

*County Council*  
Thursday, 6th October, 2022



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**DEVON COUNTY COUNCIL**

To: Members of Devon County Council

County Hall  
Exeter  
EX2 4QD

28 September 2022

**Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 6th October, 2022 at 2.15 pm.**

A handwritten signature in blue ink, appearing to read 'S. Carter'.

Chief Executive

**AGENDA**

**1. Apologies for Absence**

**2. Minutes**

To approve as a correct record and sign the minutes of the meeting held on 21 July 2022.

**3. 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. Update on Race Equality Progress (Pages 1 - 4)**

To receive and endorse the Report giving an update on Race Equality Progress, as recommended by Cabinet (26 September 2022) (Minute 208 refers as replicated below).

- (a) that the progress on race equality made throughout 2022 be noted;
- (b) that the planned next steps to further advance race equality and commit to a 'zero tolerance' approach to racism be supported; and
- (c) that attendance at the elected Member Masterclass on Equality, Diversity and Inclusion 'Legal and Moral Duties' on 23rd November 2022 be encouraged.

The Report is attached.

*Electoral Divisions(s): All Divisions*

**OTHER MATTERS**

**9. Cabinet Member Reports**

To consider reports from Cabinet Members.

**10. Minutes**

To receive and adopt and / or approve the Minutes of the under mentioned Committees

- (a) Development Management Committee - 27 July 2022 (Pages 5 - 8)
- (b) Development Management Committee - 21 September 2022 (Pages 9 - 12)
- (c) Appeals Committee - 5 September 2022 (Pages 13 - 14)
- (d) Procedures Committee - 20 September 2022 (Pages 15 - 18)
- (e) Audit Committee - 27 September 2022

The minutes will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=161&MId=4566>

(f) Investment and Pension Committee - 4 October 2022

The minutes for this meeting will be published here as soon as possible after the meeting -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=187&MId=4522&Ver=4>

(g) Children's Scrutiny Committee - 6 September 2022 (Pages 19 - 24)

(h) Corporate Infrastructure and Regulatory Services Scrutiny Committee - 22 September 2022 (Pages 25 - 30)

(i) Health and Adult Care Scrutiny Committee - 28 September 2022

The minutes of this meeting will be published here shortly -

<https://democracy.devon.gov.uk/ieListDocuments.aspx?CId=429&MId=4527&Ver=4>

## **NOTICES OF MOTION**

### **11. Building on Devon County Council Owned Brown-field Land to provide Homes for Devon (Minute 130 - 21 July 2022)**

To receive and consider the recommendations of the Cabinet (Minute 214(a)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Wrigley and referred thereto in accordance with Standing Order 8(2), namely;

The Council notes:

- The world-wide concerns on the supply of food, in particular wheat following the war in Ukraine and climate change issues globally.
- The need for improved food security in the UK, encouraging more food production requiring grade 1 agricultural land including use in less intensive ways.
- The need for affordable homes, especially for health and social care workers set in sustainable locations.
- The change of work patterns of many Devon residents to have fewer days in an office setting and more days working from home in a hybrid model.

This Council commends:

The acquisition of 34 Hectares of Grade One agricultural land for county owned Markham's Farm in 2009 with the express purpose to make the farm viable.

In the light of the need for thousands more affordable homes for Devon families, the lack of any form of homes to rent long-term in Devon, and to enable homes for incoming workers for health and social care provision this council resolves to:

1) Review the land assets held by the County Council with the aim of identifying opportunities to use brownfield sites for new rented affordable homes to generate long term and reliable revenue for the council.

2) Work with the District Councils and their registered provider partners as housing providers

3) Deliver a significant programme of homes for rent remaining in the ownership of Devon County Council providing a long-term revenue stream to reduce Council Tax requirements.

4) Withdraw the sites at Manor Farm, Markham's Farm and other County Farms from local plan allocations for housing and preserve farm viability.

In the site review particular attention will be given to the Topsham Road County Hall site. This site is antiquated and in the wrong place for modern council operation. Office space and meeting space would be far more efficient in a modern working location such as alongside the council's other offices in Sowton or in Marsh Barton – both out of the town centre but well connected by train, bus and by road.

The current County Hall site would be far more effective if it were remodelled to become homes for rental, with a proportion reserved for NHS and social Care staff and many at social rent levels. This would provide much needed affordable homes and a rental income stream for the council. Turning a liability into a significant revenue generating asset.

Converting the existing office blocks and building new homes on the enormous supply of parking space would provide a highly desirable and green residential location with good connection to the RD&E hospital site and the city centre.

The hundreds of rented flats delivered would not only provide homes for local families, but also a long-term rental income for the Council that should exceed the cost of out of town office space.

Other sites owned by the council across the county should be identified and used in a similar way.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

that Council be recommended to;

(a) note the number of affordable housing units across Devon which the Council's land has enabled over the past five years;

(b) confirm that in the short to medium term (3-5 years) the Council does not have plans to dispose of County Hall;

(c) endorse the approach to review the use of DCC assets as part of the Council's financial sustainability programme to identify opportunities for the provision of (in particular) DCC key worker accommodation;

(d) note the continuing work of the Devon Housing Task Force and DCCs involvement in this; and

(e) support the inclusion of strategic DCC farm land in relevant local plan allocations (including land at Markham's and Manor Farm) as part of the Council's work to support housing provision across the County whilst ensuring that farm holdings remain viable and where possible land is replenished (subject to financial resources being available) to maintain the Farms Estate at c10k acres.

**12. Impact of Changes to Pension Age (made at short notice) on Women Born in the 1950s (Minute 131 - 21 July 2022)**

To receive and consider the recommendations of the Cabinet (Minute 214(b)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Hannaford and referred thereto in accordance with Standing Order 8(2), namely;

**Council notes that:**

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 67,000 of the affected women are in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950s.
- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that "the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice."
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.
- WASPI's figures show that over the course of the two year COVID pandemic, 1 in 10 women who died was affected by these uncommunicated changes and lost both their state pension income and the opportunity to make alternative retirement plans.

- Despite the Ombudsman's findings and the rapid death rate of those affected, the government is choosing to wait for further reports before taking any action.

**Council believes this injustice has not only had a profound effect on the individuals involved but on the wider community in Devon and on local government, not least because:**

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned
- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950s.

**Council supports:**

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The WASPI campaign for an immediate one-off compensation payment of between £11,666 and £20,000 to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

**Council asks:**

The Leader of the Council to write to local Members of Parliament, and to the Secretary of State for Work and Pensions to outline the effects of the injustice to 1950s women on the communities in Devon and to seek their support for an immediate compensation package.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

It is recommended that the Leader of the Council writes to each of the Devon Members of Parliament and the Secretary of State for Work and Pensions supporting the July 2021 findings of the Parliamentary and Health Service Ombudsman; highlighting the impacts on women in Devon and

urging the Government to offer compensation as a matter of urgency.

