

COUNCIL

7 December 2017

Present:-

Chair: R Radford

Vice-Chair: R Edgell

Councillors H Ackland, M Asvachin, Y Atkinson, S Aves, S Barker, J Berry, F Biederman, J Brazil, E Brennan, J Hook, J Brook, C Channon, I Chubb, C Chugg, J Clatworthy, P Colthorpe, A Connett, P Crabb, R Croad, A Davis, A Dewhirst, R Gilbert, B Greenslade, R Hannaford, J Hart, J Hawkins, L Hellyer, J Hodgson, G Hook, R Hosking, S Hughes, A Leadbetter, J Mathews, J McInnes, B Parsons, R Peart, P Prowse, S Russell, P Sanders, A Saywell, R Scott, D Sellis, M Shaw, C Slade, M Squires, J Trail, N Way, C Whitton, C Wright and J Yabsley

Apologies:-

Councillors K Ball, R Bloxham, A Eastman, G Gribble, I Hall, T Inch, S Randall-Johnson and P Twiss

49 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 5 October 2017 be signed as a correct record.

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

50 Announcements

The Chair of the Council reported on the passing of former Councillor Alan Hosking who had served on the Council between 2005 and 2009, representing the former Yelverton Rural ward.

Furthermore, that an initiative to improve the health and wellbeing of people in Exeter had been recognised with a top national award. Wellbeing Exeter won a prestigious National Health Service Journal award and the Integrated Care Exeter (ICE) initiative was successful in the 'Most effective adoption and diffusion of existing best practice' category.

The Chair paid tribute to the staff of the Seaton and Sidmouth Team and also the Forensic Social Work team at Langdon hospital who had both won or been nominated for recent awards at the social care and social worker awards in London.

The Chair, on behalf of the Council, also extended congratulations to Prince Harry on his recent engagement to Meghan Markle.

Last, the Council congratulated Craig Overton on making his England debut in the second ashes test in Adelaide. Craig was top wicket taker and run scorer in the first innings.

51 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

52 Public Participation: Petitions, Questions and Representations

The Leader was presented, by Ian Williams with a petition containing approximately 2500 signatures relating to the underfunding of Devon Schools and impacts in the classroom.

The Leader indicated that the relevant Cabinet Member or Head of Service would be asked to respond direct to the petitioners on the issues raised, within 15 days.

There was no question or oral representations by any member of the public.

[NB: A copy of the questions and answers are appended to these minutes and are also available on the Council's Website at <http://democracy.devon.gov.uk/ieListMeetings.aspx?CId=132&Year=0> and any supplementary questions and answers may be observed through the webcast of this meeting – see Notes below]

53 Petitions from Members of the Council

The Leader was presented by Councillor Hannaford on behalf of local residents, with a petition containing approximately 310 signatures seeking works to be undertaken on the pavements in Cowick Street, Exeter.

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised, within 15 days, letting him/her know how long it would take to undertake the requested review in line with the Council's Petition Scheme (<http://democracy.devon.gov.uk/ieListDocuments.aspx?CId=416&MId=2487&Ver=4&info=1>)

54 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 14 questions submitted by Members of the Council relating to the Newton Abbot Railway Line and reports that Network Rail were considering investing in the Heathfield/Newton Abbot line, Traffic Support Officer numbers and Traffic flow figures for the South Devon Highway, the use of Neonicotinoids on Council land, Intelligent Speed Assistance (ISA) technology and whether the Council was looking to utilise such technology, the social and economic consequences of Brexit, planting and maintenance of street trees, Future Care Home Capacity, demand and provision, Care Home Charges and budget allocations, the waiting list for CAHMS, 100 years of women's suffrage and associated events, council assets and disposal of property in Exeter and science technology and engineering investment and access to Government funding (productivity fund) .

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

[NB: See also any responses to Questions referred to at Minute 52 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]

55 Heart of the South West: Approval to form a Joint Committee (Minute 157/10 December 2015)

The Council considered the Report of the Chief Executive (CX/17/26), together with the recommendations of the Cabinet held on 8 November 2017 (Minute 77) relating to the proposals for a Heart of the South West Joint Committee.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the report and also the minutes of the Cabinet (Minute 77) relating to the Heart of the South West Joint Committee be approved.

Councillor Shaw then **MOVED** and Councillor Biederman **SECONDED**;

“that the recommendations as outlined in the Report of the Chief Executive (CX/17/26) be not approved at this time, pending further consideration of:

- a) *the geographical framework for devolved arrangements;*

- b) *the economic strategy for devolution; and*
- c) *how devolved arrangements can secure democratic legitimacy,*

to allow time for them to be fully considered.”

The Amendment in the name of Councillor Shaw was then put to the vote and declared **LOST**.

(In accordance with Standing Order 32(4) Councillors Biederman, Brazil, Connett, Dewhirst, Greenslade, Hodgson, G Hook, J Hook, Shaw, Way and Wright asked that their vote for Councillor Shaw's amendment be recorded).

The Motion in the name of Councillor Hart was put to the vote and declared **CARRIED**.

(In accordance with Standing Order 32(4) Councillors Biederman, Brazil, Connett, Dewhirst, Greenslade, Hodgson, G Hook, J Hook, Shaw, Way and Wright asked that their vote against Councillor Hart's amendment be recorded).

56 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 Hannaford, on the strategic role of the County Council in housing delivery and also, as requested by Councillor Greenslade, on the opportunities for growth the rural economy could provide.

He further responded to questions on affordable housing, housing requirements and council tax on second homes.

(b) Highways Management

Councillor Hughes commented, as requested by Councillor Hook, on bus lanes in Devon, including mileage of bus lanes across the county, enforcement agents for infringements, the numbers of fines issued and revenue collected.

He also circulated a report, responding to Councillor Dewhirst, as requested, on any measures being taken to mitigate the impact of the closure of Wolborough Street in Newton Abbot to local people and the impact on businesses in Ipplepen and Abbotskerswell.

The Cabinet Member responded to a question on unpaid parking fines and the actions of the Council with persistent offenders.

(c) Community, Public Health, Transportation and Environment

Councillor Croad circulated a report, as requested by Councillor Hannaford, on the work being done by the Council, with others, to provide help and support for people experiencing domestic violence and abuse. The update also included the new Splitz model as well as an analysis on some of the key challenges, such as access to legal aid, access to support services, closures of refuges and budget cuts.

He also responded to questions on the impact of the cap on universal credit, whether the numbers of spaces in refuge accommodation was sufficient for current requirements, budget provision for Devon Rape Crisis services, the provision of courses in Teignbridge by Action

for Children and the partnership work of Operation Encompass supporting children and young people exposed to domestic abuse.

