.15 pm and finished at 3.42 pm

# Agenda Item 10a

STANDARDS COMMITTEE  
29/08/17

## APPEALS COMMITTEE

4 September 2017

Present:-

Councillors H Ackland, J Hawkins, G Hook, C Slade and P Twiss

\* 71

### **Minutes**

**RESOLVED** that the minutes of the meeting held on 10 July 2017 be signed as a correct record.

72

### **Procedural Matters - Route Safety Determination**

Members reviewed current procedures, to reduce the timescale an appellant awaits the outcome of their route safety appeal and particularly to advise the appellant at the earliest opportunity of any route deemed unavailable on a Members' route walk.

**RESOLVED:-** that Officers be authorised to determine in consultation with Members of the Committee following a Members' route safety walk (supported by a Members route safety report), the eligibility of a route and the respective individual appeal(s) where there is unanimity of, or a clear majority view reached by a Members' route safety walk. If no agreement is reached, the matter will be deferred for determination to a special meeting of the Appeals Committee where necessary.

\* 73

### **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.

\* 74

### **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.

\* 75

### **Deferred Appeals**

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

The Committee noted:-

(a) the verbal update in relation to ST83 Penquit – Ivybridge CC

# Agenda Item 10b

APPEALS COMMITTEE  
4/09/17

(b) that ST84 Great Torrington – Monkleigh Primary School (appeal refused) had been determined under urgency procedures as the route was deemed available following the Members' route walk.

\* **76**      **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:-

ST87	Exmouth – Kings School, Ottery St Mary	Appellants
ST89	Uffculme – Burlescombe CE Primary	Appellant
ST91	Exeter – St James School	Appellant and representatives
ST86	Heanton Barnstaple – Braunton Academy)	Appellants)
ST86	Heanton Barnstaple – Braunton Academy)	Appellants)
ST90	Ashprington – KEVICS, Totnes	Appellant and local County Councillor
ST88	Dartmouth – Kingsbridge Academy	-

**RESOLVED:-**

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

ST87 Exmouth – Kings School, Ottery St Mary

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

ST89 Uffculme – Burlescombe CE Primary

ST88 Dartmouth – Kingsbridge Academy

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

ST91 Exeter – St James School

ST86 Heanton Barnstaple – Braunton Academy)

ST86 Heanton Barnstaple – Braunton Academy)

ST90 Ashprington – KEVICS, Totnes

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

The Meeting started at 9.45 am and finished at 2.45 pm

# Agenda Item 10b

APPEALS COMMITTEE  
4/09/17

# Agenda Item 10b

## DEVELOPMENT MANAGEMENT COMMITTEE

6 September 2017

Present:-

County Councillors

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

Member attending in accordance with standing Order 25:-

Councillors J McInnes and A Saywell

Apologies:-

Councillors H Ackland, A Connett, I Hall, J Hodgson and T Inch

\* 21

**Minutes**

**RESOLVED** that the Minutes of the meeting held on 12 July 2017 be signed as a correct record.

\* 22

**Site Visit Arrangements**

The Committee noted that, to help enable consideration at the next meeting on 25 October 2017, site visits in relation to applications for quarrying at Straitegate Farm, Ottery St Mary and associated processing at Hillhead Quarry, Cullompton would be re-arranged for Monday, 23 October 2017.

\* 23

**County Matter: Waste: Torridge District: Variation of condition 1 of planning permission reference DCC/3910/2016 to allow the permanent retention of the green waste composting operation at Deep Moor Landfill Site, Road from Belle View Cross to High Bullen, High Bullen Applicant: DWML Holdings Limited Application No: 1/0584/2017/CPZ Date application received by Devon County Council: 6 June 2017**

(Mr R Marsh attended under the Council's Public Participation Scheme and spoke on behalf of the applicant in support of the application)

The Committee considered the report of the Head of Planning, Transportation and Environment (PTE/17/50) on a planning application for the variation of condition 1 of planning permission reference DCC/3910/2016 to allow the permanent retention of the green waste composting operation at Deep Moor Landfill Site, Road from Belle View Cross to High Bullen, High Bullen.

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

# Agenda Item 10c

DEVELOPMENT MANAGEMENT COMMITTEE  
6/09/17

**RESOLVED** that planning permission be granted subject to conditions set out in Appendix II to Report PTE/17/50 with any subsequent minor changes to the conditions being agreed by the Head of Service in consultation with the Chairman and the local County Councillor.

- \* 24 **County Matter: Waste: Torridge District: The permanent use of a building for the operation of a Waste Recovery Yard and Waste Transfer Station, an extension to the Recovery Yard and provision of landscape screening bunds at Deep Moor Landfill Site, Road from Belle View Cross to High Bullen, High Bullen**

(Mr R Marsh attended under the Council's Public Participation Scheme and spoke on behalf of the applicant in support of the application)

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/51) on a planning application for permanent permission for the existing Materials Recovery and Waste Transfer Building at Deep Moor together with associated engineering and landscaping operations.

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 Gribble and

**RESOLVED** that planning permission be granted subject to the conditions set out in Appendix II Report PTE/17/51 with any subsequent minor changes to the conditions being agreed by the Head of Service in consultation with the Chairman and local County Councillor.

- \* 25 **County Council Development: North Devon District: Retention of a Temporary Classroom for a further 5 Years, land at Ilfracombe Infant and Nursery School, Marlborough Road, Ilfracombe**

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/52) on a planning application for the retention of a temporary classroom located at Ilfracombe Infant and Nursery School for a further 5 years.

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 permission be granted for a further temporary five year period.

- \* 26 **County Council Development: Torridge District: Construction of a Trail on former railway at land between the former Hole Station and the C494 near Chilla, Highampton**

The Committee noted the Report of the Head of Planning, Transportation and Environment (PTE/17/53) on the actions of the Head of Service. Following a site visit and discussions on the merits and disadvantages of a suggested alternative proposal the Head of Service had

determined that the application be deferred in order to further explore a suggested alternative route.

\* 27 **County Council Development: West Devon Borough: Construction of a Trail at land north of the C491 Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton**

(Mr G Cornish (Devon County Council) attended under the Council's Public Participation Scheme and spoke on behalf of the applicant in support of the application, Councillor P Kimber (on behalf of Ms C Barkwell) attended and spoke in support of the application and Councillor P Halsted (Chairman, Meeth Parish Council), Mr R Hughes, Mr W Knapman and Ms B Devoy attended and spoke against the application)

(Councillor J McInnes attended in accordance with Standing Order 25(2) and spoke to this Item in support of the application)

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/54) on a planning application for the construction of a section of an off road multi-use trail as an extension to the Tarka Trail forming the northern part of a link between Meeth and Hatherleigh.

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 Head of Service reported on the receipt of an on-line petition containing 450 signatories in support of the application.

Members noted the proposed conditions relating to mitigation of nature conservation, landscape and visual impacts which it felt responded to concerns expressed by objectors.