13. **Sewage Discharges and Impacts on Wildlife and Public Health (Minute 132 - 21 July 2022)**

To receive and consider the recommendations of the Cabinet (Minute 214(c)) as an amendment to the following Notice of Motion submitted previously to the Council by Councillor Bailey and referred thereto in accordance with Standing Order 8(2), namely:

Sewage discharges not only harm wildlife but also pose a serious risk to public health as has been recently confirmed by Chief Medical Officer Professor Chris Whitty.

According to data from the Rivers Trust there were 12,436 sewage spills for a duration of 120,933 hours in Devon in 2021.

Sewage was discharged into the River Otter for 8457 hours in 2021. This includes discharges at Fluxton for 723 hours and upstream at Honiton where sewage was discharged continually for 1974 hours from 16th January 2021 to 10th April 2021.

This Council considers sewage discharges and the associated harm to wildlife and public health totally unacceptable and agrees to write to South West Water to express its very great concern about the impact of sewage discharges on the rivers of Devon and to urge South West Water that this practice must cease urgently.

This Council also requests that the CEO Susan Davey, in recognition of the severity of the situation, considers not taking the whole of her current annual salary of £1.7 million until such time as a substantially improved situation is achieved.

Having had regard to the aforementioned, any factual briefing/position statement on the matter set out in Report (CSO/22/14) and other suggestions or alternatives considered at that meeting the Cabinet subsequently **resolved**:

That as reflected by the Notice of Motion, it is recommended that Council:

(a) recognises the unacceptable extent of storm overflow discharges into Devon's watercourses and coastal waters and the huge public concern relating to these and the wider impacts of water pollution on public health and wildlife; and

(b) urges all those with a specific role, including South West Water, the Environment Agency, Ofwat and central government, to pursue relevant action to adequately address this problem.



#### 14. Bus Passes

Councillor Brazil to move:

‘Pensioners can travel free on buses after 9.30am. This council will introduce an enhanced bus pass which will allow those aged 80 and over or registered blind to travel free before 9.30am. A similar scheme is available in Plymouth’.

#### 15. Housing White Paper

Councillor Atkinson to move:

Historically, the government’s answer to the housing shortage has been to broaden access to home ownership with schemes such as the discounted sale of council housing to sitting tenants. Effectively, this has provided each buyer with a subsidy of up to £100,000 via discount entitlement. The programme has contributed little to the supply of affordable housing in a locality yet its cost to local government is and has been colossal.

Because such costs have been incurred by means of accepting a below market price for a publicly owned asset rather than by direct government expenditure, the true cost of the scheme to the public purse has never been easily identifiable. However, if the government wishes to pursue its recently declared intention to promote housing association right to buy sales this would change as the associations concerned would expect Treasury compensation for the value of discounts approved.

What has not been identified is where would this money for the extension of the right to buy to Housing Associations would come from. It is worth noting that when this was last proposed in 2015 it was to come from the sale of high value council houses, which proved unworkable and the proposal was dropped.

**This Council believes** that the government should instead focus its policy on increasing the supply of affordable houses through measures such as the following first-time buyer assistance proposals and social housing development proposals:

1. Mandating developers to include below-market price housing for sale (as well as affordable rental) in residential developments on the grounds that the discount is effectively financed by taxing land value
2. Lowering both the income and wealth threshold for home ownership access, to the benefit of lower income households via the shared equity model (e.g. Help to Buy).

3. Enabling development of for-sale housing offers by state agencies such as local authorities or housing associations as a means of providing dwellings that can be sold to qualifying applicants at cost price (i.e. no need to factor-in profit), while also expanding overall housing supply to the benefit of the wider market

4. Provide a subsidy per dwelling to local authorities and housing associations to build houses for rent at social housing and affordable rents in areas where there is a waiting list for such properties and for those who do not qualify for the help to buy provisions in 2 & 3 above.

**This Council resolves** to propose the above measures to the Devon Housing Forum and to make representations supporting such recommendations to the government in response to the White Paper.

## **16. Funding for Local Government**

Councillor Whitton to move:

This Council

- Notes the National Audit Office figures show central Government funding for local authorities in England has been cut by 52.3 percent overall in real terms between 2010-11 and 2020-21; in Devon County Council it has been closer to 75%.
- Believes the Government must address the financial challenges arising from this decade of underinvestment together with the additional financial pressures local authorities now face because of such factors as increasing fuel and staffing costs, increased social care referrals, high vacancy rates across frontline services and other challenges associated with covid-19, and loss of income.
- Notes recent Local Government Association analysis that social care-providing authorities are spending more than 60 percent of their outgoings on these essential care services.
- Believes we need locally led initiatives to improve equality, sustainability and resilience, including providing genuinely affordable, energy efficient homes, supporting socially necessary bus services, providing adult and child social care, support for older people, looked-after children, care leavers, people with disabilities or special educational needs, survivors of domestic violence and low-income families in crisis.
- Believes the government must take action to ensure the financial stability of local government and its ability to plan, sustain and improve community and essential frontline services.
- Believes the need for the government to address the financial pressures on local authorities and their ability to deliver frontline services is urgent and immediate.

## **This Council resolves**

To call on the Government to develop a national funding strategy that will provide Devon and other local authorities with the funds required to protect and restore spending on social care, community and frontline services to sustainable levels and reset local economies in the autumn budget.

### **17. Second Homes and Council Tax Premium**

Councillor Brazil to move:

This Council will adopt a 100% Council Tax premium on second homes as soon as legislation allows.

### **18. Pedestrian Priority in Highways Policies**

Councillor Wrigley to move:

In January 2022 the new version of the Highway code reinforced the principles that pedestrians have higher priority than cars, as do cyclists and others.

In Devon County Highway discussions, too often the impression is given that car drivers have priority of consideration in the design of road layout, speeds and other considerations.

This Council asks for a systematic review and re-appraisal of priorities in Highways policies such that pedestrians are actively and always considered first, and vehicle traffic takes second place, in line with the new highway code.

In particular this should be emphasised in the considerations of speed limits and restrictions, pedestrian crossings, parking restrictions and in consultation responses for planning of new developments. Consideration of pedestrians must include safety and the perception of safety from a pedestrian point of view.

Council asks for this review to be done within 6 months and to receive reports on changes required in currently applied policies or demonstration of how pedestrian considerations and experience is prioritised.

**19. Environmental Protections**

Councillor Bailey to move:

This Council is strongly opposed to the reckless ripping up of environmental protections by the Conservative Government including the creation 38 new investment zones which have been described by the RSPB as “an attack on Nature”. This Council urges the Government to uphold the legal protections which are vital for wildlife particularly as the UK is one of the most nature depleted countries in the world (it is in the bottom 10% of the world’s countries well below China and the last among the G7 group of nations).

