



DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

19 April 2017

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 27th April, 2017 at 2.15 pm.

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

Chief Executive

[Prayers will be offered by the Reverend Simon Holloway, Priest in Charge of the Five Alive Mission Community, East Devon, at **2.10pm**, prior to the commencement of the meeting. All Members are welcome to attend].

AGENDA

1 Apologies for Absence

2 Minutes (Pages 1 - 10)

To approve as a correct record and sign the minutes of the meeting held on 16 February 2017.

3 Chairman's Announcements

4 Items Requiring Urgent Attention

5 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.

6 Petitions from Members of the Council

7 Questions from Members of the Council

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

FRAMEWORK DECISION

8 Devon, Somerset and Torbay Trading Standards Service: Extension of the current joint Trading Standards Service (Pages 11 - 16)

The Leader of the Council will move that the Council:

(a) approve the discharge of Torbays Trading Standards functions in accordance with s101 of the Local Government Act 1972, such functions to be discharged in line with the arrangements approved by the Cabinet on 8 March 2017 (Minute 164 refers);

(b) approve the additional Membership of the Trading Standards Joint Service Panel, to include Torbay Council; and

(c) recognise and accept responsibility for the specific delegations made by Devon County Council to support the transfer of the Relevant Functions.

OTHER MATTERS

9 Cabinet Member Reports

To consider reports from Cabinet Members.

10 Minutes

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

- a** Appeals Committee - 6 February, 13 March and *18 April 2017 (Pages 17 - 20)
* To follow
- b** Investment and Pension Fund Committee - 24 February 2017 (Pages 21 - 26)
- c** Appointments and Remuneration Committee - 1 March 2017 (Pages 27 - 28)
- d** Development Management Committee - 1 March and 5 April 2017 (Pages 29 - 36)
- e** Public Rights of Way Committee - 2 March 2017 (Pages 37 - 40)
- f** Standards Committee - 27 March 2017 (Pages 41 - 42)
- g** Audit Committee - 28 March 2017 (Pages 43 - 46)
- h** Procedures Committee - 6 April 2017 (Pages 47 - 50)
- i** Health and Wellbeing Scrutiny Committee - 7 March 2017 (Pages 51 - 56)
- j** Place Scrutiny Committee - 14 March 2017 (Pages 57 - 58)
- k** People's Scrutiny Committee - 20 March 2017 (Pages 59 - 62)
- l** Corporate Services Scrutiny Committee - 23 March 2017 (Pages 63 - 66)

11 Scrutiny Annual Report 2016/2017

To receive the Scrutiny Annual Report, a copy of which can be viewed on the web;

<http://democracy.devon.gov.uk/documents/s7132/2016-17%20Scrutiny%20Annual%20Report.pdf>

NOTICES OF MOTION

12 European Union Habitats Regulations (Minute 89 of 16 February 2017)

To receive and consider the recommendations of the Cabinet relating to Councillor Wright's Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 170(a) of the Cabinet held on 8 March 2017 (Page 9 of Cabinet meeting - 8 March 2017, Green Pages).

13 South West Local Enterprise Partnership – Chief Executive Pay (Minute 90 - 16 February 2017)

To receive and consider the recommendations of the Cabinet relating to Councillor Connett's Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 170(b) of the Cabinet held on 8 March 2017 (Page 10 of Cabinet on 8 March 2017, Green Pages).

14 Triple Lock Pension (Minute 75 - 8 December 2016)

To receive and consider the recommendations of the Cabinet relating to Councillor Greenslade's Notice of Motion.

The text of the original Notice of Motion, the Cabinet's recommendation and any reasons therefor may be seen in full at Minute 183 of the Cabinet held on 12 April 2017 (Page 4 of 12 April 2017, Green Pages).

15 Royal Marines and Royal Navy Service Cuts

Councillor Younger-Ross to move:

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.

16 NHS in Devon - Public Enquiry

Councillor Greenslade to move:

'While applauding the care provided by all our NHS medical staff the County Council is concerned at the current state of the NHS in Devon, the impact the NHS "Success Regime" is having and studies suggesting many GP's will be retiring, being examples of areas for concern.

Accordingly the County Council agrees to establish a local public inquiry to consider the state of the NHS in Devon'.

Access to Information

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

Agenda and decisions of the Council, the Cabinet and of any Committees contained herein, together with the Health & Wellbeing Board and the Devon Pension Board referred to above, are published on the County Council's Website and can also be accessed via the Modern.Gov app, available from 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

Public Participation

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

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

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

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

Webcasting, Recording or Reporting of Meetings and Proceedings

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

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

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

Emergencies

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

Mobile Phones

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

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



Induction loop system available

COUNCIL

16 February 2017

Present:-

Chairman: A Moulding

Vice-Chairman: R Rowe

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

Apologies:-

Councillors T Dempster and J Hone

76 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 8 December 2016 be signed as a correct record.

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

77 Chairman's Announcements

The Chairman reported the recent death of Mr John Trahair, who had represented the former Plympton St Mary Division on the Council between 1977 and 1981 and who had also served as High Sheriff of Devon in 1987.

The Chairman also congratulated all those in Devon who had received Honours in Her Majesty the Queen's New Years List - particularly Mr Roger Pope, Head teacher of Kingsbridge School and Ms Ciara Eastell, former County Librarian and Chief Executive of Libraries Unlimited, for their services to education and libraries respectively.

Finally, the Chairman advised the Council that this was the last Council meeting to be attended by Mr David Whitton, the Chief Officer for Highways, Infrastructure Development & Waste, after 17 years of service to the Council: the Chairman, Political Group Leaders and the Cabinet Member for Highway Management and Flood Prevention paid tribute to Mr Whitton thanking him for his services and wishing him well for the future.

78 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

79 Public Participation: Petitions, Questions and Representations

There was no question or representations from a Member of the public.

The Leader was presented by Teignbridge District Councillor Nutley and a Ms Denning with a petition containing some 220 signatures of Denbury residents seeking the introduction of 20mph speed limits and traffic calming measures on all approach roads into and through the Village.

Agenda Item 2

2
COUNCIL
16/02/17

[NB: The relevant Head of Service would be asked to respond direct to the petitioner on the issues raised within 15 days].

80 Petitions from Members of the Council

The Leader was presented by Councillor Foggin, on behalf of residents and property owners in Leypark Close in Exeter, with a petition containing 24 signatures seeking a review of parking policy and the introduction of parking restrictions/residents parking in that Close.

[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 (<https://new.devon.gov.uk/democracy/guide/constitutionparts2-4/part-4-section-7-petition-scheme/>) and when that would be concluded and published and/or considered by the relevant Highways & Traffic Orders Committee thereafter].

81 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members provided written responses to 6 questions submitted by Members of the Council relating to parking enforcement outside schools, subsidy payments to Devon farmers, Council owned Care Homes, parking enforcement and fines, bed blocking and Government advice of tax avoidance responding orally, as appropriate, to any supplementary questions arising therefrom.

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

82 Treasury Management and Investment Strategy 2017/2018

The Council considered the recommendations of the Cabinet and Corporate Services Scrutiny Committee held on 10 February and 24 January 2017 respectively relating to the adoption by the County Council of the proposed Treasury Management Strategy for 2017/18, prior to determination of the budget for that year.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendation of the Cabinet and of the Corporate Services Scrutiny Committee be approved and the Treasury Management and Investment Strategy for 2017/18 commended at Minutes 148 and *33 of the above respectively, be endorsed.

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

83 Revenue Budget, Medium Term Financial Strategy 2017/2018 - 2020/2021 and the Capital Programme for 2017/2018 - 2021/2022

[All Members of the Council had been granted a dispensation to allow them to speak and vote in any debate on the setting of the Council Tax or Precept or any fees and charges arising therefrom as a consequence of simply being a resident of or by virtue of being a resident of or a land or property owner in the administrative County of Devon or by being a County Council representative on local authority company or joint venture or by being a parent or guardian of a child in a school on any matter relating to school meals and school transport or in relation to the setting of members' allowances or as a parent or a guardian of a child in care or in receipt of statutory sick pay or a state pension. Councillor Bowden had also been granted a personal dispensation to allow him to speak and vote on any matter before the Council relating to flooding arising from his being a County Council representative on the South West Regional Flood Defence & Coastal Committee and residing in an area at risk of flooding unless it unless it related directly to any land or property owned by him].

The Council considered the recommendations of the Cabinet held on 10 February 2017 relating to the Revenue Budget for 2017/18, the Medium Term Financial Strategy to 2020/21 and the Capital Programme 2017/18-2020/22 as set out at Minute 148 of that meeting, together with the summary report of the County Treasurer (CT/17/10) comprising, in detail:

- Introduction;
- Revenue Budget Overview;
- Capital Programme Overview;
- People's, Place, Corporate & Non-Service Revenue Budgets & Capital Programmes;
- Medium Term Financial Strategy 2017/18-2020/21;
- County Fund Balance and Earmarked Reserves for 2017/18;
- Prudential Indicators and Treasury Management 2017/18-2020/21; and
- Risk Analysis of Volatile Budgets.

The County Treasurer's Report (CT/17/10) and accompanying detailed service budgets and spending plans incorporated additional spending in the sum of £2,000,000 on rural roads and £500,000 on Highways Drainage as suggested by the Council's Scrutiny Committees, to be met from central budgets, as proposed at the Cabinet on 10 February 2017; acknowledging that this had no effect upon the Council Tax requirement or levels of precept set out in Reports CT/17/9 and CT/17/10.

The Council also had before it the updated overview of impact assessments relating to the 2017/18 budget; previous iterations of which had been circulated and drawn to the attention of all Members of the Council for the purposes of the consideration of the budget by Scrutiny Committees, by the Cabinet and by this County Council. This was in order that Members might have access to all necessary equality impact assessments, including specific impact assessments undertaken as part of the budget's preparation so that they might, in turn, have full regard to the responsibilities placed upon the Council to exercise its Public Sector Equality Duty in considering the proposals and their impact, before making a decision on the budget. The Impact Assessment had been re-circulated to Members prior to this meeting, together with all assessments published in relation to the budget, was available at: <https://new.devon.gov.uk/impact/published/budget-setting-201718/> .

The Chairman of the Corporate Services Scrutiny Committee having **MOVED** and it having been duly **SECONDED** that the Minutes of the Joint Scrutiny Committee meeting held on 30 January 2017 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Chairman of the Council **MOVED** and it was duly **SECONDED** that in accordance with Standing Order 30, Standing Order 14(4) be suspended to permit more than one motion or amendment to be debated at the same time.

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

The Chairman then indicated that he would exercise his discretion to enable the Leaders and budget spokespersons of the political groups to speak for longer than 7 minutes, if desired.

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that Cabinet Minute 148 setting out the proposed revenue and capital budgets as detailed in Report CT/17/10 be approved.

In commending the proposed budget to the Council, the Leader also sought the endorsement of Members to sending a copy of the final agreed budget to Devon's Members of Parliament highlighting the financial difficulties faced - past, present and future - by local authorities and pressing for a fundamental review of local government funding. He reflected upon the difficulties faced by this Council over the preceding 7 years in managing overall reductions to its budgets over that time approaching some £270,000,000 and the anticipated further funding reductions over the next 3 years, irrespective of Business Rates Retention. The Leader commented upon the extensive, continuing, lobbying of Devon's Members of Parliament on the provisional settlement four of whom, currently, had indicated their intention to vote against the Finance Bill and the revised funding formula for schools should funding for Devon's schools be not significantly improved.

Agenda Item 2

4

COUNCIL
16/02/17

Members then formally moved, each duly seconded, amendments as shown below which were subsequently the subject of one debate as agreed above.

Councillor Connett **MOVED** and Councillor Brazil **SECONDED** that Cabinet Minute 148 (Revenue Budget and Medium Term Financial Strategy to 2017/18 – 2020/21 and Capital Programme 2017/18 – 2021/22) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 148(c):

'Aspirational for our children's education and protecting classroom teaching

Devon's Liberal Democrats will restore £2,200,000 to the schools budget and stop the Conservative planned cut worth £33 per child.

The Conservative cuts to schools across Devon are simply wrong and place an even greater burden on Heads, Governors, teachers and children. Devon schools are already poorly funded by the Government, which pays £290 a year LESS for each child in Devon than the national average.

The crisis for Devon's schools is made worse by extra cuts imposed by the Conservative councillors running Devon County Council. They plan to axe another £2,200,000 from our schools, worth £33 a year per pupil.

The Liberal Democrat amendment is to restore £2,200,000 to Devon schools by transferring £2,200,000 from the Service Transformation Fund, which currently stands at £11,400,000.

Keeping children safe

Invest £200,000 to recruit up to 5 new School Traffic Safety Officers who will work with schools to promote children's safety to and from school and support local traffic management measures, funded by cutting £200,000 from the council's £400,000 annual spending on hiring rooms in hotels and other premises for meetings.

We welcome the reinstatement of £254,000 for the valued School Crossing Patrol Service, which Conservative councillors voted to cut just 12 months ago.

Fixing more potholes and highway flooding

Increase the budget for much needed pothole repairs and highway drainage works by £1,000,000. This can be achieved by allocating £700,000 from the County Council's budget for Public Relations, media and cross-council advertising, which totals nearly £2,000,000, topped up with £300,000 from the Service Transformation Reserve.

