

## COUNCIL

15 February 2018

### Present:-

Chair: R Radford

Vice-Chair: R Edgell

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

### Apologies:-

Councillors J Hodgson, P Prowse and R Scott

## 67 Minutes

The Chairman of the Council **MOVED** and it was duly **SECONDED** that the minutes of the meeting held on 7 December 2017 be signed as a correct record.

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

## 68 Announcements

The Chair reported on the recent sad passing of former County Councillor and Leader of the Council David Morrish, who had served as a Councillor for 31 years representing the Heavitree and Wonford areas. He had also been a City Councillor for 28 years.

A minute silence was held as a mark of respect and to pay tribute to Mr Morrish.

The Chair further announced the forthcoming retirement of John Smith, the Council's Head of Organisational Development. The Council thanked Mr Smith for all he had done to contribute to the success and strength of the Council and wished him well.

## 69 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

## 70 Public Participation: Petitions, Questions and Representations

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

In accordance with the Council's Public Participation Rules, the Council received and acknowledged verbal representations made by Ms A Simmons in support of Councillor Shaw's Notice of Motion on Brexit, the single market and customs union, later on the agenda for the meeting. The Chair responded, thanking Ms Simmons for her contribution.

## 71 Petitions from Members of the Council

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

## 72 Questions from Members of the Council

In accordance with the Council's Procedure Rules, the Leader and relevant Cabinet Members and Committee Chairs provided written responses to 18 questions submitted by Members of the Council relating to whether there was any impact on the pension scheme as a result of the recent collapse of Carillion, numbers of machines for painting lines/markings on the highway, the performance management of the new highways contract, figures on the outstanding numbers of potholes and any reinstatement failures, the numbers of claims made for damage to vehicles arising from potholes and road defects, the Lengthsmen service and employment figures, the Council's highways maintenance contractor and Pothole Action Fund schemes, adoption of new roads in Teignbridge, S38 agreements, the period of time for road adoption, any actions that could speed up the process for roads adoption including the involvement of other parties, any required legislative changes, and the Council's response to the Department for Transport Advice Note on Highways Adoptions (April 2017). Other questions related to the Joint Local Plan (2014 – 2034) and provision for roadside residents and lastly the position of the Chair of the Council.

The Leader, relevant Cabinet Members and Chairs of Committee also responded verbally, as appropriate, to any supplementary questions arising therefrom.

*[A copy of the questions and answers are appended to the minutes and any supplementary questions and answers may be observed through the webcast of this meeting]*

## 73 Treasury Management Strategy 2018/2019

The Council considered the recommendations of the Cabinet and Corporate Infrastructure and Regulatory Services Scrutiny Committee held on 9 February and 31 January 2018 respectively relating to the adoption by the County Council of the proposed Treasury Management Strategy for 2018/19, 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 Infrastructure and Regulatory Services Scrutiny Committee be approved and the Treasury Management and Investment Strategy for 2018/19 commended at Minutes 125 and \*49 of the above respectively, be endorsed.

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

## 74 Revenue Budget, Medium Term Financial Strategy & Capital Programme

*[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, business or property owner in the administrative County of Devon or by being a County Council representative on a 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 being an approved foster parent, providing placements for the Council's Children in Care 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 Atkinson declared a personal interest in this item by virtue of being a Devon County Council representative on Citizens Advice Exeter)

The Council considered the recommendations of the Cabinet held on 9 February 2018 relating to the Revenue Budget for 2018/19, the Medium Term Financial Strategy to 2021/22 and the Capital Programme 2018/19-2022/23 as set out at Minute 125 of that meeting, together with the Report of the County Treasurer (CT/18/11) which included an assessment of the adequacy of reserves, a range of prudential indicators concerning the financial implications of the capital programme and an assessment of the risks associated with the budget strategy and how those would be managed, comprising in detail:

Introduction	
Appendix A	- Specimen Statement on Robustness of Budget Estimates & adequacy of the County Council Reserves
Appendix B	- Revenue Budget 2018/19
Appendix C	- Summary Revenue Budget 2018/19
Appendix D	- Medium Term Financial Strategy 2018/19 -2021/22
Appendix E	- Risk Analysis of Volatile Budgets
Appendix F	- County Fund Balance and Earmarked Reserves for 2018/19
Appendix G	- Capital Programme 2018/19 - 2022/23
Appendix H	- Treasury Management Strategy & Prudential Indicators 2018/19 – 2022/23
Appendix I	- Fees and Charges

The County Treasurer's Report (CT/18/11) and accompanying detailed service budgets and spending plans incorporated additional spending in the sum of £6.5millions for Highways, as suggested by the Council's Scrutiny Committees and also £2.2millions for adult care support services, as proposed at the Cabinet on 9 February 2018.

The Council also had before it the overview of impact assessments relating to the 2018/19 budget; 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 circulated to Members prior to this meeting, together with all assessments published in relation to the budget, and was available at <https://new.devon.gov.uk/impact/published/budget-impact-assessment-201819/>

The Chairs of the Children's Scrutiny Committee, Health and Adult Care Scrutiny and Corporate Infrastructure and Regulatory Services Scrutiny having **MOVED** and it having been duly **SECONDED** that the Minutes of the those budget Scrutiny Committee meetings held on 23rd, 25th and 31st January 2018 relating to the annual estimates be approved, the motion was subsequently put to the vote and declared **CARRIED**.

The Chair 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 Chair 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 125 (a) – (u) setting out the proposed revenue and capital budgets as detailed in Report (CT/18/11) be approved.

In commending the proposed budget to the Council, the Leader commented this was the ninth year of reduced spending for Devon and the grant from Government in its current form would be phased out by 2020. He added that the business rates pilot funding was unknown beyond the forthcoming financial year and spend should be used for growth. He commended the budget to the Council as one that supported the old, young and the vulnerable.

The Cabinet Member for Resources & Asset Management highlighted that the Local Government financial settlement was £122.492 millions, in line with expectations. He also reported that the Authority, in partnership with the eight Devon District Councils and two Unitary Councils, had been selected to become a Business Rates Pilot in 2018/19. He

reiterated that Devon's settlement still reflected historic low levels of funding with inadequate funding levels in a number of areas; between urban and rural areas, in public health and also education funding.

He further outlined the total revenue budget of £511.841 millions and service budgets totalling £477.391 millions and the overall capital programme for 2018/2019 as £105.640 million.

Service budgets included Children's Services at £125.487 millions (an increase of 5.5% from 2017/18), Adult Care and Health at £227.851 millions (an increase of 6.1%), Communities, Public Health, Environment and Prosperity Services was £34.727 millions (a reduction of 2.3%), Corporate Services base budget of £34.618 millions (an increase of 1.7%) and Highways, Infrastructure Development and Waste Services at £54.708 millions (a reduction of 2.7%).

The Cabinet Member further confirmed £10,000 for each Member in respect of locality budgets, a further £10,000 for capital schemes and also the continuation of the Town and Parish (TAP) fund, to be renamed the 'Communities Together Fund'.