**20. Glyphosate Use on all Council Owned Land**

Councillor Hodgson to move:

This Council will ban the use of the pesticide Glyphosate on all Council owned land from January 1st 2023.

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It is to be noted that Members of the Council 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.

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### **Induction Loop available**



## **An Update on Race Equality Progress**

### **Report of the Interim Chief Executive**

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.

**Recommendation:** that the Cabinet be asked to

- a) note the progress on race equality made throughout 2022.
- b) support the planned next steps to further advance race equality and commit to a 'zero tolerance' approach to racism.
- c) promote attendance at the elected Member Masterclass on Equality, Diversity and Inclusion 'Legal and Moral Duties' on 23<sup>rd</sup> November 2022.

### **1. Introduction and Summary**

Devon County Council's (DCC) Strategic Plan 2021-2025 sets out the Council's commitment to becoming an organisation that is intolerant to prejudice and discrimination and helping Devon to be a place that is inclusive, compassionate, and caring, where everyone can feel safe. The social, environmental, and economic benefits of equality, diversity, and inclusion in all its forms are well known and we cannot reach our full potential as individuals, organisations or a place if people in our workforce, or community are being held back by the colour of their skin, nationality or heritage. An inclusive and diverse culture increases motivation, trust and confidence, improves recruitment and retention, and helps all our staff feel valued and respected, increasing innovation and creativity.

The purpose of this report is to update Cabinet on the progress made throughout 2022 since the publication of the Strategic Plan in December 2021 and the Race Equality Audit in January 2022.

### **2. Progress Update**

There is a lot of work to be done to respond to the learning and findings of the Race Equality Audit and deliver against the commitments in the Council's Strategic Plan. This section of the report sets out the initial steps taken earlier this year and the more detailed work that has been done since then.

#### **2.1. Initial Steps**

- Included a key action in the Strategic Plan 2021/2025 *to consider the findings of the Race Equality Audit and implement its recommendations.*

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- Moved the Equality, Diversity and Inclusion function to the Organisational Change Team to provide access to a wider team of support and embed Equality, Diversity and Inclusion into the Council's organisational change work.
- Allocated additional budget to support Equality, Diversity and Inclusion (EDI) work.
- Raised awareness of the unacceptable behaviour help line.
- Relunched the *It's ok to say it's not ok* campaign.
- Included Race Equality as a standing item on Strategic Leadership Team agenda.

## **2.2. Governance, accountability, and oversight**

- Established a cross organisational Race Equality Delivery Group to develop an Anti-Racism Framework to describe how the Council will address racism in the workplace and community.
- Established a Race Equality Staff Group chaired by Fakir Osman (Head of Trading Standards, Business Support and Innovation) and deputy chair Maria Chakraborty (Interim Head of HR) which meets regularly and provides direction, leadership and prioritisation for the Council's race equality work.
- Regular connections with Cabinet Portfolio Holder Councillor Croad and Councillor Hall, who has cited inclusivity, diversity and equality as one of his priorities as Chair of the Council.
- Developed a Race Equality Action Plan.
- Corporate Infrastructure and Regulatory Services Scrutiny Committee (CIRS) agreed to monitor the progress against the Race Equality Action Plan.
- Set up an Elected Member Masterclass on Equality, Diversity and Inclusion 'Legal and Moral Duties' on 23<sup>rd</sup> November 2022.

## **2.3. Raising awareness and understanding**

- Developed explicit references to protected characteristics and anti-racism in the Council's Core Principles and Behaviours Framework and added 'prompts' to supervision/appraisal guidance.
- Developed an equality statement and positive action statement for use in recruitment.
- Increased the iTrent ethnicity staff profile completion rates to 62% (as of August 2022) to help monitor diversity and employment outcomes.
- Improved and increased the frequency of communications to staff about anti-racism and Equality, Diversity and Inclusion, including providing information on how to get involved in staff networks, policy development and change initiatives.

## **2.4. Strengthening training and development**

- Reinforced the mandatory EDI Essentials training through Strategic Leadership Team communications and commitment.
- Completed the Let's Explore Race Mentoring pilot programme, with 20 members of staff expressing an interest in the second phase of the Let's Explore Race Mentoring programme.
- Developed a resource for managers to help facilitate honest and productive team conversations about race equality.

## **3. Planned next steps**

Work will continue to deliver against the Race Equality Framework and Action Plan and the additional areas of focus identified by the Race Equality Staff Group, including



reviewing and improving the Council's prayer and contemplation facilities. A particular area of focus will be providing protection for staff at risk of identity-based harm:

- Taking a 'zero tolerance approach' to racism (that racism is unacceptable). This is due to continued reports of racism directed at staff from the families they are trying to support.
- Improved protection for staff at risk will include:
  - provision of personal safety equipment.
  - improvements to and reminders about the Customer Notice and Unacceptable Customer Behaviour guidance.
  - improvements to risk assessment and incident logging.
  - review of the Staff Grievance Policy and procedures with a view to incorporate 'restorative practice' approaches as well as 'safe channels' for raising concerns.

#### **4. Consultations / Representations / Technical Data**

None.

#### **5. Strategic Plan**

The progress to date and the action planned for the coming months will help the Council be an organisation that is intolerant to prejudice and discrimination and help Devon to be a place that is inclusive, compassionate, and caring, where everyone can feel safe, as set out in the Strategic Plan 2021-2025.

#### **6. Financial Considerations**

None.

#### **7. Legal Considerations**

The Race Equality Framework and Race Equality Action Plan contribute positively to our public sector equality duties to eliminate unlawful discrimination, advance equality of opportunity and foster good relations for the protected characteristic of race (Equality Act 2010).

#### **8. Environmental Impact Considerations**

It is not anticipated that the activities within the plan will have a negative environmental impact.

#### **9. Equality Considerations**

The activities will have a positive equality impact for the protected characteristic of race. Other needs and impacts such as disability access and intersectionality will be considered as part of each activity and, where necessary or beneficial, an impact assessment will be carried out for individual projects.

#### **10. Risk Management Considerations**

Maintaining momentum and prioritisation against other competing priorities and external factors such as increasing costs and service demand is a key risk to progress. Six monthly reporting to CIRS will alert any issues to Members. The Race Equality Framework is included as a 'risk control' on the Risk Management system for the following risk *Failure to prevent discriminatory practice/adhere to the Equality Act 2010* (Ref: SPOC15).

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## **11. Public Health Impact**

This work is focussed on reducing inequalities and would not expect to impact negatively on associated Public Health outcomes around reducing health inequalities.

## **12. Summary**

The Council is committed to becoming an organisation that is intolerant to prejudice and discrimination and helping Devon to be a place that is inclusive, compassionate, and caring, where everyone can feel safe.