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

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

**RESOLVED**

(a) that permission be granted subject to the conditions set out in Appendix II to Report PTE/17/54 with any subsequent minor changes to the conditions being agreed by the Head of Service in consultation with the Chairman and local County Councillor; and

(b) that further consideration be given to the improvement works proposed for the C491 taking into account the potential urbanising impact of the scheme and the impact of vehicular traffic whilst retaining the requirement to provide safe access for trail users.

\* 28 **County Council Development: West Devon Borough: Construction of a Trail at land south of the C491 Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton**

The Committee noted that following a site visit held on 3 August 2017 additional information had been requested from the applicant relating to the impact of the proposed development on Parker's Copse, specifically in terms of landscape impacts and ecological interests. An application would therefore be submitted to a future meeting of this Committee for determination.

# Agenda Item 10c

DEVELOPMENT MANAGEMENT COMMITTEE  
6/09/17

\* 29 **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/55) of action taken under delegated powers.

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

The Meeting started at 2.15 pm and finished at 3.50 pm

## PROCEDURES COMMITTEE

12 September 2017

Present:-

Councillors R Radford (Chairman), J Hart, S Hughes, S Aves, F Biederman, A Connett, R Hannaford, N Way and C Wright

Members attending in accordance with Standing Orders 8 and 25

Councillor Atkinson

\* **8**      **Minutes**

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

\* **9**      **Items requiring urgent attention**

There was no item raised as a matter of urgency.

**10**      **Membership of Committees: Co-opted Members**

The Committee considered the report of the County Solicitor (CSO/17/26), which asked the Committee to note the remedial action required in updating the Constitution (Scrutiny Procedure Rules) and also future working practices, as outlined in section 5 of the report, in line with the delegated powers of the Monitoring Officer (Article 15(a)(i)) and in light of recent events and subsequent investigation into the proceedings of the Health and Adult Care Scrutiny Committee.

The report updated the Procedures Committee on required amendments to the Constitution (Scrutiny Procedure Rules) and future working practices in relation to Committee Allocation Schedules, in order to provide clarity on voting rights of Co-opted Members serving on Scrutiny Committees.

The County Solicitor also updated the Committee on the other constitutional issues arising from the aforementioned investigation, including future training events, briefings for Chairs and Vice Chairs of Scrutiny whilst also highlighting the neutrality required of Scrutiny Committees.

The Council's Constitution has always been absolutely clear on the voting rights of the Co-opted Members of the Children's Scrutiny Committee, (Scrutiny Procedures Rules – 4.0), but neglected to afford the same level of clarity to the District Council Co-optee of the Health and Adult Care Scrutiny Committee.

The County Solicitor has accepted the fact the Scrutiny Procedure Rules were not aligned with the Standing Orders and so to ensure its Constitution and Procedures were transparent and democratic and accessible to all reported the following actions;

# Agenda Item 10d

PROCEDURES COMMITTEE  
12/09/17

- a) **Amendments to the Constitution** – proposed to read as follows:

## Scrutiny Procedure Rules

### 2.0 MEMBERSHIP OF SCRUTINY COMMITTEES

2.1 All councillors except **the Chairman of the Council and** members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision of another committee in which he/she has been directly involved.

### 3.0 CO-OPTEEES (**Voting Scheme**)

3.1 A Scrutiny Committee is entitled to recommend to the **Council (which shall appoint committees in accordance with Standing Order 21)** the co-option of one or more persons as **voting or** non-voting members of the Committee.

### 4.0 OTHER REPRESENTATIVES

4.1 The **Children's** Scrutiny Committee (or any successor committee dealing with education matters) shall include in its membership the following voting representatives:

- (a) 1 Church of England diocesan representative;
- (b) 1 Roman Catholic diocesan representative; and
- (c) 1 parent governor representative representing primary, secondary and special schools in the county.

who shall vote only on matters relating to the Council's functions as a Local Education Authority and not on other matters considered by the committee although they may remain in the meeting and speak to those other items.

4.2 The Health & Adult Care Committee (or successor committee) shall include in its membership 1 voting representative of City, Borough and District Councils in the administrative County of Devon, **to collate and represent the views of the District Councils.**

- b) **Committee Allocation Schedules for Council Annual Meeting:**

- i) That future recommendations before the Council will read.....
  - *that, and in accordance with the Council's Scrutiny Procedure Rules, the County Council appoints the total numbers of voting (v) or non-voting (nv) members to those Committees, Joint Committees and Working Parties/Panels referred to (a) above as thus denoted in the Appendix (the Council's voting scheme) circulated at the meeting for the period expiring at the date of the Annual Meeting of the Council in 2018;*
- ii) That the 'Committee Allocations Schedule' will be reflected in line with above denoting voting (v) or non-voting (nv) against every Co-opted Member to be appointed by the Council.
- iii) The provisions in relation to the voting co-optees are outlined in the Scrutiny Procedures Rules which form the Voting Scheme. The Council will refresh that voting scheme as is best practice from time to time, in line with the requirements of the Act.

The Leader further undertook to raise the role of the District Council co-opted representative, in particular the expectation they consult with other District Councils on matters under consideration at the Scrutiny Committee, at the next meeting of the Devon Local Government Steering Group on 20 October 2017.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Wright, and, nem com.

**RESOLVED** that the proposals outlined in the report and the subsequent amendments to the Constitution (Scrutiny Procedure Rules), as outlined above and appended to these minutes, be endorsed, with the addition of the words 'to collate and represent the views of the District Councils' at paragraph 4.2, outlined in red above.

## 11 **Council Procedure Rules: Nomenclature**

(Councillor Atkinson attended under Standing Order 25(2) and spoke at the invitation of the Committee)

The County Solicitor reported that at the previous meeting and 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 – to describe or refer to the person presiding at a meeting.

The Committee was, at that meeting, 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. The Committee had agreed that the suggestion that the Council's Constitution should be amended by the deletion of the term *Chairman* and the substitution therefor of the term *Chair* be considered further at this meeting, together with the advice from the Council's Equality Reference Group and any other official documentation, as appropriate.

The Committee was advised that the Equality Reference Group and Corporate Equality Officer considered this specific issue at its meeting in July 2017 and consequently recommended that the Council should ensure gender neutral language in its written Constitution, removing the word "Chairman" and replacing it with "Chair" or "Chairperson" and ensuring also the use of his/her, s/he, or better still non-binary language: "their/them/they" as appropriate, accepting that an individual may refer to themselves or want to be addressed as "Chairman" or "Chairwoman" or other term, if he/she so wished.

The Committee also highlighted that if recommending to the County Council to adopt a gender neutral approach as outlined above it would be deemed to apply automatically to the term Vice-Chairman.

The report further highlighted the recent Fawcett Report, which although initially focussing upon candidacy for Election through to becoming a Leader of a Council, made a series of recommendations that would bring more women into Local Government and help them to play a full role at all levels.

Whilst there was no specific mention of terminology with this specific report, it uses gender neutral language throughout and the Fawcett Society, previously, have published guidance on the use of gender neutral language, including a guide on how this is achieved in Parliament, particularly in respect of drafting Bills and new Legislation.

Whilst there was nothing in the Council's Equality Policy that mandated the need to use gender neutral terminology, there was an Acceptable Language guide which set out some examples of what may or may not be "good to use". This was guidance to which reasonableness and common sense needed to be applied.