The budget included a 2% increase in the Social Care precept for 2018/19. Authorities were allowed to increase the Social Care precept by no more than 3% per annum (but no more than 6% over the period 2017/18 to 2019/20). The Council had increased the Adult Social Care Precept by 3% in 2017/18. If the Adult Social Care Precept increased by 2% in 2018/19 then there could only be a 1% increase in 2019/20. The settlement had set the Council Tax increase that would trigger a referendum, excluding the Social Care Precept, at 3% for 2018/19; an increase of 1%, therefore the proposal was for a 2.99% rise as well as the Social Care Precept of 2%.

A Band D Council Tax would, if the budget was approved, increase by 4.99% to £1,331.19p. The Council Tax requirement for the Council was £382,118,036.26 and re-iterated that the s151 Officer had also confirmed that it represented a sound and achievable finance plan for 2018/19.

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 recognised also the exceptionally difficult circumstances of preparing a budget for 2018/19 in light of the delay in the final announcement by Government of the financial settlement and grants.

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 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*"Devon Liberal Democrats have campaigned for much needed extra investment in our highways and welcome the additional £6.5 million to repair Devon's roads and highways drainage.*

*We hope Devon County Council and its contractors will rise to the challenge of fully utilising the new funding in light of last week's announcement that 1 in 3 of the Pothole Action Fund schemes would be delayed, along with £800,000 expenditure, until the next financial year.*

*While welcoming the limited additional funding secured from Government for schools and care services in Devon, the continuing struggle to maintain the provision of good quality services becomes harder.*

*Devon's Members of Parliament can do more to stop the County being 'short changed' by this Government. While saying they are willing to vote against investment in the new HS2 rail infrastructure, Conservative MPs appear unwilling to use their power to secure fair funding for Devon, especially our schools and care services.*

*Against this backdrop, it is understandable, though avoidable, that Council Tax for Devon County Council is proposed to increase by **£18.1million or 4.99%** from April. Combined with increases for City, District and Borough councils, the Police and the Fire Service, the joint impact on households is, once more, punishing.*

*Short-changing Devon simply passes the burden to the County's residents. In effect, the Government is balancing the books on the backs of hard-pressed families and the poorest. Overall, the Council Tax burden in Devon for an average Band D property could see an extra £80 paid each year – around £7 a month.*

*We propose:*

**1. Restoring £223,000 to protect Young People's Mental Health services by scrapping the cut planned by Devon's Conservatives from the Public Mental Health budget.**

**2. Adding £500,000 for the education of children with special educational needs.**

**3. Supporting our schools, teachers and children by returning the £2.2million cut from the Devon schools budget this year by Conservatives at County Hall.**

**4. Creating a hardship fund of £50,000 to support young people in Post-16 education with home to college travel.**

**We will fund this investment of £2,973,000 million by:**

**1. Cutting waste currently being allowed by County Hall and efficiency savings:**

- Save **£750,000** by cutting the budget for expensive consultants and stand-in managers
- Cut spending on media, public relations and advertising by **£850,000**
- Reduce spending on room hire and save **£ 260,000**
- **Save £64,000** from car allowances when it is clear 143 staff use their cars very little for work purposes. Most drive less than 10 miles a week, with 23 driving fewer than 2 miles a week on council business!

**2. Transferring £899,000 a year from the Economic Development budget into the higher priorities.**

*A strong and vibrant economy is vital for Devon, which needs to be not only open for business but fit for business with good roads, good education and a reputation as a county that cares.*

*We believe a new approach is needed to drive economic development, seeing the city, district and borough councils and the Local Enterprise Partnership as the driving force, with support from Devon County Council.*

*Costs for the transformation of the Economic Development service will be charged to the council's **Service Transformation Reserve, currently at £11.9 million.***

**3. Saving a further £150,000 from the Development Management service and seeking stronger planning partnerships with Devon's Local Planning Authorities and**

*neighbouring county and unitary councils to create cut costs through shared service arrangements.*

**Council Tax on Second Homes**

*There is concern that second homes, left empty, have a negative impact on communities and that some owners may avoid Council Tax by 'flipping' to Business Rates and then seek exemption from payment.*

*We call on Devon County Council to take the lead working with all local authorities in the South West, calling on Government to urgently review Second Home Council Tax to ensure the system is robust and that much needed revenue is not lost, placing an even bigger burden on local residents.*

Councillor Hannaford **MOVED** and Councillor Atkinson **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*The Labour Group wish to focus on two key themes of Prevention and Resilience, hence the submission of two separate budget amendment focusing on each of those key themes.*

*In order to strengthen the Prevention agenda the Council should;*

- 1. allocate £500,000 from the Business Rates Retention Pilot to Early Intervention Work.*
- 2. allocate £100,000 from the Business Rates Retention Pilot to Social Workers Professional Development.*
- 3. allocate £250,000 from the Business Rates Retention Pilot to Social Worker Caseload Reduction.*
- 4. allocate £200,000 from the Business Rates Retention Pilot to Suicide Prevention Work.*
- 5. allocate £200,000 from the Business Rates Retention Pilot to Teenage Risk Pathway work.*
- 6. allocate £230,000 from the Business Rates Retention Pilot to Young Peoples Mental Health.*
- 7. allocate £400,000 from the Business Rates Retention Pilot to Domestic Abuse and Sexual Violence prevention work, with a specific focus on work with perpetrators and supporting children and young people.*
- 8. allocate £500,000 from the Business Rates Retention Pilot to Public Health.*

Councillor Hannaford then **MOVED** and Councillor Ackland **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended by the addition of the following and all necessary changes be made to the detailed budgets referred to at 125(a) – (u):

*In order to strengthen the Resilience agenda the Council should;*

- 1. allocate £400,000 from the Business Rates Retention Pilot to Citizens Advice Devon.*
- 2. allocate £200,000 from the Business Rates Retention Pilot to the Healthy New Towns initiative.*
- 3. allocate £500,000 from the Business Rates Retention Pilot to develop Children's Centres Community Service Delivery.*
- 4. allocate £30,000 from the Business Rates Retention Pilot for an InSourcing Council Services Feasibility Study.*
- 5. allocate £400,000 from the Business Rates Retention Pilot to support Special Educational Needs Employment and Skills.*
- 6. allocate £300,000 from the Business Rates Retention Pilot to increase members individual locality budgets from £10,000 to £15,000.*
- 7. allocate £ 40,000 from the Business Rates Retention Pilot for an Alternative Social Care Delivery Models Feasibility Study.*

Councillor Biederman **MOVED** and Councillor Wright **SECONDED** that Cabinet Minute 125 (Revenue Budget and Medium Term Financial Strategy to 2018/19 – 2021/22 and Capital Programme 2018/19 – 2022/23) be amended as detailed below and all necessary changes be made to the detailed budgets at 125(a) – (u):

*A - That this Council does not put a further £5millions into reserves, at the same time as asking hard pressed, low paid Devon residents to pay more council tax for fewer services than ever before.*

*B – that part of the five millions issued to maintain the level of pay for all Devon's Foster Parents, so no one sees a drop in their income.*

*C – That part of the five millions is used to maintain numbers of Health Visitors so that no posts are made redundant.*

*D – that part of the five millions is used to maintain the schools counselling services, currently likely to be lost via the public health budget*