Progress has been made in response to the findings of the Race Equality Audit report, with actions taken to support colleagues and develop a more inclusive culture.

Work will continue to address racism in the workplace and our communities and to improve the protection of staff.

Jan Spicer  
Interim Chief Executive

Electoral Divisions – All.  
Cabinet Member for Equality, Diversity and Inclusion – Councillor Roger Croad.  
Contact for enquiries – [equality@devon.gov.uk](mailto:equality@devon.gov.uk)

## DEVELOPMENT MANAGEMENT COMMITTEE

27 July 2022

Present:-

Councillors J Brook (Chair), P Bullivant (Vice-Chair), I Chubb, A Connett, D Cox, G Gribble, R Hannaford, L Hellyer, J Hodgson, P Sanders, J Wilton-Love and J Yabsley

Apologies:-

Councillors S Aves, P Henderson and C Slade

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**Minutes**

**RESOLVED** that the Minutes of the meeting held on 30 March 2022 be signed as a correct record.

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**Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

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**County Matter: Waste: Teignbridge District: Application under S73 of the Town and Country Planning Act for Variation of Conditions 4, 19, 21 and 24 of Permission DCC/4101/2018 (19/00207/DCC) - Importation of 350,000m3 of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture at Lower Hare Farm, Lane from Higher Hare towards Alderbed Copse, Whitestone, Exeter**

**Applicant: GRS Stone Supplies Ltd.**

**Application No: DCC/4293/2022**

**Date Application received by Devon County Council: 8 February 2022**

(Suzi Coyne (Agent for the applicant) attended under the Public Participation Scheme and spoke in support of the application).

The Committee considered the Report of the Chief Planner (CET/22/42) on proposed variations to the conditions concerning the amendments to the phasing of an existing planning permission for landfill/land raise and the consequent alterations to the previously approved drawings.

The Council's Legal Adviser for this application reported on the legal considerations and the scope of the application in regard to use of Section 73 of the Town and Country Planning Act 1990 in the determination of this application. Members were advised that the use of Section 73 was the appropriate mechanism to deal with the proposed changes to the development and that the application before members was not a new

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planning application, but the effect of approval was the grant of a new permission.

The Chief Planner'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 Chief Planner also reported additional representations from Whitestone Parish Council and Dr G Fielding in objection and relating to consultation arrangements.

Member discussions and questions to the Officers (and which included points arising from the issues raised by the Speaker) related to the legal considerations and scope of the application; the type of material to be disposed, engineering fill, water management, ecology and biodiversity; landscape and visual impact; and highway and track access.

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

it was **MOVED** by Councillor J Brook and **SECONDED** by Councillor L Hellyer and

**RESOLVED** that, subject to the applicant entering into a deed of variation to apply the terms of the previous legal agreement to the new permission, planning permission be granted subject to the conditions set out in Appendix 1 of the Report (with variations to the conditions of the previous planning permission highlighted) (with any subsequent minor material changes to the terms of the agreement being agreed in consultation with the Chair and Local County Councillor).

*(N.B. In accordance with Standing Order 32(4) Councillors A Connett, D Cox, J Hodgson and R Hannaford requested that their vote against the decision taken be recorded)*

- \* 24 **Notification of appeals lodged against refusal of planning permission: (a) Straitgate Farm, Exeter Road, Ottery St Mary - Application DCC/3944/2017; and (b) Hillhead Quarry, Uffculme - Application DCC/3945/2017**

The Committee noted the Report of the Chief Planner (CET/22/43) on the notification of appeals lodged against refusal of planning permission: (a) Straitgate Farm, Exeter Road, Ottery St Mary – Application DCC/3944/2017; and (b) Hillhead Quarry, Uffculme – Application DCC/3945/2017. The Report also outlined the process by which the appeals would be considered by The Planning Inspectorate and the timetable.

\* 25 **Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule**

The Committee received the report of the Chief Planner (PTE/22/43) on action taken under delegated powers.

**NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.11 pm



**DEVELOPMENT MANAGEMENT COMMITTEE**

21 September 2022

Present:-

Councillors J Brook (Chair), P Bullivant (Vice-Chair), I Chubb, A Connett, D Cox, G Gribble, L Hellyer, J Hodgson, C Slade, J Wilton-Love and J Yabsley

Apologies:-

Councillors R Hannaford, P Henderson and P Sanders

**26 Minutes**

**RESOLVED** that the Minutes of the meeting held on 27 July 2022 be signed as a correct record.

**27 Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

**28 County Matter: Waste Exeter City: Removal of condition 1 and variation of conditions 3, 4 & 5 of planning permission DCC/4167/2020 for change of use from a bale distribution centre and storage centre to treatment consisting of manual sorting, separation, screening, baling, shredding, crushing or compaction of waste into different components for storage, disposal or recovery and updated site layout plan, Devon Contract Waste, Thorverton Road, Exeter**

The Committee considered the Report of the Chief Planner (CET/22/48) on the removal of a condition limiting the duration of the existing planning permission for the operation of a waste management facility at Thorverton Road, Marsh Barton until October 2022. The application also sought to vary three other conditions relating to the ongoing requirements relating to Lighting, Flood Evacuation Measures and provision of an Environmental Management Plan.

The main material planning consideration in the determination of the proposed development was the impact upon surrounding businesses primarily from vehicle movements and odour.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of

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DEVELOPMENT MANAGEMENT COMMITTEE

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interested parties received prior to the meeting. There had been no objections received in relation to the application.

Member discussions and questions to the Officers related to the use of the word material for any subsequent changes to conditions being agreed in consultation with the Chair and Local Member. Reassurance was provided that this would apply only in the case of minor changes. There was also a question regarding the nuisance of gulls and rats. The Planning Officer informed members that there were fewer problems with this now following the introduction of improved operating methods and residents had also reported a reduction in odour problems.

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

it was **MOVED** by Councillor J Brook and **SECONDED** by Councillor J Yabsley and

**RESOLVED** that, planning permission be granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

29

**County Council Development: Teignbridge: The reinstatement of a section of the former 18th Century Serpentine Lake located in Stover Country Park at the northern end of the playing fields associated with Stover School, Newton Abbot**

(Councillor A Davis, Cabinet Member for Climate Change, Environment and Transport attended in accordance with Public Participation Scheme on behalf of the applicant and spoke in favour of the application)

The Committee considered the Report of the Chief Planner (CET/22/49) on the application to reinstate the Serpentine Lake located at Stover Park including ancillary development for a temporary construction compound and area for the storage of excavated material.

Members were asked to agree an addition to Condition 3 (Construction Environmental Management Plan) set out in Appendix 1, , for an extra requirement to protect the listed bridge at the eastern end of the lake during the lake construction period.