# Agenda Item 10d

PROCEDURES COMMITTEE  
12/09/17

The Committee further noted that 'writing for GOV.UK' guidance advocated using gender neutral text wherever possible. Whilst this guidance was aimed at web based work, the principle applied in a wider context.

The Committee further considered that if the change was to be adopted, then any time and financial implications would need to be managed. With that in mind, the Committee were minded to suggest that such changes be made in line with other reviews of the documentation, but that the democracy centre could be updated as an immediate action.

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

## **RESOLVED**

(a) that the Committee accept the advice of the Equality Reference Group on its consideration of the use of an alternative, gender neutral, term in place of 'Chairman' and recommend the Councils Constitution, Rules of Procedure (Standing Orders) and Working Practices be amended accordingly, as part of the wider review of the Constitution to be undertaken later in the year.

(b) that this Committee advocate the use of gender neutral language across the wider organisation, both on the website and in written publications, and the County Solicitor be asked to promote the request for that material to be updated as and when reviews of that documentation takes place.

## \* 12 **Cabinet Procedure Rules: Cabinet Member Reports**

The Committee considered the current practice in relation to Cabinet Member Reports and the process of recording the detail on the Order Paper.

A Cabinet Member may be asked, at a Council meeting, to report or comment upon matters of interest or service related developments relating to his/her remit. Once the requisite notice has been given by a Member for a 'Cabinet Member Report', other Members may then, without notice, comment upon or ask questions of the Cabinet Member on any matter referred to in their Report or relating to their remit.

Where a Cabinet Member chooses to report orally the topic or issue upon which they have been asked to report/comment is included in the Order paper. Again and as is normal practice for Cabinet Member Reports or formal questions, any prefacing remarks or members' observations on the matter at hand are not normally included in the Order Paper although they will have been passed to the Cabinet Member to show the context in which they had been asked to report/comment.

The Committee considered the current practice, in light of comments made at the last Council meeting that Members had not received any prior notification of matters so raised, other than through the Order Paper.

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

**RESOLVED** that the current working practice be continued, but that the matter would be kept under review.

## \* 13 **Reference from Teignbridge HATOC - Terms of Reference**

The Committee considered a reference from the Teignbridge Highways and Traffic Orders Committee, which at its meeting on 13 July 2017 and in receiving a presentation on the work and powers of the Committee, Members of the Teignbridge HATOC had suggested it would be beneficial if the limit of £250,000 for approval of highway improvement schemes

determined by Highways and Traffic Orders Committees (HATOCs) could be increased, having been set at that level for many years and had consequently resolved *'that the Procedures Committee be asked to consider increasing the limit of £250,000 for the approval of highway improvement schemes to be determined by HATOCs under delegated powers (to HATOC) and to amending the Constitution and Financial Regulations accordingly'*.

Officers reported on the obtained views from the County Treasurer, Head of Highways, Infrastructure Development and Waste and Head of Planning Transportation and Environment, which was the consideration of the impact on other delegations and the financial regulations.

It was **MOVED** by Councillor Connett **SECONDED** by Councillor Biederman; and

**RESOLVED** that this matter be considered when Financial Regulations were next reviewed, anticipated in the next three months.

\* **14**      **Calendar of Meetings**

The Committee considered the draft calendar of meetings for 2018/19 prepared in line with the pattern of previous years, known determinants and relevant factors.

**RESOLVED** that the draft Calendar for 2018/19 be approved for publication, subject to the additional of the LGA Conference in July 2017 and that future Procedures Committee take place at 10.30am rather than 2.15pm.

\* **15**      **Date of Next Meeting**

**RESOLVED** that the date of the next meeting be changed from 23<sup>rd</sup> November 2017 @ 2.15pm to 15<sup>th</sup> November 2017 @ 10.30am

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

The Meeting started at 2.15 pm and finished at 3.35 pm

# Agenda Item 10d

## Scrutiny Procedure Rules

### 2.0 MEMBERSHIP OF SCRUTINY COMMITTEES

2.1 All councillors except the Chairman of the Council and members of the Cabinet may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision of another committee in which he/she has been directly involved.

### 3.0 CO-OPTEDS (Voting Scheme)

3.1 A Scrutiny Committee is entitled to recommend to the Council (which shall appoint committees in accordance with Standing Order 21) the co-option of one or more persons as voting or non-voting members of the Committee.

### 4.0 OTHER REPRESENTATIVES

4.1 The Children's Scrutiny Committee (or any successor committee dealing with education matters) shall include in its membership the following voting representatives:

- (a) 1 Church of England diocesan representative;
- (b) 1 Roman Catholic diocesan representative; and
- (c) 1 parent governor representative representing primary, secondary and special schools in the county.

who shall vote only on matters relating to the Council's functions as a Local Education Authority and not on other matters considered by the committee although they may remain in the meeting and speak to those other items.

4.2 The Health & Adult Care Committee (or successor committee) shall include in its membership 1 voting representative of City, Borough and District Councils in the administrative County of Devon, to collate and represent the views of the District Councils.



## AUDIT COMMITTEE

14 September 2017

### Present:-

Councillors J Mathews (Chairman), J Brazil, E Brennan and R Peart

### Apologies:-

Councillors I Hall, J Berry and A Saywell

\* **5** Minutes

**RESOLVED** that the Minutes of the meeting held on 30 June 2017 be signed as a correct record.

As it would be her last meeting, the Chair thanked the Director of Grant Thornton for her contribution to the Committee and the audit function.

\* **6** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* **7** Devon County Council Audit Findings Report

The Committee noted the Report of Grant Thornton (CT/17/66) setting out the findings arising from the audit of the County Council's financial statements and the work undertaken in relation to the value for money conclusion.

Grant Thornton had identified no adjustments affecting the Council's reported financial position anticipated, providing an unqualified audit opinion on the financial statements and that the Council had proper arrangements in all significant respects to ensure it delivered value for money in its use of resources.

The Committee acknowledged that Grant Thornton had made a number of recommendations in its action plan including a refresh of the Council's medium term financial strategy; increasing the transparency in reporting the delivery of planned savings and the need for the Council to introduce a framework with key milestones for monitoring progress of its Transformational Programme. Members expressed concern as to the effective monitoring of the Transformational Programme and the time period by which savings were likely to be realised.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Brennan, and;

**RESOLVED** that the Head of Organisational Development be invited to the next meeting of the Committee to update on the delivery plan for the Transformational Programme.

\* **8** Devon Pension Fund Audit Findings Report

(Councillor Mathews declared a personal interest in this matter by virtue of being in receipt of a widowers pension from the Devon Pension Fund.)

The Committee noted the Report of Grant Thornton (CT/17/67) outlining the findings arising from the audit of the Pension Fund for 2016/17 and described the work undertaken by the

# Agenda Item 10e

AUDIT COMMITTEE  
14/09/17

external auditors to address the risks previously identified in the Audit Plan which was considered by the Audit Committee on 28 March 2017 (Minute \*26/28 March 17).