*E - that this council writes an open letter to Devon MPs expressing deep disappointment with those who voted in favour of cuts to Devon's council core funding*

*F - that any remaining monies as part of the £5millions or any other money extra coming from the business retention scheme is transferred to repairing pavements in our city, town & Village Centres to encourage their economy and prevent Slips, trips and falls.*

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 Biederman 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 Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Prevention) 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 Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

The amendment in the name of Councillor Hannaford (Resilience) 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 Ackland, Asvachin, Atkinson, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 16)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

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 Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Shaw, Way, Whitton and Wright: (Total: 15)*

*Against the amendment Councillors Ball, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Abstain from voting Councillor Atkinson (Total: 1)*

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

*(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, Barker, Berry, Bloxham, Brook, Channon, Chugg, Clatworthy, Colthorpe, Crabb, Croad, Davis, Eastman, Edgell, Gilbert, Gribble, Hall, Hart, Hawkins, Hellyer, Hosking, Hughes, Inch, Leadbetter, Mathews, McInnes, Parsons, Peart, Radford, Randall Johnson, Russell, Sanders, Saywell, Sellis, Slade, Squires, Trail, Twiss and Yabsley: (Total: 39)*

*Against the Motion, Councillors Ackland, Asvachin, Aves, Biederman, Brennan, Connett, Dewhirst, Greenslade, Hannaford, G Hook, J Hook, Way, Whitton and Wright: (Total: 15)*

## **75 Pay Policy Statement 2018/2019**

The Council considered the recommendations of the Appointments & Remuneration Committee held on 15 January 2018 relating to the adoption by the County Council of the proposed Pay Policy Statement for 2018/19.

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 2018/19 (and consequential changes to the Council's Constitution) as set out at Minute 36 of that Committee be endorsed and the Constitution amended accordingly.

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

## **76 Cabinet Member Reports**

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

**(a) Policy & Corporate**

Councillor Hart commented, as requested by Councillor Shaw on the request and refusal of permission for the Devon for Europe campaign to use the grounds of County Hall for a rally on 24th March 2018 and also responded to questions on peaceful protests and the use of the campus generally.

**(b) Adult Social Care and Health Services**

Councillor Leadbetter circulated a report, as requested by Councillor Hannaford on Continuing Health Care Funding and also on progress being made to develop Wellbeing Hubs across Devon, as asked for by Councillor Aves. He further reported on Accountable Care Organisations, as requested by Councillor Greenslade.

With regard to Continuing Health Care Funding, it was noted that the CCGs and Adult Social Care had agreed joint practice guidance, process and training, meaning that people in Devon should receive an appropriate package of support whilst any issues relating to CHC funding were resolved.

The Cabinet Member added that, in respect of Wellbeing Hubs, the Council worked in partnership with the NHS in its approach to community wellbeing and that the Hubs were part of a wider programme of development of community services. Examples given included CoLab in Exeter, Torrington Hub, the Budleigh Salterton Health and Wellbeing Hub and progress on new centres in Chudleigh, Bovey Tracey, Teignmouth, Ashburton and Dartmouth.

On accountable care systems the Cabinet Member referred to a recently circulated briefing note for all Members of the Council, which gave an explanation of Integrated Care Systems and collaborative working between a range of health and social care organisations, in terms of sharing working practices such as budgets, staff and resources where appropriate. The Cabinet Member clarified the work in terms of an Integrated Care System rather than an Integrated Care Organisation.

**(c) Highways Management**

Councillor Hughes commented, as requested by Councillor Connett on the planned improvements to the environment and enhancing safety for all road users Powderham, progress on improving the A379 through Starcross to better manage traffic flows, the assessment of Mamhead Road for increased use by light traffic, and the potential to impose a weight restriction or ban 'non access' HGVs from the route and the increase in traffic using Doctors Walk and Balls Farm Road and action of the Council to ensure it was a safe route for children and cyclists.

He also responded to questions on a recent survey in respect of vehicles using Doctors Walk and Balls Farm Road.

**(d) Infrastructure Development and Waste**

Councillor Davis circulated a report, on subjects requested by Councillor Connett on the Bridge Road completion of works and those still to be undertaken, the delayed provision of the planned Marsh Barton Rail Station and the impact on the economic growth of Exeter and Teignbridge, the impact on traffic through Alphington/Marsh Barton and on Bridge Road, and the delivery of the South West Exeter development and delivery of a new rail station at Exminster.

The Cabinet Member's Report outlined that the Works Completion Certificate for Bridge Road was issued on 27th October 2017. Furthermore, the Council was continuing to work on reducing costs and securing additional sources of funding from the DfT and Network Rail in

relation to Marsh Barton station. Also, that in the planning of Marsh Barton and timetabling works meant that the Council did not consider a rail halt at Exminster to be feasible.

She also responded to questions on communication with Teignbridge District Council on Local Plans and vehicles on Bridge Road crossing three lanes of traffic from side entrances.

**(e) Children's Services and Schools**

Councillor McInnes circulated a report, as requested by Councillor Hannaford on work being done with education and training providers, the public and private sectors, and voluntary and charity groups, to promote education, employment and independence for local people with special needs and any links to the Joint Committee's Productivity Plan.

He further reported on the number of private Children's Homes in Devon; which authorities had oversight of the homes and which were responsible for ensuring residents attended school and the provision of 'parental oversight', particularly in leisure time, as requested by Councillor Connett.

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

Councillor Croad commented, as requested by Councillor Asvachin on the use of bus passes before 9.30am for people with disabilities who need to get to work or places of education. The Cabinet Member outlined that the Council provided free bus travel under the terms of the National Bus Pass scheme for eligible residents which allowed free travel after 0930 Monday to Friday and anytime at the weekend. The current budget for the scheme in 2017/2018 was £9,265,000. The Council recognised the need for people with disabilities to travel independently and outlined the 'companion pass' and also the Independent Travel Training programme for young people.

He responded to questions on equality impact assessments and the duties of Local Authorities and undertook to look at the reported issues for renewing companion passes.

**(g) Resources and Asset Management**

Councillor Clatworthy circulated a report, as requested by Councillor Atkinson on the lessons that may be learned from Northamptonshire County Council who recently issued a section 114 notice. The Cabinet Member explained that a section 114 notice was served when it appeared to the section 151 Officer that the expenditure of the authority incurred or proposed to be incurred in a financial year was likely to exceed the resources available to meet that expenditure.

77

**Minutes**

The Chair of the Council **MOVED** and it was duly **SECONDED** that the Minutes of the under-mentioned meetings of Committees be approved, including changes to the Constitution under minutes 19 and 20 of the Procedures Committee Minutes.