Supporting Devon's environment

- 1. Develop a programme to install up to 12 pay-to-use charging points annually for electric vehicles for the next four years – capped by annual budget of £40,000 funded from the on-street parking account which is forecast to hold a balance of just over £3,000,000 at 31 March 2018.*
- 2. Support Community composting schemes with a budget of £40,000 funded by reducing the Council's spending on hiring external meeting rooms by the same amount.*

Working better together – putting money into services for the community

- 1. Undertake an urgent review of the County Hall estate to identify opportunities to generate a commercial income to the council.*

2. *Prepare a detailed report for Corporate Services Scrutiny to ensure surplus assets are disposed of efficiently and achieve best value.*

Additionally, Devon County Council is concerned by this Government continuing to off-load the cost of paying for services to the Council Tax payers, especially the cost of social care - a Government levy on old age.

Accordingly, the County Council urges Devon Members of Parliament to vote against the Local Government Settlement unless there is a meaningful increase in the Revenue Support Grant for 2017/18, in particular to at least erase the cut in funding in the Rural Services grant and New Homes Bonus'.

Councillor Owen **MOVED** and Councillor Westlake **SECONDED** that Cabinet Minute 148 (Revenue Budget and Medium Term Financial Strategy to 2017/18 – 2020/21 and Capital Programme 2017/18 – 2021/22) be amended by the insertion of the following as (c) – (g) (and subsequent re-lettering of existing paragraphs ((c) – (r) as ((h) – (w)) and all necessary changes be made to the detailed budgets at 148(d) (formerly (c)):

'(c) that this Council agrees to make representations to the Government concerning the serious level of underfunding which is jeopardising the Council's ability to meet its statutory responsibilities and asks the Government to reconsider its support for Devon recognising its low wage levels and its reliance on the public sector and small and medium enterprises, which makes compensating for the loss via Rate Support Grant particularly harmful;

(d) that the Council should lobby Devon MPs and Government ministers to redress the current financial situation of the county before lasting damage is done to Devon's public services;

(e) that the Council asks the Government to withdraw its proposed 'National Funding Formula' for schools until it can be shown to give adequate funding to pupils in Devon;

(f) that £1,000,000 be transferred from the On-Street Parking Account to Neighbourhood Highway Officers' budgets to enable them to secure TROs and carry out small improvement projects in Exeter and other urban areas that contribute to this fund;

(g) that any funds designated for repairing potholes be available to all parts of Devon.'

The Council noted, as previously indicated, that the proposed budget reflected the Cabinet's recommendations and, as affirmed by the Cabinet Member for Resources & Asset Management, that it contained provision for Town and Parish Funds and a Locality Budget allocation of £10,000 for each Member of the new Council. Any unspent Locality Budget allocations would not however be carried forward from 2016/17 into 2017/18 in view of the forthcoming County Council elections. The Cabinet Member also confirmed that no provision had been made by the current administration to increase Members' Allowances in 2017/18 either in line with any recommendations of the Independent Remuneration Panel or with any national pay awards. He also commended the budget to the Council as a balanced budget, prepared on the basis of the best information available, predicated upon an increase in Council Tax of 4.99% (including the permitted 3% increase of the Social Care precept) and re-iterated that the s151 Officer had also confirmed that it represented a sound and achievable finance plan for 2017/18.

Agenda Item 2

6

COUNCIL
16/02/17

The Leader of the Council paid tribute to and expressed his gratitude to the County Treasurer, her staff and all those Officers involved in the preparation and management of budgets over previous years and in continuing to deliver high quality services and recognised also the exceptionally difficult circumstances of preparing a budget for 2017/18 in light of the delay in the final announcement by Government of the financial settlement and grants. These and the aforementioned suggestion of further lobbying of Devon's Members or Parliament were universally endorsed by Party Group Leaders and other Members of the Council during the course of debate, acknowledging also the concerns at the timing of the final local government settlement, the announcement of which had still not been confirmed.

Thereafter, the matter having been debated and the proposals, options and/or alternatives set out in the amendments referred to above having been explored, argued and considered alongside all other relevant factors (e.g. financial, sustainability, carbon impact, risk management, equality and legal considerations and Public Health impact) set out in the County Treasurer's Report and/or referred to above having been considered:

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

[NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows:

for the amendment, Councillors Biederman, Brazil, Connett, Dewhirst, Dezart, Edmunds, Foggin, Greenslade, Hannaford, Hannan, Hannon, Hill, Hook, Julian, Morse, Owen, Vint, Way, Westlake, Wragg, Wright and Younger-Ross : (Total: 22)

against the amendment Councillors Ball, Barisic, Barker, Berry, Bowden, Boyd, Brook, Channon, Chugg, Clarence, Clatworthy, Colthorpe, Croad, Davis, Diviani, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hosking, B Hughes, S Hughes, Knight, Leadbetter, McInnes, Mathews, Parsons, Radford, Randall Johnson, Rowe, Sanders, Sellis, Squires, and Yabsley: (Total:36)

and abstaining from voting, Councillor Prowse: (Total:1)

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

[NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows:

for the amendment, Councillors Biederman, Brazil, Connett, Dewhirst, Edmunds, Foggin, Greenslade, Hannaford, Hannan, Hannon, Hill, Hook, Morse, Owen, Vint, Way, Westlake, Wragg, Wright and Younger-Ross: .(Total: 20)

against the amendment Councillors Ball, Barisic, Barker, Berry, Bowden, Boyd, Brook, Channon, Chugg, Clarence, Clatworthy, Colthorpe, Croad, Davis, Diviani, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hosking, B Hughes, S Hughes, Knight, Leadbetter, McInnes, Mathews, Parsons, Prowse, Radford, Randall Johnson, Rowe, Sanders, Sellis, Squires, and Yabsley: (Total: 37)

and abstaining from voting, Councillors Dezart and Julian: (Total: 2)

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

Further and pursuant to the aforementioned, a copy of the budget would, as indicated by the Leader of the Council, be sent to Devon Members of Parliament pointing out the reductions needed to balance the budget for 2017/18 and those in the previous 7 years and the need for

a serious review of local government funding as the demands being placed upon local government were not being adequately funded by Central Government grants.

[NOTE: In accordance with Standing Order 32(5) and any vote relating to the setting of the Council Tax or level of precept, Councillors voted as for, against or in abstention to the aforementioned Motion/Amendment as follows:

for the Motion, Councillors Ball, Barisic, Barker, Berry, Bowden, Boyd, Brook, Channon, Chugg, Clarence, Clatworthy, Colthorpe, Croad, Davis, Dezart, Diviani, Eastman, Edgell, Gilbert, Gribble, Hart, Hawkins, Hosking, B Hughes, S Hughes, Julian, Knight, Leadbetter, McInnes, Mathews, Parsons, Prowse, Radford, Randall Johnson, Rowe, Sanders, Sellis, Squires, and Yabsley: (Total: 39)

against the Motion, Councillors Biederman, Brazil, Connett, Dewhirst, Edmunds, Foggin, Greenslade, Hannaford, Hannan, Hannon, Hill, Hook, Morse, Owen, Vint, Way, Westlake, Wragg, Wright and Younger-Ross: (Total: 20).

84 Pay Policy Statement

The Council considered the recommendations of the Appointments & Remuneration Committee held on 16 January 2017 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2017/18.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the Appointments & Remuneration Committee be approved and that the Pay Policy Statement for 2017/18 (and consequential changes to that Committee's Terms of Reference) set out at Minute 14 of that Committee be endorsed and the Constitution amended accordingly.

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

85 Minerals Plan

(Councillor Radford declared a Disclosable Pecuniary Interest in this matter by virtue of family members' ownership of or interest in land in or adjacent to designated/proposed sites and withdrew from the meeting during its consideration).

The Council considered the recommendations of the Cabinet and Development Management Committee on 14 December and 23 November 2016, respectively, relating to the adoption by the County Council of the Minerals Plan and associated Policies Map.

The Leader of the Council **MOVED** and Councillor Leadbetter **SECONDED** that the recommendations of the Cabinet and Development Management Committee on 14 December 2016 (Minute 119) and 23 November 2016 (Minute 28) be approved and that the Minerals Plan and associated Policies Map be endorsed and formally adopted.

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

86 Heart of the South West Devolution: Establishment of Joint Committee and Productivity Plan

The Council considered the report of the Chief Executive (CX/17/25) together with the recommendations of the Cabinet held on 10th February 2017 (Minute 149) relating to the process for the production of the Heart of the South West Productivity Plan and the establishment, in principle, of a Joint Committee with Heart of the South West Partners.

The Leader of the Council **MOVED** and Councillor Clatworthy **SECONDED** that the recommendations of the Cabinet (Minute 149) relating to the Heart of the South West Productivity Plan and establishment, in principle, of a Joint Committee be approved.

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

Agenda Item 2

8
COUNCIL
16/02/17

87 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) Children, Schools and Skills

Councillor McInnes circulated a report, as requested by Councillor Wright, commenting on the proposed changes by Government to the Schools Funding Formula and the impact of those changes upon Devon's schools. Devon was one of the lowest funded local authority areas in England with DfE funding per pupil in Devon in 2016/17 of £4,346 some £290 per pupil less than the England average. Even with the increase in funding in 2017/18 under the new formula funding the figure for 2017/18 would only be £4,349 and Devon schools would still be £268 below the England average, a total shortfall in funding of £24,000,000 for Devon schools.

(b) Highways Management and Flood Prevention

Councillor Hughes commented, as requested by Councillor Hannaford, on progress with the Exeter flood prevention scheme, being delivered in two phases. The first phase included improvements to the flood relief channel, associated structures and raising of existing earth banks which had been substantially completed in October 2015. The second, more complex, phase would see the establishment of new and improved flood defence structures, including bunds and other earthworks, walls, demountable defences and flood gates, all of which had been approved following detailed scrutiny through the planning process: that work had started in June 2016 and was progressing well. The Cabinet Member undertook to ask the Contractor, in future, to routinely keep the local County Councillor aware of and informed of developments and progress with construction works.

(c) Improving Health and Wellbeing

Councillor Davis circulated a report, as requested by Councillor Hannaford, commenting on the services commissioned by the County Council for dealing with Domestic Abuse and on latest reported statistics.

88 Minutes

The Chairman of the Council **MOVED and it was duly SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved and that the recommended changes to the Council's Constitution at Procedures Committee Minute 20 be also formally endorsed:

Appeals	-	12 December 2016 and 9 January 2017
Appointments and Remuneration	-	16 January and 2 February 2017
Development Management	-	25 January 2017
Procedures	-	2 February 2017
People's Scrutiny	-	5 and 23 January 2017
Place Scrutiny	-	19 and 20 January 2017
Health and Wellbeing Scrutiny	-	19 January 2017
Corporate Services Scrutiny	-	24 January 2017

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

89 European Union Habitats Regulations

Councillor Wright **MOVED** and Councillor Vint **SECONDED**

'Devon is home to many scarce and threatened habitats such our ancient woodlands, rivers and wetlands, upland blanket bogs, lowland heaths, Culm grasslands and our stunning coast and marine environments. These support a myriad of species with internationally important populations of marsh fritillary butterflies, greater horseshoe bats, otters, overwintering waders and marine creatures including whales, dolphins and basking shark.

European Union Habitats Regulations protection of land and seascapes such as the pebbled heaths in East Devon, large swathes of Dartmoor and Exmoor, the Exe and Tamar Estuaries and Lundy Island have meant that wildlife has flourished over the years and has ensured that these places remain crucial international strongholds.

The latest State of Nature report published last October found that the UK has experienced huge losses of habitat and wildlife, and 15 per cent of those studied are threatened with extinction.

Leaving the European Union puts at risk all of these protections - and the Government has not yet promised to retain the same level of protections that currently exist under EU legislation.

*This Council recognises the huge importance of these rich landscapes for people and wildlife in Devon – and calls upon the Secretary of State for the Environment to support the Environmental Audit Committee, as well as the coalition of wildlife and nature organisations, asking for retention of **at least** the same level of protection for our wildlife and environment, as takes place currently under EU law'.*

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

90 South West Local Enterprise Partnership - Chief Executive Pay

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

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

Councillor Connett **MOVED** and Councillor Greenslade **SECONDED**

'At a time of huge reductions in Government funding for local councils forcing cuts in health, education, care for older people and children, Devon County Council is offended by the reported 26% pay rise for the chief executive of the Heart of the South West Local Enterprise Partnership.

We [the Members] call upon the Council to take urgent steps to stop the annual pay rise of £24,271 and if it cannot do that, to withdraw from membership of the Partnership until common sense prevails with regard to top management pay increases'.

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

Agenda Item 2

10
COUNCIL
16/02/17

91 Anti Litter Campaigns - Deposit Scheme for Plastic Bottles

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

"That the County Council supports, in principle, the Sky News anti litter campaigns and in particular the proposal which is to be considered in Parliament after Easter to introduce a deposit scheme on plastic bottles: such schemes are currently in operation in 11 European countries and more than 30 countries worldwide where their introduction has seen a massive leap in plastic bottle recycling - in many cases upwards of 95%.

The County Council will contact all Devon MPs urging them to support a plastic bottle deposit scheme to reduce waste, increase recycling and also make a major contribution to reducing dangerous marine pollution, the latter being a significant and increasing problem with plastic bottles and containers".

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 Pastor Darrell Holmes of Kilmington Baptist Church.

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

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

The Meeting started at 2.15 pm and finished at 5.43 pm

EES/17/2

Cabinet
8 March 2017

Proposed Extension of Shared Services Arrangement for Trading Standards

Report of the Head of Economy, Enterprise and Skills

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

Recommendations:

- (a) that approval be given to the proposed extension of the current shared service arrangement with Somerset County Council (approved pursuant to Minute 200 of the County Council 24 April 2013) for delivery of the Trading Standards Service to also include Torbay Council;**
- (b) that accordingly the Council approve the discharge of Torbay Council's Trading Standards functions in accordance with s101 of the Local Government Act 1972, such functions to be discharged in line with the arrangements approved by the Cabinet on 8 March 2017, recognising and accepting also (i) responsibility for the specific delegations made to Devon County Council to support the transfer of the Relevant Functions, and (ii) the need to extend the membership of the Trading Standards Joint Service Review Panel to include representatives of Torbay Council.**

1 Summary

This report summarises a proposal for an extension of the joint Devon County Council and Somerset County Council Shared Trading Standards Service to include Torbay Council. The Full Business Case can be made available on request.