The main material considerations in the determination of the application were consideration against planning policy in relation to landscape impact, impacts on the historic environment, flood risk and, impacts during the construction period.



The Chief Planner’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.

Member discussions and questions to the Officers (and which included points arising from the issues raised by the Speaker) related to funding, historical importance, ecological issues, loss of trees, biodiversity gains, construction environmental management plan and water depths.

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

it was **MOVED** by Councillor J Brook and **SECONDED** by Councillor C Slade and

**RESOLVED** that planning permission be granted subject to the conditions set out in Appendix 1 of the Report with an extra clause to Condition 3 to protect the listed bridge at the eastern end of the lake during construction (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member)

30

**County Council Development: Teignbridge: Proposed extension to the existing visitor centre with associated public external space, new workshop building, a buried water treatment plant, and alterations to the public car park, Stover Country Park, Newton Abbot**

(Councillor A Davis, Cabinet Member for Climate Change, Environment and Transport attended in accordance with the Public Participation Scheme and spoke in favour of the application)

The Committee considered the Report of the Chief Planner (CET/22/50) relating to the extension of the existing visitor centre at Stover Country Park with associated external space for public use, a new workshop building, an underground water treatment plant and alterations to the public car park.

The main material planning considerations in the determination of the proposed development were the benefits of the Stover restoration and improvement plan weighed against the impacts upon the local landscape, biodiversity, the highway, archaeology and the historic environment.

The Chief Planner’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.

Member discussions and questions to the Officers (and which included points arising from the issues raised by the Speaker) related to staff welfare, site habitat, removal of redundant buildings, landscape conditions, green travel plan, access to public transport, electric charging points, cycle parking provision, use of green technology, and a slight reduction in grade A trees.

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

it was **MOVED** by Councillor J Brook and **SECONDED** by Councillor L Hellyer and

**RESOLVED** that planning permission be granted subject to the conditions set out in Appendix 1 of the report (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

## 31 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule

The Committee received the report of the Chief Planner (CET/22/51) on action taken under delegated powers.

### **NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 2.15 pm and finished at 3.12 pm

## APPEALS COMMITTEE

5 September 2022

### Present:-

Councillors J Hawkins (Chair), P Henderson, P Sanders, C Slade and C Whitton

\* **34**      **Minutes**

**RESOLVED** that the minutes of the meeting held on 25 April 2022 be signed as a correct record.

\* **35**      **LGSO Updates**

The Committee noted recent LGSO updates/publications received.

\* **36**      **Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100A(4) of the Local Government Act 1972 on the grounds that they involve 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.

\* **37**      **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 Director of Climate Change, Environment and Transport on the financial impact of the Committee's decisions for the current financial year 2021/22.

\* **38**      **Deferred Appeals**

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

There were no appeals determined under urgency procedures/no Members' route walks arising from the last meeting.

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2

APPEALS COMMITTEE

5/09/22

## \* 39 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 Director of Children and Young People's Futures on appeals and written and verbal submissions from appellants who attended as follows:-

ST206	Buckfastleigh - Dartington Primary	Appellant
ST207	Down St Mary – QEAT, Crediton	Appellant, local County Councillor
ST208	Exeter – Torquay Boys Grammar	Appellant
ST205	Cullompton – Richard Huish College	Appellant, local County Councillor.

### **RESOLVED:-**

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

ST206	Buckfastleigh - Dartington Primary
ST208	Exeter – Torquay Boys Grammar
ST205	Cullompton – Richard Huish College

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

ST207	Down St Mary – QEAT, Crediton.
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### **NOTES:**

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2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 10.40 am and finished at 1.25 pm

## PROCEDURES COMMITTEE

20 September 2022

Present:-

Councillors F Biederman, J Hart, J Hodgson, S Hughes, C Leaver, C Whitton and I Hall (Chair)

Apologies:-

Councillors J Brazil

\* 22

**Minutes**

**RESOLVED** that the minutes of the meeting held on 5 July 2022 be signed as a correct record.

\* 23

**Items requiring urgent attention**

There was no item raised as a matter of urgency.

\* 24

**Members Home Addresses - Public Disclosure and Publication**

The Committee considered the Report of the County Solicitor (Interim) which asked the Committee to review the issue of public disclosure of Members home addresses.

They noted that following the Standards Committee's consideration of the Government's response to the Committee on Standards in Public Life's Review of Local Government Ethical Standards, that Committee had asked that further work be carried out for options aiming to improve Councillors' safety, including disclosure of addresses.

In that original Report, there had been 26 recommendations, the second of which was regarding the disclosure of Councillors home addresses, specifically asking that Government ensure that candidates standing for / accepting public offices were not required publicly to disclose their home address (i.e. that the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 be amended).

The Standards Committee had expressed concern over the public disclosure of Members addresses, particularly in light of increased incidents of abuse, harassment and intimidation experienced by Councillors as well as the legislative position for disclosure of Councillor addresses, as outlined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and also the threshold for determining non-disclosure of councillor addresses.

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PROCEDURES COMMITTEE

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The Report gave some Benchmarking data as well as National Campaigns such as the LGA debate not hate campaign <https://www.local.gov.uk/about/campaigns/debate-not-hate> and also the ninth Census of Local Authority Councillors in England.

The Report proposed that all Members were contacted and asked if they wished for their home address to be published on their profile page, or whether the County Hall address or another Council premises address was utilised as a correspondence / business address. The preference would then be reflected on the profile page on the website.

Members also discussed the LGA 'debate not hate' campaign being reflected on the democracy webpages, the legal position with addresses on election notices and the logistical position with potentially additional postage.

It was **MOVED** by Councillor Biederman, **SECONDED** by Councillor Leaver, and;

**RESOLVED** that the suggestion of publication of home addresses on individual profile pages is a choice for individual Members, notwithstanding the current legislative position that the register of interests must include a home address unless the Member concerned and Monitoring Officer deem this to be a "sensitive interest, be endorsed.

## \* 25 **Draft Calendar of meetings - 2023/2024**

The Committee considered the draft calendar of meetings for 2023/24 prepared in line with the pattern of previous years, known determinants and relevant factors.

The Committee noted that the budget cycle had been pushed back as far as was possible in terms of Scrutiny meetings and Budget Consultations in order to support the finance process as part of budget setting.

There was also a proposal for four Council meetings per year as opposed to five, to contribute towards required budget savings.

The calendar also included Scrutiny masterclasses and Member Development sessions.

Members discussed the merit of commencing Full Council at 2.00pm as opposed to 2.15pm and also the difficulty of the budget meeting always falling in the February half term.

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

**RESOLVED** that the draft Calendar for 2023/2024 be approved for publication, noting that Council meetings remained at the start time of 2.15pm.