Appeals Committee	-	11 December 2017, 8 January 2018 and 5 February 2018
Appointments & Remuneration Committee	-	15 December 2017 and 15 January 2018
Development Management Committee	-	24 January 2018
Procedures Committee	-	6 February 2018

Children's Scrutiny (ordinary meeting)	-	23 January 2018
Health & Adult Care Scrutiny (ordinary meeting)	-	25 January 2018
Corporate Infrastructure & Regulatory Services Scrutiny (ordinary meeting)	-	31 January 2018

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

**78**      **EU Law - Animal Sentience (Minute 63 - 7 December 2017)**

Pursuant to County Council Minute 63 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Wright that:

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

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

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

and having had regard to the advice of the Cabinet set out in Minute 110 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that spirit of the Notice of Motion be approved and;

(a) the Council write to the Secretary of State (Michael Gove) stating that it is encouraged by the Government's subsequent clarification on its position relating to sentience and its commitment to enshrining higher animal welfare standards into UK law;

(b) that the subsequent publication of the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill be noted; and

(b) that, as a predominantly rural area where farming and agriculture are of critical importance to the local economy, the Council strongly backs the calls from the British Veterinary Association and others to commit to an appropriate timeframe giving certainty to the reinstatement of the protocol in Article 13; not only recognising animal sentience but also enshrining a duty of responsibility on the state for animal welfare.

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

**79**      **Council Budgets - Vulnerable Young and Elderly Residents (Minute 66 - 7 December 2017)**

Pursuant to County Council Minute 66 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Biederman that:

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

*for vulnerable children we need to be adequately funded. The situation is very similar with Social Care.*

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

and having had regard to the advice of the Cabinet set out in Minute 112 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted as well as the spirit of the original motion and in recognising the considerable financial pressure placed on Local Government and also various lobbying activities undertaken by the Council in recent years, and the events planned for the new year, it is important to maintain the impetus, therefore, in support of the Notice of Motion, Council will write a cross party letter, signed by Group Leaders, to go to Devon MPs and the Minister to highlight this growing problem for vulnerable young and elderly residents.

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

**80** **Post Brexit Arrangements (Membership of the European Single market and Customs Union) (Minute 65 - 7 December 2017)**

Pursuant to County Council Minute 65 of 7 December 2017 relating to the Notice of Motion set out below as previously submitted and formally moved and seconded by Councillor Shaw that:

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

and having had regard to the amendment of the Cabinet set out in Minute 113 of 10 January 2018:

Councillor Hart **MOVED** and Councillor Clatworthy **SECONDED** that the Cabinet's amendment be accepted and that Notice of Motion be not approved at this time, namely;

(a) that the opportunities and impacts from BREXIT on the Devon economy be noted; and

(b) that the Council are assured that Cabinet will continue to assess the impacts and other implications for the Devon economy as details become more understood on the future arrangements agreed between Government and the EU Commission for trade and the labour market.

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

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the Motion be amended by the addition of;

(c) that the Council lobbies Government to secure the trade, customs and migration arrangements with the European Union which will do least damage to the economy of Devon.

Councillor Shaw then **MOVED** and Councillor Wright **SECONDED** that the vote be taken as a recorded vote.

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

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

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

## **81**      **Accountable Care Systems**

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

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

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

*'This Council is concerned by the decision of the Devon Clinical Commissioning Groups to introduce an Accountable Care System for Devon's NHS and adult social care services from 1st April 2018, without the full agreement of this Council.*

*In view of the widespread public concern over Accountable Care Systems and Accountable Care Organisations, and the decision of NHS England to hold a 12-week consultation on ACOs, this Council calls on the Devon CCGs to put the introduction of the ACS on hold until local people have been fully consulted on the plans'.*

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

## **82**      **Sunset for the Royal Marines and Future Resilience**

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

*'The County Council expresses concern at the conclusions of the Defence Select Committee report "Sunset for the Royal Marines" regarding the future strength of the Royal Marines and the implications for the economy of the county and the viability of Royal Marine bases in Devon such as those in Plymouth and at RMB Chivenor.*

*Devon County Council resolves to play an active part in lobbying to retain Royal Marine bases in our County'.*

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

[NOTES: Prayers were offered prior to the commencement of the meeting, to those who wished to attend, by Mr K Browse (Chair of Association of Parish Councils).

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

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

The Meeting started at 2.15 pm and finished at 6.18 pm



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

Thursday 15 February 2018

**1. QUESTION FROM COUNCILLOR HANNAFORD  
Re: Pension Fund Investment Risk – Carillion**

Following the new revelation that the companies estimated pension deficit is almost a billion pounds, do we have any pension fund investment risk in the company?

**REPLY BY COUNCILLOR GILBERT**

Carillion was an admitted body in the Devon Pension Fund but left on 1st September 2015 when they lost the contract through which they were employers in the Fund. A closure valuation done at the time revealed that they were in a slight surplus position so they had and have no on-going liability to the Fund.

The Devon Pension Fund has no directly owned shares in Carillion and the infrastructure funds in which Devon invests have no exposure to Carillion. The Devon Pension Fund does invest in a fund that tracks the FTSE All Share Index. Carillion was one of the many companies that make up that index. However, as Carillion comprised only a tiny element of the index, 0.03%, the impact on the return of the fund is also tiny. Carillion was removed from the index following their liquidation so there is no on-going investment risk.

**2. QUESTION FROM COUNCILLOR CONNETT  
Re: Skansa Machinery**

How many machines for painting lines/markings on the highway does Skanska, the Council's highways contractor, have permanently stationed in Devon?

**REPLY BY COUNCILLOR HUGHES**

Skanska has no line marking machines permanently based in Devon as they sub-contract the work. Currently the sub-contractor has 5 linemarking machines/crews in Devon, weather permitting.

**3. QUESTION FROM COUNCILLOR CONNETT  
Re: Highways Management Job Timescales**

How does the County Council performance manage the new highways contract with regard to ensuring jobs are undertaken within a reasonable time scale?

**REPLY BY COUNCILLOR HUGHES**

# Minute Item 72

The new contract sets performance criteria for completing safety related works in accordance with the Highway safety policy. A sample of these works are audited for quality and compliance.

Planned works are programmed in advance and the contractor regularly provides updates on progress. Both parties work collaboratively to manage changes in the programme plan. This may be due to a range of factors including for instance additional funding and winter service impacts. The contract provides a mechanism for jointly reviewing performance

**4. QUESTION FROM COUNCILLOR CONNETT**  
**Re: Unfilled Potholes**

How many potholes remain unfilled across the County Council area at 31 January 2018?

**REPLY BY COUNCILLOR HUGHES**

6605 potholes are identified for action. There are currently 30 gangs attending to defects. The resource required is regularly monitored.

**5. QUESTION FROM COUNCILLOR CONNETT**  
**Re: Number of Repaired Potholes**

How many potholes repaired since 1 April 2017 have failed and needed to be subsequently repaired again?

**REPLY BY COUNCILLOR HUGHES**

These data are not collected. The Council has a duty to respond to safety concerns in all weathers and sometimes this affects the standard and the durability of the repair. Audits are regularly undertaken to monitor the quality of repair.

**6. QUESTION FROM COUNCILLOR CONNETT**  
**Re: Claims of Damage to Vehicles**

How many claims for damage to vehicles arising from potholes and road defects have been made since 1 April 2018, and how many have been 'refused' and how many 'accepted/settled' by the Council or its insurers.