2. Background

On 1 May 2013, Devon County Council formally entered into a shared service agreement with Somerset County Council for the provision of a joint Trading Standards Service. Devon County Council agreed to host the Joint Service and the ex-Somerset staff transferred across under TUPE arrangements.

The Joint Service has widely been held to be a success with regular reports to the Joint Service Review Panel (created as a cross-council governance group) and attendance at a number of Scrutiny Committees for both Councils.

The three authorities involved in the proposals presented in this report, like many others nationally, face similar challenges in ensuring that their regulatory services continue to meet customer needs at a time of significant financial pressure, regulatory change and increasing demand and expectations. One of the objectives of the Joint Service was to develop the capability to respond to possible changes in role, scope or budget by expanding the scope of the service either geographically and/or by broadening the range of functions within its remit.

Since November 2016, discussions have taken place between the Devon, Somerset and Torbay councils and an initial report was submitted to relevant Members of each Authority. In Devon, an Outline Business Case in the form of a Project Initiation Document and a Head

Agenda Item 8

of Terms was presented to Councillor Roger Croad, Cabinet Member for Community and Environmental Services. It was agreed that the project should proceed to the completion of a Full Business Case in respect of the proposal and project governance has been through the Joint Service Review Panel.

3. The Current Arrangements

A comparison of the type of activities covered by Devon and Somerset Trading Standards Service and the Torbay Trading Standards Team has shown that, with two exceptions, there is a significant alignment between the priorities of the two services. The first exception is Animal Health and Agriculture work which is a key activity for Devon and Somerset but understandably requires far less resource in Torbay; this is a key factor in the alignment of budgets and staffing discussed below. The second exception is Business Support work which is again a much greater priority for the current joint service than for Torbay. However, this is offset by the fact that Devon and Somerset use this activity to generate a significant amount of income to support its base budget; the intention is to extend this principle across the Torbay geographical area.

After making an adjustment for Animal Health and Agriculture work then the budgets and staffing levels are broadly in line with the customer (population and business) base of the two services.

In respect of ICT, both services currently use the same main operational database and reporting system. Consequently the merging of data and standardisation of system usage will be easier in the future.

In reviewing the proposed shared service, a prime consideration has been the Government's promotion of collaborative approaches. As funding streams to local authorities reduce, it is essential to identify more efficient and cost-effective ways of providing services.

Delivery of certain trading standards functions has always benefited from working on a larger scale; providing the resource base and the flexibility to deal with complex investigations or emergency situations, allowing for the range of specialist expertise needed to cover the broad range of functions within its remit and having the necessary "clout" to tackle major organisations.

4. The Proposed Arrangements

It is proposed that the joint Trading Standards Service covering both Devon and Somerset be extended to include Torbay. As Devon County Council is the current employing organisation, it is proposed that Torbay staff, 4.4 FTEs (5 individuals) TUPE transfer to Devon County Council, at a date to be agreed through consultation with Unions and staff representing each Authority. The initial contract would be for a term of approximately 6 years to bring it into alignment with the current Somerset contract at which time any proposal to extend the arrangement could be considered together.

The Joint Service will maintain its current offices in both Devon and Somerset and will also retain a presence in Torbay; in order to be close to its customers, to ensure it can respond quickly to any urgent matter, to minimise travel costs and to minimise disruption to staff. It is not anticipated that any staff will be required to relocate as part of the merger.

The Torbay staff would move into the existing Devon and Somerset management structure: no redundancies are proposed as a direct result of this merger.

Although the extension of the Joint Service is not predicated on a reduction in costs, the local authorities involved all have medium term financial plans (MTFP) in place which

anticipate a level of savings over the next 3 years. It is anticipated that the Joint Service approach can deliver these savings whilst still maintaining the expected level of service. It is extremely unlikely that this level of saving could be achieved by the two services individually, without impacting significantly on front-line service delivery, the ability to continue to meet statutory requirements and customer needs.

Non-financial benefits from a shared service will include:

- greater resilience in the combined service in respect of service delivery, knowledge and response abilities
- “greater clout” in tackling major investigations
- improved intelligence sharing
- economies of scale from shared expertise and the opportunity for greater specialism to more effectively service the communities of Devon, Somerset and Torbay whilst still maintaining local responsiveness, choice and identity
- maintaining achievement of outcomes with reduced budget over the next three years
- maintaining the ability of all three councils to fulfil statutory obligations
- a consistent approach for those businesses that cover Devon, Somerset and Torbay
- greater efficiency in training and maintenance of staff competencies.

The extended Service would cover the majority of the Heart of the South West Local Enterprise area and although at an early stage, informal discussions are already underway with Plymouth City Council Trading Standards Service exploring the possibility of some form of joint working. It is also envisaged that this might be the starting point for further opportunities to provide managed services or commissioned activities for other authorities in the south west region.

The Joint Service Review Panel, in its advisory capacity to both Devon and Somerset County Councils, has considered the Full Business Case and recommended that approval be given to the proposed extension of the current shared service arrangement for Trading Standards.

As in 2013 the approval of the Council will be required formally to the transfer of these functions.

5. Consultations/Representations

Staff members have been kept informed throughout. Formal consultation with Unions and relevant staff members of each Authority has been undertaken.

Key external stakeholders have also been consulted.

6. Financial Considerations

In addition to the anticipated financial savings required by the Medium Term Financial Plans of each authority, there is the potential to deliver further savings over the remainder of the contract.

The terms of savings and extraordinary cost sharing is set in the contract and on an agreed % basis similar to the current Devon and Somerset arrangement.

No VAT risks have been identified.

Agenda Item 8

The staff will continue to participate in the Devon LGPS scheme albeit as employees of DCC rather than Torbay. There will be no impact on the pension funding arrangements for either authority.

No assets will transfer.

7. Environmental Impact Considerations

No significant impact identified.

8. Equality Considerations

In progressing this particular proposal an Impact Assessment has been undertaken as part of the full business case, as was the case with the Devon and Somerset joint service arrangements. This has been circulated separately to Cabinet Members and also is available on the Council's website at: <https://new.devon.gov.uk/impact/tradingstandards-sharedservices-extension/>, which Members will need to consider for the purposes of this item.

No significant equality impact has been identified.

9. Legal Considerations

The lawful implications of the proposed course of action have been considered and taken into account in the preparation of this report. Section 101 of the Local Government Act 1972 provides that two or more local authorities may discharge any of their functions jointly, where arrangements are in force for them to do so.

10. Risk Management Considerations

A risk assessment of the proposal has been undertaken and is set out in Section 6 of the Full Business Case. All necessary actions have been taken to safeguard the Council's position. Such actions will minimise the potential adverse impact in these areas and the overall risk is not felt to be significant.

11. Public Health Impact

Due to a greater resource base and opportunities to specialise and develop expertise, a Joint Service will be more readily able to contribute to the Public Health Agenda.

12. Options/Alternatives

There are specific legal and logistical difficulties in the outsourcing of local authority regulatory services to the private sector. These along with the option to continue with separate services were considered at the Outline Business Case stage. In the case of the latter option, this was rejected on the basis that the net benefits of a Joint Service significantly outweighed those of separate services. The Full Business Case confirms this.

13. Reason for Recommendation/Conclusion

This report recommends extending the full shared service arrangement with Somerset County Council to include Torbay Council. Once the immediate period of forming the new Service is bridged, it is anticipated that there will be significant benefits, both financial and non-financial, to both local authorities and to officers, other direct stakeholders, and the wider community.

In addition, the proposed approach is wholly consistent with Government thinking. It places the Joint Service in a strong strategic position within the South West region as a centre of excellence, with the potential to realise further savings and generate greater income, and represents a pragmatic approach to cost efficiencies and maximising scarce staff resources.

Keri Denton
Head of Economy, Enterprise and Skills

Electoral Divisions: All

Cabinet Member for Community and Environmental Services: Councillor Roger Croad

Chief Officer for Communities, Public Health, Environment and Prosperity: Dr Virginia Pearson

Local Government Act 1972: List of Background Papers

Contact for enquiries: Paul Thomas

Room No. L20, County Hall, Exeter. EX2 4QD

Tel No: (01392) 383000

Background Paper	Date	File Reference
1. Trading Standards Joint Service Full Business Case	February 2017	PT
2. Equality Impact Assessment	February 2017	https://new.devon.gov.uk/impact/tradingstandards-sharedservices-extension/

pt140217cab Proposed Extension of Shared Services Arrangements for Trading Standards
hk 10 230217

APPEALS COMMITTEE

6 February 2017

Present:-

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

Apologies:-

Councillors J Hawkins and R Julian

* 49

Minutes

RESOLVED that the minutes of the meeting held on 9 January 2017 be signed as a correct record.

* 50

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.

* 51

Budget Monitoring

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

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

* 52

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 that members had attended the remeasurement of this route, which had been found to be ineligible for free school transport on grounds of distance:-

ST 72 ED Woolwell - Tor Bridge High.

* 53

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:-

ST 76 SR Newton St Cyres - Bicton College

Mr R & Ms H
Cllr Squires

Agenda Item 10a

APPEALS COMMITTEE
6/02/17

ST 78 AC	Broadwoodkelly - Shoresgate Cross	Mr C Cllr McInnes
ST 79 RM	Yarnscombe - Cloggshill Cross	-
ST 80 SA-P	Okehampton - Exbourne CE Primary	-

RESOLVED:-

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

ST 76 SR	Newton St Cyres - Bicton College	Mr R & Ms H Cllr Squires
ST 80 SA-P	Okehampton - Exbourne CE Primary	-

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

ST 78 AC	Broadwoodkelly - Shoresgate Cross	Mr C Cllr McInnes
ST 79 RM	Yarnscombe - Cloggshill Cross	-

(c) that the following appeal(s) be deferred at the parents' request:-

ST 70 RT	Barnstaple - Exeter College.	
----------	------------------------------	--

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

The Meeting started at 9.45 am and finished at 12.15 pm

APPEALS COMMITTEE

13 March 2017

Present:-

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

* **54** **Minutes**

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

* **55** **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.

* **56** **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 financial year ending 31 March 2016.

* **57** **Deferred Appeals**

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

(a) The Committee considered the recommendation of members who had inspected the following and now confirmed the routes were available:-

<u>Reference</u>	<u>Route</u>
ST 78	Broadwoodkelly – Shoresgate Cross pick up point
ST 79	Yarnscombe – Cloggshill Cross pick up point

RESOVLED that the appeals in respect of the above be refused.

(b)The Committee noted that officers had now reviewed the following route and found this to be available and had also reviewed evidence and allowed the following, subject to periodic review:-

<u>Reference</u>	<u>Route</u>
ST 77	Marldon – Paignton Kings Ash Academy.

* **58** **School Transport Appeals**

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

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

<u>Reference</u>	<u>Route</u>	<u>Attendees</u>
ST 70	Barnstaple – Exeter College	Appellants

RESOLVED that the following appeal be refused:-

ST 70 Barnstaple – Exeter College.

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

The Meeting started at 1.45 pm and finished at 4.00 pm

INVESTMENT AND PENSION FUND COMMITTEE

2 December 2016

Present:-

Devon County Council

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

Other Employers

Councillors M Hicks and L Parker Delaz Ajete

Unison and Retired Members: Non Voting Observers

C Lomax and J Rimron

Apologies:-

Councillor P Edwards and R Franceschini

Also in attendance

Mr A Bowman and Mr W Nicholls (Devon Pension Board)

* 23

Minutes

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

* 24

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 25

Devon Pension Board

The Committee received the minutes of the meeting held on 20 October 2016 noting, in particular, the comments of the Board at Minutes 22(b) (Funding Strategy Statement) and Minute 24 (Devon Pension Fund Risk Register) which Officers undertook to address in future Reports, as appropriate.

The County Solicitor also reported, as previously requested (Minute 13/16 September 2016), on the wording of a statement previously adopted by the Devon Pension Board and commended to this Committee, which reflected it's [the Board's] desire to maintain and demonstrate it's impartiality at all times: that notwithstanding the existing guidance on conflicts of interest thereby it should endorse a number of principles that were already well established in a number of local authority quasi-judicial, regulatory committees viz:

'The deliberations of the Board should leave no grounds for suggesting with any justification that a decision has been partial, biased, or not in any way well founded. Whilst Members of the Board may be influenced by the opinions of others, their decisions must not discriminate in favour of any individual, group or area, nor appear to do so, but must be in the best interests of the Fund and Scheme Members. Members of the Board should preserve their role as impartial advisers and it would be unacceptable for any instruction to be given by or on behalf of a political party or of any other body whose principle purpose is to influence public opinion or policy as to how any Member of the Board shall speak or vote on any matter before the Board or for there to be any application or threat to apply any sanction against any Member of the Board should he/she speak or vote in any particular manner.'

Agenda Item 10b

INVESTMENT AND PENSION FUND COMMITTEE
2/12/16

The Committee was advised that the purpose of such a statement was simply to be clear and transparent about the way in which it worked and that it would not countenance any interference in or attempt to influence its deliberations or the views or intentions of individual members; operating in the best interests of the Fund and Scheme Members, acknowledging as was the case with Scrutiny Committees, that 'whipping' was incompatible in principle with the work of this Committee.

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

RESOLVED that the Committee endorse the statement of impartiality as commended by the Devon Pension Board and set out above.