(d) Infrastructure Development and Waste

Councillor Davis commented, as requested by Councillor Aves and Councillor Greenslade, on the recent announcement that the Government was looking at rail travel in the South West and also the potential changes to rail franchises and any possible impact for services in Devon, including details of the consultation.

The Cabinet Member also responded to questions on the progress of the proposed new station at Marsh Barton, the importance of good rail links to London, air quality issues and opportunities for franchise investment, capacity on the Barnstaple to Exeter line and proposals for the Okehampton line.

(e) Economy and Skills

Councillor Barker commented / reported, as requested by Councillor Atkinson, on the region's access to superfast broad band, the performance of BT under the contract, any enforcement issues for poor performance, provision of sufficient cabinets, the numbers of properties failing to meet the superfast broadband speeds, new investment and also the provision of full fibre connectivity in the current contract.

He also reported, as requested by Councillor Dewhirst, on the Chancellor's £3 billion expenditure on Brexit and preparations by the Economy, Enterprise and Skills for the event and then responded to questions on potential export issues resulting from Brexit.

57 Minutes

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

| | | |
|---|---|------------------|
| Development Management Committee | - | 25 October 2017 |
| Appeals Committee | - | 6 November 2017 |
| Public Rights of Way Committee | - | 9 November 2017 |
| Standards Committee | - | 13 November 2017 |
| Investment & Pension Fund Committee | - | 17 November 2017 |
| Audit Committee | - | 22 November 2017 |
| Children's Scrutiny Committee | - | 16 November 2017 |
| Health & Adult Care Scrutiny Committee | - | 21 November 2017 |
| Corporate Infrastructure & Regulatory Services Scrutiny Committee | - | 28 November 2017 |

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

58 Plastic Free Coastlines (Minute 44 - 5th October 2017)

Pursuant to County Council Minute 44 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

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’.

and having had regard to the advice of the Cabinet set out in Minute 81(a) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice (the amendment) be accepted and the spirit of the Notice of Motion, which aims to provide leadership in avoiding single-use plastic items in order to achieve a ‘Plastic Free Coastline’ be supported and the Council commit to addressing this issue further through the Authority’s environmental performance agenda, including a review of single-use plastic items and how suitable alternatives to these might continue to be adopted.

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

59 National Funding Formula for Schools (Minute 46 - 5th October 2017)

Pursuant to County Council Minute 46 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Greenslade that:

County Council expresses its considerable disappointment at the Government’s recently announced proposals which notionally leave Devon School children 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’.

and having had regard to the advice of the Cabinet set out in Minute 81b of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet’s advice (the amendment) be accepted and that the sentiment of the Notice of Motion be welcomed and Council share the concerns expressed regarding fairer funding for schools. Therefore, Council will continue the campaign for fair and adequate funding for all Devon children (including school funding, high needs funding for those with SEN and additional needs and early years pupils) and support the following actions:

- i) that work continues with F40 and the offer to take a more substantial role within the F40;
- ii) that Council notes the briefing that has been sent out to MPs outlining funding concerns for Devon Schools, early years and high needs funding and also welcomes the request for their support; and
- iii) that work continues with both schools and SEN groups.

And, in light of the above and the action already undertaken, no additional action be taken.

The amendment in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

Councillor Greenslade then **MOVED** and Councillor Connett **SECONDED**;

That the Cabinet recommendation be amended by deleting the full stop at the word 'taken' and inserting the words '*other than to confirm that higher needs funding pressures will not be resolved by reducing school budgets in 2018/2019*'.

The amendment in the name of Councillor Greenslade was then put to the vote and declared **LOST**.

Councillor Biederman then **MOVED** and Councillor Dewhirst **SECONDED**;

That the Cabinet recommendation be amended by the addition of an extra sentence to read '*that a cross party letter is sent to Westminster to meet Devon MP's and the Minister for Education to make the case for fairer funding for Devon's children*'.

The amendment in the name of Councillor Biederman was then put to the vote and declared **LOST**.

The substantive motion in the name of Councillor Hart was then put to the vote and declared **CARRIED**.

60 **Ethical Care Council (Minute 47 - 5 October 2017)**

Pursuant to County Council Minute 47 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that:

'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.'

and having had regard to the advice of the Cabinet set out in Minute 81(c) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice (the amendment) be accepted and that the Council notes the requirements of the Charter and recommends officers work with its contracted providers towards its adoption having due regard to affordability, market sufficiency and quality of commissioned care.

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.

61 **20 MPH Speed Limits (Minute 48 - 5 October 2017)**

Pursuant to County Council Minute 48 of 5 October 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Hodgson that;

'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.'

and having had regard to the advice of the Cabinet set out in Minute 81(d) of 8 November 2017:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's advice be accepted and that Notice of Motion be not progressed at this stage as a blanket call for Town and Parish Councils to propose 20mph speed limits would be premature at this stage given there was a commitment to reviewing the current policy.

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.

62 **Southwestern Railways Consultation - New Timetables**

In line with Standing Order 6(2), the Notice of Motion on the South Western Railways Consultation, previously submitted by Councillor Shaw, was withdrawn.

63 **EU Law - Animal Sentience**

Councillor Wright **MOVED** and Councillor Shaw **SECONDED**

This Council is disappointed that the Government voted to omit an important clause in EU law relating to animal sentience, as part of the Withdrawal Bill.

This Council is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law.

However, this Council backs calls from the British Veterinary Association to commit to an appropriate timeframe to reinstate the vital obligation in EU law in Article 13, on the STATE being responsible for animal welfare, in addition to UK law, which states that only the KEEPER of the animal is responsible.

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

64 **Pension Funds and Fossil Fuel Companies**

(Councillor Mathews declared a personal interest in this matter by virtue of being in receipt of a Devon County Council Widows Pension)

Councillor Hodgson **MOVED** and Councillor Shaw **SECONDED**;

'In line with its recently affirmed commitment to mitigating climate change, this Council will divest its pension funds away from fossil fuel companies and seek opportunities to invest in companies that support renewable energy. This is moving forward in line with other Local Authorities such as Southwark taking this important step'.

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

65 **Post-Brexit Arrangements - Membership of the European Single Market and Customs Union**

Councillor Shaw **MOVED** and Councillor Wright **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting;

This County Council respects the majority vote in the Country to support leaving the European Union, but believes that the UK must secure post-Brexit arrangements which best support the economic and social wellbeing of Devon and the country as a whole. The Council therefore urges the Government to negotiate continued

membership of the European Single Market and Customs Union, both of which bring considerable benefits to Devon.