Members noted that Grant Thornton anticipated providing an unqualified opinion in respect of the Pension Fund's financial statements.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Brazil, and;

**RESOLVED** that the report be noted.

## \* 9 Internal Audit Progress Report

The Committee considered the Report of the County Treasurer (CT/17/69) providing an update on issues identified as "improvement required" in the Annual Internal Audit Report.

Members acknowledged that progress had been made against the agreed recommendations, with an overall positive direction of travel, yet further progress was still required in a number of areas. It was therefore not possible to form new assurance opinions for individual audits; additional follow-up audit would be required in due course. The overall assurance opinion remained as previously reported in the Annual Audit Report 2016/17 as "significant assurance".

Members expressed concern about the lack of progress in terms of addressing issues relating to data security and residential / nursing commissioning arrangements. Officers advised that the data security issue did not represent a fundamental weakness, but it was being monitored closely and if the situation did not improve a report would be brought back to this Committee.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Brazil, and;

**RESOLVED**

- (a) that an update on residential / nursing commissioning arrangements be included on the agenda for the next meeting of the Committee, and;
- (b) that the progress made by management to address weaknesses identified through the internal audit process be noted.

## \* 10 Statement of Accounts & Annual Governance Statement 2016/17

The Committee considered the Report of the County Treasurer (CT/16/70) together with the Statement of Accounts booklet. The Report highlighted the key messages from the Statements of Accounts 2016/17 including, inter alia:

- the pension liability of £1,175 millions not representing an immediate call on the Authority's reserves and was a snap-shot valuation in time based on assumptions.
- Grant Thornton provided assurance to members that the estimate made sense 'within the context of many variables'.
- no new borrowing had taken place the year with capital expenditure due to be met from borrowing being financed from internal resources.

It was **MOVED** by Councillor Brennan, **SECONDED** by Councillor Peart, and;

**RESOLVED**

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

- (b) that the Statement of Accounts for 2016/17 be approved;
- (c) that the Pension Fund Statement of Accounts for 2016/17 be approved;
- (d) that the preparation of both the Statement of Accounts for the Pension Fund and County Council be approved on an going concern basis, and;
- (e) that it be noted that there are no significant events since the Audit Committee meeting on 30 June 2017 that would require an amendment to the Annual Governance Statement.

\* 11 **Corporate Risk Management Arrangements - Changes to the Management of Risk**

The Committee considered the Report of the County Treasurer (CT/17/65) providing an update on developments to the Corporate Risk Management arrangements and a summary of the key recommendations of the Internal Audit report, and the action being taken.

The County Treasurer advised that Internal Audit had identified Risk Management as having become a more marginal activity, rather than a necessary part of service planning to identify and manage potential risks. To address this, the risk management process would become more formal with an annual report being taken to each scrutiny committee.

It was **MOVED** by Councillor Peart, **SECONDED** by Councillor Brennan, and;

**RESOLVED** that the Audit Committee note the developments in the Corporate Risk Management arrangements.

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

The Meeting started at 2.15 pm and finished at 3.00 pm

# Agenda Item 10e

## INVESTMENT AND PENSION FUND COMMITTEE

15 September 2017

Present:-

Devon County Council

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

Unitary and District Councils

Councillors L Parker-Delaz-Ajete (Plymouth City Council), J O'Dwyer (Torbay Council) and M Hicks (Exeter LGA)

Other Employers

Councillor D Healy (Dartmoor National Authority)

Also in attendance (observers)

Mr Bowman and Mr Nicholls

Apologies:-

Councillor A Connett, Councillor P Edwards, R Franceschini, C Lomax, J Rimron and A Connett

\* 13

**Minutes**

**RESOLVED** that the Minutes of the meeting held on 16 June 2017 be signed as a correct record.

\* 14

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

\* 15

**Pension Fund Annual Report and Accounts 2016/17**

The Committee considered the report of the County Treasurer (CT/17/70) together with the Annual Report and Accounts, summarising the performance of the Fund's external managers, including stewardship activity and the market outlook, followed by the Statement of Accounts.

The County Treasurer reported that, as detailed in the Report (Appendices, Audit Opinion), that it had been the Auditor's opinion that there were no significant issues with the Pension Fund accounts and that the draft financial statements had been prepared to a high standard.

Members' discussion points included:

- actuarial review, methodology and calculations based on investment strategy and returns and progress towards reducing the recovery period, (further training on actuarial methodologies would be considered for members as part of the training programme)
- recording of the calculation of employers' contributions;
- consideration by the Treasurer to review (for next year's Report) the need to record explicitly the aim towards achieving full funding, reflected in the Funding Strategy Statement; and
- review of the Governance Compliance Statement in respect of non-compliance relating to 'where appropriate, independent professional observers'.

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

**RESOLVED** that the Pension Fund Annual Report and Accounts for 2016/17 be adopted.

# Agenda Item 10f

INVESTMENT AND PENSION FUND COMMITTEE  
15/09/17

\* **16**      **Brunel Pension Partnership - Progress Report**

The Committee considered the Report of the County Treasurer (CT/17/71) on the establishment of the Brunel Pension Partnership Limited (BPP Ltd.) and progress since the last meeting, including a draft response to Government on the proposed establishment of a Cross Pool Information Forum.

The next phase of work would concentrate on securing the regulatory approvals required from the Financial Conduct Authority and then planning and agreeing the portfolios that would be required for the participating funds to invest in. The project remained on track to meet the target date of April 2018 for the Company to begin transitioning assets from the participating funds.

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

**RESOLVED**

(a) that the progress with establishing the Brunel Pension Partnership Limited company be noted; and

(b) that the County Treasurer's draft response to the consultation on the proposed Cross Pool Information Forum as attached at Appendix 2 of Report CT/17/71, be agreed.

\* **17**      **Markets in Financial Instruments Directive II**

The Committee considered the Report of the County Treasurer (CT/17/72) on the Financial Instruments Directive (MiFID II) which would result in LGPS funds being reclassified as retail clients and Financial Conduct Authority (FCA) final policy statement which set out the rules for implementation of the Directive, with effect from 3 January 2018.

The Statement also provided greater clarity on the criteria for local authorities administering LGPS pension funds to "opt up" to be treated as "professional" (rather than "retail") clients. Members noted the 'warnings' in the Report relating to the loss of protections as a professional client which would result from this proposal.

It was **MOVED** by Councillor Hicks, **SECONDED** by Councillor Atkinson and

**RESOLVED**

(a) that the potential impact on investment strategy of becoming a retail client with effect from 3rd January 2018 be noted;

(b) that the immediate commencement of applications for elected professional client status with all relevant institutions be agreed in order to ensure it could continue to implement an effective investment strategy;

(c) that in electing for professional client status the Committee acknowledges and agrees to forgo the protections available to retail clients, as attached as Appendix 1 of Report CT/17/72; and

(d) that the County Treasurer be authorised to complete the appropriate 'opt up' process with all the relevant institutions and determine the basis of the application as either a full or single service.

\* **18**      **Investment Strategy Statement**

The Committee considered the Report of the County Treasurer (CT/17/73) on a proposed revised Investment Strategy Statement (ISS). After the commitment to private debt agreed at

the last meeting of the Committee on 16 June 2017, it was proposed that the ISS should be updated to reflect that decision. The opportunity had also been taken to make other minor changes suggested by Internal Audit who had reviewed the strategy and the process for putting it together.