* **26** **Actuarial Valuation**

The Committee received and noted the report of the County Treasurer (CT/16/103) outlining the results at a total Fund level of the 2016 actuarial valuation. The Valuation, had determined that the funding level as at 31 March 2016 had increased from 83% at the previous valuation to 84%. However, the average total contribution rate had increased from 18.8% to 20.9%.

Members noted that the increase would have an impact on employer budgets, which may not be welcome at a time of significant funding pressures. However, it was required to ensure the long term solvency of the fund to meet fund member benefits and to achieve the long term cost efficiency requirement of Section 13 of the Public Sector Pensions Act 2013. The Devon Fund would still be at the lower end of the range of employer contribution rates charged by LGPS funds nationally.

* **27** **Investment Management Report**

The Committee considered the Report of the County Treasurer (CT/16/104) on the current fund values and asset allocations compared to targets set previously, the impact upon returns and the value of Sterling of the outcome of the EU Referendum and subsequent rebalancing of allocations into equities, in line with the Committee's agreed policy and also the proposal to increase the level of currency hedging.

The Committee acknowledged that fund value had increased over the period with an absolute return of +10.6% in the first six months of the year compared to the fund benchmark of +9.3%.

The matter having been debated and the options and/or alternatives and other relevant factors set out in the Head of Service's Report and/or referred to above having been considered:

It was **MOVED** by Councillor Hannon, **SECONDED** by Councillor Parker Delaz Ajete, and nem com:

RESOLVED

(a) that the action taken to rebalance the asset allocation to within target ranges be noted;

(b) that the County Treasurer be authorised, in consultation with the Chairman of the Committee, to put in place additional currency hedging strategies, as outlined in section 3 of Report CT/16/4, if necessary;

(c) that the Committee note and welcome compliance with the 2016/17 Treasury Management Strategy.

COUNCILLOR CHANNON IN THE CHAIR

* 28 Applications for Admitted Body Status

(Councillor Gilbert declared a disclosable pecuniary interest in this matter by virtue of his spouse being employed by FUSION and he and Councillor Hicks also declared such interests by virtue of being South Hams District Councillors and both withdrew from the meeting during its consideration).

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

(a) DYS Space Ltd (provider of Devon County Council's Youth Services): approximately 80 staff transferring on 1 February 2017 under an admission agreement on a closed basis;

(b) South Hams District Council and West Devon Borough Council (provider of leisure services to Fusion Lifestyle): 74 current LGPS members transferring from Tone Leisure under an admission agreement on a closed basis.

COUNCILLOR GILBERT IN THE CHAIR

* 29 Committee Training

The Committee noted the details of a training event to be held on 3 February 2017 (10.00-1600hrs) focussing on the strategic investment review previously agreed by the Committee on 16 September 2016 (Minute 18 refers). The Consultants engaged for that purpose would present their draft report to Members for comment/feedback prior to the final report being submitted to the Committee for consideration on 24 February 2017.

30 Brunel Pension Partnership - Approval of Full Business Case (Minute 15/16 September 2016)

The Committee considered the Report of the County Treasurer (CT/16/105) outlining the process of preparation and content of the full Business Case - and seeking approval thereto - to establish a company called Brunel Pension Partnership Ltd (Brunel company or BPP Ltd), regulated by the Financial Conduct Authority (FCA), incorporating governance arrangements for client side joint shareholder oversight and joint contract management.

The Business Case had been developed as detailed below and set out more fully in the County Treasurer's Report and had been subject to review by the Finance (s151) and Monitoring Officers of each of the 10 constituent administering authorities, throughout the process. It had subsequently been endorsed by the current Shadow Oversight Board, comprising the Chairmen of the 10 funds. It [the business case] had been prepared by Officers of the 10 administering authorities, supported by professional expertise from PwC (operational and financial support), Osborne Clark (legal support), Alpha (FCA expertise), JLT (project support) and Bfinance (investment advice).

The Committee were reminded that, following the Government's announcement in the July 2015 budget statement that it intended to work with Local Government Pension Scheme (LGPS) administering authorities to ensure that they pooled investments to significantly reduce costs, a considerable amount of work had been undertaken to set up the Brunel Pension Partnership comprising the 10 LGPS Funds.

Members acknowledged that regular reports had been brought to the Committee at all stages of the process with additional engagement events held to afford the opportunity for the Committee to provide input to the proposals. Briefings had also been provided for other Members of the County Council. As had been required, an initial joint submission from the 10 Brunel funds had been approved by the Committee in February and a further more detailed

Agenda Item 10b

INVESTMENT AND PENSION FUND COMMITTEE
2/12/16

response had been approved by the Committee in June (and by the other 9 administering authorities) and subsequently submitted to Government, in July. Members noted that following that 'submission' - which had in effect been an outline business case - work had continued on preparing a full business case for the Brunel Pension Partnership. That was now complete (as now submitted) and would have to be approved by each of the 10 administering authorities to allow the establishment of the Local Authority Company to progress.

The final business case was set out at Appendix A to the County Treasurer's Report and detailed, inter alia, the individual costs and benefits for each of the 10 participating funds, copies of which had also been made available to Members of the Devon Pension Board.

The regulatory framework for pooling was clearly set out in the Local Government Pension Scheme (Management & Investment Funds) Regulations 2016 which made pooling mandatory for all LGPS Funds in England and Wales.

Members expressed their support of representations previously made to the Department for Communities & Local Government to waive or suspend stamp duty during the establishment of the new pooling arrangements and/or for any new pooling arrangements to be treated in an equitable manner to collective unit trusts which, it was understood, had been recently exempted from stamp duty.

The Committee acknowledged and endorsed the principle of representations made about the importance of scheme members' involvement in governance of any future arrangements, acknowledging also the Chairman's assurances that there was common cause on that issue within the County Council in that respect. Members were advised that the Partnership was currently investigating how that might be implemented through, for example, observer roles on the Oversight Board. Members also noted that the Local Government Association was looking at this issue and its guidance was awaited which could then be considered alongside the advice already sought from the Partnerships Advisers. The Partnership would then subsequently be in a position to consider formally the representation of fund members and the outcome of those deliberations would be made known to Unions and Scheme Members, in line with the Partnerships approach to transparency.

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

RESOLVED that the press and public be now excluded from the meeting during subsequent discussion on this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act namely, information about the financial and business affairs of the County Council and its partners in the Brunel Pension Partnership and of the proposed joint local authority owned company and potential provider of goods or services to the Council, and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

[NB: The following part of the Committee's proceedings on this matter took place, as summarised below, in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 during which the press and public were excluded; no representations having been received to such consideration under Regulation 5(5) of the aforementioned Regulations].

The Committee then considered the full, detailed, Business Case for the establishment of Brunel Pension Partnership Ltd (Brunel company or BPP Ltd) (a company regulated by the Financial Conduct Authority), together with all relevant background papers, to be approved by all 10 Brunel Pension partners/constituent administering authorities.

Following discussion of the business case and having had regard to the information therein, the Committee was of the view that the press and public need no longer be excluded from the meeting during its final determination of the matter and:

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

RESOLVED that the press and public be now readmitted to the meeting.

Following further comment and discussion and the matter having been fully debated and the options and/or alternatives and other relevant factors set out in the Head of Service's Report and/or referred to above having been considered, and balancing all of those factors and comments made at the meeting:

It was then **MOVED** by Councillor Gilbert, **SECONDED** by Councillor Hannon, and nem com:

RESOLVED

(a) that, in its capacity as the Administering Authority for the Devon Pension Fund and having received and reviewed the recommendation of the Investment & Pension Fund Committee and the Business Case submitted to it, the County Council be recommended to resolve to enter into investment pooling as part of the Brunel Project with respect to the Devon Pension Fund's investments;

(b) that such resolution be made on and subject to the following terms and conditions:

(i) that the Brunel Pension Partnership investment pool be developed, funded and implemented substantially in accordance with the terms and provisions described in the Business Case considered by the Investment & Pension Fund Committee, and more particularly that:

(ii) that a Financial Conduct Authority (FCA) regulated company to be named Brunel Pension Partnership Limited be established and operated with all necessary and appropriate arrangements as to its ownership, structure, governance and services capability;

(iii) that a new supervisory body comprising representatives of the Council and all other participants in the Brunel Pension Partnership be established to ensure oversight of Devon Pension Fund investments and participation in the Brunel Pension Partnership;

(c) that the Investment & Pension Fund Committee be authorised and granted delegated powers to undertake such tasks as it thinks appropriate to progress implementation of investment pooling and to take such decisions and do all other things deemed necessary in order to promote the interests of the Council with respect to pooling: which without limitation shall include agreeing and authorising any documentation, contracts, terms of reference, financial expenditure or investment that may be required consequential upon the Fund's participation in the Brunel Pension Partnership;

(d) that the County Treasurer and the County Solicitor be similarly authorised and granted delegated powers to undertake such tasks as they think appropriate to progress implementation of investment pooling and to take such decisions and do all things deemed necessary in order to support the Investment & Pension Fund Committee and to promote the interests of the Council with respect to pooling: which without limitation shall include informing and advising the Investment & Pension Fund Committee on the continued viability and suitability of investment pooling in the light of any developments, financial or otherwise, in the period up to the establishment of the Brunel Pension Partnership;

Agenda Item 10b

INVESTMENT AND PENSION FUND COMMITTEE
2/12/16

(e) that subject to the above, all such matters be carried out with the aim of achieving a target date for beginning investment pooling of 1 April 2018, and otherwise subject to such intermediate steps and timescales as may be considered appropriate and necessary by the Investment & Pension Fund Committee;

(f) that, additionally, the County Council be asked to note the continuing discussions around the principle of scheme member involvement in formal oversight arrangements referred to above which the Committee was supportive of and felt should be regarded favourably.

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

The Meeting started at 10.00 am and finished at 11.00 am

APPOINTMENTS AND REMUNERATION COMMITTEE

1 March 2017

Present:-

Councillors J Clatworthy, B Greenslade, J McInnes, B Parsons and R Westlake

19 Minutes

RESOLVED that the minutes of the meeting held on 16 January 2017 be approved as a correct record.

20 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

21 Senior Management Structure: Children's Services

The Head of Human Resources reported on the recruitment process for attracting eligible candidates for the post of Deputy Chief Officer, Children's Service and Head of Social Care (formerly Head of Children's Social Care).

22 Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting for part of 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 Paragraphs 1 and 2 of Schedule 12A of the Act, namely information relating to an individual or likely to reveal the identity of 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.

23 Senior Management Structure - Deputy Chief Officer, Children's Services and Head of Social Care

The Committee interviewed two candidates for the newly titled post of Deputy Chief Officer, Children's Services and Head of Social Care (formerly Head of Children's Social Care) with a view to making a recommendation upon an appropriate appointment to the County Council on 26 April 2017.

The interviews having been completed and the suitability of the candidates for the post having been fully discussed and all relevant factors having been considered and taken into account and the Committee then being of the view that the press and public need no longer be excluded from the meeting for final determination of its recommendation to the County Council:

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

RESOLVED that the press and public be now readmitted to the meeting.

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

RESOLVED that the Council be recommended to appoint Mr M Lines to the post of Deputy Chief Officer, Children's Services and Head of Social Care on Grade L3, commencing at the earliest opportunity on a mutually convenient date, in line with the provisions of the Council's existing approved Pay Policy Statement.

Agenda Item 10c

APPOINTMENTS AND REMUNERATION COMMITTEE
1/03/17

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

The Meeting started at 10.30 am and finished at 1.50 pm

DEVELOPMENT MANAGEMENT COMMITTEE

1 March 2017

Present:-

County Councillors

Councillors J Brook (Chairman), P Bowden, A Dewhurst, P Diviani, A Eastman, G Gribble, R Hannaford, R Hosking, R Julian, E Morse, R Vint, E Wragg and J Yabsley

Member attending in accordance with standing Order 25:-

Councillors B Greenslade and A Leadbetter

Apologies:-

Councillors J Hawkins and P Sanders

* 41

Minutes

RESOLVED that the minutes of the meeting held on 25 January 2017 be signed as a correct record.

* 42

Matter of Urgency: Highway Consultation: Exeter City: Outline planning application for up to 123 houses and associated infrastructure, with all matters reserved except for access at Land adjoining the West of England School, Topsham Road, Exeter

(Councillor Leadbetter attended in accordance with Standing Order 25(2) and spoke to this item)

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

The Chairman had decided, at the request of Councillor Leadbetter, that the Committee should consider the proposed response of the highway authority to a consultation on a new application submitted to Exeter City Council.

The Chairman reminded Members that this Committee on 20 July 2016 had considered this matter as the Highway Authority and it had been resolved "*that Exeter City Council be advised that the Committee is not able to submit any view on this application*". Subsequently the application had been refused by the Exeter City Council and was now the subject of an appeal. The new revised application received by the Exeter City Council was unchanged in highways terms and the officers would respond in the normal way reflecting the Committee's previous deliberations.

* 43

County Matter: Waste: North Devon District: Renewal of consent for permanent change of use to a waste reclamation facility at the former Evans Transport Ltd, Anchor Mill Buildings, Braunton Road, Barnstaple.

(Councillor Greenslade attended in accordance with Standing Order 25(2) and spoke to this item)

The Committee considered the report of the Head of Planning, Transportation and Environment (PTE/17/12) on the proposed renewal of consent (reference 57165) for a permanent change of use for a waste materials reclamation facility and change of use of an

Agenda Item 10d

DEVELOPMENT MANAGEMENT COMMITTEE
1/03/17

adjacent existing mixed Class B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) building to a waste reclamation facility to include an area outside for the storage of empty skips at the former Evans Transport Ltd, Anchor Mill Buildings, Braunton Road, Barnstaple.