**REPLY BY COUNCILLOR HUGHES**

401 claims have been received relating to vehicle damage caused by road surface defects since 1 April 2017:

- 196 of these repudiated
- 55 settled
- 160 undetermined/ongoing

**7. QUESTION FROM COUNCILLOR CONNETT**  
**Re: Devon County Council Lengthsmen**

How many Lengthsmen does Devon County Council employ currently, or at any time during the 2017-18 financial year, and how do these figures compare with the previous three financial years.

**REPLY BY COUNCILLOR HUGHES**

The work for the parish lengthsmen was traditionally collected from a combination of known drainage features and reactive cleaning type work proposed locally by the Members, Officers and Parish Council. Hence a programme of visits was provided to the Parish Council and requesting their input.

As Government funding reduced, it was necessary to concentrate on the cleaning of the essential drainage features e.g. grips, buddle holes and easements. Safety considerations also had a significant effect on the traditional work practices of the lengthsman.

So the key functions of the traditional parish lengthsman, that is, maintaining an annual programme of clearance of drainage features continues in a modern and safe way through the new term contract, but without people specifically identified as lengthsmen.

**8. QUESTION FROM COUNCILLOR DEWHIRST**  
**Re: Completed Pothole Action Fund Scheme**

Does the Cabinet Member for Highway Management have confidence in the County's new term Maintenance Contractor in the light of their inability to complete only 71% of the 273 Pothole Action Fund schemes in the current financial year?

**REPLY BY COUNCILLOR HUGHES**

The pothole action fund allocation for the current year is £3.2M. Skanska's programme of work for the current year is £33M. Through regular monitoring it became apparent that £800k of patching work would not be delivered in the current year. Skanska were instructed to prioritise revenue patching works over some pothole action fund schemes as it is permissible to carry forward this capital funding into the early part of next year, as the work has been committed.

This is the first year of one of the Council's largest contracts and I am confident that both Skanska and our highways team are managing the transition effectively.

**9. QUESTION FROM COUNCILLOR DEWHIRST**  
**Re: New Term Maintenance Contract**

Does the Cabinet Member for Highway Management have confidence that the County's new term Maintenance Contractor will be able to deliver the further £2.2 million worth of Pothole Action Fund contracts in the coming year, on time and to the specified quality?

**REPLY BY COUNCILLOR HUGHES**

Although we have only had this funding confirmed last week, some proactive work has been underway advising Councillors of potential allocations before Christmas. Schemes are already being identified and I have every confidence that delivery will be achieved.

**10. QUESTION FROM COUNCILLOR J. HOOK**  
**Re: Number of Roads Intended for Public Adoption**

What percentage and number of roads in new estates, in Teignbridge, built or under construction in the last 5 years, that are intended for public adoption, have actually been adopted?

**REPLY BY COUNCILLOR BROOK**

Each individual Section 38 Agreement has a separate file. Answering this question accurately would entail substantial officer time opening and assessing each development file. If Councillor Hook would like to contact Brian Hensley, Highways Development Manager, to clarify the exact purpose of the request, and whether it can be simplified, he will investigate further.

**11. QUESTION FROM COUNCILLOR J. HOOK**  
**Re: S38 Agreements**

What percentage and number of roads in new estates in Teignbridge, built or under construction, in the last 5 years that are intended for public adoption, have S38 agreements in place?

**REPLY BY COUNCILLOR BROOK**

# Minute Item 72

Please see my response to Q10 above.

**12. QUESTION FROM COUNCILLOR J. HOOK**  
**Re: Adopted Roads**

What has been the average length of time, (for new estates built in the last 10 years in Teignbridge), from first house occupied on a site, to roads being adopted.

**REPLY BY COUNCILLOR BROOK**

Please see my response to Q10 above. In addition, this would require requesting Teignbridge District Council to interrogate their files to advise us of the date of first occupation of a dwelling on each site.

**13. QUESTION FROM COUNCILLOR J HOOK**  
**Re: Delays to Road Adoption**

Can the Cabinet Member identify what the main delays to road adoption are, and actions that the Council might be able to take to speed up that process, and does he feel that the current period of time for roads to be adopted is acceptable?

**REPLY BY COUNCILLOR BROOK**

The pace of build out of sites is dictated by the housing market, which is outside of the Council's control. Additionally, the sewer adoption process, which is prerequisite of DCC adopting the roads, sometimes throws up problems with South West Water, that again are outside of our control. Also, it is not in the interests of either this Council or residents for roads to be adopted until they are completely finished and ready for adoption e.g. while they are still carrying construction traffic on remaining parts of a site. Whilst some sites do experience delays I can assure Councillor Hook that officers do all they can to progress adoptions as expeditiously as possible.

**14. QUESTION FROM COUNCILLOR J HOOK**  
**Re: Road Adoption and Developers**

Can the Cabinet Member identify in his opinion what actions others, for example developers and utility companies, could take to speed up the process?

**REPLY BY COUNCILLOR BROOK**

Please see my response to Q13 above.

**15. QUESTION FROM COUNCILLOR J HOOK**  
**Re: Road Adoption and Legislation**

Can the Cabinet Member identify what legislative changes might assist in speeding up the process of roads adoption?

**REPLY BY COUNCILLOR BROOK**

Applying a timeframe is not really realistic for the reasons set out in my response to Q13. However, some sites are held up for long periods due to lack of progress with sewer adoptions, sometimes as a consequence of the legislation only permitting water companies to retain a 10% bond once the sewers enter the maintenance period. The very nature of sewers, being underground, means that this is rarely enough to cover the cost of works if the developer displays

a reluctance to act – the remaining 10% is insufficient for the water companies to call in their Bond. This in turn stalls the highway adoption.

I would take this opportunity to remind Councillor Hook that whilst most do take the option, a developer offering roads for adoption is not mandatory.

However, a simplification of the Advance Payments Code of the 1980 Highways Act and in particular its enforcement, which involves extremely time consuming and rarely fruitful court action, would be very helpful.

**16. QUESTION FROM COUNCILLOR J HOOK**

**Re: Department for Transport on Highways Adoption**

Has the County Council responded to the Department for Transport Advice Note on Highways Adoptions (April 2017)? The Department for Transport are seeking “views by the end of March 2018 on what, if anything else, needs to be considered to further support successful road adoption”. If “yes”, what comments have been made by the Council?

**REPLY BY COUNCILLOR BROOK**

The Council has not yet responded to the document, the first such guidance since the inception of the 1980 Highways act some 37 years previously. Officers were pleased to note that the document very much reflected the practices and approach to adoptions that Devon has been following for many years.

However, it is intended to draw the issue of APC and its enforcement to the Department for Transport in our response.

**17. QUESTION FROM COUNCILLOR HODGSON**

**Re: Joint Local Plan (2014 – 2034)**

The public examination of the Joint Local Plan (2014 – 2034) is currently taking place and will continue until March 20th. A missing element in the plan is provision for the many roadside residents who have set up temporary residence in caravans, campervans and similar commercial vehicles. Many of these new residents are not counted as in need of pitches under the housing provision for gypsies and travellers as they are not considered as part of that group. The Council Officers are dealing with many such illegal encampments, (there are at least ten such camps in my division alone) and there have been court orders, evictions and the need for bailiffs to move these vehicles; however, as there is nowhere provided for them to go to, they just move to another illegal site and the legal process starts again.