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

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

66 Council Budgets - Vulnerable Young and Elderly Residents

Councillor Biederman **MOVED** and Councillor Shaw **SECONDED** that in accordance with Standing Order 6(6), the following Notice of Motion be considered at this meeting;

Devon County Council was very disappointed to see there was no help, to this council in the autumn statement with regard to Children's Services & Social Care. Children's Services budgets are overspent here and in 75% councils across the country, with a £2 billion shortfall in council budgets. If we are to deliver safe and effective services for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.

We write a cross party letter, to Devon MP's and the Minister signed by all group leaders expressing our concerns and urging Devon MP's and the Government to address this growing problem for our most vulnerable young and elderly residents.

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

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 Sprague.

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 5.15 pm



**QUESTIONS TO THE
LEADER OF THE COUNCIL, CABINET MEMBERS
AND/OR
CHAIRMEN OF COMMITTEES**

Thursday 7 December

**1. QUESTION FROM COUNCILLOR HOOK
Re: Newton Abbot Railway Line**

The local media have recently had reports saying that Network Rail are considering investing in the Heathfield/Newton Abbot railway line, to bring it back to a standard fit for passenger traffic. Does the Cabinet Member know anything about such plans? Are the Council involved in any way with Network Rail or any public group in advancing such a scheme? Would they, like me, welcome such a development and will they make a statement committing this authority to supporting any such move as one way of relieving traffic congestion and therefore improving air quality in and around Newton Abbot?

REPLY BY COUNCILLOR DAVIS

We are aware of the various discussions between the local group and Network Rail. The Council has not been directly involved in these although officers have been contacted by the local group.

Whilst we will follow the discussions with interest it is highly unlikely that Network Rail would itself invest in a scheme such as this given other existing priorities that are already in the programme. To get in the programme there would need to be several feasibility studies linked to future development plans to formulate a robust business case. A regular rail service between Heathfield and Newton Abbot or beyond would require very significant investment and on-going patronage/subsidy to achieve a frequency that has any kind of significant impact on traffic. It is very difficult to see how a suitable business case could be made given the existing locations of the stations relative to population and traffic generators. There are other potential options such as a privately owned/leased or community run line which would have to be set up by a competent rail operating body.

The County Council is however fully committed to investing in local rail journeys with partners through the Devon Metro strategy. December 2018 will see a significant improvement in local services to and from Newton Abbot with the establishment of a half hourly frequency between Exeter and Paignton throughout the day, thereby improving local connections from stations such as Dawlish and Teignmouth. This will be supported by refurbished trains with many more seats.

**2. QUESTION FROM COUNCILLOR HOOK
Re: Traffic Flow and Support Officers**

How many Traffic Support Officers are there currently in Devon and Cornwall and the IOS compared to 5 years ago? Traffic flow figures for the South Devon Highway are now available. How many vehicles leave and enter Torbay between 7 - 9am and between 4 - 6pm?

REPLY BY COUNCILLOR HUGHES

Devon County Council does not employ Traffic Support Officers.
The South Devon Highway Average Traffic Flows for September 2017 are as follows:

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| Direction | 7am to 9am | | 4pm to 6pm | |
|--------------------------------|-----------------|---------------|-----------------|---------------|
| | Weekday Average | 7 day Average | Weekday Average | 7 day Average |
| Northbound toward Newton Abbot | 4,651 | 3,797 | 3,588 | 3,257 |
| Southbound toward Torbay | 3,155 | 2,534 | 4,473 | 4,039 |

3. QUESTION FROM COUNCILLOR HOOK
Re: Neonicotinoids

In the light of increasing evidence that more and more people (e.g. Michael Gove) and leading suppliers (e.g. Homebase) are now questioning the safety and continued use of neonicotinoids, will the administration here at County Hall reverse its decision of last year and now prohibit the use of this poison on its land?

REPLY BY COUNCILLOR CROAD

This issue relating to the use neonicotinoids was considered by Cabinet at its meeting of 13 July 2016 in the light of advice provided by the Farms Estate Committee. Through this process it was recognised that prohibiting the use of neonicotinoids on land under the direct control of the County Council would be unnecessary and irrelevant given there is no routine use of such insecticides. However, to guard against any unintentional or incidental use of such products, relevant information about avoiding these has been provided for staff via the 'Inside Devon' web pages.

In relation to the County Farms Estate, a survey of DCC tenants found very limited current usage of any neonicotinoid products. The Farms Estate Committee also highlighted the legal constraint to any ban on their use by existing tenants, unless done by mutual agreement. Instead, a series of actions to further reduce the use of neonicotinoids by County Farms Estate tenants, along with other positive measures in support of pollinators, was agreed through the Council's Pollinators Action Plan.

This approach remains appropriate, pending any potential change in government policy. A recent press article by the Secretary of State for the Environment, Food and Rural Affairs, Michael Gove, has signalled that he may reverse the UK government's previous opposition to a ban on neonicotinoids, which had been proposed by the European Union. It is possible that this issue may be addressed through the long-anticipated Defra 25 Year Environment Plan.

4. QUESTION FROM COUNCILLOR DEWHIRST
Re: Intelligence Speed Assistance technology

From the beginning of 2018 Transport for London will require all new buses to have Intelligent Speed Assistance (ISA) technology fitted. This technology prevents buses from accelerating over and above the speed limit. During trials it was found to be particularly effective in 20 mph zones and brought down the speed of traffic around them and resulted in fewer and less serious casualties.

Can the Cabinet Member for Highway Management say if Devon County Council will be implementing this sensible solution to improving safety of Devon's road network and mitigate speeding by other traffic?

REPLY BY COUNCILLOR HUGHES

The Council does not have powers to lay down specifications for bus manufacture. These would need to be the subject of either regulations under existing legislation or new legislation.

The requirement by Transport for London is possible through its franchising process - London having a fully regulated system not subject to the commercial freedom enabled by the Transport Act 1985. The cost of compliance will inevitably be passed on to Transport for London through its franchise arrangements.

Outside London, 80% of bus services are operated commercially, that is outside the formal control of local authorities. The other 20% - the non-commercial services - are operated under local authority contract. Future contracts could include a clause requiring Intelligent Speed Technology to be fitted. However, the cost of equipping individual vehicles, especially for smaller companies, is likely to be a deterrent to bidding for contracts, a situation this Council cannot afford.