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.

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

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

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II to Report PTE/17/12 (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local County Councillor).

(N.B. In line with the Council's Development Management protocol Councillor Diviani was precluded from voting on the application not having been present throughout the Officer's introduction and update on the Report)

- * 44 **County Matter: Waste: North Devon District: Application for a Waste Transfer Station including waste transfer hall, single storey weigh bridge office and welfare facilities building, hardstanding including staff parking and external weigh bridge, internal access road, new access from the highway, drainage, lighting and landscaping at land to the west of Brynsworthy Environment Centre, Brynsworthy, Roundswell, Barnstaple.**

(Councillor Yabsley declared a personal interest in this matter by virtue of being a Member of the North Devon District Council's Cabinet)

The Head of Planning, Transportation and Environment reported the receipt of the above planning application and suggested it would be beneficial for Members to visit the site prior to the determination of the application.

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

RESOLVED that a Members site visit be arranged for 5 April in advance of consideration of the application by the Development Management Committee later that day.

- * 45 **County Matter: Waste: Torridge District: Application for an extension of the lifetime of the existing non-hazardous and asbestos waste landfill, recycling facility and green waste composting until the 31st December 2024 at Deep Moor Waste Management Facility, High Bullen, Torrington**

The Head of Planning, Transportation and Environment reported on the receipt of a planning application to extend the life of landfill operations at Deep Moor Waste Management Facility relating to the extension of the life of the landfill.

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

RESOLVED that a Members site visit be arranged for 5 April in advance of consideration of the application by the Development Management Committee later that day.

- 46 **County Matter: Minerals: Teignbridge District: Cross boundary planning application for the extension to the existing Linhay Hill Quarry for the winning and working of minerals, with the development within Devon being the closure**

and removal of the junction of Alston Lane onto the A38, Land at and adjacent to Linhay Hill Quarry, Ashburton

(Councillor Hosking declared a disclosable pecuniary interest in this matter by virtue of having a business client owning an adjacent property to the application site and withdrew from the meeting during its consideration. Councillor Gribble declared a personal interest in this matter by virtue of being a member of the Dartmoor National Park Authority)

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/13) on the proposed method for the determination of a cross boundary application relating to the extension to Linhay Quarry, Ashburton. The Head of Service confirmed that the County Council (as Highway Authority) would be consulted by Highways England in respect of the Caton Lane junction.

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

RESOLVED that, in accordance with Article 11.4 of the Council's Constitution and s101 of the Local Government Act 1972 and to give effect to the proposals outlined in Report PTE/17/13, the County Council be requested to approve arrangements for the discharge by the Dartmoor National Park Authority of the Development Management Committee's powers in relation to the determination of a cross boundary planning application (and any subsequent discharge of conditions applicable) for the extension to Linhay Quarry.

* 47

Delegated Actions - Schedule (to include ROMPs Actions) and Summary Schedule

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/14) of action taken under delegated powers.

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

The Meeting started at 2.00 pm and finished at 2.40 pm

DEVELOPMENT MANAGEMENT COMMITTEE

5 April 2017

Present:-

County Councillors

Councillors J Brook (Chairman), P Bowden (Vice-Chair), A Dewhirst, P Diviani, G Gribble, J Hawkins, R Hosking, R Julian, E Morse, P Sanders, E Wragg and J Yabsley

Member attending in accordance with Standing Order 25:-

Councillors R Croad and J Mathews

Apologies:-

Councillors A Eastman, R Hannaford and R Vint

* 48

Minutes

RESOLVED that the Minutes of the meeting held on 1 March 2017 be signed as a correct record.

* 49

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 50

County Matter: Waste: North Devon District: Waste Transfer Station including a waste transfer hall and associated facilities at land to the west of Brynsworthy Environment Centre, Brynsworthy, Roundswell, Barnstaple

(Councillor Yabsley declared a personal interest in this matter by virtue of being a member of North Devon District Council)

(Councillor R Croad (Cabinet Member for Cabinet Member for Community and Environmental Services) and Mr C Chandler (Senior Waste Manager (Operations)) both on behalf of the applicant, Devon County Council, attended under the Council's Public Participation Scheme and spoke in support of the application and Mr G Hall attended and spoke against the application).

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/6) on an application for a proposed Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstanding including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lighting and landscaping land to the west of Brynsworthy Environment Centre, Brynsworthy, Roundswell, Barnstaple.

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 and reported on a site visit held earlier in the morning when members had viewed the application site.

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 Diviani and

RESOLVED that planning permission be granted subject to the conditions set out in Appendix II of Report PTE/17/6 with any subsequent changes to the conditions being agreed in consultation with the Chairman and the local County Councillor.

* **51** **County Matter: Waste: Torridge District: Proposed extension to the lifetime of the existing non-hazardous and asbestos waste landfilling and associated facilities to be extended until 2025, land at Deep Moor Landfill Site, High Bullen, Torrington**

(Mr Treacher, on behalf of the applicant, Devon Waste Management attended under the Council's Public Participation Scheme and spoke in support of the application)

The Committee considered the Report of the Head of Planning, Transportation and Environment on an application for the extension to the lifetime of the existing non-hazardous and asbestos waste landfilling and associated facilities to be extended until 2025, land at Deep Moor Landfill Site, High Bullen, Torrington.

The Head of Service reported on a site visit held earlier in the morning when members and the local County Councillor had viewed the application site and on representations received from the Flood Risk Team (Devon County Council) recommending an additional condition relating to surplus surface water, St Giles in the Wood Parish Council relating to the HGV traffic impact and Hunstshaw and Alverdiscott Parish Council raising no objections.

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

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

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

RESOLVED that planning permission be granted with the conditions set out in Appendix II of Report PTE/17/21 with any subsequent changes to the conditions being agreed in consultation with the Chairman and the local County Councillor and subject to further conditions relating to

(i) provision by the applicant to address surplus surface water issues;

(i) a requirement by the applicant that HGV loads to the site were properly covered to prevent any loss and litter nuisance during transport.

* **52** **County Matter: Waste: West Devon Borough: Prefabricated GRP building to house alkalinity dosing plant at Hill Barton Waste Water Treatment Works, Hill Barton, Sampford Courtenay, Okehampton**

The Committee considered the Report of the Head of Planning, Transportation and Environment (PTE/17/22) on an application for a prefabricated Glass Reinforced Plastic (GRP) building at the Hill Barton Waste Water Treatment Works near Okehampton.

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. He also reported representations from West Devon Borough Council (Environmental Health) on a recommendation for an additional condition relating to a noise assessment.

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

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

RESOLVED that planning permission be granted with the conditions set out in Appendix II of Report PTE/17/22 subject to an additional condition relating to the requirement for a noise assessment with any subsequent changes to the conditions being agreed in consultation with the Chairman and the local County Councillor.

- * **53** **Highway Consultation: North Devon District: Outline application for residential development of up to 149 residential units including vehicular access, landscaping, open space, drainage, infrastructure & all associated development (some matters reserved) at land at Westacott Grange, Landkey, Barnstaple.**

(Councillor Yabsley declared a personal interest in this matter by virtue of being a member of North Devon District Council)

(Councillor J Mathews attended in accordance with Standing Order 25(2) and spoke to this item outlining access issues, potential traffic and safety concerns and other impacts)

The Committee considered the Report of the Head of Planning, Transportation and Environment PTE/17/23 on a consultation with the County Council as the Highway Authority by North Devon District in respect of an outline application for residential development of up to 149 residential units including vehicular access, landscaping, open space, drainage, infrastructure & all associated development (some matters reserved) at land at Westacott Grange, Landkey, Barnstaple.

The Head of Service's Report gave a reasoned assessment of the traffic impact of the proposals and the wider context, referring to all relevant policies.

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

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

RESOLVED that North Devon Council be advised that Devon County Council, as Highway Authority recommend no objection to the application subject to planning conditions and the signing of a section 106 agreement securing contributions as set out in Appendix I and II of Report PTE/17/23 including £641,557.89 towards the upgrade of the A361 Landkey Junction.

(N.B. In accordance with Standing Order 32 Councillor Yabsley requested that his abstention from voting be recorded)

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

The Committee received the report of the Head of Planning, Transportation and Environment (PTE/17/24) of action taken under delegated powers.

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

The Meeting started at 2.00 pm and finished at 3.35 pm

PUBLIC RIGHTS OF WAY COMMITTEE

2 March 2017

Present:-

Councillors P Sanders (Chairman), J Brook, P Colthorpe, T Dempster, R Gilbert, J Knight and E Morse

Apologies:-

Councillors A Eastman and G Hook

* 22

Minutes

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

* 23

Items Requiring Urgent Attention

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

The Chairman had decided that at the request of the Chief Officer for Highways, Infrastructure Development and Waste the Committee should urgently consider a further direction from the Secretary of State as set out in the report circulated at the meeting.

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

RESOLVED that the report be noted and that following the Secretary of State's direction in respect of item (a) in the report, a Modification Order be made adding the footpath shown between points I-J on drawing number HTM/PROW/14/144.

* 24

Devon Countryside Access Forum

The Committee received the draft minutes of the meeting held on 26 January 2017 and noted that the next meeting of the Forum would take place on 27 April 2017.

* 25

Parish Review: Definitive Map Review 2015-17 - Parish of Awliscombe, East Devon

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/6) and background papers examining a proposal arising from the Definitive Map Review in the Parish of Awliscombe.

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

RESOLVED that a Modification Order be not made in respect of Proposal 1 for the application to record a claimed Byway Open to All Traffic on Ivedon Lane in Awliscombe Parish.

* 26

Parish Review: Definitive Map Review 2016-17 - Parish of Clyst St George

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/7) and background papers examining two proposals arising from the Definitive Map Review in the Parish of Clyst St George.

It was **MOVED** in respect of (a) below by Councillor Gilbert and in respect of (b) below by Councillor Brook, **SECONDED** in respect of (a) below by Councillor Morse and in respect of (b) below by Councillor Knight, and

Agenda Item 10e

PUBLIC RIGHTS OF WAY COMMITTEE
2/03/17

RESOLVED

(a) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points A–B–C as shown on drawing number HIW/PROW/17/06; and

(b) that a Modification Order be made to modify the Definitive Map and Statement by adding a footpath between points D–E as shown on drawing number HIW/PROW/17/07.

* 27

Parish Review: Definitive Map Review - Parish of East Down (Part 1)

(Mr A Dunlop attended the meeting under the Council's Public Participation Scheme on behalf of Mr Berry of Honeywell Farm and spoke against this item.)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/8) examining two claims submitted by the Trail Riders Fellowship in February 2006 in the Parish of East Down, one of which also affected Marwood Parish.

(a) Proposal 1: Bridleway No. 22, East Down

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

RESOLVED that no Modification Order be made in respect of Proposal 1, as shown on drawing number HIW/PROW/16/38.

(b) Proposal 2: Bridleway between County Roads at Bowden Corner and Whitefield Hill

The County Solicitor confirmed that as the matter had not been considered at Common law on the basis of both documentary evidence and user evidence previously, it could properly be considered by the Committee today.

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

RESOLVED that a Modification Order be made in respect of Proposal 2 to modify the Definitive Map and Statement by adding a bridleway between points C–D as shown on drawing number HIW/PROW/16/39.

* 28

Parish Review: Definitive Map Review 1997-2016 - Parish of Holcombe Rogus

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/9) on the Definitive Map Review for the Parish of Holcombe Rogus in Mid Devon District.

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

RESOLVED that it be noted that the Definitive Map Review had been completed in the Parish of Holcombe Rogus and that Modification Orders were not required to be made.

* 29

Parish Review: Definitive Map Review 2006-17 - Parish of Luppitt (Part 3)

The Committee considered the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/10) and background papers examining proposals arising from the Definitive Map Review in the Parish of Luppitt in East Devon district.

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

RESOLVED that Modification Orders be not made in respect of Proposals 20-24 for the applications to record claimed public footpaths in parts of Luppitt Parish.

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

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/11) following decisions and directions received from the Secretary of State/High Court relating to Modification Orders:

(i) Schedule 14 Applications for addition of a footpath between the minor road, Old Mill, Combe Raleigh and its junction with Luppitt claims 12 and 14 (Combe Raleigh proposal 7/Luppitt proposal 13) between points O-P-Q on drawing no. HTM/PROW/14/82 – Appeal dismissed.

(ii) Schedule 14 Application for the addition of a footpath from the minor road, Wick Farm and minor road, Shaugh Farm (Luppitt proposal 14) between points T-Q-U on drawing no. HTM/PROW/14/82 – Appeal allowed in part.

(iii) Schedule 14 Application for the addition of a footpath from the minor road, Higher Wick Farm and the minor road, south of Woodhayes (Luppitt proposal 12) between points S-Q-R on drawing no. HTM/PROW/14/82 – Appeal allowed.

(iv) Schedule 14 Application for the addition of a footpath between Greenway Lane, Greenway Manor and minor road, Higher Shelvin, (Luppitt proposal 8) between points Q-R on drawing no. HTM/PROW/14/142 – Appeal dismissed.

(v) Restricted Byway No. 99, Bere Ferrers Definitive Map Modification Order 2015 as shown on drawing no. HTM/PROW/15/62 – Confirmed.

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

RESOLVED that the Report be noted and that following the Secretary of State's direction in respect of items (ii) and (iii) authorisation be given for Modification Orders to be made adding the footpaths, as shown between points S-Q-R and U-Q on drawing number HIW/PROW/14/82.

* **31** **Modification Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/12) of a Modification Order confirmed as unopposed under delegated powers in respect of Footpath No. 35, Combe Martin Definitive Map Modification Order 2016.