**26**      **Casting Vote of Chair (Election of Chair)**

The Committee reviewed Standing Order (33) which related to the process of voting on appointments, including Standing Order 33(4) which outlined the process for an equality of votes (where the Chair did not exercise their casting vote the matter should be determined by lot)

They also noted the process for appointments of Chairs and Vice Chairs to Committees and that in relation to the Highways and Traffic Orders Committees (Standing Order 24(1)), they elected a Chair and Vice-Chair at the first meeting of those Committees after the Annual Meeting of the County Council, further noting that it was technically possible (except in an Election year) for the existing Chair to use their casting vote to put themselves back in the Chair for the forthcoming year.

The Committee considered whether this was appropriate.

It was **MOVED** by Councillor Hart, **SECONDED** by Councillor Leaver and

**RESOLVED** that Standing Orders be amended to remove the right of an existing Chair to use a casting or second vote to place themselves back in the chair role for the forthcoming year. Any tied vote in this instance would be determined by lot.

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

The Meeting started at 10.30 am and finished at 11.12 am





## CHILDREN'S SCRUTINY COMMITTEE

6 September 2022

### Present:-

Councillors R Hannaford (Chair), J Brazil, L Hellyer, F Letch MBE, L Samuel and Ms C Platt (Church of England Diocesan representative)

Councillors S Aves, C Channon and M Squires (remote)

### Apologies:-

Councillors P Sanders, J Bradford, P Bullivant, G Gribble and J Wilton-Love

### Members attending in accordance with Standing Order 25

Councillors A Leadbetter and A Saywell

\* 51

### Minutes

**RESOLVED** that the Minutes of the meeting held on 14 June 2022 be signed as a correct record.

\* 52

### Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

\* 53

### Announcements

The Chair welcomed new Committee member Ms Claire Platt who was representing the Diocese of Exeter in place of Mrs Christine Mabin. Ms Platt was the Deputy Director for Education in the Diocese.

\* 54

### Public Participation

There were no oral representations from members of the public.

\* 55

### Scrutiny Committee Work Programme

The Committee were updated as to the Scrutiny Work Programme and Members requested the following be added:

- Re-visit to social workers
- Discussion with schools on the economic and recruitment crisis and SEND capacity issues

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CHILDREN'S SCRUTINY COMMITTEE  
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- A deeper dive into some of the performance indicators most concerning Members.

To assist Members, the Director of Children & Young People's Futures provided a brief update on the 2022/23 budget position including:

- The predicted overspend for Children's Services for was just below £20 million, and included £7.9 million for school transport and approximately £12 million for children care placements.
- Several strands of work were ongoing to seek to reduce the overall spend including a programme of work with the LGA.

## \* 56 Children's Social Care Performance

The Committee received the Report of the Director of Children and Young People's Futures which provided a performance update on Children's Social Care.

The Report outlined the following key points:

- Overall, the rate of referrals over the last 12 months was stable and similar to the national average, but higher than statistical neighbours.
- Actions taken as part of the improvement plan had impacted on assessment timeliness with 90% completed on time in June.
- The rate of children per 10,000 over the last 12 months with a child protection plan was higher than the national average and statistical neighbours, but the June performance of 41 per 10,000 was the same as the national average, which was encouraging.
- The rate of children in care per 10,000 was stable and lower than the national and statistical neighbour averages.
- Outcomes for 19-21 year olds were just below the national averages and statistical neighbours, however for the 17-18 age range in terms of suitable accommodation and education, training and employment were significant below the national averages and statistical neighbours.
- The percentage of agency social workers had increased in June and the percentage of agency workers was likely to increase further in an effort to stabilise the workforce and enable manageable workloads.

Members' questions and discussion with Officers, included the following:

- Measures and activity were still showing to be inconsistent, partly due to seasonal variations and work was ongoing to improve low performance.
- ICPC timeliness and health assessments were the two main priority areas currently for the Service.
- The Service had set a target of 90% for all pathway plans to be up-to-date following a correlation being identified of the care experienced young people in the 17-18 age range between those without an up-to-

date plan and the outcomes in terms of suitable accommodation and education, training and employment. As of last week, 88% of pathway plans were up-to-date.

- A lot of work had been done around retention and the recruitment campaign continued.
- Re-referral rates were high and remained challenging. Those returning were robustly reviewed to understand if anything could be done differently.
- Members sought greater clarity on the following indicators in particular:
  - % of referrals which are repeat referrals
  - ICPCs completed within 15 days of S47
  - % Care Leavers in suitable accommodation: 17-18 age range.
- MASH – a new threshold document had just been launched and training was being rolled out on this, as well as training around good quality assessment to aid a reduction in re-referral rates.
- Officers offered to provide an update to Members on the 8 week priority action plan in the future and invited them to re-visit the MASH.
- Officers would look at whether the number of case workers on each re-referral was a contributory factor.
- In relation to the Leeds as our Partners in Practice and the 500 days of support, Officers would circulate to Members the report that had gone to the Department for Education which would provide further detail on this.

\* 57

## **Ofsted Children's Social Care Monitoring Visit**

The Director of Children and Young People's Futures provided an overview of the Ofsted Letter dated 26 July 2022, which summarised the findings of the monitoring visit to Devon Children's Services on 21 June 2022. The visit was the third monitoring visit since the local authority had been judged inadequate in January 2020.

The monitoring visit reviewed the quality of services for children subject to child in need and child protection plans and progress made on the areas of concern identified at the last inspection, namely, making sure that children received the right help and support they needed, when they needed it; making sure that children's plans were effective and made a difference; and the effectiveness of leadership, including the quality of recorded management oversight and critical challenge.

Headline findings included:

- Children in need of support and/or protection had not yet received a significantly better service since the last inspection; the local authority had not acted quickly enough to make the changes required; and the pace of change remained too slow.
- Since Children's Services had secured a permanent senior leadership team in the autumn of 2021, there had been a more cohesive,

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systematic and determined approach to drive progress, importantly, backed by political and corporate leaders.

- Workforce stability and capacity continued to be challenging, often resulting in several changes of social worker for children.

The letter concluded by stating that children and their families were now a priority in the Council's plans; that Elected Members and corporate leaders were now embracing the need for change, after a long period of poor outcomes for children in Devon; and that the Scrutiny Committee provided robust challenge to senior leaders.

Members' questions and Officer discussion included:

- The Service were working with Leeds on the Academy Offer to provide learning and development for all social workers and practitioners across the Service; there was also a programme of workshops across the County, with a particular focus on good supervision.
- Cohorts of overseas social workers had been arriving and support plans as to training and accommodation were in place for them.
- Child Protection Chairs and Independent Reviewing Officers were a critical part of the team and a programme of work had already started with them. The team's annual report covering this work would be brought to a future meeting.
- Officers assured Members that with the benefit and preference of hybrid working, people had been encouraged to come back into the office 2/3 times a week.