It was **MOVED** by Councillor Parker-Delaz-Ajete **SECONDED** by Mrs Healy and

**RESOLVED** that the revised Investment Strategy Statement, attached to Report CT/17/73, be approved.

\* **19**      **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/17/74) on the current Fund Value and Asset Allocation. The value of the fund as at 30 June 2017 stood at £3,989.1 million, an increase of £60m over the last quarter. The County Treasurer highlighted that while the allocation to 'cash' was higher than target, this would be reduced by the drawdown of the commitment made to private debt funds. The Fund was over exposed to the UK and there was a significant under exposure to North America with a smaller under-exposure to Japan compared to the World Market.

Members considered a proposal to change the investment in the State Street Emerging Markets Fund from an equal country weighted strategy to a fund tracking the MSC Emerging Markets Index.

The Report also detailed Fund performance over periods to 30 June 2017, State Street Equal Country weighted fund Performance to June 2017 and budget forecast monitoring and cash management.

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

**RESOLVED**

(a) that the Investment Management Report be noted;

(b) that compliance with the 2017/18 Treasury Management Strategy be noted;

(c) that the County Treasurer in consultation with the Chairman be authorised to move up to £100m from UK passive equities to overseas passive equities (North America and Japan), if market conditions provide an opportunity and the appropriate trigger points are hit, and that the trigger points be reviewed at the next meeting of the Committee; and

(d) that the Specialist Funds investment in the State Street Emerging Markets Fund be switched from the current equal country weighted fund to a fund tracking the MSCI Emerging Markets index.

\* **20**      **Pension Fund Risk Register**

The Committee noted the Report of the County Treasurer (CT/17/75) on the Pension Fund Risk Register and the additional actions taken to mitigate that risk. The review of the Register was part of the regular scrutiny process by this Committee.

Identified risks emanated from a range of sources including the funding position, investment performance, membership changes, benefits administration, costs, communications and financial systems. The risks identified had been incorporated into the Fund's Risk Register and assessed in terms of the potential impact of the risk event should it occur.

Members referred to the risk associated with any potential loss of key Officers within the In-House team.

# Agenda Item 10f

INVESTMENT AND PENSION FUND COMMITTEE  
15/09/17

\* **21**      **Committee Training**

The Committee noted the Report of the County Treasurer (CT/17/76) on an update of scheduled training events for Members. Consideration to training in relation to 'currency hedging' would be given for inclusion in this or a future programme, as well as the actuarial role.

\* **22**      **Applications for Admitted Body Status**

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

(a) Parkwood Leisure: from 1st October 2017, 4 staff currently in the LGPS with Torbay Council to run the velopark.

(b) Petroc College: 23 staff had transferred on 1st September 2017 from the College to Taylor Shaw Ltd to provide catering services.

(c) Creative Connected Communities: 1 staff member had transferred on 1st September to this new charity based in Plymouth, working with the Peninsula Dental School.

All three admission agreements had been on a closed basis.

\* **23**      **Dates of Future Meetings**

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

The County Council's Calendar available at

<http://democracy.devon.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

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

The Meeting started at 10.30 am and finished at 11.32 am

## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

25 July 2017

Present:

Councillors S Randall-Johnson (Chairman), N Way (Vice-Chair), H Ackland, J Berry, P Crabb, R Gilbert, B Greenslade, R Peart, S Russell, R Scott, P Twiss, C Whitton, C Wright, J Yabsley, P Diviani and I Chubb

Devon District Councils:

Councillor P Diviani

Apologies:

Councillors P Sanders and J Trail

Members attending in accordance with Standing Order 25:

Councillors I Chubb, I Hall and M Shaw

\* **9** **Matter of Urgency: Closure of Maternity Units**

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

The Chairman had decided that the Committee should consider this item as a matter of urgency in order that Members may be apprised of the impact of a recent public announcement concerning the temporary closure of the maternity units at Okehampton and Honiton Community Hospitals.

Mrs Wilkinson-Brice (Deputy Chief Executive/Chief Nurse, Royal Devon & Exeter NHS Foundation Trust) spoke to this item at the invitation of the Committee.

Mrs Wilkinson-Brice reported that in the interests of patient safety and due to a combination of staff vacancies and unforeseen sickness absence, maternity services at Honiton and Okehampton Community Hospitals had been suspended and would remain suspended initially for three months until safe staffing levels were achieved. However, all antenatal and postnatal clinics, midwifery support and home birth services were unaffected and running as normal. For anyone requiring inpatient maternity care, immediate arrangements would be made for them to attend the main maternity unit in Exeter or Tiverton Birth Centre. This decision had been taken for operational reasons and had no connection with proposals outlined in the Devon-wide Acute Services Review.

In response to a Member's question the Trust undertook to provide information about the proportion of home births and births at the Centres; and to provide a progress update on the situation to the next meeting of this Committee.

\* **10** **Public Participation**

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Councillor R Giles, Mr S Craddock, Mr P Arnott, Mr B Sturtivant, Councillor J Goffey and Councillor M Allen on a matter to be considered by the Committee, namely 'Your Future Care' (Minute \*11 Refers) and supporting a referral to the Secretary of State for Health.

# Agenda Item 10h

HEALTH AND ADULT CARE SCRUTINY COMMITTEE  
25/07/17

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

\* 11 **Your Future Care: North, East, West Devon Clinical Commissioning Group (NEW Devon CCG) and Royal Devon and Exeter Foundation Trust: Eastern Locality: New Model of Care**

(Councillor P Twiss declared a personal interest this matter by virtue of his membership of the East Devon District Council)

(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), Mrs 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 Committee received the report of the County Solicitor (CS/17/23) on an evaluation of the extent to which the requirements of a referral to the Secretary of State for Health had been met, to which regard was had by Members during the Committee's consideration of this matter. The Report provided an overview of the answers that the Clinical Commissioning Group had provided to the questions that Scrutiny had asked and invited the Scrutiny Committee to determine if it was satisfied.

The Report addressed in turn the nine points that were required by the scrutiny guidance for a referral to the Secretary of State for Health.

County Councillors attending under Standing Order 25 were invited to speak and 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 Chairman reported the receipt of representations (including from East Devon Health Scrutiny Committee protesting at the proposed closure of beds in the Eastern Locality and from East Devon District Council protesting at the bed closures in Seaton and Honiton without assurance about sufficient capacity for home care) referring to long distances carers would need to travel and for patients needing in-patient care.

The Committee then considered the report of NEW Devon CCG and Royal Devon and Exeter Foundation Trust outlining the new model of care in the Eastern Locality and explanation of the implementation process (which would result in the reduction of in-patient beds from 143 to 72 in the Locality). The Committee also received a presentation from the NEW Devon CCG covering:

- why the new Model of Care was needed and how implementation would ensure continued high-quality patient care;
- the change in focus from bed-based care to a home-based model and why
- how the investments in community health services would enable people to be independent and in their own homes;
- the impact of the proposals on approximately three patients a week per site – patients who will be able to be treated at home and will no longer have to remain in a community hospital;
- the assurance process to date.