* **32** **Public Path Orders**

The Committee received the Report of the Chief Officer for Highways, Infrastructure Development and Waste (HIW/17/13) of Public Path Orders made and confirmed under delegated powers in respect of Diversion Orders:

(i) Footpath No. 6, Heanton Punchardon and Footpath No. 35, Braunton Public Path Diversion and Definitive Map and Statement Modification Order 2016

(ii) Footpath No. 3, Sampford Courtenay Public Path Diversion and Definitive Map and Statement Modification Order 2016.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**
The Meeting started at 2.00 pm and finished at 3.20 pm

STANDARDS COMMITTEE

27 March 2017

Present:-

Councillors A Moulding (Chairman), G Gribble, R Hill, Sir Simon Day, A Mayes and R Saltmarsh

Apologies:-

Councillors C Chugg, A Connett and J Mathews

Mr R Hodgins

15 ***Minutes**

RESOLVED that the Minutes of the meeting held on 7 November 2016 be signed as a correct record.

16 ***Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

17 ***Standards Committee Annual Report 2016/17**

The Committee considered the draft of the Standards Committee Annual Report for 2016/17 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future. The draft Annual Report had again been prepared in an easy to read, accessible format.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and give rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

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

RESOLVED that the Annual Report for 2016/17 be approved and published on the Council's website [<http://democracy.devon.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13628&path=13626>].

18 ***Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor ([CS/17/9](#)) summarising feedback received from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting (and since publication of the above also at the Health & Wellbeing Scrutiny Committee and Cabinet on 7 and 8 March 2017 respectively) monitoring compliance by Members and Officers with the Council's ethical governance framework.

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

Agenda Item 10f

STANDARDS COMMITTEE
27/03/17

19 ***County Council Elections: Member Induction and Training**

The Committee noted that the County Council prided itself on delivering quality induction programmes and on-going training, for both new and returning members, as demonstrated by its having twice obtained Charter Plus Designation for Member Development. Members noted that, for 2017, an induction programme was being developed based on the previous experiences of Members and Officers and best practice across the County, while reflecting the changes to the organisational structure and operating principles of the Council.

The proposed induction programme was considered key in ensuring that both new and returning Members were provided with the skills and knowledge they needed to quickly settle into their roles in an ever changing environment. The programme of events encompassed a range of activities and learning needs at both strategic and practical level and would provide an overview of the Council's activities and how that sat with the Council's Strategic Plan, giving an insight into the various roles of a councillor and guidance and advice on the specific knowledge required to enable them to carry out their duties.

Members commented upon and welcomed the proposed programme noting that co-opted members were free to attend any of the induction sessions consistent with their monitoring role.

Specifically and in relation to the role of this Committee, the induction/training would provide a wide range of advice on ethical governance and standards issues, including the Principles of Public Life, Codes of Conduct, Registers of Interests, Dispensations, Complaints, Procedural and Financial Rules and Equality Matters.

The programme would, in the main, be delivered in house with minimal direct costs, with input from officers at all levels although joint training would be provided with or by partners where appropriate. A provisional Induction Programme was already available on the Council's 'election' webpages to allow potential candidates to see for themselves the range of skills and knowledge required, at <https://new.devon.gov.uk/democracy/elections-and-voting/elections-2017/member-induction-2017/>, a copy of which had been circulated to Committee Members separately.

20 ***Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, three complaints concerning alleged breaches of the Members Code of Conduct had been received two of which related to Councillors failing to treat others with courtesy and respect and a third relating to a Councillor failing to act in the public interest and fairly representing their constituents and the wider community.

Following an initial assessment of each of the complaints and consultation with an Independent Person appointed by the Council on further action, as appropriate, one complainant had subsequently withdrawn the complaint and in the other two instances no further action was taken on the basis that there was no evidence to support any allegation that there had been a breach of the Code of Conduct that might require or warrant a formal investigation.

The Monitoring Officer advised that nonetheless and in each case the Councillor concerned had been given guidance on how to avoid a recurrence of any such allegations in the future.

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

The Meeting started at 2.15 pm and finished at 2.45 pm

AUDIT COMMITTEE

28 March 2017

Present:-

Councillors R Edgell (Chairman), C Clarence, A Hannan and B Hughes

* 23

Minutes

RESOLVED that the Minutes of the meeting held on 22 November 2016 be signed as a correct record.

* 24

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 25

Highway Infrastructure Code (Minute *70/22 September 2015)

The County Treasurer updated Members on the decision of the Chartered Institute of Public Finance and Accountancy (CIPFA) not to proceed with the introduction of the Highways Network Asset Code into the financial reporting requirements for local authorities as benefits were outweighed by the costs of implementation. Further consideration would only be given to the issue if clear evidence could be provided that benefits outweighed the costs for local authorities.

* 26

Devon County Council External Audit Plan

The Committee received the Report of Grant Thornton (CT/17/33) setting out the external auditors' audit plan covering 2016/17, including challenges and opportunities for the Council; developments relevant to the Council's business; materiality; significant risks; value for money; results of interim audit work; key dates for the audit work; and external auditors' fees.

* 27

Devon Pension Fund External Audit Plan

The Committee received the Report of Grant Thornton (CT/17/34) setting out the external audit plan covering 2016/17, including challenges and opportunities for the Council, wider developments relevant to the Council's business, significant risks, results of interim audit work, key dates for the audit work and the external auditors' fees.

Members requested that, under the Audit Fees section on page 42, the items listed under *What is included within our fees* should reflect the layout in the Council's External Audit Plan.

* 28

External Audit Progress Report and Update

The Committee received the Report of Grant Thornton (CT/17/35) outlining the progress made in delivering their responsibilities as the Council's external auditors. The Report also included a summary of emerging national issues and developments that may be relevant to the Council.

* 29

Internal Audit Plan 2017/18

The Committee considered the Report of the County Treasurer (CT/17/27) outlining key challenges and opportunities arising from the Council's corporate goals and strategic risk registers, overview of audit coverage, core activity including coverage days, annual governance framework, proposed reviews and associated risks and deferred reviews.

Agenda Item 10g

AUDIT COMMITTEE
28/03/17

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

RESOLVED that the Internal Audit Plan for 2017/18 be endorsed.

* **30** **Internal Audit Strategy 2017/18**

The Committee considered the Report of the County Treasurer (CT/17/29) and the accompanying Internal Audit Strategy, outlining the purpose, authority and principal responsibilities of the Council's internal audit service, provided by the Devon Audit Partnership. The Strategy had been produced to meet the requirements set by the Public Sector Internal Audit Standards.

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

RESOLVED that the Internal Audit Strategy for the year 2017/18 be endorsed.

* **31** **Internal Audit Charter 2017/18**

The Committee considered the Report of the County Treasurer (CT/17/28) and the accompanying Internal Audit Charter, outlining the purpose, authority and principal responsibilities of the Council's internal audit service, provided by the Devon Audit Partnership. The Charter had been produced to meet the requirements set of the Public Sector Internal Audit Standards.

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

RESOLVED that the Internal Audit Charter for the year 2017/18 be endorsed.

* **32** **Devon County Council - Control Environment**

The Committee received the Report of the County Treasurer (CT/17/30) on the yearly requirement of the Audit Committee and Section 151 Officer to respond to enquiries from the external auditors (Grant Thornton) regarding the overall control environment of the Council, with particular focus on the arrangements in place to ensure that the production of the financial statements were free of material error.

The Committee was required to authorise the accounts in September following careful consideration of the auditors' report. The letters, attached to the Report, from the Chairman and the Section 151 Officer set out the details of the control environment. An amended version of the Response from the Audit Committee Chairman was circulated at the meeting correcting some minor typographical errors.

It was **MOVED** by Councillor Hannan, **SECONDED** by Councillor B Hughes and

RESOLVED

(a) that the Report be noted and that the conclusion of the County Treasurer that the authority's accounts be prepared on a Going Concern basis be endorsed;

(b) that the letter from the Chairman to the external auditors (Grant Thornton) be endorsed.

* **33** **Admitting New Partners to the Devon Audit Partnership**

The Committee received the Report of the County Treasurer (CT/17/32) setting out the process for admission of new members to the Devon Audit Partnership.

* 34 **Corporate Risk Management**

The Committee considered the Report of the Head of Services for Communities (CT/17/31) providing an update on risk management practice within the Council noting that the County Treasurer had now taken on the responsibility for Corporate Risk.

Members discussed the newly identified risks and those that had been archived or removed. There were several risk areas where the risk owner was incorrect and the County Treasurer undertook to work with service areas to update the register with the correct risk owners and to update the Committee further on the process of archiving.

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

The Meeting started at 2.00 pm and finished at 3.45 pm

PROCEDURES COMMITTEE

6 April 2017

Present:-

Councillors A Moulding (Chairman), J Hart, S Hughes, R Julian, J Owen and R Westlake

Apologies:-

Councillors T Dempster and N Way

21 ***Minutes**

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

22 ***Items requiring urgent attention**

There was no item raised as a matter of urgency.

23 ***Constitutional Matters**

The County Solicitor reported on the requirement for the new Council to review the current Constitution to ensure that the exercise of Council, Cabinet and 'local' functions, the various Codes of Practice and Governance Framework were up to date and relevant, including Rules of Procedure and Working Practices and on the timetable for so doing, with democratic structures being reported to and or approved at the Annual Meeting of the Council on 25 May 2017.

Members acknowledged the need for Group Leaders to meet early in the life in the new Council to address and take forward any relevant structural, procedural and/or operational issues relating to the democratic process including those in an indicative summary circulated at the meeting. While affirming, in particular, the benefits and effectiveness of increased public participation introduced over the preceding 4 years, the need to look at difficulties experienced with variable deadlines was recognised as was the desirability of looking at the effectiveness of and relationship between the current procedures for Members' Questions and Cabinet Member Reports or and future budget scrutiny arrangements

The Committee also received and welcomed the Health and Wellbeing Scrutiny Committee's Spotlight 360 Review ([CS/17/4](#)), to be considered by Cabinet on 12 April 2017, on the impact of that Committee over the last 4 years and possible improvements in the effectiveness of health scrutiny in the new County Council and were also made aware of and provided with copies of the submission made by CfPS and the Scrutiny Network to the Communities and Local Government Select Committee on the effectiveness of overview an scrutiny in local government and existing legislation.

24 ***Appointments**

The Committee noted that the current Chairman of the Independent Allowance Remuneration Panel had indicated his intention to stand down in the Autumn of this year and the new County Council would necessarily need to recruit/appoint another Panel Member. Informal soundings were being taken through the current Panel but Members were also invited to suggest possible candidates, including, for example, current Members of the Council who would be standing down in May.

Agenda Item 10h

PROCEDURES COMMITTEE
6/04/17

Similarly the Committee noted that there was a vacancy for a co-opted member of the Council's Standards Committee and again while informal soundings were being taken through current co-opted members and without wishing to prejudge any decisions of the new Council, Members of the Committee were again invited to suggest or canvass possible candidates.

25 ***Membership**

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

The Chairman reported that this would be the last meeting of this Committee to be attended by Councillors Westlake and Owen who were not standing for re-election in May and thanked them for their contribution to the work of the Committee and wished them well for the future.

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

The Meeting started at 2.15 pm and finished at 2.36 pm

Agenda Item 10h

PROCEDURES COMMITTEE
6/04/17

HEALTH AND WELLBEING SCRUTINY COMMITTEE

7 March 2017

Present:-

Councillors R Westlake (Chairman), A Boyd, J Brook, C Chugg, C Clarence, R Gilbert, B Greenslade, G Gribble, R Julian, E Morse, D Sellis and C Wright

Representing Devon District Council

Councillor P Diviani

Members attending in accordance with Standing Order 25

Councillors K Ball, S Barker and B Parsons

Apologies:-

Councillors P Colthorpe and E Wragg

* 52

Minutes

RESOLVED that the Minutes of the meetings held on 19 January 2017 and the special Joint Scrutiny Budget Committee held on 30 January 2017 be signed as correct records.

* 53

Chairman's Announcements

(a) The Chairman welcomed Mrs R Saltmarsh who was attending the meeting in her capacity as a Co-opted Member of the County Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

(b) The Chairman reported that that the Devon District Councils had appointed Councillor Diviani as their representative on the Committee in place of Councillor Christophers.

* 54

Chairman

The Chairman reported that this was his last meeting of the Scrutiny Committee as he would not be standing at the forthcoming County Council Elections. He thanked the Vice Chairman, Members and the Scrutiny Officer for their support over the last eight years. The Vice Chairman and other members thanked the Chairman for his impartiality and even handed control of meetings and good humour over this period.

* 55

Public Participation

In accordance with the Council's Public Participation Rules, the Committee received and acknowledged oral representations made by Mr P Wearne, Councillor P Hayward (Axminster Town Council) and Councillor J Rowland (Seaton Town Council) (Minute *56 refers) on a matter to be considered by the Committee, namely 'Your Future Care'.

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

Agenda Item 10i

HEALTH AND WELLBEING SCRUTINY COMMITTEE
7/03/17

56 **Your Future Care Proposals**

(Councillors Ball attended in accordance with Standing Order 25(2) and spoke to this item and Councillor Parsons attended under Standing Order 25 (1) and spoke at the invitation of the Committee questioning the rationale for the decisions and impact on their respective communities of the proposed closure of community beds at Okehampton and temporary closure of beds at Holsworthy Community Hospitals).

Ms J Fitzgerald (Chief Officer, NEW Devon Clinical Commissioning Group CCG), M L Nicholas (Director of Strategy / STP Programme Director, NEW Devon CCG), Mr R Sainsbury (Chief Operating Officer, NEW Devon Clinical Group) and Dr S Kerr (Vice-Chair Eastern Locality, NEW Devon CCG) attended and spoke to this item at the invitation of the Committee.