\* 58 **SEND Ofsted/CQC Revisit - Update on progress since the Inspection**

The Committee received the Report of the Interim Deputy and SEND Strategic Director (CS/22/08), which set out the Service's response to the recent SEND letter and to detail the action plan for improvement. The letter had concluded that SEND services continued to require significant change. It was acknowledged that at an organisational level the Council had not made the progress it would have liked to see and that new leadership arrangements were still bedding in.

The Council had also received a letter from Will Quince MP, Minister of State for School Standards, stating that he was minded to issue the Council with an Improvement Notice.

The Interim Deputy and SEND Strategic Director provided a further update including:

- That an Improvement Notice had now been agreed to be accepted, and that the Improvement Notice would incorporate the accelerated action plan.

- The permanent team were still being recruited to, meanwhile, highly experienced interim virtual workers had been recruited into the team.
- A new case management system had been set up to help reduce annual review data, although there were still 1400 delayed within the service.
- A placement and transport panel would also be established involving independent headteachers.
- A project had been set up to review post-19 young people in special school settings.
- There had been three additional adult care social workers employed to work with young people in independent settings, and their families.
- The annual review process would be reformed, in consultation with health partners.
- EHCP forms and other paperwork would be simplified.
- Agency virtual education psychologists had been brought in to help with the delayed assessments, but would be a large cost to the authority at over £1,000 each.

Members' questions and discussion with Officers included:

- Members would like to see statistical neighbour data on the KPIs, and Officers would provide this.
- The Improvement Notice referred to wanting a clear plan to ensure it had in place a permanent and trained SEN team to enable effective delivery of EHC needs assessment and review system, and Officers agreed to produce this plan to Members.
- Recruitment remained challenging – over 20 people had been recruited, but another 24 had left, meaning new recruits had to be put into vacant posts, however, recruitment continued with interims in the meantime to help reduce caseload numbers.
- Exit interviews carried out had identified overwhelming numbers of caseload and pay and conditions as the overriding reasons for leaving.
- Further funding was needed for the virtual education psychologists that had been brought in to deal with the delayed EHC assessments, and also for additional SEN caseworkers.

It was **RESOLVED** by Councillor Hannaford, **SECONDED** by Councillor Hellyer and

**RESOLVED** that the Committee raises concern to Cabinet to satisfy itself about the realism of achieving a balanced budget across Children's Services and SEND, while acknowledging that services need more investments to improve by recruiting more caseworkers and reducing backlogs, and refers to Cabinet for consideration.

The Chair thanked Officers for the work they were doing.

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CHILDREN'S SCRUTINY COMMITTEE  
6/09/22

\* **59**      **Supporting Care Leavers in Housing and Accommodation**

The Senior Manager for Corporate Parenting presented the Committee with a snapshot of the accommodation status for Care Experienced Young People as at June 2022 and reported further as follows:

- A meeting to discuss Housing Solutions for Care Experienced Young People had taken place on 12 July with District Housing Officers and Elected Members.
- A joint care leaver protocol was being worked on to develop closer links with Districts
- The ask was for cross-party Member support for a Council Tax exemption for under 25 Care Leavers and any other help.

Members were concerned at the 1.2% (5) where the local authority had no information on, despite having a duty to keep in contact until 25.

The Committee welcomed future updates from the Corporate Parenting Manager.

\* **60**      **Children's Standing Overview Group**

The Committee received the Report of the Children's Standing Overview Group meeting that took place on 19 July 2022.

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

The Meeting started at 10.30 am and finished at 1.14 pm

## CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE

22 September 2022

### Present:-

Councillors C Slade (Chair), M Asvachin, J Brook, P Bullivant, M Hartnell, R Radford, I Roome, J Trail BEM and J Wilton-Love

Councillor Y Atkinson (remote, non-voting)

### Apologies:-

Councillors A Dewhirst, J Berry, R Chesterton, P Crabb and J Hodgson

### Members attending in accordance with Standing Order 25

Councillors S Hughes and F Letch

\* 63

### Minutes

**RESOLVED** that the Minutes of the meeting held on 23 June 2022 be signed as a correct record.

\* 64

### Items Requiring Urgent Attention

There was no matter raised as a matter of urgency.

\* 65

### Public Participation

There were no oral representations from Members of the Public.

\* 66

### Covid Update

The Consultant in Public Health (Intelligence) updated the Committee on COVID -19. The details were included on the County Council's live demonstration Website - Covid-19 dashboard: [Coronavirus \(COVID-19\) dashboard - Coronavirus \(COVID-19\) \(devon.gov.uk\)](#). The information related to all of Devon (including Torbay and Plymouth).

Members' questions and discussion points with the Officer related to the impact of the vaccination programme in reducing the transmission of infections which was reflected in the low hospital admission and death rate and reduced severity of illness.

# Agenda Item 10.(h)

CORPORATE INFRASTRUCTURE AND REGULATORY SERVICES SCRUTINY COMMITTEE  
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\* 67 **Highways Performance Dashboard - Summer 2022**

(Councillor S Hughes attended in accordance with Standing Order 25 and spoke to this item at the invitation of the Committee and introduced the Report. He made reference to the new Dashboard format, the extension of the Term Maintenance contract and resulting benefits, the support from the Digital Transformation and Digital Communications Teams, the additional challenges which arose from the extreme weather experienced across July and August, and the carbon reporting project that continued to gain national recognition).

(Councillor F Letch attended in accordance with Standing Order 25 and spoke to this item and referred to highway maintenance and 'fretting').

The Committee considered the Report of the Director of Climate Change, Environment and Transport (CET/22/47) on an updated Performance Dashboard Report which provided an overview of the performance of the Highways and Traffic Management Team over the summer period. This related to Reactive Works, Cyclical Operations, Tree Safety including vegetation, preparations for Winter Service, a Customer Engagement Project, development of @DevonAlert, Road Wardens and Highway Management Community Enhancement Fund; and delivery of the Capital Programme.

Members' comments and discussion points with the Highways and Traffic Management Group Manager included:

- the encouraging performance to date in the first four months and noting the additional pressures during the Winter months with a fragile highway network and within limited revenue and capital resources;
- policy relating to line painting with priority for safety defects (which were limited in number (for 'give way' and 'stop' lining) and these and any other issues should be reported to the local Neighbourhood Highway Teams (or via the website reporting pages: [Report a problem - Roads and transport \(devon.gov.uk\)](#));
- the increased flexibility for Highways Inspectors and contractors and their work gangs to address any additional pot hole issues within a works order as necessary to improve efficiency; and
- definition of 'fretting' in terms of highway maintenance.

The Chair thanked the Cabinet Member and Officer for their report.