This problem needs to be addressed as it is causing lot of local public concern and complaints and costing considerable public funds to address through legal means and the lack of provision for this newly emerging low economic sector is a form of discrimination against them and causing considerable distress to these residents. I understand that at least 50 pitches are estimated (by Council Officers) to be needed in the South Hams alone. Can the Cabinet Member explain why the Council has not required the Joint Local Plan to provide an adequate number of sites with pitches for these residents and their vehicles; and whether at this late stage of the process of the JLP, a request could be made to address this growing need (which is likely to increase over the lifetime of the JLP).”

**REPLY BY COUNCILLOR CROAD**

The County Council raised concerns at the pre-submission stage regarding the evidence base used to determine the need for gypsy and traveller provision within the Joint Plan (South West Devon Gypsy and Traveller Needs Assessment 2016) as it resulted in stark differences from the conclusions of the previous 2014 assessment. Concerns were also raised with South Hams District Council on this matter in November 2016 before the consultation.

# Minute Item 72

However, taking into account the representations made, the Joint Local Plan Councils stated that their approach to deriving gypsy and traveller needs met national guidance and is considered by them to be sound. The matter was not pursued any further by the County Council as the responsibility for the allocation of sites lies with the Joint Local Plan Councils.

It is noted that Cllr Hodgson suggests that the needs of 'roadside residents' differs from those of gypsies and travellers; however, national planning policy makes no such distinction, and it would therefore be difficult for the County Council to argue that the Joint Local Plan Councils should make separate provision.

As the examination hearings have commenced, it is not possible for the County Council, or any other party, to lodge further representations at this stage. However, the Joint Local Plan Inspectors have included questions on the assessment of need and the provision of pitches for gypsies and travellers site for the hearing session on 20th March 2018, and it is noted that Cllr Hodgson is listed as a participant at that session.

**18. QUESTION FROM COUNCILLOR ATKINSON**  
**Re: 100 years of women's right to vote**

Given this year we celebrate 100 years since some women were granted the right to vote and representation in parliament and local government, does the Leader agree that at the May Full Council meeting the position of Chair of Devon County Council should be given to a woman county councillor? And further this should not automatically be from with the conservative group.

**REPLY BY COUNCILLOR HART**

The Leader will reply orally.

## **Report of the Cabinet Member Adult Social Care and Health Services**

### **Introduction**

I have been asked by Councillor Hannaford to report on *'the current state of Continuing Health Care Funding in Devon and its impact on our service users'* and have further been asked by Councillor Aves to report on *'the progress made to develop Wellbeing Hubs across Devon'*.

### **Response**

#### **Continuing Health Care Funding in Devon**

For some people their need for ongoing nursing and healthcare support is of such a level that they qualify for all their care needs to be met by the NHS, including those personal and social care needs which might otherwise be met by social services. This is 'NHS Continuing Healthcare' (NHS CHC) and is care for adults aged 18 or over which is arranged and funded solely by the NHS, and is therefore free at point of delivery to the individual concerned.

The funding stream and assessment arrangements are managed and overseen by the Clinical Commissioning Groups across Devon and any further details required would need to be addressed to the NHS.

To determine if an individual is eligible to receive services funded by NHS CHC, an assessment as to whether they have a 'primary health need' is made by a team of health care professionals (often referred to as a multi-disciplinary team).

Because there is a legal upper limit to the amount of general nursing/healthcare that local authorities are allowed to provide (and charge for), there must not be a gap between what the LA can provide and what the NHS will provide, so decisions on 'primary health need' have to take account of the limits of local authority responsibility. Directions and Standing Rules Regulations set out that a person should be considered to have a primary health need if the nursing or other health services they require, when considered in their totality, are:-

*(a) where that person is, or is to be, accommodated in relevant premises, more than incidental or ancillary to the provision of accommodation which a social services authority is, or would be but for a person's means, under a duty to provide; or*

*(b) of a nature beyond which a social services authority whose primary responsibility is to provide social services could be expected to provide*

As there is greater awareness of this funding stream the demand for these complex health needs assessments has increased with delays arising in both undertaking some assessments and decisions being made about whether someone is eligible to receive their care through NHS CHC funding. There are fast track arrangements in place for people who have a rapidly deteriorating condition and may be towards their end of life.

# Minute Item 76

The CCGs and Adult Social Care have agreed joint practice guidance, process and training and continue to ensure we are focused on doing the right thing for the population of Devon who may be eligible for NHS CHC funding. This means people in Devon should receive an appropriate package of support whilst any issues relating to CHC funding are resolved.

## **Wellbeing Hubs in Devon**

The Council works in partnership with the NHS in its approach to community wellbeing, looking first at need rather than buildings. Work is underway to properly understand people's health and well-being needs in each of our communities – including GPs, local politicians and community stakeholders.

Wellbeing Hubs are only part of a wider programme of development of community services to ensure people feel connected to their communities and the things that are important to them, enabling them to live well and independently in their own homes.

Some examples of Wellbeing Hubs are listed below:

- CoLab in Exeter is an integrated Wellbeing Hub that works in collaboration with agencies across sectors to strengthen local services and achieve positive community outcomes around homelessness, addiction, (re)offending, and health inequality.
- Torrington Hub includes mental health provision and the voluntary sector, with a pilot for a wellbeing event for diabetes in March.
- The Budleigh Salterton Health and Wellbeing Hub brings together local residents, the NHS, the voluntary, statutory and business sectors providing support to local people of all ages.
- New Health and Wellbeing Centres are being developed in Chudleigh, Bovey Tracey, Teignmouth, Ashburton and Dartmouth. These bring together statutory and voluntary and community support, and provide a base for local multi-agency health and wellbeing teams.

There are lots of discussions taking place in other areas and it will be for local communities to work on this with all statutory services to develop solutions that work for each community.

**Councillor Andrew Leadbetter**  
**Cabinet Member**  
**Adult Social Care and Health Services**

## **Report of the Cabinet Member Adult Social Care and Health Services**

### **Introduction**

I have been asked by Councillor Greenslade to report on 'Accountable Care Systems'.

### **Response**

#### **Integrating the Health and Care System in Devon**

Members have asked for information on integration and the development of 'Accountable Care Systems' in Devon. We are pleased to provide the attached briefing and look forward to further discussions as we develop this partnership.

Firstly though, it's important to explain what Accountable Care Systems are, and more importantly what they're not.

Accountable Care Systems are now more commonly known nationally as Integrated Care Systems, so that's the term we're using. At its simplest, an Integrated Care System is way of working, collaboratively, between a range of health and social care organisations, to help improve people's health.

It's when organisations work together in a shared way; sharing budgets, staff, resources where appropriate, to best meet people's needs.

What it's not, and Members need assurance of this, is a creation of a new organisation, or some body seen as being undemocratic, or 'privatisation by the back door'.

It's important to draw that distinction, because there is criticism at a national level that creating new commissioning organisations can lead to a place where people's care needs come second to the needs of those undemocratic organisations.

And that's not a place that Devon has any intention of going.

So, what is it, and why is it better?

By working collaboratively with a range of organisations, Integrated Care Systems (ICS) aim to help people stay healthy, tackling the causes of illness and wider factors that affect health such as education and housing.