The Committee considered the Report of NEW Devon CCG on the 'Your Future Care' on the outcome of public consultation which had commenced on 7th October 2016 and the subsequent decisions of the CCG Board on 2 March 2017.

The CCG Representatives reported that its Board at its meeting on Thursday 2 March 2017 had determined:

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

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

The Clinical Commissioning Group's representative responded to Members' questions and/or commented that:

- detailed planning for implementation of the changes would start as soon as possible and led by the community services provider, the Royal Devon & Exeter NHS Foundation Trust;
- the robust implementation assurance process which would be in place and inpatient beds would only close when the assurance process had been completed and this would be phased to ensure the new community services were in place and patient care could continue to be provided safely;
- an assurance panel including consultant geriatricians, GPs and Healthwatch with social and primary care input, would be established and community representatives would be included from the areas affected by the changes;
- a consultation response unit (CRU) had been set up to answer questions and could be contacted via d-ccg.yourfuturecare@nhs.net
- approximate cost savings arising from the planned changes and that the detailed plans relating to staffing and resources arising from the proposals had not, as yet, been drawn up;
- relevant Performance Indicators in regard to current and future outcomes would be provided.

The Chairman undertook to seek a breakdown of the cost of the STP process in Devon reported at £2.6 million over the last 6 months.

The Scrutiny Officer outlined the timetable for any referral to the Secretary of State which would necessarily be preceded by a formal request to the CCG which should respond within 28 days to the concerns raised and emphasis on dialogue with a view to local resolution.

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

RESOLVED

(a) that this Committee object to the decision by NEW Devon CCG to reduce the number of community hospital beds in Eastern Devon from 143 to 72 and regardless of cost no bed closures be made until it is clear there was sufficient community care provision;

(b) that, if adequate assurances are not given to the above and the issues set out below, the CCG's decision be referred to the Secretary of State for Health on the grounds that it was not in the interests of the health service in the area and the consultation was flawed:

:

- there is no clear explanation of what care at home will look like or work and this model has frequently been mixed up with Hospital at Home which is entirely different;
- there may not be adequate care available in people's homes, given the staffing shortages in the NHS, and the significant difficulties in adult social care;
- Hospiscare reported in its consultation response to the bed closure proposals that during 2015 managers 58 incidents reported to the CCG where the breakdown of social care packages for people at end of life had caused distress. All of these people had wanted to be cared for at home;
- there are no clear answers on how many more staff are required to make the new model of care work and that there are shortages in many health professional disciplines
- despite a significant budget deficit, there is no clear financial saving to be made. In fact once the new model of care is in place the savings may be extremely small;
- there is no clear plan on the future of hospital buildings that have lost their beds and are now in the ownership of NHS Property Services;
- the new Government direction that will come into effect next month which mean health trusts will need to prove that there is sufficient alternative provision before any beds close;
- closure of many care homes;
- Okehampton and Honiton hospitals were excluded from the consultation process;
- the temporary closure of Holsworthy Hospital which is where the patients were to be referred;
- the ongoing and significant pressure on RD & E hospital beds and difficulty with discharge;
- possible doubt over the data relating to the decision to retain Sidmouth hospital beds over Seaton's hospital beds;
- staff appear to be opposed to the plans.

(c) that a review of community hospital bed closures be made across Devon since 2014 to establish the effectiveness of the replacement home care, including examining the role of social care.

* 57

Children's Services - Procurement of Services 0 - 19 Public Health Nursing

The Committee considered the report of the Chief Officer for Communities, Public Health, Environment and Prosperity on the provision of Public Health Nursing Services and on the outcome of an extensive consultation exercise with staff and other health professionals and parents of children and others, on the three options set out therein.

The Committee also considered the report of the Spotlight Review (CS/17/11) on the expiry of the current contract with Virgin Care Limited on 31 March 2018.

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

Agenda Item 10i

HEALTH AND WELLBEING SCRUTINY COMMITTEE
7/03/17

RESOLVED that following consideration of both the Chief Officer's and the Spotlight Review recommendations the Cabinet be recommended to adopt Option 1.

* **58** **Community Services Reconfiguration**

Mr S Tapley and Dr N Roberts (South Devon and Torbay Clinical Commissioning Group) (CCG), attended and spoke to this item at the invitation of the Committee.

The Committee considered a report of the South Devon and Torbay CCG on the decision of its Governing Body meeting on 26 January and the implementation process following the extensive consultation and engagement processes. The Governing Body had agreed:

- the statement that “the proposed model of care represents the best way of delivering quality of care in a manner that is sustainable and affordable.”
- the proposals which formed the basis of consultation subject to the following changes:
 - rather than disposing of Ashburton and Buckfastleigh Hospital, it is recommended that the hospital be evaluated as a base for the area's local health and wellbeing centre, including co-location of primary care
 - the demand for x-ray and for a minor injuries unit in the Bay is recognised and the CCG plans to meet this through the proposed establishment of an urgent care centre on the Torbay Hospital site
 - specialist outpatient clinics to continue to be provided in Paignton where the volume of patients makes this a more appropriate option to travelling to Brixham, Totnes or Torbay.
 - parameters for the implementation of changes relating to the care model
 - suggestions relating to implementation of the care model put forward in the Healthwatch consultation Report reviewed as part of the implementation process and progress reports on implementation of these proposals are reported quarterly to Governing Body.

The Clinical Commissioning Group's representative responded to Members' questions relating to:

- approval of the arrangements by the SW Clinical Senate (report available on the web at <http://www.swsenate.org.uk/category/senate-advice/>)
- arrangements for staffing (which was almost up to the planned establishment) and other resources as a result of the planned changes
- services available at the planned new Health and Wellbeing Hubs including physio and occupational therapies.

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

RESOLVED that the report be noted and the implementation of the care model be supported and that a progress report be submitted to this Committee in approximately 6 months.

59 **Rota Review Project**

Mr S Boucher, Head of Operations, West Division, SWAST (South West Ambulance NHS Service Foundation Trust) attended and spoke to this item at the invitation of the Committee.

The Committee considered a briefing note by the SWAST on a new Rota Review Project which sought to align rotas and fleet ratios to the new demand profile and tackle inefficiencies

identified within current structures. The rotas would be aligned to ensure the right number of staff were on duty at the right time, in the right place. This would enable the service to manage peaks in demand, giving an improved response to patients as well as staff welfare and wellbeing.

The Committee also received a presentation from Mr S Boucher covering:

- the objectives of the National Ambulance Response programme and benefits for Devon,
- the timeline with expected implementation in Spring 2017 and the timeline for the Rota Review; and
- rota review performance figures and numbers of Community First responders and public access defibrillator schemes and local funding raising events.

Mr Boucher undertook to investigate concerns about specific incidents and allocation of the most clinically appropriate vehicle within available resources and reasons for re-location of the Rapid Response Vehicle in Lynmouth.

60 Spotlight Review of Impact of Health Scrutiny since Change of Legislation

The Committee considered the report of the Task Group (CS/17/04) reflecting upon the impact of that Committee over the last 4 years, an account of the Task Group and Spotlight Reviews and recent changes in legislation and the challenges facing the NHS and social care services generally.

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

RESOLVED that the Task Group's Spotlight 360 Review Report and its conclusions be commended to both the Cabinet and NHS Devon as a possible means of improving the effectiveness of health scrutiny in the new County Council.

61 Work Programme

The Committee noted that the Work Programme had been or would be amended to include a changes arising from this meeting and consideration of of commissioning activity.

The Scrutiny Officer confirmed that a response from the Secretary of State was still awaited in respect of the referral relating to the past closure of beds at Torrington Hospital.

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

*** 62 Information Previously Circulated**

The Committee received a list of information previously circulated for Members since the last meeting relating to topical Health and Wellbeing developments including matters which had been or were currently being considered by this Committee.

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

The Meeting started at 2.00 pm and finished at 5.10 pm

PLACE SCRUTINY COMMITTEE

14 March 2017

Present:-

Councillors R Radford (Chairman), G Hook, K Ball, C Clarence, T Dempster, A Eastman, R Edgell, O Foggin, J Hawkins, R Hill, B Hughes, N Way and J Yabsley

Members attending in accordance with Standing Order 25

Councillor R Croad

Apologies:-

Councillors P Bowden

* 41

Minutes

RESOLVED that the minutes of the meetings held on 20 January 2017 and 30 January 2017 be signed as correct records.

* 42

Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

* 43

Public Participation

There were no representations made from members of the public.

* 44

Libraries Unlimited update

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

The Chairman offered his congratulations to Ms C Eastell on being awarded an OBE in the New Year's Honours list for services to public libraries in Exeter and Devon.

The Cabinet Member for Community and Environmental Services and the Chief Executive of Libraries Unlimited updated Members on Libraries Unlimited's first year of operation. In discussion with Members, the Chief Executive of Libraries Unlimited highlighted in particular:

- new libraries opening in Ottery St Mary and shortly in Bampton and Chagford, with plans progressing for others in Topsham, Kingsteignton, Northam and Cranbrook;
- in light of the need to make savings of £1.500,000 by the end of 2017/18 enhancements for weekend working had been withdrawn and as part of a 2 year plan savings had been secured to date of £1,156,000;
- new sources of income included room hire, a research grant of £200,000 from the Arts Council, and Department for Culture, Media and Sport consultancy to complement a new fundraising strategy to be put in place shortly;

Agenda Item 10j

PLACE SCRUTINY COMMITTEE
14/03/17

- plans for 2017/18 included a focus on areas of need especially in North Devon and Torridge; delivery of a new Library Management System; a programme of staff training and development, and the development of an Apprenticeship Programme.

The Committee were pleased to note the successful first year of Libraries Unlimited and the opportunities it had and would continue to provide for the workforce and local communities to become further involved in shaping the service for the future.

* **45** **Mobile Phone Coverage in Devon**

The Committee received the Report of the Head of Economy, Enterprise and Skills (EES/17/3) summarising options, recent market developments and next steps. A business case for investing £2.5m in supporting coverage of the not-spots had been submitted to the Heart of the South West Local Enterprise Partnership (LEP) and a decision was expected shortly.

The business case outlined the three options, namely Femtocell Investment; Small Cell Investment and Marco Cell Investment. If the business case was approved, procurement for suppliers to pilot the three technologies was proposed to start in June 2017 and conclude in October 2017.

Members noted the findings of the business case outlined in the Report and favoured its submission to the LEP to provide 4G coverage across Devon's 'not-spots'. It was acknowledged that Local Member engagement would be very useful for dissemination of information if funding was confirmed.

* **46** **Connecting Devon and Somerset (CDS) Programme**

The Committee received the Report of the Head of Economy, Enterprise and Skills (EES/17/4) on progress made on the Connecting Devon and Somerset Programme (CDS).

The Head of Service provided updated figures as at 8 March 2017 as follows:

- the number of superfast homes and businesses BT had connected stood at 277,893;
- take up of fibre service was now just over 33.5%, compared to 30% at the start of the year;
- Airband had made services available to over 3,855 properties across the National Parks.

* **47** **Scrutiny Work Programme and Upcoming Commissioning Activity**

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Cabinet Forward Plan. The Work Programme was endorsed subject to the addition of the following for the September meeting: Highways Maintenance Contracts – lessons learnt from the old and a review of the new.

A schedule of upcoming Commissioning Activity was circulated which contained details of commissioning activity taking place within the Committee's remit over the next 6 months.

[NB: The Scrutiny Work Programme and Cabinet Forward Plan is available on the Council's website at <http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>]

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

The Meeting started at 2.00 pm and finished at 3.40 pm

PEOPLE'S SCRUTINY COMMITTEE

20 March 2017

Present:-

Councillors S Randall-Johnson (Chairman), C Channon, A Dewhurst, R Hannaford, A Hannan, R Hosking, J Mathews, M Squires, R Julian and C Mabin

Members attending in accordance with Standing Order 25

Councillor S Barker

Apologies:-

Councillors E Barisic, A Connett, A Eastman, R Rowe and P Sanders

* 46

Minutes

RESOLVED that the minutes of the meetings held on 23 January and 30 January 2017 be signed as a correct record.

* 47

Public Participation: Representations

There were no representations received.

* 48

Devon Safeguarding Adults Board - Annual Report

Mrs Sian Walker, Chair of the Devon Safeguarding Adults Board, attended and spoke at the invitation of the Committee, presenting the Annual Report of the Devon Safeguarding Adults Board summarising its progress over the past year, the effectiveness of the adult safeguarding arrangements by partner organisations in place across Devon and its aims and objectives for the future.

[NB: The DASB Annual Report may be viewed at:
<https://new.devon.gov.uk/devonsafeguardingadultsboard/safeguarding-adults-board-information>

* 49

Devon Safeguarding Children Board - Relationship with People's Scrutiny

Mr Gurrey, Chairman of the Devon Safeguarding Children Board, attended and spoke at the invitation of the Committee, commenting on steps taken to revise and enhance the Board's governance arrangements, to ensure a more pro-active, streamlined and focussed approach and to have a more positive impact upon work to protect children and young people. In Devon, the Children's Safeguarding Board would be merging with the Devon's Children, Young People and Families Alliance from 1 July 2017. The Chairman of the Board highlighted that the new arrangements would need to ensure close working with the Scrutiny Committee to provide improved accountability and quality assurance across child protection services.

* 50

Internal Audit Plan 2017/18

The Committee received the Report of the County Treasurer (CT/17/25) outlining the proposed internal audit activity within Adult Care and Health and Children's Services for 2017/18; the work undertaken and providing an overall adequacy and effectiveness of the service area's internal control environment.