# Agenda Item 10h

HEALTH AND ADULT CARE SCRUTINY COMMITTEE  
25/07/17

The Chairman, Vice Chairman and Councillor Ackland also reported on their visit to an Integration Team and attendance as observers at the at NEW Devon CCG's Implementation and Assurance Panel meetings comprising Clinicians and Lay persons and the Team's thorough examination of the implementation process. Members at the Committee however noted remaining areas of concern relating primarily to the consultation process and lack of public confidence in the process and new model of care.

The representatives then responded to Members' questions and/or commented that:

- use of the Better Care Fund to promote integration of NHS and County Council adult care services
- the consultation process and responses received and the methodology consistent with the South Devon and Torbay CCG area arrangements
- the Model of Care model which had been accepted in the South and Torbay CCG area which was proving to be effective
- work force planning to ensure capacity and sufficiency in regard to the new model of care
- consultation with and support from the South Western Ambulance Trust
- financial analysis based on work force changes.

The matter having been discussed and debated and having regard to the above and all relevant factors referred to at the meeting and set out in the Officers' reports having been considered:

It was **MOVED** by Councillor Gilbert and **SECONDED** by Councillor Russell and

**RESOLVED** that the Your Future Care proposals be not referred to the Secretary of State and that the NEW Devon Clinical Commissioning Group and Royal Devon and Exeter NHS Foundation Trust continue to work with the local communities affected and report progress to future meetings of this Scrutiny Committee.

*[N.B. In accordance with Standing Order 32(4) Councillors asked that their votes be recorded as follows: For the Motion: Councillors Crabb, Diviani, Gilbert, Peart, Randall Johnson, Russell and Scott; Against the Motion: Councillors Ackland, Greenslade, Twiss, Way, Whitton and Wright; and in Abstention: Councillors Berry and Yabsley]*

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

The Meeting started at 2.15 pm and finished at 4.55 pm



## HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 September 2017

Present:-

Councillors S Randall-Johnson (Chairman), H Ackland, J Berry, P Crabb, B Greenslade, S Russell, P Sanders, R Scott, P Twiss, N Way, C Whitton, C Wright and J Yabsley

Devon District Councils

Councillor P Diviani

Member attending in accordance with Standing Order 25

Councillor M Shaw

Apologies:-

Councillors R Gilbert and J Trail

\* **12** Minutes

**RESOLVED** that the Minutes of the meeting held on 19 June 2017 and the special meeting held on 25 July 2017 be signed as correct records.

\* **13** Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

\* **14** Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr D Clinch on a matter to be considered by the Committee, namely 'Sustainability and Transformation Plan: Update and Progress' (Minute \*15 refers).

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

\* **15** Sustainability and Transformation Plan: Update and Progress to Date

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

The Committee considered the report of the Joint Director on the wider Devon Sustainability and Transformation Plan, which had been published in November 2016. The Plan set the vision and strategic direction for health, wellbeing and care services across the areas covered by NEW Devon and South Devon and Torbay Clinical Commissioning Groups.

The Committee also received a presentation on the Plan covering:

- challenges: increased demands, ageing population, funding limits and recruitment;
- how the challenges would be funded in the next 10 years;
- changes required and the current position;
- health challenges;
- prevention and promotion of health;

- the integrated care model;
- priorities relating to: primary care, mental health, learning disabilities, acute hospital and specialist services, children and families;
- productivity; and
- working together with key stakeholders.

The Joint Director responded to Members' questions and/or commented:

- that the County Council was not a formal signatory to the Sustainability and Transformation Plan (STP) at this stage (confirmed by County Council's Chief Officer for Adult Care and Health);
- that there was County Council and other local authority involvement in the ongoing development of the Plan and integrated delivery of services;
- on the importance of workforce planning by the CCGs with providers across the range of services and professions and the current mapping exercise and that staffing represented approximately 75% of costs;
- on initiatives with academic bodies and providers to encourage and promote training, recruitment and retention of staff and the significant challenges involved both locally and nationally;
- on staffing issues as a result of turnover of staff (for example 30% domiciliary care);
- that there were no planned redundancies at this stage, but posts would change with reconfiguration of services;
- on the impact of current and projected funding shortfalls and implications for staffing and service delivery across the range of services if no action was taken;
- on the ongoing work to achieve savings in prescription and pharmacy services;
- on the IT transformation programme;
- on the development of a property/estate management plan;
- on adoption of national best practice;
- on in-patient bed provision across the County on which more work was being undertaken by the CCGs;
- on the current and developing effective integrated working in the County between social care and health;
- on provision of acute services across the four acute hospitals in Devon, involving dialogue and engagement with their respective local communities;
- on NHS England engagement with all GP practices in Devon in relation to the national aspiration for 7 day cover; and
- on the importance of early intervention and prevention across the board.

The Chairman reported on the proposed establishment of a Standing Overview Group to look at the STP in detail. This would include for example (as referred to above) issues relating to: current/projected funding challenges, work force planning/mapping exercise, safe service delivery across Devon and property/estate management plans. The Group would report regularly to this Committee.

It was **MOVED** by Councillor Twiss and **SECONDED** by Councillor Sanders and

**RESOLVED** that a Scrutiny Standing Overview Group be established to look at areas of concern within the Wider Devon Sustainability and Transformation Plan.

[N.B. Details relevant to the STP were available on: <http://www.devonstp.org.uk/> ]

\* **16** **Temporary Service Change: Framework for Decision Making**

Dr S Manton, Joint Director (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.

The Committee considered the report of the Joint Director on the process for approving temporary service changes arising from circumstances that were urgent and necessary, for example, due to safety or welfare of patients or staff.

Such decisions were the responsibility of the service provider responsible for the safe and effective operation of services and the CCG would be informed on these matters.

In particular the CCG would be interested in specifically: the adequacy of reasons for temporary change; the interim solutions that were being put in place; the steps to address the issues; and the expected duration of the change.

The Joint Director also reported on the temporary closure of maternity units at Okehampton and Honiton due ongoing staffing issues. The full range of maternity services was available at Exeter and Tiverton units and ante-natal services remained at the Okehampton and Honiton Units.

The Head of Scrutiny reported on a draft 'Health Changes Template' for the Clinical Commissioning Groups and providers, designed to extract relevant information for members on temporary or permanent service change or developments.

The template would be circulated to Members of the Committee for comment.

\* **17** **Public Health Annual Report: 2016/17**

The Chief Officer for Communities, Public Health, Environment and Prosperity reported on the Public Health Annual Report 2016/17 which provided a detailed overview of health and wellbeing in Devon.

The Chief Officer responded to members questions and/or commented on:

- her role within the County Council and the Public Health role and close working with the CCGs and district local authorities, voluntary sector and other stakeholders in terms of early intervention and prevention through the promotion of health and wellbeing;
- the Joint Strategic Needs Assessment (JSNA);
- the Public Health Budget of approximately £28 m and funding challenges within the ring-fenced grant arising from past in-year and recurrent funding cuts, resulting in reduced discretionary preventative initiatives and projects;
- support for the Sustainability and Transformation Plan in promoting joint working and prevention measures.