Commissioners and providers of acute hospital and community services, primary care, mental health and social care work increasingly in partnership to plan, finance and run services.

From the patient or service users' point of view, they see a joined-up health and social care service that works for them. Their care, however simple or complex it is, is planned. And the Council, the CCGs, the hospitals, the GPs, are all working together to that same plan.

It makes common sense to work together. It's not just that there's a statutory obligation for health and social care organisations to do so.

And it's not a new concept. Integration of care is something that we in Devon have been providing for some years, with front line health and social care staff working together in the same teams. So, an Integrated Care System builds on the solid progress that's already established.

The NHS Constitution and Local Authority Constitution will remain at the heart of everything we do, meaning anyone can receive high-quality NHS care, free at the point of access, whenever they need it. People will still see a GP when they need it and there will still be hospital care. Social care will continue to operate as it does now but integration will mean services are increasingly organised around the needs of individuals and not organisational boundaries.

Working in partnership across a wide range of services, people will be helped to stay healthy, receive more support and treatment at home rather than having to go into hospital if it's not necessary, and see their GP more quickly.

If people do need to be admitted to hospital, they will be supported to get home quickly with the support they need.

With NHS and Local Authorities now working more closely together than ever, we should give our doctors, nurses and social care staff the best chance of success by enhancing our partnership working.

**Councillor Andrew Leadbetter**  
**Cabinet Member**  
**Adult Social Care and Health Services**

## **Report of the Cabinet Member Infrastructure Development & Waste**

### **Introduction**

I have been asked to report on several matters, by Councillor Connett, as follows:

- *an update on Bridge Road - completion of the works and what, if any, work remains to be undertaken*
- *the delayed provision of the planned Marsh Barton Rail Station and the impact on the economic growth of Exeter and Teignbridge, the impact on traffic through Alphington/Marsh Barton and on Bridge Road, and the delivery of the South West Exeter development*
- *the delivery of a new rail station at Exminster.*

### **Response**

#### **1. Bridge Road: Update**

The Works Completion Certificate was issued on 27th October 2017 when all four lanes were open and all traffic management removed.

As with most projects of this type there will usually be some 'snagging' work that will be carried out in the 12-month maintenance period. At Bridge Road there are 8 activities that will likely require some form of traffic management and we will be expecting the contractor to keep any closures to a minimum, and outside busy periods.

#### **2. Marsh Barton Rail Station: Provision**

The Council was extremely disappointed not to receive New Stations Funding from the Department for Transport (DfT) for Marsh Barton Station. However, the Council is continuing to work on reducing costs and securing additional sources of funding from the DfT and Network Rail. The proposed GWR franchise extension from 2020 to 2022 offers an opportunity to consider the opportunities this brings jointly with GWR and DfT.

Marsh Barton station is aimed at improving accessibility to the Industrial Estate and reducing the dependency on the private car. It is unlikely that the delay of the station is having noticeable negative effect on the traffic flow and economy of the area but if the station were in place improved accessibility by train would be an added bonus. It will be some time before South West Exeter takes off and initial levels of house building and traffic will be relatively slow.

### **3. Exminster Rail Station: Delivery**

In the planning of Marsh Barton Station, timetabling work was undertaken to ensure that the new halt could be accommodated on the network along with other Devon Metro rail stations at Cranbrook and Newcourt, which have been constructed. The work concluded that the Marsh Barton stop could fit into the network stopping patterns but that any other additional station between Exeter St David's and Newton Abbot could not be accommodated as there are insufficient train paths on a busy section of line carrying both fast and slow-moving train services. On this basis, the Council does not consider a rail halt at Exminster to be feasible. In addition, the location of a proposed halt at Exminster would be remote from the village and outside the maximum recommended walking distance to a rail station for many of the residents, which would limit the attractiveness of the facility.

**Councillor Andrea Davis**

**Cabinet Member for Infrastructure Development & Waste**

## **Report of the Cabinet Member Children's Services and Schools**

### **Introduction**

I have been asked by Councillor Connett to report on:

- *the number of private Children's Homes in Devon;*
- *Which authorities have oversight of the homes*
- *which authorities are responsible for ensuring residents attend school and*
- *how 'parental oversight' is provided, particularly in the use of leisure time*

I have further been asked by Councillor Hannaford to Report on the work being done with education and training providers, the public and private sectors, and voluntary and charity groups, to promote education, employment and independence for local people with special needs. Will there also be further opportunity to make sure that this area of work can be incorporated into the devolved authority's productivity plan?

### **Response**

#### **Children's Homes in Devon**

##### **The number of private Children's Homes in Devon**

There are currently 24 providers of Children's Homes operating in Devon consisting of 103 beds.

These provisions are registered as Children's Homes by Ofsted and in some instances, are considered specialist; for example, a home that provides care to disabled children. All Children's Homes used by Devon are owned and operated by private providers who are companies and in a small number of cases; charities.

Most of these Homes are registered by Ofsted to provide care to young people who present with emotional difficulties and with behaviours that can be challenging.

There are also 19 provisions in Devon which offer accommodation for children over the age of 16 in preparation for independence. These Homes are not regulated by Ofsted and each Local Authority is responsible for quality assurance of these provisions. Some of these provisions also provide support for homelessness prevention.

##### **Which authorities have oversight of the homes**

There are a number of local authorities currently placing young people in to Children's Homes located within Devon. Most are bordering authorities. There is a legal responsibility for placing authorities and Children's Homes to inform the 'host' authority of young people being placed within their area. Currently this information is

held by the 'Independent Reviewing Unit' within Devon County Council and is updated on a weekly basis.

Devon County Council remains responsible for the 'safeguarding' of all young people placed in this area regardless of which authority has placed them. All safeguarding concerns are referred to the Local Authority Designated Officer (LADO) for consideration or/and the multi-agency safeguarding hub (MASH).

Ofsted will notify Devon as the host Local Authority and all placing authorities of any concerns they become aware of through information received or visits. Devon officers offer support and guidance to provisions where improvements are necessary whether we have children placed or not. The quality of provision within the County is important for all children currently placed and for any future Devon placements.

### **Which authorities are responsible for ensuring residents attend school**

All professionals involved in the care of a child are responsible for ensuring they attend school. Arrangements are made when the young person is placed in the home at placement planning meeting that is arranged by the social worker. Primary responsibility sits with the placement provider who will bring concerns to the attention of the Social Worker and the Virtual School. Some Homes will have access to their own education provision however most children will access mainstream school provision local to the home. Our expectation of all providers is that they promote, support and where appropriate facilitate a child's education in line with legislation and statutory guidance. The Virtual School supports all children in care who are living in Devon or who are looked after by Devon but living in another part of the country. For young people accommodated in 16 plus provision they may be attending Foundation Education College or employment or training opportunities. Careers South West have a role to support young people to ensure they are able to participate in this.

### **How 'parental oversight' is provided, particularly in the use of leisure time**

Parental oversight would be the responsibility of the placement (Children's Home) these are registered provisions who work in accordance with the Children's Homes Regulations 2015.