In the meantime, a potentially helpful alternative exists. Stagecoach vehicles are equipped with the Green Road system, which monitors driver performance with respect to braking, acceleration and speed and drivers are guided and trained to achieve best practice. Also, virtually all bus companies in Devon now have vehicle tracking systems which are capable of locating vehicles and thereby speeds travelled between any given points. Any observations - dates and times - of speed limits being broken are best noted and reported to the bus company concerned and/or to the police.

5. QUESTION FROM COUNCILLOR HOOK

Re: Plans for Social and Economic Consequences of Leaving the EU

Devon, along with the rest of the UK, looks more than likely to be leaving the EU in March 2019, for better or worse, a little over 15 months away. This will impact on every Devon resident. Has the Authority given any serious consideration to the social and economic consequences of this event? Does the Leader agree with me that a report on the likely implications for our County would be beneficial and that it should form the basis of an informed debate, so that Members and officers can do all in their power to mitigate the negative and accentuate the positive consequences? What plans has the authority put in place to prepare for March 2019?

REPLY BY COUNCILLOR HART

Brexit should create opportunities for Devon, but it might also entail some potentially significant challenges. However, there is currently considerable uncertainty about the arrangements that will be in place on key issues such as trade and migration after the United Kingdom leaves the European Union (EU) in March 2019. The Council is monitoring national developments closely and stands ready to support local businesses and residents to seize the opportunities that arise.

In particular, the Council is working in partnership with local authorities across the Heart of the South West and the LEP to develop a Productivity Strategy that will act as the region's long-term economic plan. This work is supported by the Heart of the South West Local Enterprise Partnership's "Brexit Resilience and Opportunities Group", which is providing analysis of the potential impacts of Brexit. Separately, the Council is aware of the risk that the withdrawal of EU funding might pose and is intending to lobby the Government to ensure that its replacement for EU funding - the UK Shared Prosperity Fund - reflects the needs of areas such as Devon.

6. QUESTION FROM COUNCILLOR WRIGHT

Re: Planting and Maintenance of Street Trees

What are current DCC policy and practical procedures for the planting and maintenance of street trees through its own highway infrastructure schemes and the adoption of public roads?

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REPLY BY COUNCILLOR HUGHES

In line with national and local planning policy and guidance, tree or shrub planting is often incorporated as an essential requirement for many DCC infrastructure schemes in order to mitigate their unavoidable landscape or wildlife impacts or, on occasions, to provide environmental benefits (e.g. reducing surface water run-off or filtering air pollution). Their initial establishment will, usually, be an integral element of the scheme contract, with the required works undertaken by the main contractor or a specialist sub-contractor. These works would normally be subject to a formal aftercare period, during which any failed planting will be replaced. The required aftercare period is specified by planning condition; national best practice advocates a five year period for tree establishment.

Beyond this aftercare period, the only routine maintenance activities are those provided for by the DCC Tree Safety Policy. This is implemented through the specified approach to planned and ad hoc tree inspections and the related framework agreement for the implementation of the recommended tree works.

For new development where highways are subject to adoption, streets trees may, in isolated cases, be taken on by the Council with a commuted maintenance sum. However, the Council's preference is for trees to be planted in tree pits that may be located in, but are specifically excluded from, the area to be adopted highway. Their ongoing maintenance or replacement is then taken on by either the town or parish council (e.g. Cranbrook) or the maintenance company or trust taking on any public open space or play areas.

7. QUESTION FROM COUNCILLOR HANNAFORD Re: Future Care Home Capacity

Almost nine in 10 council areas across England could see a shortfall in care home places emerging by 2022 unless urgent action is taken, according to new research by consumer champion Which?.

Which? project that by 2022 demand for beds in Devon care homes will outstrip supply by almost 2,000 beds – is this the case?

REPLY BY COUNCILLOR LEADBETTER

The Council has not seen the detail of the Which? Report and so is unclear about the assumptions that underpin its assessment. Current forecasts do not identify a shortfall of capacity of 2000 beds.

Devon has been very successful in supporting people who want to live in their own homes (including Extra Care Housing, Supported Living etc) and, as a result, the number of people requiring residential or nursing care placements and the rate of new admissions is at a lower rate than demographic growth. This has reduced the demand for care home placements.

The current assessment of sufficiency shows that there are sufficient places to meet demand overall but that there is pressure in some areas of the county. Our assessment of medium term market conditions suggests that some action will be needed in the next few years to ensure that the profile of provision (especially for nursing care) is strengthened.

The Council is currently bringing forward proposals to stimulate the care home with nursing sector to develop new purpose built care homes across the county.

8. QUESTION FROM COUNCILLOR HANNAFORD Re: Future Care Home Demand and Provision

Devon County Council believes demand for care home beds is dropping, whilst Which? projects demand will increase by 26% over the next 5 years. So as a result the County Council has made no provision or plan for this extra demand?

REPLY BY COUNCILLOR LEADBETTER

As explained in Question 7, the Council has not yet seen the basis for the conclusions of the Which? Report. Demand has dropped significantly over recent years and, although the number of care home beds has also dropped, this has not led to a shortfall in overall supply. This is monitored very carefully. The Council and NHS are currently updating the Market Position Statement, which is where we address issues of market supply. The Council will review the Which? Report as part of its assessment.

9. QUESTION FROM COUNCILLOR ACKLAND Re: Care Home Charges

An official review by the Competition and Market Authority has found that care homes have been applying unfair charges and over-the-top fees for self-funders. Could you clarify please the situation in Devon Care Homes? Are residents of Devon who are self-funders subsidising the residents funded by Devon County Council?

REPLY BY COUNCILLOR LEADBETTER

The Council pays the eligible costs of care for people for whom it is responsible and has a fee model that does this. It is about to start consultation with providers on a new model for the 18/19 financial year.

Privately owned and operated Care homes have a variety of business models and projected levels of occupancy which will impact on the fees they require to meet their operating costs and business objectives. The fees a provider charges to people who pay privately may include additional services or premium facilities not included in the DCC fee model.

Whilst the Devon fee model ensures the council pays the eligible costs of care, most care home providers would say that fees from self-funders are higher than paid by DCC and that cross-subsidy takes place. This is subject to ongoing discussions with providers and is always an issue when we consult on the annual care home rates.

10. QUESTION FROM COUNCILLOR HANNAFORD Re: Care Home Budget Allocation

What additional central government funding is required in the new financial year for social care to ensure that Devon County Council meets its statutory responsibilities?

REPLY BY COUNCILLOR LEADBETTER

The Council' budget is currently being prepared for 2018/19 and as part of this process we are risk assessing to ensure the budget is adequate to meet our statutory responsibilities. I suggest this question is considered via the Scrutiny process as part of the budget setting arrangements.