Agenda Item 10k

PEOPLE'S SCRUTINY COMMITTEE
20/03/17

* **51** **Dementia Spotlight Review**

The Committee considered the Joint Spotlight Review Report on Dementia (CS/17/12) with Members of the Health and Wellbeing Scrutiny Committee which had considered the Council's strategy for dementia; examined the increased number of people in residential care homes in Devon suffering with dementia compared to its neighbours; identified initiatives being driven across the County to make Devon a more inclusive place for people living with dementia and their carers and reviewed the Council's role in encouraging partnership work between organisations to build on existing support.

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

RESOLVED that the Task Group's findings and recommendations be commended to the Cabinet for approval and action and that the Report be also drawn to the attention of the Farms Estates Committee for consideration alongside complementary work being undertaken by the NFU and that appropriate awareness training be also made available to Members in any induction programme following the next quadrennial elections in May of this year.

* **52** **Public Health Nursing Spotlight Review**

The Committee received and noted the Spotlight Task Group Report (CS/17/11) looking at the future options for the provision of public health nursing services and noted that, at its last meeting in March, Cabinet had agreed to award a one year contract for 2018/19 to Virgin Care Ltd for the provision of children's services to allow for a full procurement with a contract start date of 1 April 2019 incorporating 0-19 Public Health Nursing Services.

* **53** **Children's Standing Overview Group**

The Committee received the Report of discussions and decisions at the meeting on 27 February 2017 (CS/17/13) including Early Help Development, Early Help for Troubled Families, the Delivery Plan for Devon Children's Partnership, the Re-procurement of Integrated Children's Services and the Performance Management in Children's Social Work and Child Protection.

* **54** **Adults Standing Overview Group**

The Committee received the Report of discussions and decisions made at the meeting on 2 March 2017 (CS/17/14) including Carers Contract Re-Procurement, Residential and Nursing Homes Commissioning Plans and performance framework and indicators.

* **55** **Small Schools Task Group - Update on progress against recommendations**

The Committee received an update from the Head of Education and Learning on progress made against recommendations of the Small Schools Task Group Report in September 2016. Since that time the educational landscape had undergone significant changes following Government's withdrawal of the requirement for schools to convert to Academies, along with the White Paper on Educational Excellence Everywhere and further issues around the national funding formula for schools. It was expected that the Department for Education would announce its intention to maintain a dual working educational system with Academies and Local Authority maintained schools.

The Head of Education and Learning informed Members of the progress made against the Task Group's recommendations, namely that the Council continued to lobby government for fairer funding for Devon Pupils; financial and strategic planning was in place for Headteachers, Bursars and School Governors covering a wide range of considerations; close working partnership with the Dioceses to engage with local schools; a proactive approach to supporting and engaging with local authority maintained schools through community based

working; shared best practice in schools and ongoing work to recruit and train school governors.

* **56** **ICS Pre-Procurement**

The Committee noted the Report of the Chief Officer for Children's Services (CS/17/13) on the re-procurement of Integrated Childrens Services and that on 8 March 2017, Cabinet had awarded a one year contract for 2018/19 to Virgin Care Ltd for the same reasons as set out at Minute 52 above.

* **57** **Regional Adoption Agency - update on proposals**

The Committee considered the Report of the Head of Children's Social Work and Child Protection (CS/17/16) on the development of a Regional Adoption Agency (RAA) outlining current performance, to be considered by Cabinet on 12 April 2017. The RAA programme aimed to deliver good practice that ensures improved life chances for children through improved adopter recruitment, improved timeliness of placing children, more children achieving permanence through adoption and improved adoption support.

* **58** **Children's Social Work and Child Protection Workforce Survey**

The Committee received the Report of the Head of Children's Social Work and Child Protection on the outcomes of the Social Worker Survey which received a positive response rate and highlighted key findings including managers creating an environment where staff felt supported and listened to, ASYE's receiving the necessary support to complete their assessed year and over two thirds of caseworkers stating that they had a case audited within the last 6 months. The survey recognised the need to continue to reduce caseloads and reinforced the importance of ensuring stable and effective frontline managers.

* **59** **Children's Performance Report**

The Committee received the Report of the Head of Children's Social Work and Child Protection updating Members in relation to Multi-Agency Safeguarding Hub, Early Help, Children in Need, Referrals into statutory children's service, single assessments, child protection enquiries, child protection conferences and a higher than the national average number of repeat child protection plans.

* **60** **Adult's Performance Report**

The Committee received and noted the report of the Head of Adult Commissioning and Health and the Head of Adult Care Operations and Health (ACH/17/59) highlighting areas of good performance and where further improvement and development were needed in line with current adult vision priority.

Areas presented in the report and discussed by Members, in line with the Vision Priorities, included: the Deprivation of Liberties Safeguards, ensuring that people using the service felt safe, reducing the need for long term social care and support, expanding the use of community based services, ensuring people have a positive experience of the social care services and ensuring the workforce can deliver effective and high quality services. Members also noted the need to improve the quality of the presentation of the performance data, ensuring the relevance of the information provided.

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

The Meeting started at 2.00 pm and finished at 4.00 pm

CORPORATE SERVICES SCRUTINY COMMITTEE

23 March 2017

Present:-

Councillors J Brazil (Chairman), A Boyd, P Colthorpe (Vice-Chair), M Edmunds, G Gribble, R Hosking, R Julian, J Knight, R Rowe and R Westlake

Apologies:-

Councillors J Owen

* 38

Minutes

RESOLVED that the minutes of the meeting held on 24 January 2017 and the minutes of the Joint Budget Scrutiny meeting of 30 January 2017 be signed as a correct record.

* 39

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 40

Chairman's Announcements

The Chairman welcomed Sir Simon Day who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 41

Public Participation

There were no oral representations from Members of the Public.

* 42

Internal Audit Plan 2017/2018

The Committee considered the Report of the Head of the Devon Audit Partnership (CT/17/26), on the Internal Audit plan for 2017/2018 which outlined an indicative Corporate Services internal audit plan for 2017/18, covering a total of 549 audit days.

The report outlined that Audit had met with management to discuss risks and how audit resources could be used effectively to provide assurance against those risks. The draft plan formed part of a larger audit plan covering the whole Authority (which would be presented to Audit Committee on 28th March 2017).

Members noted that whilst responsibility for review, direction and approval of the internal audit plan lay with the Audit Committee, there was added value in working with Scrutiny in the provision of assurance to the authority.

The audit plan showed the proposed internal audit activity for the year and an outline scope of coverage, which included Material Systems, Corporate Services - (Excluding Anti-Fraud & NFI), Digital Transformation and Business Support, Grant Certification and Anti-Fraud and Corruption including NFI.

The Committee discussed and asked questions on the planned audit work into fraud and fraud prevention and the potential for fraudulent activity within the organisation, including the numbers of incidents and then for clarification of how the number of audit days required was calculated and whether the risk status impacted on this.

Agenda Item 10I

CORPORATE SERVICES SCRUTINY COMMITTEE
23/03/17

Members suggested that a mid-year audit report might be of use to the new Council to focus the Committees work programme and that the key themes often brought to members attention were on issues such as adult social care, roads and potholes and more recently education funding and pressure on schools.

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

RESOLVED that the outline audit plan be noted and the comments made by members, as outlined above, be considered by the new Council.

* 43

Risk Management

The Committee received the Report of the County Treasurer (CT/17/24) on the Corporate Risk Register, identifying the 25 risks on the corporate risk register, which were outlined in full at Appendix A to the report.

The report highlighted the changes that had been made since the Committee last reviewed the register, including any increased risks, those that had reduced, new additions to the register as well as those that had been removed.

The report further outlined there were currently 10 risks that had a current status of 'Very High' meaning they were both likely to happen and would have a significant impact if they did. Those risks were generally related to the People or Place service areas, and it was suggested might be better discussed at the relevant Scrutiny Committees.

The current Corporate Service Risk register contained 11 entries which Members could consider in more detail, with eight of those risks relating to various aspects of Human Resources.

Members had previously agreed to use the Risk Register to focus their work programme activities. Risk Management enabled the efficient use and allocation of resources, more informed, transparent and accountable decision-making and allowed the Council to focus on its most critical areas.

Members identified the following issues for discussion at the meeting.

- Appointment and Hiring of Consultants; and
- Failure to deliver priority services as a result of significantly reduced finances.

In terms of general discussion on the Risk Register, Members discussed and asked questions on the decision making process behind either adding risks to the register or removing them and also clarification of why particular risks appeared to have been removed (e.g school transport) as well as the various levels of risk monitoring throughout the organisation. In addition, for clarification on 'green' mitigating controls, when the risk was deemed high or very high (e.g HTM1 relating to failure to maintain C class roads).

The Head of Human Resources then responded, in respect of the appointment and hiring of consultants, as identified by the Committee prior to the meeting, advising the Committee that a previous audit had shown a failure by the Council to comply with policy in 5 out of 10 cases whilst appointing or hiring a Consultant . In response, there had been a number of mitigating measures implemented including a single policy across the organisation, an approval process requiring the consent of the Chief Executive and also an internal awareness and communications strategy.

Members asked for clarification on how Members might be engaged, particularly with commissioned services, the position with former staff members being engaged as consultants

and that the appointment of specialist legal advice / counsel did not form part of the policy, rather it was subject to a separate procurement framework.

The Chief Accountant (Corporate Services) then responded, in relation to the risk of 'failure to deliver priority services as a result of significantly reduced finances', to the Committee's concern that the risk had reduced from high to medium, despite the Council's continued budgetary pressures. He advised that the risk would likely fluctuate between various risk levels and also undertook to arrange for the amendment of future risk registers with an explanation of why risks had been removed from the corporate risk register.

* **44** **Scrutiny in a Commissioning Council Task Group update**

The Committee received the report of the County Solicitor (CS/17/15) which provided an update on the actions and recommendation implementation of the Commissioning Scrutiny Task Group Report, which had been published in March 2016, and subsequently endorsed by Cabinet.

The Task Group had made four key recommendations directed at Council Officers, Cabinet and Scrutiny Members, which would help to strengthen scrutiny's role and impact around commissioning.

The report outlined that Councillor Parsons (Cabinet Member for Performance & Engagement) had been working with officers from the Council's Procurement, Legal and Democratic Services & Scrutiny teams to take forward the recommendations and that a number of practical ways forward had been established.

It further noted what actions had been taken against each of the four recommendations, namely

- R1 – to strengthen communication and collaboration between Cabinet Members and Heads of Service and Scrutiny Committees, in relation to commissioned services;
- R2 - For Scrutiny to engage with and contribute to the development of the re-commissioning of services, and the new commissioning of services, at the earliest possible stage;
- R3 - Ensure that the Council's 'joint venture partners' and external providers of large contracts, may be held to account and be subject to Scrutiny; and
- R4 - All Scrutiny Members to receive assurance and have the opportunity to scrutinise the performance of joint venture partners and large providers.

Members noted it would be for the Scrutiny Committees of the new Council to work with Cabinet Members and council officers to develop the work further and that also training on Commissioning / Commissioned Services would form part of the induction programme for the new Council.

Members asked for clarification on the legal position of Scrutiny for holding people to account, particularly representatives of and organisations who were responsible for services which impacted on residents of the County, for example providers of Broadband services.

* **45** **State Pension 'Triple Lock'**

Members received a presentation on the available data on the economic impacts of the state pension triple lock.

The Committee had agreed to consider this issue under its work programme, following Councillor Greenslade's Notice of Motion - Pensions 'Triple Lock' (County Council Minute 75 of 8th December 2016), which had been referred to the Cabinet for consideration. The Cabinet had outlined that whilst State Pensions were the responsibility of Government and the ability of any Council to directly influence the impact of Pensions administration were limited, the County Council has previously considered and taken a view on the impact of changes upon

Agenda Item 10I

CORPORATE SERVICES SCRUTINY COMMITTEE
23/03/17

individuals or categories of pensioners residing in Devon. Whilst Cabinet would not direct a Scrutiny Committee to look at a particular issue, it **RESOLVED** that the Corporate Services Scrutiny Committee be invited to examine the matters outlined in the Notice of Motion and comment to this Cabinet thereon prior to any recommendation being made to the County Council in accordance with Standing Orders 6 and 8.

The presentation outlined the current and ongoing changes to the state pension, clarification of the 'triple lock' guarantee, the long term fiscal cost and sustainability issues, comparative figures on the growth of the state pension with work place earnings, the regional equivalised household income (after housing costs), the potential changes to the triple lock guarantee including political will and the publication of the statutory review in May 2017 and also the potential implications for Devon including its older than average population, the growth rate of that population and projections of the growth into the future.

The Committee raised and identified the following issues;

- That a copy of the presentation be made available to all members;
- The pressure on the existing working population especially with the current and projected demographics of the County;
- That the automatic enrolment for employers could assist, notwithstanding it not being compulsory for employees to register; and
- A concern that many people had little or no pension provision for older age.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Westlake; and

RESOLVED that, while acknowledging State Pensions were the responsibility of Government and the ability of any Council to directly influence the impact of Pensions administration was limited, the Cabinet and Council be urged to exercise its community leadership role and endorse the Notice of Motion and make representations to Government, through Devon MP's, to minimise the impact of changes upon individuals or categories of pensioners residing in Devon, given the demographics of and relatively low levels of earnings in the County, the potential impact upon the economy of the County, the pressure on the existing workforce and the projected costs of pensions for its residents.

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

* **46** **Scrutiny Work Programme**

The Committee reviewed the Scrutiny Work Programme and determined those items of business to be included therein for its sphere of activity, having regard also to the Council/Cabinet Forward Plan, also noting that the new Council would determine its own work programme.

RESOLVED that the work programme, as outlined, be noted.

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

There had been no items of correspondence received.

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

The Meeting started at 2.00 pm and finished at 3.33 pm