\* 68 **Scrutiny Work Programme**

The Head of Scrutiny updated the Committee on the work programme following a recent Masterclass on the programme available via: [Scrutiny Work Programme - Democracy in Devon](#).



Most notably the Work Programme now reflected the priorities in the Strategic Plan, which allowed evaluation of Scrutiny contribution to the Council's priorities.

Items could also be addressed via the Standing Over Groups or masterclasses as appropriate. There were two Reviews currently scheduled which related to the proposed replacement of the FINEST finance system (Spotlight review); and Cost of Living crisis (Task Group or Spotlight review, to be confirmed). The programme would be updated following the outcome of this meeting.

\* 69

## **Reference from the East Devon Highways and Traffic Orders Committee**

(Councillor S Hughes attended in accordance with Standing Order 25 and spoke to this item as Chair of the Highways and Traffic Orders Committee in support of the reference and request to this Committee).

The Committee considered a reference from the East Devon Highways and Traffic Orders and Committee on 22 July 2022 (Minute\*31) to this Committee under Local Waiting Restriction Programme as follows: "(c) *that the Corporate Infrastructure and Regulatory Services Committee be asked to look at the county-wide problem of the parking of motor caravans in towns and residential areas.*"

Members, in view of the problems encountered in Exmouth and the decision to restrict overnight parking on the Esplanade, referred to the need for a county-wide review (noting the emphasis on coastal towns) and development of a Devon policy. They also referred to issues relating to impact on local residential areas of inappropriate on-street over-night parking by Recreational Vehicles and Camper Vans etc, the need for provision of dedicated sites with associated amenities and services (in addition to current commercial sites), winter-storage and consideration of appropriate fees. Members also emphasised that there should be no ban and to balance the needs of RV users and desire to promote the local tourist economy against the impact on local residents/communities. Reference should also made to local policies relating to the traveller community.

It was **MOVED** by Councillor J Trail, **SECONDED** by Councillor M Hartnell and

## **RESOLVED**

(a) that a Task Group be established (comprising Councillors Bullivant, Hartnell, Roome and Trail to consider a county-wide policy for the provision of longer and short term sites for Recreational Vehicles and Campers etc (with reference to include issues outlined above);

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(b) that this Task Group be included in the Committee's Work Programme with a view to completion by Easter 2023.

\* 70 **Moving Traffic Offences Spotlight Review**

(Councillor F Letch attended in accordance with Standing Order 25 and spoke to this item and referred to Penalty Charge Notices (PCNs) issued in Crediton during the recent bank holiday).

The Committee considered the report of the Spotlight Review on Moving Traffic Offences held on 4 July 2022.

This Spotlight Review had been established following the invitation from the Lead Officer and the Cabinet Member who had asked Scrutiny to provide a policy steer on whether adopting the enforcement of Moving Traffic Offences was the right option for Devon County Council. The Scope of the review was as follows:

*'to examine the evidence on Moving Traffic Offences on the benefits and disbenefits of applying to become the enforcement agency and make recommendations as to the policy direction that the Council should take'.*

The Report detailed the findings and the recommendations of the Spotlight Review.

A Member referred to the possible perception that these proposed measures could be seen as a revenue generating exercise. The Review Members and Officers assured that the aim was for improved management of the network with safety paramount and in accordance with rules relating to implementation and use of any surplus income; and the Officer confirmed that the PCNs issued in Crediton on the recent bank holiday related only to illegal parking (double yellow lines) to help ensure that arterial roads remained open.

It was **MOVED** by Councillor C Slade and **SECONDED** by Councillor P Bullivant and

**RESOLVED**

(a) that the Spotlight Review Report be approved and the six recommendations contained therein be commended to the Cabinet for approval and implementation; and

(b) that, subject to approval of the Report by the Cabinet, a report come to this Committee one year after the introduction of the powers, for Members to review the number of contraventions captured, and number of appeals (including those upheld).

\* 71 **Climate Change Standing Overview Group**

The Committee considered the Report of the Climate Change Standing Overview Group which had met on 6 July 2022. The Report highlighted the key points raised during discussion and proposed actions.

Members received a brief presentation by the Head of Procurement and questions and discussion points included:

- the challenges in ensuring carbon reduction measures relating to monitoring and within limited financial and staffing resources; and
- the officers' market analysis exercises and the need to balance the capacity of local smaller suppliers in terms of climate change assurances.

It was **MOVED** by Councillor C Slade, **SECONDED** by Councillor M Asvachin and

**RESOLVED** that the Report be approved and the following recommendations contained therein be commended to Cabinet:

(a) that the draft 2030 Net-zero Carbon Supply Chain Strategy be commended;

(b) that further options for carbon offsetting, including how the Council can work with local research institutions to further the development of this area and increase the variety of options available, be explored; and

(c) that further clarity on how the strategy will be resourced by indicating an approximate FTE (Full Time Equivalent) value to achieve these targets.

\* 72 **Commissioning Liaison Members**

The Commissioning Liaison Members, Councillors Y Atkinson and I Roome reported on their discussions with Officers (held on 7 September 2022) in relation to Advertising on the Highway; and Pay and Display roll out (Minutes of the meeting attached, including subsequent considerations for policy).

The Commissioning Liaison Members referred to the success of sponsoring of road signs by local businesses and the work of the Economy Team in terms of Pay and Display proposals.

\* 73 **Customer Feedback Q1 2022-23 (April to June 2022)**

The Committee received the Report of the Head of Digital Transformation and Business Support on the level of customer feedback Q1 2022-23 (April to June 2022) and the key messages from them. The Report explained the Council's formal complaints procedures and the work of the central Customer Relations Team which handled all formal customer feedback to ensure complaints, MP and Councillor enquiries, representations (a comment or

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concern that was not a complaint) and compliments were dealt with appropriately.

The Council's complaint procedure and details of the Statutory complaint procedures were available here: [complaint and other feedback procedures](#).

Members' comments and discussion points with the Customer Relations Manager included:

- the majority of complaints received were about Climate Change, Environment, Connectivity and Growth and the main teams complained about were the Neighbourhood and Traffic Management Groups; and difficulties for the Neighbourhood Highway Team officers in addressing complaints when the possible outcomes were limited and resulting perceptions of the complainants;
- the second highest number of complaints received were about Children and Young People's Futures and the main teams complained about were Children & Families and SEN 0-25; and the cost pressures relating to investigation of stage 11 complaints (details of the level of complaints would be sent to the Children's Scrutiny Committee's Task Group);
- the relatively low number of complaints upheld by the Local Government and Social Care Ombudsman; and
- the level of complaints relating to the Registration Service and the Blue Badge Scheme.

The Chair thanked the Customer Relations Manager for the Report and responses to Members' questions.

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

The Meeting started at 2.15 pm and finished at 3.53 pm