11. QUESTION FROM COUNCILLOR AVES Re: CAMHS

How long, on average, in Devon does a young person with mental health problems have to wait to have an appointment with CAMHS?

REPLY BY COUNCILLOR MCINNES

September contract monitoring data provided by Virgin Care indicates that for CAMHS the median wait time for treatment is currently 15 weeks (the median is the mid-point between those who wait the longest and those who wait the shortest).

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12. QUESTION FROM COUNCILLOR ATKINSON
Re: Parliamentary Elections

In 2018 we celebrate 100 years since some women won the right to vote in Parliamentary elections.

The campaign started with a petition to Parliament in 1866 and on 6th February 1918 the Representation of the People's Act 1918 received Royal Assent enfranchising all men, as well as all women over the age of 30 who met minimum property qualifications.

Women only got the right to vote on the same terms as men in 1928. Millicent Fawcett who campaigned from 1866 is to be acknowledged next year by being the first woman to have her statue in Parliament Square

How does DCC intend to celebrate 100 years of women's suffrage in 2018 and will the Council support events here at County Hall and across the County. In particular will the Council help celebrate the life of Juanita Maxwell Phillips the first woman County Councillor who was also the Mayor of Honiton many times by hanging her portrait in the rogues gallery outside the council chamber?

REPLY BY COUNCILLOR HART

I suggest a small group is established to plan how DCC can celebrate this and feature Juanita Maxwell Phillips. The Corporate Equality Officer will support this group.

13. QUESTION FROM COUNCILLOR ATKINSON
Re: Council Assets

It is noted that the Council has already sold redundant assets in Exeter and realised up to £40m capital receipts. What other assets does it intend to sell in Exeter? Will the assets sold in Exeter be ring-fenced to promote productivity growth here? What has the capital receipts from past asset sales in Exeter been used for in the last 3 years?

REPLY BY COUNCILLOR CLATWORTHY

There are currently 9 sites (land and buildings) across Exeter which have been identified as surplus to the Council's requirements which are in the process of being sold.

The Council's capital programme (funded through Capital Receipts) is based on priorities (including those for which the authority has a statutory responsibility) across the communities of Devon and not ring fenced to the area where the asset was sold. In Exeter, in the last 3 financial years 20 projects were funded through the Council's capital programme totalling £3.7m (with £7m generated through the sale of Council property assets in Exeter in the same period).

14. QUESTION FROM COUNCILLOR ATKINSON
Re: Science Technology and Engineering Investment

How will the Council bring investment into the Science Technology and engineering sectors in Exeter and across Devon? What steps does it intend to take to access a £31 billion productivity fund including £1.2 billion for research and development for Exeter and Devon?

REPLY BY COUNCILLOR BARKER

The Industrial Strategy sets out a range of new future funding including:

- a new competitive £115m Strength in Places R&D Fund, to support the development of local research strengths; and
- the Higher Education Innovation Fund, which incentivises business and University collaboration, to be increased to £250m p.a. by 2020-21;

- £50m innovation loans pilot; and
- As a first step, government will increase public spending on R&D by £2.3bn in 2021-22

The Council is working with local authority partners across the Heart of the South West and the LEP, to complete a Productivity Strategy which will set out a series of opportunities to grow the economy, including two identified global strengths – digital innovation and advanced engineering, identified in the South West Science and Innovation Audit. Devon and Exeter has clear strengths and opportunities within these themes.

In addition, the Council, on behalf of the LEP is leading on co-ordinating a bid to Government for an Institute of Technology. Working with a range of partners from across the South West, including Exeter University and Exeter College, the bid seeks to secure a nationally recognised centre of excellence for engineering and digital skills training within the area. Building upon the strength of our existing college network, the Institute will provide new routes into technical and higher skilled work across the County, creating additional opportunities for engineering and science based careers for young people and those in work alike. This is a competitive process and requires good collaboration across the whole area and between Higher and Further Education, Employers and the Local Enterprise Partnership.

County Council
7 December 2017

Report of the Cabinet Member for Highway Management

A381 Wolborough Street, Newton Abbot – Proposed highway reconstruction works

Introduction

I have been asked by Councillor Dewhirst to report on:

“what measures will be implemented to mitigate the impact of the closure of Wolborough Street in Newton Abbot to local people and businesses in Ipplepen and Abbotskerswell, in light of requests to Highways Engineers and Officers. Also, the loss of one bus service for the duration of the work, with all other traffic using Coach Road in Newton Abbot (a narrow 1 ½ mile long road that has no passing places other than residential drives and regularly grinds to a halt when HGVs enter it), which will be the only entrance to Newton Abbot from the west. Additionally, the concerns of residents in Abbotskerswell that increases in traffic on Priory Road will become so great as to effectively block access to the village from the west.”

Response

Due to the condition of the highway on Wolborough Street between the traffic lights at the Asda store and Ogwell Cross Roundabout major repair works have been scheduled, see plan in appendix II.

It is anticipated that the works will take one week and during this time traffic will be unable to use this section of road. The work has been programmed during the academic half term of 12 to 17 February 2018 to reduce disruption.

The section of road between Pomeroy Road and Waltham Road will be completely reconstructed and the road from Waltham Road to Beverley Gardens will require repairs to failed areas. A new surface will be laid for the complete length between Pomeroy Road and Beverley Gardens.

A road closure is necessary as the total reconstruction of a section of this road means no traffic can use the road, and the narrow width of the remainder of the site does not allow sufficient room for vehicles to pass the machines being used

Diversion route

The A381 is major link between Newton Abbot and Totnes which carries all types of traffic and there are no roads of a similar standard in the immediate area of the works that could be used as a diversion route. It will therefore be necessary to direct traffic via the A380 South Devon Link Road, A380 Torbay Ring Road and A385 to Totnes (and by the same route in reverse), as shown in appendix I.

Pedestrian access will be maintained from Asda to Bakers Park, using the existing off street combined cycle and footway.

The County Council will be providing information that will encourage drivers to use the diversion route, but it is inevitable that some drivers will choose to use more local roads and it is recognised that some local roads may become congested while the works are in progress. It is not practical to put in place a Temporary Traffic Regulation Order to restrict the use of

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these roads for the duration of the works because they will still be required for access. It is therefore intended that signs stating “Not suitable for HGV’s” will be used to discourage larger vehicles from using Coach Road and other local roads that may be used as alternative route.