[N.B. The Public Health Report was available online at:

<http://www.devonhealthandwellbeing.org.uk/aphr/2016-17/>]

\* **18** **Performance Using Data for the Year Ending July 2017**

The Committee considered the Report of the Head of Adult Commissioning and Health (DCC) and Joint Director Strategy (South Devon and Torbay CCG and NEW Devon CCG) (ACH/17/70) on a whole system view of performance across the wider Devon health and care system. The performance commentary reflected the reported position as at July 2017 (Month 4) and focussed on a range of metrics covering acute and community hospital settings, primary care and social care selected by system leaders to give an overview of health and care in Devon.

The Chief Officer (Adult Care and Health), the Head of Adult Commissioning and Health, and the Joint Director (Strategy), North, East and West Devon (NEW) CCG and South Devon and Torbay CCG responded to Members' questions and/or commented on:

- the role as the Chief Officer for Adult Care and Health and the County Council's Chief Executive's role within the Sustainability and Transformation Plan as the lead for Prevention;
- the encouraging reduction in unplanned admissions and the consequent need for good home based support and care;
- the relatively high number of bed day delays and possible reasons for the upsurge in September 2016 in the 'average daily number bed days lost to delayed transfers by non-acute provider';
- the relative performance in terms of response times of the South Western Ambulance Service Trust (SWAST) in the NEW Devon CCG area; and
- the valuable work of the Air Ambulance in rural Devon and discussions with the CCGs.

The Chairman of the Committee's Better Care Fund Task Group outlined the work of the Task Group in addressing issues reflected in the Report including for example delayed transfers from acute and non-acute providers.

It was **MOVED** by Councillor Twiss and **SECONDED** by Councillor Crabb and

**RESOLVED** that the concerns in respect of the performance of the SWAST be noted and that a representative be invited to report to a future meeting of this Committee.

\* 19 **Ownership, Community Stakeholding and the Governance of Community Hospitals**

In accordance with Standing Order 23(2) Councillor Shaw had requested that the Committee consider this matter.

The Committee considered a briefing note by Councillor Shaw on the community involvement and support for hospitals in Devon and impact of the change of ownership of NHS buildings to NHS Property Services (wholly owned by the Secretary of State and charged with managing the NHS estate in line with national priorities). NHS Property Services was able to sell off parts of the estate and to charge NHS organisations market rents for their use.

Councillor Shaw requested that the Health and Adult Care Scrutiny undertake an investigation into:

*(a) The changing ownership and governance of community hospitals in Devon and its implications.*

*(b) The historic and ongoing contributions of local communities and Leagues of Friends to funding the hospitals.*

*The purpose of this investigation would be to address the question of*

*(c) How community stakeholders' interests should be secured in the future governance of community hospitals.*

Members referred to the significant contributions of community groups throughout Devon to local health facilities which could be lost with any sale of buildings by the NHS, noting the legal constraints in protecting their interests in terms of the contributions made.

It was **MOVED** by Councillor Randall Johnson and **SECONDED** by Councillor Sanders and

**RESOLVED** that advice be sought in terms of the legal position in securing the interests of contributions or legacies left by community groups and other benefactors.

\* 20

### **Work Programme**

(a) Councillor Greenslade reported on the progress of the NHS in Devon Task Group looking at services now and into the future over a 5 year time frame.

(b) Councillor Ackland reported on the progress of the Better Care Fund Task Group following its first meeting and gave an update on her role as the Commissioning Liaison Member.

The Chairman reported the receipt of letter from the Department of Health stating that no further action would be taken on the referral which had been made in 2016 by the former Health and Wellbeing Scrutiny Committee relating to closure of community hospital beds in Torrington.

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

(a) the role of Devon Health Watch; and

(b) the legal duties of this Committee in holding the NHS to account.

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/> and the Council/Cabinet Forward Plan was available at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1>]

\* 21

### **Information Previously Circulated**

The Committee noted the list of information previously circulated for Members, since the last ordinary meeting, relating to topical developments including ones which have been or were currently being considered by this Scrutiny Committee.

(a) Your Future Care Implementation: letter to stakeholders from RD&E NHS Foundation Trust;

(b) Dashboard Report by NHS England on STP Comparisons;

(c) Care Quality Commission (CQC) published findings of its comprehensive inspection programme of all specialist mental health services, giving the most complete picture ever of the quality of mental health provision for people in England; and

(d) CQC monthly update for Overview and Scrutiny Committees.

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

The Meeting started at 2.15 pm and finished at 5.50 pm



## CHILDREN'S SCRUTINY COMMITTEE

11 September 2017

### Present:-

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

### Apologies:-

Councillors I Chubb and G Gribble

### Members attending in accordance with Standing Order 25

Councillor J McInnes

\* 10

### Minutes

**RESOLVED** that the minutes of the Children's Scrutiny Committee meeting held on 15 June 2017 be signed as a correct record.

\* 11

### Items Requiring Urgent Attention

The Vice Chairman reported the positive news that Devon had ranked second in the country for supporting parents in making their applications for funding through the HMRC, and validated by the local authority, for the 30 hours free child care. Thanks were extended to the Officers for guiding parents through this process and the Vice Chairman recommended that this achievement be commended to Cabinet.

\* 12

### Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Ms H Rose, Ms J Sanchez, Mr H Barnes, Mr P Ferlie, and Ms V Benfield on a matter to be considered by the Committee, namely 'Special Educational Needs and Disability Update' (Minute \*13 Refers), on the provision of funding for pupils with additional needs.

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

The Chairman was also presented, by Ms H Rose, with a petition containing 2,600 signatures asking the Council to "withdraw harmful funding changes for pupils with SEND in Devon". Members would have regard to this petition, during the Committee's consideration of that matter at this meeting (Minute \*13 refers), accepting that the Petition had not yet been verified or validated in line with the Council's Petition Scheme.

\* 13

### Special Educational Needs and Disability Update

The Committee considered a Report from the Head of Education and Learning (CS/17/30) on Special Educational Needs funding arrangements in schools following the development of plans to make some changes to the funding arrangement in the future.

The number of requests for statutory assessments had increased by 99% in the past eight months which was due to a number of factors including, inclusion of the Further Education

# Agenda Item 10i

CHILDREN'S SCRUTINY COMMITTEE  
11/09/17

sector, use of SEN assessments to attract further funding, parental preference and demographic change.

Non-statutory funding was introduced by the Local Authority in April 2014 with the aim of increasing school funding, thereby reducing the need for statutory assessment for children with lower level or short term Special Educational Needs. The large increase in statutory assessment had shown that this strategy had not worked. The Council had also seen a sharp rise in the number of requests for additional funding to support pupils who did not have a statutory assessment.

The cost of non-statutory plans had risen from £275,000 in 2014/15 to £3,200,000 in the 2016/17 financial year. There were 800 pupils currently on a non-statutory plan, with the average cost in a mainstream school at £4,785 compared to an average cost of a statutory plan of £4,383. Therefore, if a child's needs required this level of funding on a non-statutory plan, they should have the protection that a full statutory plan offers and schools should have the consistency, openness and transparency that the statutory process provided.