The Social Worker from the placing authority will work with the provider / placement to ensure that the day to day needs of the young person are being met and that desired outcomes are being achieved. The Social Worker and stakeholders will agree with the provider on how a young person's leisure time is overseen and monitored which will change over time and will be regularly reviewed by the Social Worker and an Independent Reviewing Officer (IRO)

The corporate parent remains the placing authority and Parental 'oversight' is also exercised by Devon in more general terms through the activity of the Corporate Parenting Board and Corporate Parenting Forum.

### **Education, employment and independence for local people with special needs.**

In response to Councillor Hannaford, this area of work cuts across the County Council including Economy and Skills and Adult Social Care and Public Health, under Cabinet Members Cllr Barker and Cllr Leadbetter respectively.

The Transition Support Contract, delivered by Careers South West (CSW), is one of the Council's primary mechanisms for working with young people as they move from Education into the post 16 environment. The contract currently focuses on three priority areas; supporting those with a Special Educational Need; supporting those at a higher risk of becoming NEET from other protected groups (notably those in our care); and monitoring and tracking the wider cohort. On a day to day basis, the contract provides the Council with a flexible menu of supplementary support services assisting our most vulnerable young people before and during the transition process, including the provision of tailored advice and guidance capacity around careers and learning, bespoke mentoring approaches and ongoing input into the design and delivery of wider social care and other support mechanisms to support individual progression. As of December 2017, CSW were tracking over 1,100 students with a SEN requirement in Years 12-14, with a range of support interventions in place.

Over the last 3-4 years Devon County Council has encouraged and supported each of the further education colleges in Devon to establish and grow Supported Internship Programmes for students aged 19-25 who have a statutory plan. Small grants were awarded to enable colleges to train staff, develop a network of employer placements and reshape foundation programmes to better prepare students for Supported Internship opportunities. Relationships have been forged with adult supported employment providers, and Job Centre Plus to maximise progression in to paid, and in some cases voluntary, work. Approximately 60 places are available each year, a six-fold increase in less than 4 years, and retention and positive progression rates are as high as 80% in some colleges. The Council continues to support and develop this provision by facilitating a regular practitioners meeting, to share good practice and solve delivery challenges. This group will be expanded in the future to include Special Schools and other agencies working with this group of young people so that participation and success rates are raised even further.

Officers from Social, Education and Employment and Skills, through Devon's Purposeful Systems work, Preparation for Adulthood, have researched current practice and are looking to test different systems for improved transition from child to adulthood with a strong focus on independence and employment. The intention is that through better support and relationships prior to transition, combined with strong collaborative work at transition, will help individuals be 'steady and ready' for their next steps in becoming as independent as they can be including employment. Alongside this work, the SEN Strategic Review will highlight the gap in appropriate local post 19 educational training which will be a focus of work in the next financial year, in particular working with school and Foundation Education (FE) partners in redesigning the market.

Alongside this work, Devon has a campaign to increase the number of people with disabilities (including young people) in Devon who are employed by 2020 including a range of partners such as JobCentrePlus, Further Education colleges, our employment team in the Council, Exeter University, schools, Devon Partnership Trust and Careers South West. The campaign will address known barriers to employment and increase opportunities for volunteering, apprenticeships, internships and employment (including self-employment), and make sure providers have the right skills and confidence. It is anticipated this work will be shared with Members at the Adults Standing Overview Group at the end of February.

With regards to linkages to the Productivity Strategy, the draft document has been strengthened over recent weeks to better incorporate the key theme of extending prosperity to all, following feedback from the recent consultation exercise. This

includes refinement of the Employment, Skills and Learning chapter to incorporate a new programme entitled 'Creating Pathways to Success for All', focused around overcoming learning / employment barriers for those furthest from the labour market / economy. Additional text within the Strategy now outlines the need to better align activity in this crucial area, and for partners to work together and innovate to further support those with a disability, health related barrier or other personal barrier (e.g. SEN or other learning requirement) to access emerging opportunities. This amendment is currently due to be agreed as part of the revised Productivity Strategy process later this month, with the intention to then develop a linked Implementation Plan over the summer.

**Councillor James McInnes**  
**Cabinet Member**  
**Children's Services and Schools**

## **Report of the Cabinet Member Resources and Asset Management**

### **Introduction**

I have been asked by Councillor Atkinson to report on:

*'Will the Council provide a report on what went wrong at Conservative run Northamptonshire County Council, who issued a section 114 notice last Friday after warning that the demands of another five years of cuts was "getting towards the impossible" and for this report to advise what the lessons are that Devon County Council can learn from this.'*

### **Response**

On February 2nd the Chief Finance Officer of Northamptonshire County Council issued a section 114 notice under the Local Government Finance Act 1988.

A section 114 notice is served when it appears to the section 151 Officer (Chief Finance Officer) that the expenditure of the authority incurred or proposed to be incurred in a financial year is likely to exceed the resources available to meet that expenditure.

Once a section 114 notice is issued, then the full council must meet within 21 days to consider the notice and the council's financial position. Until that meeting takes place, then all new expenditure is forbidden unless it is for the protection of the vulnerable or for existing contracts, such as the payment of salaries and pensions. In practice restrictions may go on beyond the meeting date until a financial solution is found.

The issuing of a section 114 notice is a very serious and rare event. The council is in effect declaring that it has run out of money or will run out of money soon. It seems that the last section 114 notices were issued about 20 years ago by Hackney London Borough Council and Milton Keynes.

Northamptonshire issued a section 114 notice as in 2017/18 it is facing an overspend of £21.1million but has available reserves of only £12millions. The council is therefore in danger of ending the financial year with a negative general fund balance. From the outside, it is difficult to know if Northamptonshire County Council is the first of many councils who may find themselves in this difficult situation as years of austerity take their toll or whether this is a result of a set of circumstances unique to Northamptonshire.

Certainly, times have been hard for Local Government and it has been difficult to balance the books whilst still maintaining the fabric of essential services. Surrey County Council recently declared that it too was having financial problems and faced a budget gap of £105 millions. This was summed up in the Sunday Times headline of "Grab your leaf blower and prepare for the aposhcalypse, Surrey's gone skint". More seriously, Rob Whiteman, Chief Executive of the Chartered Institute of Public Finance and Accounting has said "this time next year I think that there could be another handful of councils in the position of insolvency. In two years it could be in double figures".

However, it would seem that Northamptonshire has had very low reserves for a number of years. It has ignored the warnings of External Audit and is currently the subject of a value for money inspection commissioned by Sajid Javid. Despite low levels of funding that go back years it has recently spent £53millions on new office accommodation. There has been much 'churn' amongst its key senior officers. It has placed faith in savings from a transformation programme called 'next generation' that have failed to materialise. So, are there any lessons that Devon County Council, or any Council, could learn from Northampton?

The following are suggested:

1. Make sure that your level of reserves is adequate.
2. Challenge the savings offered by transformation programmes, do not take them at face value and monitor their achievement.
3. Beware of large projects that involve new office buildings.
4. Try to make sure that you have a strong stable Chief Officer Team and a strong stable finance function.
5. Always keep an eye on the cash position.

**Councillor John Clatworthy**  
**Cabinet Member**  
**Resources and Asset Management**