Bus services

The importance of maintaining bus services has been recognised, and the following amendments will be made to services during the duration of the works:

| Service | |
|---------|---|
| X64 | Stagecoach X64 will be diverted around the official diversion route with a revised timetable. |
| 176 | Country Bus 176 (Newton Abbot – Denbury – Ogwell) will be diverted via Ashburton Road and Chercombe Bridge Road using a smaller 16 seater vehicle which it is anticipated will be able to cope with the passenger demand during a school holiday. |
| 177 | Country Bus 177 (Newton Abbot – Totnes via Abbotskerswell and Ipplepen) will use 16 seater vehicles and will travel via Coach Road. |

Devon County Council will monitor these services throughout the works period to determine if any amendments to the services are required.

Consultation

Newton Abbot Town Council and Teignbridge District Council have been consulted on the works. An initial letter drop has been made to residents, informing them of details of the works and the dates of operation. Information is also available via the dedicated webpages on the County Councils website at <https://new.devon.gov.uk/roadsandtransport/traffic-information/roadworks/a381-wolborough-street-newton-abbot/>

It should be noted that the scheme has been rescheduled to the period after Christmas, following local concerns, and that the poor condition of the road surface needs to be urgently addressed.

Teignbridge District Council will be providing parking permits for residents, funded by the County Council which can be used in two nearby car parks, for the duration of the works.

Information signs will be put out two weeks before the start of the works, at which time the contractor will also provide local residents with details of the work programme. Advance signing using matrix signs, will be provided at Brutus Bridge, Totnes Cross and Ogwell cross.

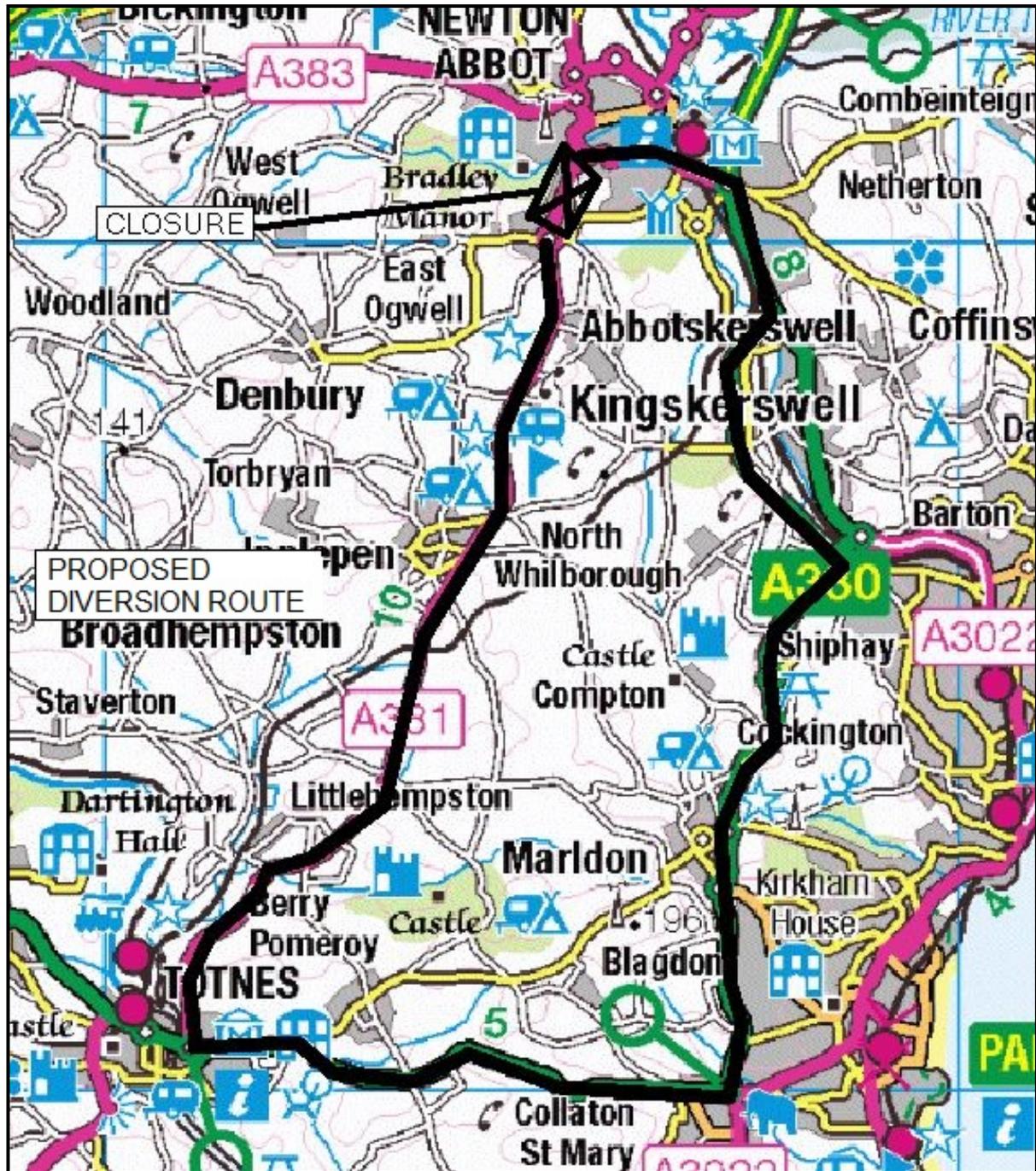
The contractor is confident that the work can be achieved within the one week closure period. The time of year is being taken into consideration and the weather forecast will be closely monitored in the days leading up to the scheme in order to determine if the start date or the duration of the works needs to be adjusted.

Given the state of the road it is vital that work is undertaken as soon as possible. Due to the nature of the work it is not possible to keep the road partially open for the duration of the works and full closure is therefore required.