The Head of Service explained that funding was controlled by the Department for Education and managed by the local authority; however it was not Devon County Council's budget, but ring-fenced for the Dedicated Schools Grant. This funding was divided into three areas: the Schools Block, which was funding given directly to schools; the High Needs Block to deliver the Council's responsibility to support children with SEN; and the Early Year's Block, which included the 30 hours free childcare provision. Whilst there was some flexibility to move funds between the blocks, the overall funding available from the Department for Education remained the same and under no circumstances could the Council overspend on this budget.

In responding to questions from Members, the Head of Service:

- clarified that there would be no cut in actual SEN funding available;
- confirmed that statutory assessments did not need to be completed by January 2018, but a request had to be submitted by then;
- explained that once requested, no child would lose any funding until an assessment had been completed;
- advised that the same information used to create a non-statutory plan was required to complete a statutory assessment, schools should have this information on file and a plan already in place;
- explained that the £44m budget to support SEN was not changing, and that changes to the process would only affect the 800 pupils currently on a non-statutory plan;
- confirmed that of those 800 pupils affected, 200 additional requests for statutory assessments had already been received;
- advised that a Statutory Plan/Education Health and Care Plan (EHCP) protected funding and ensured that necessary steps were in place to protect the pupil;
- confirmed that the Council would continue to work with schools to support any child currently on a non-statutory plan that did not receive an EHCP, although it was felt this would be a very small proportion of the 800 pupils given the level of support and funding already received;
- informed Members that the funding used for the transitioning of statements to EHCPs was a separate budget and used to employ staff to complete this transfer by March 2018;
- stated that schools had been consulted on this process through representatives on the Schools Finance Group and the SENCO Practitioners groups;
- apologised for misunderstandings that had occurred following the initial letter sent to schools on 18 July 2017;
- agreed that further communication with parents and schools would be undertaken to clarify these changes and provide some assurance to families, including a key facts document for SENCOs and a document to each school outlining all levels of funding and how this should be allocated within schools, and working with Parent Carer Voice in Devon to improve communication with parents;

- ensured that further communication would also be made with Members in the future to make sure they were up to date with any changes before proposals were made public.

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

**RESOLVED** that a masterclass session on SEN funding and budgets be held for all Members and that an update be provided at the next Committee Meeting so that Members were kept informed of the progress and were fully aware of any concerns or issues that may arise.

\* **14**      **Children's Social Work Improvement Plan 2017/18**

The Committee received and noted the Report of the Head of Children's Social Care (CS/17/27) on the Social Care Improvement Plan which had been developed to support a clear focus on the priority areas for improvement. The Plan detailed the actions which would ensure improved service delivery and focused on targeting improvement action on the top ten areas for development, which included Children in Need, Early Help and practice in North Devon. Delivery of these improvements required a service wide approach through which change and improvement was embedded and owned at all levels.

The Plan focussed on key areas which included Leadership and Management, high quality statutory services and looked after children.

Members' discussion points with Officers included:

- the reduction of caseloads in North;
- the level of staffing in North Devon having improved with less reliance on agency staff and permanent Team Managers now in place;
- the need to ensure the voice of the child was embedded in all Children's Social Care plans and strategies;
- an update on the recruitment of a new Head of Children's Social Care in Devon.

\* **15**      **Multi-Agency Safeguarding Hub (MASH) Redesign**

The Committee received the Report of the Head of Children's Social Care (CS/17/26) on proposals to develop a more effective 'front door' to the service for members of the public. Following the Service Review in May 2017, which looked at progress on the improvement journey, the Multi-Agency Safeguarding Hub (MASH) was identified as one of the top ten areas for improvement highlighting: staff capacity and resilience, volume and quantity of referrals and contacts and the impact this had on how initial contacts are dealt with, the Initial Response Teams and Early Help.

Reducing contact that did not lead to social care intervention would help to improve consistency, timeliness and the quality of decision making at an early point in the families journey; whilst better integration with early help offers would improve access to support at the most appropriate time and improve outcomes for children and families. This in turn would provide a more effective and less costly service, whilst helping to improve the efficiency and effectiveness of MASH in responding to those most in need of statutory services.

Members were informed that the proposed model was to develop four Integrated Children and Families Hubs in each locality area: North, Mid and East, Exeter and South. Each Hub would have a number of partners co-located or virtually co-located to cover the following service areas:

- Children and Families Locality Advice and Support Service
- Children's Social Care Services
- Early Help
- Health (Public Health Nursing)

# Agenda Item 10i

CHILDREN'S SCRUTINY COMMITTEE  
11/09/17

- Education (SEND 0-25 and EET)
- Business support functions

The Head of Service explained that establishing locality Hubs would help the Service achieve a 'good' OFSTED status by making services more localised.

\* **16**      **Independent Reviewing Unit Annual Report**

The Committee received a Report of the Head of Children's Social Care (CS/17/28) on the annual report of the Independent Reviewing Unit (IRU), which was a statutory requirement on local government. The IRU Report was an internal quality assurance function for social work in Children's Services and detailed the work and performance of the IRU and the system for child protection and children in care within Devon. Having a strong and independent reviewing system ensured that children had appropriate plans which met their needs, had the appropriate resources allocated to meet their needs and placed improving outcomes for children and young people at the heart of the plan.

Key themes of the Report included, inter alia, the implementation of the strength based model for child protection conferences, positive work undertaken in listening to young people, listening to and involving parents, rise in the overall percentage of children experiencing neglect, escalations and the Local Authority Designated Officer.

\* **17**      **Performance - Education and Learning**

The Committee received the Report of the Head of Education and Learning (CS/17/29) on the latest performance measures for the first quarter, highlighting key areas including:

- increased take up of Early Years funding for two year olds;
- improved performances in KS1 and KS2 results across all subject areas;
- Devon being in the top percentile nationally for good attendance rates;
- the number of penalty notices issued for unauthorised absences had increased since the Isle of Wight case, during which time the service was suspended whilst awaiting the outcome of the case; Members noted concerns for those families working in the tourism industry;
- whilst still lower than national levels, the Council was concerned over exclusion rates in Devon, with the issue being considered as part of the Devon Inclusion Project.

\* **18**      **Performance - Children's Social Care**

The Committee received the Children's Social Care Performance Report from the Head of Children's Social Care (CS/17/25) on the latest performance measures in the first quarter. Key areas highlighted within the Report and by the Chief Officer included, inter alia, the Multi Agency Safeguarding Hub (MASH); Children in Need; Referrals into statutory children's services; single assessments; child protection enquiries; child protection conferences; repeat child protection plans and children in care.

\* **19**      **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) Early Years Funding

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>

and the Council/Cabinet Forward Plan is available at <http://democracy.devon.gov.uk/mgListPlans.aspx?RPId=133&RD=0&bcr=1> ]

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

# Agenda Item 10i

CHILDREN'S SCRUTINY COMMITTEE  
11/09/17

The Meeting started at 2.15 pm and finished at 5.25 pm

# Agenda Item 10i