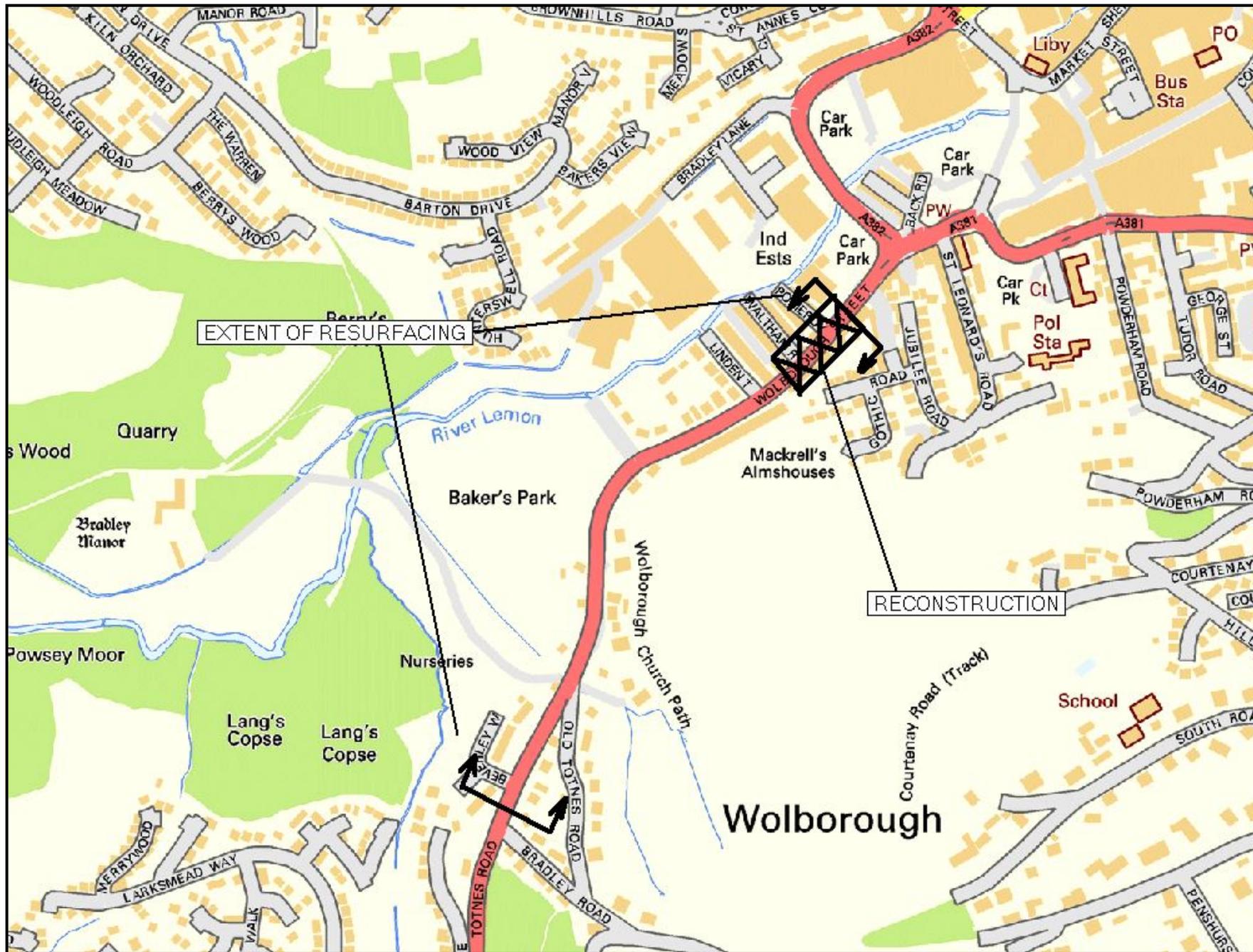
Councillor Stuart Hughes

Cabinet Member for Highway Management

A381 Wolborough Street – proposed diversion route for duration of works



A381 Wolborough Street – extent of works



Report of the Cabinet Member

Community, Public Health, Transportation and Environmental Services

I have been asked by Councillor Hannaford to report on the work being done by the County Council with others to provide help and support for people experiencing domestic violence and abuse. Including since the new Splitz model was introduced how many women, men, and children have we been involved with each year. Also the Council's take and analysis on some of the key challenges, such as better access to legal aid for domestic violence clients, delayed access to support services, the ongoing national closures of women's refuges, budget cuts, the introduction of universal credit, and the new legislation on domestic violence that specifically relates to children.

Response

Over the past two years, Devon County Council and our partners have collectively developed a Devon DSVa (Domestic, Sexual Violence and Abuse) strategy that sets out a vision to *end domestic and sexual violence and abuse in Devon*: from prevention through to recovery and resilience and from supporting individuals to taking action at a societal level.

Our strategy and five year action plan can be found at <https://new.devon.gov.uk/dsva/the-dsva-strategy-and-action-plan/>. A multi-agency DSVa Strategy and Delivery group has been established to oversee the implementation of the action plan and is accountable to the Safer Devon Partnership.

Devon Domestic Abuse Support Service (DDASS)

The total commissioning budget is approximately £800,000 per annum. The majority of this funding comes from the Public Health Grant. This represents only a small proportion of the overall resources spent on domestic sexual violence and abuse across the system, with a significant proportion raised by the specialist domestic violence and abuse voluntary sector in Devon.

Splitz Support Service has been commissioned by Devon County Council to deliver the Devon Domestic Abuse Support Service since April 2014 which safeguards and supports adult victims of domestic violence and abuse. The outcomes for victims as monitored by the national organisation SafeLives has been consistently above the national average, with well over 95% of clients being satisfied with the service.

The activity of the service is shown below:

| | 2014/15 | 2015/16 | 2016/17 |
|--------------|-----------------------------------|---|---|
| Victims | 235 high risk 1229 medium risk | 291 high risk 1144 medium risk 64 help desk | 1097 high risk 779 medium risk 22 help desk |
| Perpetrators | 26 | 18 | 45 |
| Children | 267 | 219 | 72 |

The activity is not directly comparable from year to year because the service has had to adapt to changes in external funding over this period, for example one-off grants from the

Ministry of Justice and the Home Office have ended and the service has had to accommodate this.

The original perpetrator programme was decommissioned due to lower than expected uptake and since 2016-17 has been funded by Devon Domestic Abuse Support Services (Splitz Support Service) from other funding sources.

Despite the excellent service provided locally by Devon Domestic Abuse support Services and a thriving Alliance of statutory and third sector partners, which has resulted in several recent major grants to Devon to promote innovation, there are still challenges:

Children and young people

Witnessing domestic abuse is a frequent cause of stress in children and can manifest itself as an emotional or behavioural problems in school. The Early Help for Mental Health (EH4MH) programme is working with schools and academies across Devon to enable them to recognise and support children in this situation.

Devon Domestic Abuse Support Service provides support to children at high risk when the parent consents to engage with the service, but also monitors the outcomes of MARACs (multi-agency risk assessment conferences) and MASH (multi-agency safeguarding hub) enquiries.

Devon Domestic Abuse Service works with many other agencies to provide training and support, for example to schools through the roll-out of operation ENCOMPASS, where police notifying a child's school of a domestic abuse incident first thing the following morning so that the school can provide support to the child and family.

Children's social services and Early Help have no dedicated support commissioned for children and young people, but recently a successful partnership bid to the Department of Communities and Local Government by a range of partners led to North Devon District Council to provide more integrated support.

Legal aid

There is some concern from local services that children may not be protected from an abusive parent because legal advice is not available or affordable to some victims. To help in this situation, Splitz and North Devon Against Domestic Abuse (NDADA) have just completed a new TALK toolkit aimed at parents struggling with a child contact, which has had input from a local family solicitor.

Universal Credit

The introduction of Universal Credit presents a number of issues for victims of domestic violence and abuse.

- Universal Credit can only have one claimant named, whereas currently the system allows joint claims. This will mean more victims could be exposed to financial abuse.
- Currently in the areas in the UK where Universal Credit is in operation, claimants are waiting 6-8 weeks for an initial payment. This could mean that victims will not feel safe enough to leave dangerous relationships, particularly if children are involved, due inevitable poverty.

- Universal Credit caps benefits at £500 each week this will mean that women with three or more children may not have sufficient money to pay the rent in refuges as they will also have to pay for their original property from Universal Credit.

Safe accommodation

Devon has been developing a Places of Safety model since 2016. This is a partnership between Devon Domestic Abuse Support Services, Housing Options and the eight district housing authorities. The model provides housing units across the county that offer 12 week accommodation, on licence, to victims, regardless of gender, children or complex needs. Devon Domestic Abuse Support Service provides wrap-around support to the victims. There are currently two places of safety, with the aim to expand to six places by the end of July 2018.

Residents are currently entitled to claim housing benefit when occupying the refuge or Places of Safety units and this money goes part of the way to paying the rent. Universal Credit does not allow for short stays and regular changes to rent and therefore DCLG & DWP have proposed that short-term supported accommodation (including refuges) are funded via a ring-fenced grant to local authorities from 2020. The report can be found here: <https://www.gov.uk/government/publications/funding-for-supported-housing>

There is one voluntary sector-funded refuge in North Devon operated by North Devon Against Domestic Abuse (NDADA) which can accommodate eight women and 17 children at any one time. Typically 40% of residents are from outside Devon. However, it is almost always full and is often approached to provide a response to crisis at evenings and weekends.

Domestic Homicides

It is a statutory responsibility of Community Safety Partnerships to undertake domestic homicide reviews. Currently, Devon County Council undertakes these on behalf of the District Councils. The statutory guidance was updated last December to include suicides where domestic abuse may be a factor, which has involved close working with HM Coroner. The cumulative workload associated with these complex independent reviews has increased significantly, although the incidence is relatively stable at approximately two homicides per year. The Office of the Police and Crime Commissioner is currently undertaking a review of arrangements across Devon and Cornwall.

Councillor Roger Croad

Cabinet Member

Community, Public Health, Transportation and Environmental Services

Report of the Cabinet Member Economy and Skills

Introduction

I have been asked by Councillor Atkinson to report on the region's access to superfast broad band, to include issues such as:

- what steps CDS is taking and intends to take to enforce penalty charges against BT for poor performance in the roll out of its current contract to provide superfast broadband and its failure to provide adequate broad band speeds from its current investment? As the signal depletes the further away businesses and residents are from the cabinets provided will the council report on why BT has failed to invest in sufficient cabinets to relay superfast broadband to customers?
- how many properties currently fail to meet the superfast broadband speeds when based on the proposed changes for testing from the current 10% of BT customers at peak times to 50%?
- whether Devon will benefit from any new money alleged to be up to £500million to support AI, 5G mobile connectivity and Full Fibre Broadband?
- why BT has failed in the current contract to provide full fibre connectivity in this current contract?

I have been further asked by Councillor Dewhirst to report on the following:

“In the light of the Chancellor's £3billion expenditure on Brexit preparations, will the Cabinet Member for Economy and Skills brief the Council on what preparations his department have made for this event? Can he say if the County Council, along with the attendees at the recent Heart of the South West LEP Annual General Meeting, believe that the risks of Brexit now outweigh the opportunities for businesses and the people of Devon?”

Response

Broadband

The request for a report also included some specific issues which I also need to respond to because of incorrect views. The phase 1 contract delivered by BT ended earlier this year, at the end of March, so it was completed on time and has delivered the target of 278,000 premises that are now able to now connect to a superfast service. The Connecting Devon and Somerset (CDS) Programme is only responsible for extending the infrastructure which allows access to superfast broadband where the commercial sector have no current plans to invest, commercial is where a provider has plans to expand their network as a result of their own investments. To be clear, the County Council is not responsible for a broadband provider's commercial plans and is not able to hold them to account for poor service, speeds, delivery and investment, any questions about these aspects need to be taken up with the various providers direct.

The County Council through the Connecting Devon and Somerset programme regularly checks for the commercial plans of all providers. Residents and businesses need to contact their broadband supplier directly to buy a new superfast contract. Contracts awarded earlier this year to Gigaclear and Airband are mobilising with first customers planned to go live in early 2018. Deployment Plans will be announced soon, but will provide infrastructure that will allow a further 60,000 homes and businesses access to faster broadband through the CDS programme. The phase two contracts are stimulating additional competition and on the back of this we are seeing more commercial investment e.g. Blackdown Hills which has produced commercial plans outside of the CDS envelope.

There will, however, still be a proportion of homes and businesses not covered commercially or through one of the above contracts and the County Council, working as part of CDS, continues to seek solutions and funding to support as many people as possible. An Expression of Interest was submitted under Government's Local Full Fibre Network fund, DEFRA funding opportunities are being explored and the CDS Board are considering the approach to be taken to spend early Gainshare from BT. There are also opportunities for industry to access funding, including Department of Culture, Media and Sports 5G Trails and Testbeds programme. This is an opportunity for industry, and not local authorities. The Council is engaging with providers about the opportunities they may have, however there is limited support for the first wave of funding given the short application deadlines set by Government and the requirements of industry. The Council will continue to engage with the sector and promote the opportunity when a second wave of funding is announced.

Brexit Preparations

I would refer Councillor Dewhirst to the response given by the Leader earlier in the meeting, as outlined below for ease of reference.

Brexit should create opportunities for Devon, but it might also entail some potentially significant challenges. However, there is currently considerable uncertainty about the arrangements that will be in place on key issues such as trade and migration after the United Kingdom leaves the European Union (EU) in March 2019. The Council is monitoring national developments closely and stands ready to support local businesses and residents to seize the opportunities that arise. Until details emerge, it is not possible to answer whether the risks outweigh the opportunities.

I have nothing further to add at this stage.

Councillor Stuart Barker
Cabinet Member
Economy and Skills